

JOURNAL
OF THE
SENATE

STATE OF MINNESOTA

SEVENTY-FOURTH LEGISLATURE

1985

Published By
The Secretary of the Senate

Printed By
Graphics Unlimited
Minneapolis



Introduction

At the beginning of the 1985 Session, the Senators were in the middle of their four year term.

On January 9, 1985, Senator James Ulland, (IR), District 8, resigned his Senate seat. A special election was held February 5, 1985, and Jim Gustafson (IR) was elected to serve out the remainder of Senator Ulland's term. He was sworn in February 11, 1985.

Senator Roger D. Moe, Erskine, was re-elected Senate Majority Leader and Chairman of the Committee on Rules and Administration.

Senator Glen Taylor, Mankato, was elected Senate Minority Leader.

Senator Jerome M. Hughes, Maplewood, was re-elected President of the Senate.

The political makeup of the 1985 Senate, Seventy-Fourth Legislature, remained 42 DFL-ers and 25 Independent-Republicans.

The Sergeant at Arms, Marvin F. Raiola, St. Paul, died on March 3, 1985. He had served as Sergeant at Arms for five years.

The Chaplain, Rev. James H. Hanson, resigned March 22, 1985.

A Special Session was called by Governor Rudy Perpich for Wednesday, June 19, 1985, and lasted three days.

Members of the Senate

Adkins, Betty A. (DFL)*
 Anderson, Don (IR)**
 Belanger, William V., Jr. (IR)
 Benson, Duane D. (IR)
 Berg, Charles A. (IR)
 Berglin, Linda (DFL)
 Bernhagen, John (IR)
 Bertram, Joe (DFL)
 Brataas, Nancy (IR)
 Chmielewski, Florian (DFL)
 Dahl, Gregory L. (DFL)
 Davis, Charles R. (DFL)
 DeCramer, Gary M. (DFL)
 Dicklich, Ronald R. (DFL)
 Diessner, A. W. "Bill" (DFL)
 Dieterich, Neil (DFL)
 Frank, Don (DFL)
 Frederick, Mel (IR)
 Frederickson, Dennis R. (IR)
 Freeman, Michael O. (DFL)
 Gustafson, Jim (IR)
 Hughes, Jerome M. (DFL)
 Isackson, Doran L. (IR)
 Johnson, Dean E. (IR)
 Johnson, Douglas J. (DFL)
 Jude, Tad (DFL)
 Kamrath, Randy P. (IR)
 Knaak, Fritz (IR)
 Knutson, Howard A. (IR)
 Kroening, Carl W. (DFL)
 Kronebusch, Patricia Louise (IR)
 Laidig, Gary W. (IR)
 Langseth, Keith (DFL)
 Lantry, Marilyn M. (DFL)

Lessard, Bob (DFL)
 Luther, William P. (DFL)
 McQuaid, Phyllis W. (IR)
 Mehrkens, Lyle G. (IR)
 Merriam, Gene (DFL)
 Moe, Donald M. (DFL)
 Moe, Roger D. (DFL)
 Nelson, Tom A. (DFL)
 Novak, Steven G. (DFL)
 Olson, Gen (IR)
 Pehler, James C. (DFL)
 Peterson, Collin C. (DFL)
 Peterson, Darrel L. (IR)
 Peterson, Donna C. (DFL)
 Peterson, Randolph W. (DFL)
 Petty, Eric D. (DFL)
 Pogemiller, Lawrence J. (DFL)
 Purfeerst, Clarence M. (DFL)
 Ramstad, Jim (IR)
 Reichgott, Ember D. (DFL)
 Renneke, Earl W. (IR)
 Samuelson, Don (DFL)
 Schmitz, Robert J. (DFL)
 Sieloff, Ron (IR)
 Solon, Sam G. (DFL)
 Spear, Allan H. (DFL)
 Storm, Donald A. (IR)
 Stumpf, LeRoy A. (DFL)
 Taylor, Glen (IR)
 Vega, Conrad M. (DFL)
 Waldorf, Gene (DFL)
 Wegscheid, Darril (DFL)
 Willet, Gerald L. (DFL)

*DFL—Democratic-Farmer-Labor

**IR—Independent Republican

Senate Leaders

Roger D. Moe	Majority Leader
William P. Luther	Assistant Majority Leader
Gregory L. Dahl	Majority Whip
Marilyn M. Lantry	Majority Whip
Tom A. Nelson	Majority Whip
Glen Taylor	Minority Leader
Ron Sieloff	Assistant Minority Leader/Caucus Floor Leader
Gary W. Laidig	Assistant Minority Leader/Caucus Whip
Duane D. Benson	Assistant Minority Leader
Nancy Brataas	Assistant Minority Leader
Dean E. Johnson	Assistant Minority Leader
Jim Ramstad	Assistant Minority Leader

Officers of the Senate

Jerome M. Hughes	President of the Senate
Patrick E. Flahaven	Secretary of the Senate
Janine Mattson	First Assistant Secretary
Patrice Dworak	Second Assistant Secretary
Marvin F. Raiola	Sergeant at Arms
Ralph C. Graham	Assistant Sergeant at Arms
Kay Ganje	Engrossing Secretary
Catherine Morrison	Engrossing and Appointments Clerk
Rev. James H. Hanson	Chaplain

Desk Assistants to the Secretary of the Senate:

Colleen J. Barry	Third Assistant Secretary
Scott Magnuson	Fourth Assistant Secretary

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-FOURTH LEGISLATURE

FIRST DAY

St. Paul, Minnesota, Tuesday, January 8, 1985

This being the day designated by the Constitution and Laws of the State of Minnesota for the assembling of the Legislature, the members of the Senate met in the Senate Chamber of the Capitol and were called to order at 12 o'clock noon by the Lieutenant Governor, Marlene Johnson.

Prayer was offered by Rev. James H. Hanson.

The Lieutenant Governor then appointed Mr. Donald M. Moe as Secretary Pro Tem.

The Secretary Pro Tem called the roll by legislative districts in numerical order as follows:

First District	LeRoy A. Stumpf
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Gerald L. Willet
Fifth District	Ronald R. Dicklich
Sixth District	Douglas J. Johnson
Seventh District	Sam G. Solon
Eighth District	James Ulland
Ninth District	Keith Langseth
Tenth District	Collin C. Peterson
Eleventh District	Charles A. Berg
Twelfth District	Don Anderson
Thirteenth District	Don Samuelson
Fourteenth District	Florian Chmielewski
Fifteenth District	Dean E. Johnson
Sixteenth District	Joe Bertram
Seventeenth District	James C. Pehler
Eighteenth District	Charles R. Davis
Nineteenth District	Randolph W. Peterson
Twentieth District	Randy P. Kamrath
Twenty-first District	John Bernhagen
Twenty-second District	Betty A. Adkins
Twenty-third District	Dennis Frederickson
Twenty-fourth District	Glen Taylor
Twenty-fifth District	Clarence M. Purfeerst
Twenty-sixth District	Lyle G. Mehrkens
Twenty-seventh District	Gary M. DeCramer
Twenty-eighth District	Doran L. Isackson
Twenty-ninth District	Darrel L. Peterson
Thirtieth District	Mel Frederick

Thirty-first District	Tom A. Nelson
Thirty-second District	Duane D. Benson
Thirty-third District	Nancy Brataas
Thirty-fourth District	Patricia Louise Kronebusch
Thirty-fifth District	Earl W. Renneke
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	Darril Wegscheid
Thirty-eighth District	Howard A. Knutson
Thirty-ninth District	Conrad M. Vega
Fortieth District	Michael O. Freeman
Forty-first District	William V. Belanger, Jr.
Forty-second District	Donald A. Storm
Forty-third District	Gen Olson
Forty-fourth District	Phyllis W. McQuaid
Forty-fifth District	Jim Ramstad
Forty-sixth District	Ember D. Reichgott
Forty-seventh District	William P. Luther
Forty-eighth District	Tad Jude
Forty-ninth District	Gene Merriam
Fiftieth District	Gregory L. Dahl
Fifty-first District	Don Frank
Fifty-second District	Steven G. Novak
Fifty-third District	Fritz Knaak
Fifty-fourth District	Jerome M. Hughes
Fifty-fifth District	Gary W. Laidig
Fifty-sixth District	A. W. "Bill" Diessner
Fifty-seventh District	Carl W. Kroening
Fifty-eighth District	Lawrence J. Pogemiller
Fifty-ninth District	Allan H. Spear
Sixtieth District	Linda Berglin
Sixty-first District	Donna C. Peterson
Sixty-second District	Eric D. Petty
Sixty-third District	Neil Dieterich
Sixty-fourth District	Ron Sieloff
Sixty-fifth District	Donald M. Moe
Sixty-sixth District	Gene Waldorf
Sixty-seventh District	Marilyn M. Lantry

Mr. Wegscheid was absent and excused.

ELECTION OF PRESIDENT

Mr. Chmielewski nominated Mr. Jerome M. Hughes for President.

Mr. Taylor seconded the nomination of Mr. Jerome M. Hughes.

The roll was called. The following Senators voted for Mr. Jerome M. Hughes:

Adkins	Davis	Johnson, D. E.	Lessard	Peterson, C. C.
Anderson	DeCramer	Johnson, D. J.	Luther	Peterson, D. C.
Belanger	Dicklich	Jude	McQuaid	Peterson, D. L.
Benson	Diessner	Kamrath	Mehrkens	Peterson, R. W.
Berg	Dieterich	Knaak	Merriam	Petty
Berglin	Frank	Knutson	Moe, D. M.	Pogemiller
Bernhagen	Frederick	Kroening	Moe, R. D.	Purfeerst
Bertram	Frederickson	Kronebusch	Nelson	Ramstad
Brataas	Freeman	Laidig	Novak	Reichgott
Chmielewski	Hughes	Langseth	Olson	Renneke
Dahl	Isackson	Lantry	Pehler	Samuelson

Schmitz
Sieloff
Solon

Spear
Storm

Stumpf
Taylor

Ulland
Vega

Waldorf
Willet

Mr. Jerome M. Hughes received 66 votes of the members of the Senate and was duly elected President of the Senate.

OATH OF OFFICE

Mr. Jerome M. Hughes subscribed to the oath of office as administered by the Honorable Peter S. Popovich, Chief Judge of the Court of Appeals.

Mr. Jerome M. Hughes then briefly addressed the Senate in accepting the office of President.

ELECTION OF OFFICERS

Mr. Moe, R.D. nominated Mr. Patrick E. Flahaven for Secretary of the Senate.

Mr. Taylor seconded the nomination of Mr. Patrick E. Flahaven.

The roll was called. The following Senators voted for Mr. Patrick E. Flahaven:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

Mr. Patrick E. Flahaven received 66 votes of the members of the Senate and was duly elected Secretary of the Senate.

OATH OF OFFICE

The Secretary of the Senate advanced to the Bar of the Senate and subscribed to the oath of office as administered by the Honorable Peter S. Popovich.

ELECTION OF OFFICERS-CONTINUED

Mr. Moe, R.D. moved that the election of other elective officers be made on one roll call unless there should be more than one nomination for any office. The motion prevailed.

Mr. Purfeerst nominated Janine Mattson for First Assistant Secretary.

Mr. Willet nominated Patrice Dworak for Second Assistant Secretary.

Mr. Spear nominated Kay Ganje for Engrossing Secretary.

Mr. Solon nominated Catherine Morrison Hayes for Engrossing and Appointments Clerk.

Mr. Schmitz nominated Marvin F. Raiola for Sergeant at Arms.

Mr. Merriam nominated Ralph Graham for Assistant Sergeant at Arms.

Mr. Moe, R.D. nominated James H. Hanson for Chaplain.

The roll was called. The following Senators voted for the nominees:

Adkins	Diessner	Kroening	Olon	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulfand
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The above nominees, having received the majority vote of all members voting, were declared duly elected to their respective offices.

OATH OF OFFICE

The First Assistant Secretary, the Engrossing Secretary, the Engrossing and Appointments Clerk, the Sergeant at Arms, the Assistant Sergeant at Arms and the Chaplain advanced to the Bar of the Senate and subscribed to the oath of office as administered by the Honorable Peter S. Popovich. (Ms. Dworak was absent and took the oath of office subsequent to the adjournment of today's Session.)

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 1: A Senate resolution naming a Majority Leader and a Minority Leader.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate Majority Leader is Roger D. Moe. The Senate Minority Leader is Glen Taylor.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 2: A Senate resolution relating to rules; adopting temporary rules for the 74th session of the Legislature.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The permanent rules of the Senate for the 73rd session of the Legislature are adopted as the temporary rules of the 74th session, to be effective until the adoption of permanent rules by a majority vote of the Senate, subject to

the following conditions:

A resolution or other question before the Senate may be brought to a vote at any time by a majority vote of the members present. A bill may not be introduced on the first day.

The rules referred to above are amended as follows:

HOUR OF CONVENING

2. The Senate shall convene on days of meeting at ~~10~~ 2 o'clock ~~a.m.~~ p.m. unless the Senate directs otherwise.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kröening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Braataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

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

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 3: A Senate resolution relating to standing committees.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The standing committees of the Senate for the 74th session have the membership shown in this resolution.

COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES (18)

Merriam, Chairman	Laidig
Davis, Vice Chairman	Lessard
Berg	Noyak
Bernhagen	Peterson, C. C.
Bertram	Peterson, R. W.
Dahl	Storm
DeCramer	Stumpf
Frederickson	Wegscheid
Isackson	Willet

ECONOMIC DEVELOPMENT AND COMMERCE (15)

Solon, Chairman	Kronebusch
Freeman, Vice Chairman	Laidig
Adkins	Luther
Anderson	Peterson, D. C.
Belanger	Petty
Benson	Samuelson
Dahl	Wegscheid
Kroening	

COMMITTEE ON EDUCATION (21)

Pehler, Chairman	Mehrkens
Stumpf, Vice Chairman	Merriam
Anderson	Nelson
Dahl	Olson
Davis	Peterson, D. C.
Dicklich	Peterson, D. L.
Dieterich	Peterson, R. W.
Hughes	Ramstad
Kamrath	Reichgott
Knutson	Taylor
Langseth	

COMMITTEE ON ELECTIONS AND ETHICS (11)

Hughes, Chairman	Peterson, D.C.
Luther, Vice Chairman	Peterson, D.L.
Frederickson	Samuelson
Johnson, D.E.	Storm
Johnson, D.J.	Willet
Moe, R.D.	

COMMITTEE ON EMPLOYMENT (12)

Chmielewski, Chairman	Frederick
Diessner, Vice Chairman	Kroening
Belanger	Nelson
Brataas	Pehler
Dicklich	Ramstad
Frank	Vega

COMMITTEE ON ENERGY AND HOUSING (13)

Vega, Chairman	Kroening
Peterson, D.C., Vice Chair	McQuaid
Adkins	Olson
Anderson	Peterson, D.L.
Frank	Pogemiller
Freeman	Reichgott
Kamrath	

COMMITTEE ON FINANCE (25)

Willet, Chairman	Luther
Dicklich, Vice Chairman	Mehrkens
Brataas	Nelson
Dahl	Purfeerst
Frederickson	Ramstad
Hughes	Renneke
Johnson, D.E.	Samuelson
Knutson	Schmitz
Kroening	Solon
Kronebusch	Spear
Langseth	Taylor
Lantry	Waldorf
Lessard	

COMMITTEE ON GOVERNMENTAL OPERATIONS (13)

Moe, D.M., Chairman	Lantry
Wegscheid, Vice Chairman	McQuaid
Benson	Peterson, C.C.
Berglin	Pogemiller
Frederickson	Renneke
Jude	Spear
Knaak	

COMMITTEE ON HEALTH AND HUMAN SERVICES (14)

Berglin, Chair	Chmielewski
Petty, Vice Chairman	Dicklich
Benson	Diessner
Brataas	Johnson, D.E.

Knutson
Lantry
Moe, D.M.

Solon
Ulland
Waldorf

COMMITTEE ON JUDICIARY (14)

Spear, Chairman
Reichgott, Vice Chair
Freeman
Johnson, D.E.
Jude
Kamrath
Knaak

Luther
Merriam
Peterson, R.W.
Petty
Pogemiller
Ramstad
Sieloff

COMMITTEE ON LOCAL AND URBAN GOVERNMENT (13)

Schmitz, Chairman
Adkins, Vice Chair
Bertram
Davis
Freeman
Isackson
Kamrath

McQuaid
Olson
Reichgott
Renneke
Stumpf
Wegscheid

COMMITTEE ON PUBLIC UTILITIES AND STATE REGULATED INDUSTRIES (14)

Dieterich, Chairman
Jude, Vice Chairman
DeCramer
Frank
Isackson
Johnson, D.J.
Knaak

Novak
Peterson, D.L.
Purfeerst
Sieloff
Spear
Storm
Waldorf

COMITTEE ON RULES AND ADMINISTRATION (27)

Moe, R.D., Chairman
Luther, Vice Chairman
Belanger
Berglin
Bernhagen
Chmielewski
Dieterich
Frederick
Hughes
Johnson, D.J.
Knutson
Lessard
Merriam
Moe, D.M.

Nelson
Pehler
Peterson, C.C.
Purfeerst
Renneke
Schmitz
Sieloff
Solon
Spear
Taylor
Ulland
Vega
Willet

COMMITTEE ON TAXES AND TAX LAWS (26)

Johnson, D.J., Chairman
Novak, Vice Chairman
Belanger
Benson
Berg
Berglin

Bernhagen
Bertram
Chmielewski
Davis
Dieterich
Frank

Frederick
Jude
Laidig
Merriam
Moe, D.M.
Pehler
Peterson, C.C.

Peterson, R.W.
Petty
Pogemiller
Sieloff
Stumpf
Ulland
Vega

COMMITTEE ON TRANSPORTATION (17)

Purfeerst, Chairman
DeCramer, Vice Chairman
Adkins
Anderson
Berg
Bernhagen
Diessner
Frederick
Kronebusch

Laidig
Langseth
Lantry
Mehrkens
Novak
Schmitz
Stumpf
Vega

COMMITTEE ON VETERANS AND GENERAL LEGISLATION (12)

Lessard, Chairman
Bertram, Vice Chairman
Berg
Brataas
Chmielewski
DeCramer

Diessner
Isackson
Kronebusch
Samuelson
Schmitz
Storm

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

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

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

The custodian of the Capitol shall reserve all parking space necessary on the Capitol grounds, Capitol Approach and Aurora Avenue for the use of the members and staff of the Legislature for the 74th session of the legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives may designate necessary personnel to assist the custodian of the Capitol in this matter.

The Secretary of the Senate and the Chief Clerk of the House of Representatives may deduct from the check of any legislator or legislative employee in each year of the 74th session of the Legislature a sum adequate to cover the

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

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrrens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 4: A Senate resolution relating to postage.

BE IT RESOLVED, by the Senate of the State of Minnesota:

For the 1985 session of the 74th Legislature, the Secretary of the Senate may purchase postage to furnish each member of the Senate 3,500 stamps. Each member named as chairman of a standing committee in the Senate resolution designating committee assignments may be furnished with an additional 1,000 stamps for the necessary business of the committee.

An additional postage allowance of 1,000 stamps is authorized for the Senate Minority Leader; four other members of the minority designated by the Senate Minority Leader and four members of the majority designated by the Senate Majority Leader.

Each member of the Senate shall receipt to the Secretary of the Senate for the postage received.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Ramstad	Willett
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 5: A Senate resolution relating to appointment of a committee to notify the Governor the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint a committee of eight to act with a similar committee of the House of Representatives to notify the Honorable Rudy Perpich, Governor of the State of Minnesota, that the Senate and House of Representatives are now organized under law and ready to receive any message he may desire to give them.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Messrs. Purfeerst, Solon, Davis, Mrs. Adkins, Ms. Peterson, D.C., Messrs. Frederick, Belanger and Mrs. Kronebusch.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No. 6: A Senate resolution relating to appointment of a committee to notify the House of Representatives that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint a committee of five to notify the House of Representatives that the Senate is now organized.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following

appointments:

Messrs. Luther, Waldorf, Renneke, Mrs. Lantry and Mr. Berg.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No. 7: A Senate resolution relating to the schedule of standing committee meetings.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The standing committees shall meet during the 74th Legislature according to the following schedule:

SENATE COMMITTEE SCHEDULE

COMMITTEE	CHAIRMAN	Off. Room No.	Dir. Line No.	Hear. Room No.	Hour
MONDAY					
296-					
Education	Pehler	306	4185	112	8-10 A.M.
Governmental Operations	Moe, D.M.	309	4175	15	8-10 A.M.
Veterans and General Legislation	Lessard	328	1771	118	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Floor Session			Senate Chamber		2-3 P.M.
Education Aids Subcommittee	Nelson	301	4871	15	3-6 P.M.
TUESDAY					
Economic Development and Commerce	Solon	303	4158	118	8-10 A.M.
Public Utilities and State Regulated Industries	Dieterich	235	1767	15	8-10 A.M.
Employment	Chmielewski	325	8865	112	10-12 Noon
Local and Urban Government	Schmitz	235	4150	15	10-12 Noon
Agriculture and Natural Resources	Merriam	24	4157	112	1-3 P.M.
Energy and Housing	Vega	29	8864	118	1-3 P.M.
Health and Human Services	Berglin	323	4151	15	1-3 P.M.
Finance	Willet	121	6436	112	3-5 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-5 P.M.
WEDNESDAY					
Education	Pehler	306	4185	112	8-10 A.M.
Governmental Operations	Moe, D.M.	309	4175	15	8-10 A.M.
Veterans and General Legislation	Lessard	328	1771	118	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Elections and Ethics	Hughes	328	8866	118	11:30-1 P.M.
Agriculture and Natural Resources	Merriam	24	4157	112	1-3 P.M.
Energy and Housing	Vega	29	8864	118	1-3 P.M.

Health and Human Services	Berglin	323	4151	15	1-3 P.M.
Finance	Willet	121	6436	112	3-5 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-5 P.M.

THURSDAY

Economic Development and Commerce	Solon	303	4158	118	8-10 A.M.
Public Utilities and State Regulated Industries	Dieterich	235	1767	15	8-10 A.M.
Employment	Chmielewski	325	8865	112	10-12 Noon
Local and Urban Government	Schmitz	235	4150	15	10-12 Noon
Floor Session			Senate Chamber		2-3 P.M.
Education Aids Subcommittee	Nelson	301	4871	15	3-6 P.M.

FRIDAY

Education	Pehler	306	4185	112	8-10 A.M.
Governmental Operations	Moe, D.M.	309	4175	15	8-10 A.M.
Veterans and General Legislation	Lessard	328	1771	118	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Agriculture and Natural Resources	Merriam	24	4157	112	1-3 P.M.
Energy and Housing	Vega	29	8864	118	1-3 P.M.
Health and Human Services	Berglin	323	4151	15	1-3 P.M.
Finance	Willet	121	6436	112	3-5 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-5 P.M.

ON CALL

Rules and Administration	Moe, R.D.	208	4196	15	
--------------------------	-----------	-----	------	----	--

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 8: A Senate resolution relating to expenses of interns.

BE IT RESOLVED, by the Senate of the State of Minnesota:

For the 1985 session of the 74th Legislature, each member of the Senate may be reimbursed for the cost of meals and transportation furnished by the member to any volunteer interns assisting with the member's work, up to a maximum of \$35 during each week the Legislature is in session.

Requests for reimbursement must be submitted to the Secretary of the Senate monthly on forms provided for this purpose and must include a certification by the member that the amounts for which reimbursement is sought have been paid to the interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate legislative expense fund.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R. D. introduced—

Senate Resolution No. 9: A Senate resolution relating to the attendance of members of standing committees at meetings and seminars; providing for the payment of expenses.

BE IT RESOLVED, by the Senate of the State of Minnesota:

Members of a standing committee or subcommittee of the Senate, and employees thereof, upon approval of the Committee on Rules and Administration or its chairman, may attend meetings and seminars, including but not limited to meetings of the National Conference of State Legislatures and the Council of State Governments and their committees, on subjects within the jurisdiction of the standing committee or subcommittee.

Expenses incurred in attending these meetings and seminars must be paid by the Secretary of the Senate with warrants drawn on the Senate legislative expense fund.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R. D. introduced—

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

BE IT RESOLVED, by the Senate, the House of Representatives concurring:

1. Upon its adjournment on Thursday, January 10, 1985, the Senate may set its next day of meeting for Thursday, January 17, 1985.
2. Upon its adjournment on Thursday, January 10, 1985, the House of Representatives may set its next day of meeting for Thursday, January 17, 1985.
3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consents to the adjournment of the other for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 10, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SECOND DAY

St. Paul, Minnesota, Thursday, January 10, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Waldorf
Brataas	Isackson	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrrens	Purfeerst	Willet
Dahl	Johnson, D.J.	Merriam	Ramstad	
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Knaak, Nelson and Storm were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized pursuant to law and has elected the following officers:

David M. Jennings, Speaker

Edward A. Burdick, Chief Clerk

Albin A. Mathiowetz, First Assistant Chief Clerk

James P. Cummins, Second Assistant Chief Clerk

Mark Rendahl, Postmaster

Bob McDonald, Assistant Postmaster
Isabella C. Ceplecha, Assistant Sergeant at Arms
Jean A. Meister, Assistant Sergeant at Arms
Joni M. Romer, Assistant Sergeant at Arms
Stephen E. Fischer, Index Clerk
Rev. Howard C. Gravrock, Chaplain

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1985

Mr. President:

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

Redalen, Chairman; Omann; Boerboom; Piper and Otis have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1985

Mr. President:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1985

Mr. Moe, R.D. moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 6:45 p.m., Thursday, January 10, 1985, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

Mr. President:

I have the honor to announce that the House has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Thursday, January 10, 1985, said Joint Convention to be convened at 6:45 p.m. and said message of the Governor to be delivered at 7:00 p.m.

Erickson, Chairman; Olsen, S.; Thorson; McEachern and Jennings, L. have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1985

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 10: A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Rudy Perpich, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Thursday, January 10, 1985, at 7:00 o'clock p.m.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Messrs. Willet, Chmielewski, Mrs. Lantry, Messrs. Knutson and Mehrkens.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegscheid introduced—

Senate Concurrent Resolution No. 4: A Senate concurrent resolution commemorating the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States.

Referred to the Committee on Rules and Administration.

Mr. Diessner introduced—

Senate Resolution No. 11: A Senate resolution congratulating the Latimer Commission on its work on Minnesota's taxes.

Referred to the Committee on Rules and Administration.

Mr. Diessner introduced—

Senate Resolution No. 12: A Senate resolution congratulating the Ponies football team from Stillwater High School for winning the 1984 Class AA State High School Football Championship at the 1984 Prep Bowl.

Referred to the Committee on Rules and Administration.

Mr. Diessner introduced—

Senate Resolution No. 13: A Senate resolution extending congratulations to Mike Rygh and to Realty World for their efforts to raise funds for the cerebral palsy disease.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 14: A Senate resolution congratulating the Eagles boys' soccer team from Apple Valley High School for winning the 1984 State High School Boys Soccer Championship.

Referred to the Committee on Rules and Administration.

Mr. Benson introduced—

Senate Resolution No. 15: A Senate resolution congratulating the Harmony High School Football Team for its victory in the 1984 State Football Tournament.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Purfeerst and Lessard introduced—

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries.

Referred to the Committee on Veterans and General Legislation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Purfeerst introduced—

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

Referred to the Committee on Transportation.

Mr. Purfeerst introduced—

S.F. No. 3: A bill for an act relating to taxation; sales and use; exempting farm machinery and replacement parts; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederick, Jude, Isackson and Benson introduced—

S.F. No. 4: A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Diessner introduced—

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; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Referred to the Committee on Transportation.

Mr. Diessner introduced—

S.F. No. 6: A bill for an act relating to environmental health; clarifying conditions of proof in certain civil actions; amending Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Diessner and Schmitz introduced—

S.F. No. 7: A bill for an act relating to local government; prohibiting cities and counties from establishing residency requirements as a condition of employment except under certain special circumstances; amending Minnesota Statutes 1984, section 415.16.

Referred to the Committee on Local and Urban Government.

Messrs. Diessner and Hughes introduced—

S.F. No. 8: A bill for an act relating to elections; changing the number of legislative districts; amending Minnesota Statutes 1984, section 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Diessner introduced—

S.F. No. 9: A bill for an act relating to the organization and operation of state government; appropriating money to the office of administrative hearings for the purpose of increasing the approved complement.

Referred to the Committee on Governmental Operations.

Mr. Diessner and Ms. Berglin introduced—

S.F. No. 10: A bill for an act relating to state departments and agencies; requiring the department of human services to hire a consultant to review data collection practices; appropriating money.

Referred to the Committee on Health and Human Services.

Mr. Diessner and Ms. Berglin introduced—

S.F. No. 11: A bill for an act relating to insurance; health maintenance organizations; prohibiting certain exclusive agreements with providers; amending Minnesota Statutes 1984, section 62D.10, by adding a

subdivision.

Referred to the Committee on Health and Human Services.

Mr. Diessner, Ms. Berglin and Mr. Moe, D.M. introduced—

S.F. No. 12: A bill for an act relating to human services; employing a biostatistician; appropriating money; amending Minnesota Statutes 1984, section 256.01, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Diessner, Ms. Berglin and Mr. Moe, D.M. introduced—

S.F. No. 13: A bill for an act relating to medical assistance; requiring the department of human services to report medical assistance payments; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Mr. Diessner introduced—

S.F. No. 14: A bill for an act relating to highway traffic regulations; providing for mandatory fines not less than the average court costs for prosecution of persons convicted of driving under the influence of alcohol; amending Minnesota Statutes 1984, section 169.121, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Diessner introduced—

S.F. No. 15: A bill for an act relating to highway traffic regulations; requiring mandatory jail sentences and other dispositional alternatives for persons convicted of driving while under the influence of alcohol or a controlled substance or driving after suspension, revocation, or cancellation; requiring mandatory license revocation penalties for persons convicted of driving while under the influence of alcohol or a controlled substance or driving after suspension, revocation or cancellation; amending Minnesota Statutes 1984, sections 169.121, subdivision 4, and by adding a subdivision; 169.129; and 171.24.

Referred to the Committee on Judiciary.

Mr. Diessner and Ms. Berglin introduced—

S.F. No. 16: A bill for an act relating to health; requiring an environmental education and information program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Diessner, Petty and Moe, D.M. introduced—

S.F. No. 17: A bill for an act relating to health; requiring chemical dependency treatment facilities to report data; requiring the department of health to report data to the legislature; proposing coding for new law in Minnesota

Statutes, chapter 254A.

Referred to the Committee on Health and Human Services.

Mr. Diessner introduced—

S.F. No. 18: A bill for an act relating to crimes; creating and defining the guilty and insane plea; abolishing the insanity defense; providing procedures governing the use of the guilty and insane plea; providing for examination of persons pleading guilty and insane; providing sentencing and treatment for persons found guilty and insane; authorizing the supreme court to promulgate or amend rules consistent with law; amending Minnesota Statutes 1984, sections 253B.02, subdivision 4; 253B.07, subdivisions 1, 2, 3, and 7; 253B.08, subdivision 7; 253B.12, subdivision 4; 253B.18, subdivisions 1 and 4b; 253B.21, subdivision 5; and 480.059, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1984, sections 253B.02, subdivisions 4a and 20; 253B.07, subdivision 2a; 611.025; and 611.026.

Referred to the Committee on Judiciary.

Mr. Wegscheid introduced—

S.F. No. 19: A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections; amending Minnesota Statutes 1984, section 169.20, subdivisions 1 and 3.

Referred to the Committee on Transportation.

Mr. Wegscheid introduced—

S.F. No. 20: A bill for an act relating to financial institutions; credit unions; authorizing the board of directors to establish certain interest rates; amending Minnesota Statutes 1984, section 52.14, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Wegscheid introduced—

S.F. No. 21: A bill for an act relating to education; authorizing programs to check pupils' vision and hearing; authorizing state aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Mr. Wegscheid introduced—

S.F. No. 22: A bill for an act relating to economic security; authorizing the commissioner of economic security to establish employment pilot programs for handicapped individuals; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Employment.

Mr. Wegscheid introduced—

S.F. No. 23: A bill for an act relating to school districts; allowing them to

form and spend money on one nonprofit corporation; requiring reports to the commissioner, and by the commissioner, to the legislature; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision.

Referred to the Committee on Education.

Mr. Peterson, C.C. introduced—

S.F. No. 24: A bill for an act relating to economic development; limiting the school year to the period between Labor Day and Memorial Day; amending Minnesota Statutes 1984, section 126.12.

Referred to the Committee on Education.

Mr. Jude introduced—

S.F. No. 25: A bill for an act relating to elections; changing the date of the state primary; amending Minnesota Statutes 1984, sections 204B.21, subdivision 1; 204B.27, subdivision 2; 204B.33; and 204D.03, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Diessner and Pogemiller introduced—

S.F. No. 26: A bill for an act relating to health; requiring the publication of an informational pamphlet; amending Minnesota Statutes 1984, section 144.051, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Waldorf, Sieloff, Storm, Purfeerst and Jude introduced—

S.F. No. 27: A bill for an act relating to intoxicating liquor; prohibiting discrimination in sales; amending Minnesota Statutes 1984, sections 340.114, subdivision 1.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Diessner introduced—

S.F. No. 28: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; authorizing lotteries and the sale of lottery tickets under certain circumstances; providing for the expenditures of the net revenues for certain environmental purposes; proposing coding for new law in Minnesota Statutes, chapter 116D.

Referred to the Committee on Veterans and General Legislation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

S.F. No. 29: A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; amending Minnesota Statutes 1984, sections 340.02,

subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No.30: A bill for an act relating to unemployment compensation; requiring a benefit and wage study.

Referred to the Committee on Employment.

Messrs. Diessner, Spear and Wegscheid introduced—

S.F. No. 31: A bill for an act relating to waters; providing for revocation of a watercraft license when the watercraft is used by an operator who is arrested for operating the watercraft while under the influence of alcohol or who refuses chemical testing; requiring the court to restrain a person from operating watercraft when that person is convicted of operating watercraft while under the influence of alcohol; prescribing penalties; amending Minnesota Statutes 1984, section 361.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 361.

Referred to the Committee on Judiciary.

Mr. Diessner introduced—

S.F. No. 32: A bill for an act relating to highway traffic regulations; authorizing counties, cities, towns, and the state to establish roadblock programs designed to apprehend persons driving while under the influence of alcohol or a controlled substance; providing that fines collected from convictions obtained under the roadblock program will be used to fund the programs; appropriating money; amending Minnesota Statutes 1984, sections 299D.03, subdivision 5; 487.33, subdivision 5; 488A.03, subdivision 6; and 488A.20, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

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.

Referred to the Committee on Judiciary.

Mr. Diessner introduced—

S.F. No. 34: A bill for an act relating to health; establishing in the department of health a program of financial aid and counseling assistance for certain pregnant women; allowing the recovery of assistance paid under some circumstances; prohibiting performance of an elective termination of a pregnancy in the absence of a certificate verifying that notice of the financial aid

and counseling program was given to the woman before her pregnancy termination; appropriating money; amending Minnesota Statutes 1984, section 144.343, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 144 and 145.

Referred to the Committee on Health and Human Services.

Messrs. Diessner, Spear and Peterson, R. W. introduced—

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.

Referred to the Committee on Judiciary.

Mr. Diessner introduced—

S.F. No. 36: A bill for an act relating to crimes; barring perpetrators of crimes from bringing civil actions to recover for injuries suffered during the course of criminal conduct; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mr. Wegscheid introduced—

S.F. No. 37: A bill for an act relating to municipal industrial development; defining a type of industrial development project; amending Minnesota Statutes 1984, section 474.02, subdivision 1c.

Referred to the Committee on Health and Human Services.

Messrs. Diessner and Petty introduced—

S.F. No. 38: A bill for an act relating to taxation; increasing the cigarette tax and providing for the use of the proceeds; appropriating money; amending Minnesota Statutes 1984, sections 297.02, subdivision 1; 297.13, subdivision 1; 297.22, subdivision 1; 297.26; 473F.02, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 297.

Referred to the Committee on Health and Human Services.

Mr. Diessner and Mrs. Lantry introduced—

S.F. No. 39: A bill for an act relating to health; requiring an infant mortality study by the commissioner of health; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Frank, Laidig, Mrs. Lantry, Messrs. Diessner and Hughes introduced—

S.F. No. 40: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle drivers and passengers; amending Minnesota Statutes 1984, section 169.685, by adding subdivisions.

Referred to the Committee on Transportation.

Mr. Chmielewski introduced—

S.F. No. 41: A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; amending Minnesota Statutes 1984, sections 268.04, subdivision 25; 268.06, subdivisions 3a, 6, and 8; 268.061; 268.07, subdivision 2.

Referred to the Committee on Employment.

Mr. Langseth introduced—

S.F. No. 42: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 43: A bill for an act relating to transportation; motor vehicles; exempting certain farm vehicles from the vehicle identification rule; amending Minnesota Statutes 1984, sections 221.025; and 221.031, subdivision 6.

Referred to the Committee on Transportation.

Mr. Peterson, R. W. introduced—

S.F. No. 44: A bill for an act relating to corrections; requiring the commissioner of corrections to limit the offering of printing services of Lino Lakes to governmental and nonprofit organizations; amending Minnesota Statutes 1984, section 241.27, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. DeCramer introduced—

S.F. No. 45: A bill for an act relating to drainage; recodifying the drainage law with some modifications; appropriating money; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C. C. introduced—

S.F. No. 46: A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 47: A bill for an act relating to animals; increasing penalties for certain cruel acts against animals; amending Minnesota Statutes 1984, section 343.21, subdivision 9.

Referred to the Committee on Veterans and General Legislation.

Mr. Chmielewski introduced—

S.F. No. 48: A bill for an act relating to general assistance; requiring local agencies to establish mandatory work relief programs; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 49: A bill for an act relating to liquor; authorizing the town of Finlayson to issue one off-sale liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Chmielewski introduced—

S.F. No. 50: A bill for an act relating to the Moose Lake-Windemere sewer district; appropriating money for certain costs.

Referred to the Committee on Local and Urban Government.

Ms. Berglin, Messrs. Knutson, Petty, Mrs. Brataas and Mr. Samuelson introduced—

S.F. No. 51: A bill for an act relating to health; requiring licensure of a home care agency; providing a home care bill of rights; providing a grievance procedure for a home care agency; amending Minnesota Statutes 1984, sections 144.12, subdivision 1; 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision 1; 626.557, subdivision 2; and proposing coding for new law in Minnesota Statutes, chapter 144A.

Referred to the Committee on Health and Human Services.

Messrs. Samuelson, Willet, Stumpf, Lessard and Berg introduced—

S.F. No. 52: A bill for an act relating to recreational vehicles; exempting recreational vehicles licensed for highway use from registration with the department of natural resources; amending Minnesota Statutes 1984, section 84.922, subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer, Moe, R.D., Davis and Spear introduced—

S.F. No. 53: A bill for an act relating to agriculture; prohibiting mortgage foreclosure sales, repossession, and foreclosure sales and foreclosure of agricultural personal property, and contract for termination for 90 days; providing for an application to the court to allow foreclosure sales; providing for the parties to compromise; repealing the act after 90 days; proposing coding for new law as Minnesota Statutes, chapter 17C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis and Moe, R.D. introduced—

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 17D.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Samuelson, Renneke, Mrs. Adkins and Mr. Davis introduced—

S.F. No. 55: A bill for an act relating to local government; clarifying the authority of counties to employ accountants; amending Minnesota Statutes 1984, section 6.55.

Referred to the Committee on Local and Urban Government.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.E. introduced—

Senate Resolution No. 16: A Senate resolution extending condolences to the families and friends of the volunteer firefighters who died in a fire in Sauk Centre and indicating appreciation to all firefighters.

Referred to the Committee on Rules and Administration.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 6:40 p.m. The motion prevailed.

The hour of 6:40 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

ADJOURNMENT

Mr. Schmitz moved that the Senate do now adjourn until 11:30 a.m., Monday, January 14, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRD DAY

St. Paul, Minnesota, Monday, January 14, 1985

The Senate met at 11:30 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Joseph C. Kremer.

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

Adkins	Diessner	Kronebusch	Nelson	Schmitz
Anderson	Frank	Laidig	Novak	Sieloff
Benson	Frederick	Langseth	Olson	Spear
Berg	Frederickson	Lantry	Pehler	Stumpf
Berglin	Freeman	Lessard	Peterson, D.C.	Taylor
Bernhagen	Johnson, D.E.	Luther	Peterson, R.W.	Wegscheid
Bertram	Johnson, D.J.	McQuaid	Petty	Willet
Chmielewski	Jude	Mehrkens	Pogemiller	
Dahl	Knaak	Merriam	Purfeerst	
DeCramer	Knutson	Moe, D.M.	Reichgott	
Dicklich	Kroening	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Belanger; Davis; Dieterich; Isackson; Kamrath; Peterson, C.C.; Ramstad; Samuelson; Solon; Storm and Mrs. Brataas were excused from the Session of today.

REPORTS AND RESOLUTIONS FILED DURING THE INTERIM WITH THE SECRETARY OF THE SENATE

Various reports were filed during the 1984 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; Department of Energy, Planning and Development, Report on Small Business Procurement, Minnesota Set-Aside Program, 1983; Department of Natural Resources, Acquisition of Private Dams, 1984; Minnesota Racing Commission, Annual Report, 1983; Minnesota Medical Association, Minority Report of the Joint Legislative Study Commission on the Utilization of Venipuncture, 1984; Department of Administration, Supplement to the Survey on the Asbestos containing materials in State Buildings, 1984; Department of Education, Minnesota State High School League, 1984; Department of Public Welfare, Reports and Statistics, Supplemental

Aid Program, Annual Report, 1983; Department of Public Welfare, Bureau of Income Maintenance, Reports and Statistics, General Assistance Annual Report, 1983; Southwest Regional Development Commission, Overall Work Program for Fiscal Year 1985; Minnesota State Board of Chiropractic Examiners, July 1, 1982 to June 30, 1984; Minnesota Board of Examiners for Nursing Home Administrators, July 1, 1982 to June 30, 1984; Minnesota Board of Peace Officer Standards and Training, July 1, 1982 to June 30, 1984; Minnesota State Board of Electricity, July 1, 1982 to June 30, 1984; Minnesota Board of Pharmacy, July 1, 1982 to June 30, 1984; Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture, July 1, 1982 to June 30, 1984; Minnesota Board of Optometry, July 1, 1982 to June 30, 1984; Minnesota Board of Boxing, July 1, 1982 to June 30, 1984; Minnesota Board of Podiatry, July 1, 1982 to June 30, 1984; Mortuary Science Advisory Council, July 1, 1982 to June 30, 1984; Metropolitan Sports Facilities Commission, Small Business Procurement, 1983; Northwest Regional Development Commission, Annual Report, 1984; Minnesota Department of Health, Task Force on Registration of Environmental Health Specialists/Sanitaricians, July 1, 1982 to June 30, 1984; Southwest Regional Development Commission, Annual Report, 1984; Minnesota Board of Medical Examiners, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Board of Assessors, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Board of Teaching, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Board of Psychology, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Board of Veterinary Medicine, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Board of Private Detective and Protective Agent Services, Biennial Report, July 1, 1982 to June 30, 1984; Minnesota Ethical Practices Board, Annual Report, July 1, 1983 to June 30, 1984; Minnesota Board of Nursing, Biennial Report, July 1, 1982 to June 30, 1984; University of Minnesota, Annual Report, 1984; Legislative Commission on Minnesota Resources, Biennial Report, 1984; Department of Human Rights, Biennial Report, 1983-84; Indian Affairs Council, Annual Report, 1984; Minnesota Supreme Court, Report to the Legislature by Court Administrator, 1984; Department of Education, Minnesota Multi-county Multi-type Library Cooperation Program, 1984; Department of Education, Minnesota Public Library Development Program, 1984; Department of Corrections, Biennial Report, 1983-84; Department of Energy and Economic Development, Targeted Small Business Report, July 1, 1983 to June 30, 1984.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 10, 1985

Mr. President:

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

Senate Concurrent Resolution, herewith returned:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 10, 1985

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 10, 1985

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the names of Messrs. Knaak, Willet and Johnson, D.J. be added as co-authors to S.F. No. 1. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Anderson be added as a co-author to S.F. No. 2. The motion prevailed.

Mr. Purfeerst moved that the names of Messrs. Stumpf, Lessard, Dahl and Benson be added as co-authors to S.F. No. 3. The motion prevailed.

Mr. Frederick moved that the name of Mr. Anderson be added as a co-author to S.F. No. 4. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 8. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 14. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 15. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Frank be added as a co-author to S.F. No. 30. The motion prevailed.

Mr. Pogemiller moved that the names of Messrs. Luther, Dahl and Wegscheid be added as co-authors to S.F. No. 33. The motion prevailed.

Mr. Diessner moved that the name of Mr. Dahl be added as a co-author to S.F. No. 36. The motion prevailed.

Mr. Diessner moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 39. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Frank be added as a co-author to S.F. No. 41. The motion prevailed.

Mr. Langseth moved that the names of Messrs. Lessard and Wegscheid be added as co-authors to S.F. No. 42. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 53. The motion prevailed.

Mr. Davis moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 54. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Johnson, D.J.; Moe, R.D.; Peterson, C.C.; Novak and Ms. Berglin introduced—

S.F. No. 56: A bill for an act relating to finance; adopting federal taxable income for income tax purposes; simplifying income tax law; increasing the budget reserve account; amending Minnesota Statutes 1984, sections 10A.31, subdivisions 1 and 3; 13.04, subdivision 2; 16A.15, subdivision 6; 41.55; 117.55; 270.68, subdivision 4; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, and 3f; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.41, subdivision 2; 290.46; 290.49, subdivision 10; 290.50, subdivisions 5 and 6; 290.92, subdivisions 2a, 5, 18, 19, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, sections 10A.32, subdivision 3b; 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 62E.03, subdivision 2; 290.01, subdivisions 20c, 20f, and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 3g, 11, 14, 16, 17, 18, and 19; 290.067; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23, 24, and 26; 290.088; 290.089; 290.09, subdivision 29; 290.101; 290.17, subdivision 1a; 290.18, subdivisions 2 and 4; 290.39, subdivisions 1a and 2; 290.41, subdivision 5; 290.9726, subdivisions 5 and 6; and Laws 1982, chapter 523, article 7, section 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 57: A bill for an act relating to school districts; changing the qualifying percentage of agricultural valuation for minimum aid from 60 to 55; amending Minnesota Statutes 1984, section 124A.02, subdivision 12.

Referred to the Committee on Education.

Messrs. Bertram, Stumpf and Davis introduced—

S.F. No. 58: A bill for an act relating to agriculture; deducting interest income from the gross income of state and national banks for certain loans to beginning farmers; providing income tax incentives to landowners who sell or lease agricultural land to eligible beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivi-

sion 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Mehrkens introduced—

S.F. No. 59: A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to eligible beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid introduced—

S.F. No. 60: A bill for an act relating to game and fish; public safety; requiring certain persons to complete firearm safety instruction as condition for target practice or hunting with firearms; amending Minnesota Statutes 1984, section 97.83, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid introduced—

S.F. No. 61: A bill for an act relating to liens; establishing the priority of possessory liens on personal property; amending Minnesota Statutes 1984, section 514.18, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D. and Peterson, C.C. introduced—

S.F. No. 62: A bill for an act relating to public welfare; providing for state payment of the entire nonfederal share of the cost of certain assistance programs for members of the White Earth Indian Reservation; amending Minnesota Statutes 1984, section 256.965.

Referred to the Committee on Health and Human Services.

Mr. Peterson, C.C. introduced—

S.F. No. 63: A bill for an act relating to the city of Fergus Falls; granting the city the powers of a port authority; requiring local approval.

Referred to the Committee on Local and Urban Government.

Mr. Lessard introduced—

S.F. No. 64: A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

Referred to the Committee on Local and Urban Government.

Mr. Langseth introduced—

S.F. No. 65: A bill for an act relating to the town of Moorhead; allowing

the town certain powers.

Referred to the Committee on Local and Urban Government.

Messrs. Samuelson and Solon introduced—

S.F. No. 66: A bill for an act relating to retirement; providing permanent increases in monthly annuities or benefits payable to pre-1973 public employee retirees, disabilitants, and surviving spouses; appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Mr. Frank introduced—

S.F. No. 67: A bill for an act relating to communications; providing for membership on the telecommunications council; amending Minnesota Statutes 1984, section 16C.01, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Chmielewski introduced—

S.F. No. 68: A bill for an act relating to health; concerning licensing; authorizing the cities of Duluth and Hermantown and the county of Carlton to make the determination of need for basic life support transportation service.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 69: A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

Referred to the Committee on Veterans and General Legislation.

Messrs. Schmitz, Purfeerst and Renneke introduced—

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, sections 117.52, by adding a subdivision; and 473.167, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Schmitz, Purfeerst, DeCramer, Renneke and Stumpf introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Benson introduced—

S.F. No. 72: A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Benson; Johnson, D.E.; Anderson; Frederickson and Belanger introduced—

S.F. No. 73: A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

Referred to the Committee on Education.

Messrs. Benson, Sieloff, Isackson, Laidig and Kamrath introduced—

S.F. No. 74: A bill for an act relating to taxation; income; abolishing the farm loss modifications; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson, Mrs. Kronebusch, Messrs. Ramstad; Johnson, D.E. and Anderson introduced—

S.F. No. 75: A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

Referred to the Committee on Finance. Mr. Spear questioned the reference thereon and, under Rule 35, the resolution was referred to the Committee on Rules and Administration.

Mr. Frederickson introduced—

S.F. No. 76: A bill for an act relating to the city of New Ulm; authorizing payment of health insurance costs for certain retired police officers.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 77: A bill for an act relating to real property; providing that the mortgage and contract for deed moratorium become permanent law; applying moratorium to holders of any mortgage or contract for deed to homestead property; abolishing exclusionary provision; allowing mortgagor to petition for postponement of foreclosure sale for up to 12 months; abolishing sunset provision; amending Minnesota Statutes 1984, sections 47.20, subdivi-

sion 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; and Laws 1983, chapter 215, section 16, as amended.

Referred to the Committee on Judiciary.

Messrs. Chmielewski and Diessner introduced—

S.F. No. 78: A bill for an act relating to unemployment compensation; eliminating a state advisory council; repealing Minnesota Statutes 1984, section 268.12, subdivision 6.

Referred to the Committee on Employment.

Mr. Solon introduced—

S.F. No. 79: A bill for an act relating to elections; permitting employers to deduct pay from employees who take time off from work to vote; amending Minnesota Statutes 1984, section 204C.04.

Referred to the Committee on Elections and Ethics.

Mr. Solon introduced—

S.F. No. 80: A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Diessner, Schmitz and Laidig introduced—

S.F. No. 81: A bill for an act relating to Washington county; providing that condominium floor plans must be signed by county auditor to ensure no delinquent taxes are due and by the county treasurer to ensure that current taxes have been paid.

Referred to the Committee on Local and Urban Government.

Messrs. Diessner, Schmitz and Laidig introduced—

S.F. No. 82: A bill for an act relating to Washington county; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.

Referred to the Committee on Local and Urban Government.

Messrs. Bertram, Peterson, C.C.; Johnson, D.J. and Benson introduced—

S.F. No. 83: A bill for an act relating to taxation; providing an exemption from sales tax for the gross receipts from sales of tangible personal property, admission charges, and sales of food, meals, or drinks at certain events sponsored by certain nonprofit organizations; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Berg, Johnson, D.E. and Renneke introduced—

S.F. No. 84: A bill for an act relating to elections; regulating lobbyist and

candidate activities and contributions; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections and Ethics.

Messrs. Berg; Peterson C.C.; Peterson D.L.; DeCramer and Laidig introduced—

S.F. No. 85: A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure sales for one year; prohibiting repossession, foreclosure sales, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow foreclosure sales; prohibiting actions for deficiency judgments; providing for the parties to compromise; providing legal representation by the attorney general's office for certain persons; and repealing the act after one year.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Thursday, January 17, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTH DAY

St. Paul, Minnesota, Thursday, January 17, 1985

The Senate met at 12:00 noon and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Thomas J. Nielsen.

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

Adkins	Dicklich	Knaak	Moe, R.D.	Renneke
Anderson	Diessner	Knutson	Novak	Samuelson
Belanger	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Sieloff
Berg	Frederick	Laidig	Peterson, C.C.	Solon
Berglin	Frederickson	Langseth	Peterson, D.C.	Spear
Bernhagen	Freeman	Lantry	Peterson, D.L.	Storm
Bertram	Hughes	Lessard	Peterson, R.W.	Stumpf
Brataas	Isackson	Luther	Petty	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D.M.	Reichgott	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Nelson was excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 17D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "[17D.01]"

Page 1, lines 10 and 11, delete "farm debt restructuring" and insert "agricultural credit initiative"

Page 1, line 12; delete "[17D.02]"

Page 1, line 24, delete "[17D.03]"

Page 2, line 8, delete "the"

Page 2, line 9, delete "and" and insert "or the"

Page 2, line 10, delete "[17D.04]"

Page 2, lines 12 and 19, delete "due for" and insert "attributable to"

Page 2, line 20, delete "an" and insert "the" and after "commissioner" insert "under section 5"

Page 2, line 23, delete "[17D.05]"

Page 2, line 26, delete "stop" and insert "suspend"

Page 2, line 36, after "submits" insert "to the farmers home administration"

Page 3, lines 6 and 7, delete "due on" and insert "attributable to"

Page 3, lines 7, 14, 16, 18, and 20, delete "loans" and insert "loan"

Page 3, line 15, delete "that" and insert "the"

Page 3, line 16, after "have" insert "the"

Page 3, line 18, delete "due for" and insert "attributable to"

Page 3, line 29, delete "[17D.06]"

Page 3, line 31, delete everything before "to"

Amend the title as follows:

Page 1, line 5, delete everything after "money" and insert a period

Page 1, delete line 6

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Mr. Merriam moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the name of Mr. Novak be added as a co-author to S.F. No. 2. The motion prevailed.

Mr. Diessner moved that the names of Messrs. Ramstad and Purfeerst be added as co-authors to S.F. No. 5. The motion prevailed.

Mr. Diessner moved that the names of Messrs. Jude and Sieloff be added as co-authors to S.F. No. 7. The motion prevailed.

Mr. Diessner moved that the name of Mr. Knaak be added as a co-author to S.F. No. 32. The motion prevailed.

Mr. Samuelson moved that the names of Messrs. Wegscheid and Dahl be added as co-authors to S.F. No. 66. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 70. The motion prevailed.

Mr. Bertram moved that the name of Mr. Jude be added as a co-author to S.F. No. 83. The motion prevailed.

Mr. Berg moved that the name of Mr. Merriam be added as a co-author to S.F. No. 84. The motion prevailed.

Ms. Berglin introduced—

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

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

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

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

WHEREAS, his life and career were ended by assassination; and

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

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

WHEREAS, the State of Minnesota wishes to recognize the great achievements in human and civil rights that were accomplished, in great part, through the efforts of Martin Luther King, Jr.; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll this resolution, to be authenticated by his signature and those of the President, the Speaker of the House of Representatives, and the Chief Clerk of the House of Representatives, and that it be presented to the Commissioner of Administration and to Coretta Scott King.

Ms. Berglin moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Samuelson introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution adjourning the seventy-fourth legislature sine die at the end of the 1985 session.

Referred to the Committee on Rules and Administration.

Mr. Bernhagen introduced—

Senate Resolution No. 17: A Senate resolution congratulating the Tigers

from Hutchinson High School for winning the 1984 Class A State High School Football Championship.

Referred to the Committee on Rules and Administration.

Mr. DeCramer introduced—

Senate Resolution No. 18: A Senate resolution requesting the Farmers Home Administration to amend proposed rules.

Referred to the Committee on Agriculture and Natural Resources.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Wegscheid and Bertram introduced—

S.F. No. 86: A bill for an act relating to agriculture; changing requirements for certain adulterated milk or cream; providing a penalty; amending Minnesota Statutes 1984, section 32.21.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegscheid, Bertram, DeCramer and Berg introduced—

S.F. No. 87: A bill for an act relating to agriculture; changing requirements for state livestock weighing services; removing the limitation on certain fees; amending Minnesota Statutes 1984, sections 17A.10, subdivision 2; and 17A.11.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid introduced—

S.F. No. 88: A bill for an act relating to agriculture; providing for establishment of certain fees by rule; changing certain fees and procedures; appropriating money; amending Minnesota Statutes 1984, sections 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivision 2; 25.39; and 25.40, subdivision 1; repealing Minnesota Statutes 1984, section 17.717, subdivisions 3, 4, 5, and 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegscheid, Stumpf, DeCramer, Frederickson and Bernhagen introduced—

S.F. No. 89: A resolution memorializing the President and Congress of the United States to adopt legislation requiring that all milk sold in the United States contain a higher minimum level of nonfat milk solids.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Laidig, Lessard and Isackson introduced—

S.F. No. 90: A resolution memorializing the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

Referred to the Committee on Veterans and General Legislation.

Mr. Nelson introduced—

S.F. No. 91: A bill for an act relating to state government; ratifying certain salaries approved by the legislative commission on employee relations.

Referred to the Committee on Governmental Operations.

Mr. Bertram introduced—

S.F. No. 92: A bill for an act relating to public safety; providing for use of a portion of the proceeds of the tobacco tax; appropriating money; amending Minnesota Statutes 1984, section 297.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297.

Referred to the Committee on Veterans and General Legislation.

Messrs. Lessard, DeCramer and Bertram introduced—

S.F. No. 93: A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

Referred to the Committee on Veterans and General Legislation.

Mrs. Lantry, Mr. Kroening, Ms. Berglin, Messrs. Taylor and Frank introduced—

S.F. No. 94: A bill for an act relating to state government; providing for the status of seasonal employees of the department of revenue; amending Minnesota Statutes 1984, sections 43A.08, subdivision 1; and 43A.081, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Frank, Mrs. Lantry and Mr. Dahl introduced—

S.F. No. 95: A bill for an act relating to game and fish; allowing senior citizens to take small game and deer without licenses; amending Minnesota Statutes 1984, section 98.47, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank, Mrs. Lantry, Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 96: A bill for an act relating to health; establishing a system for

the provision of health care services for unemployed workers; proposing coding for new law as Minnesota Statutes, chapter 621.

Referred to the Committee on Health and Human Services.

Mr. Frank and Mrs. Lantry introduced—

S.F. No. 97: A bill for an act relating to human services; expanding the definition of mentally retarded person; requiring the commissioner of human services to include autistic children and adults in programs; amending Minnesota Statutes 1984, section 252A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 252A.

Referred to the Committee on Health and Human Services.

Mr. Frank introduced—

S.F. No. 98: A bill for an act relating to Independent School District Number 14, Fridley; allowing it to deposit certain excess proceeds from the sale of a building into the general fund.

Referred to the Committee on Education.

Mr. Jude, Mrs. McQuaid, Ms. Olson, Messrs. Merriam and Schmitz introduced—

S.F. No. 99: A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter 288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

Referred to the Committee on Local and Urban Government.

Messrs. Novak and Johnson, D.J. introduced—

S.F. No. 100: A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Mr. DeCramer introduced—

S.F. No. 101: A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivision 1; and 40.038, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet, Lessard, Chmielewski, Bernhagen and Samuelson introduced—

S.F. No. 102: A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Jude, Bertram, Frederick, Merriam and Berg introduced—

S.F. No. 103: A bill for an act relating to taxation; sales and use; exempting certain sales by nonprofit organizations; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 104: A bill for an act relating to taxation; sales and use; exempting farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Jude, Mrs. Adkins, Messrs. Merriam, Benson and Schmitz introduced—

S.F. No. 105: A bill for an act relating to taxation; income; abolishing the farm loss modifications; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

Referred to the Committee on Taxes and Tax Laws. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. introduced—

S.F. No. 106: A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

Referred to the Committee on Economic Development and Commerce.

Messrs. Johnson, D.J.; Stumpf; Pehler; Berg and Dicklich introduced—

S.F. No. 107: A bill for an act relating to taxation; authorizing imposition of sales tax on lodging in towns and unorganized territories; amending Minnesota Statutes 1984, section 477A.018.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 108: A bill for an act relating to obscenity; prohibiting loaning or selling to minors, videocassettes and videodiscs of motion picture films which are harmful to minors; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 109: A bill for an act relating to taxation; including replacement

parts in the definition of "farm machinery" for sales tax purposes; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Kronebusch introduced—

S.F. No. 110: A bill for an act relating to game and fish; allowing one deer to be taken by each method of hunting in any year; amending Minnesota Statutes 1984, section 100.272.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch, Messrs. Benson, Frederick, Kamrath and Isackson introduced—

S.F. No. 111: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Kronebusch introduced—

S.F. No. 112: A bill for an act relating to education; allowing financial aid after the time normally required to complete a bachelor's degree; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

Referred to the Committee on Education.

Mrs. Kronebusch introduced—

S.F. No. 113: A bill for an act relating to elections; authorizing certain municipalities to fix a later time for voting to begin; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Frank introduced—

S.F. No. 114: A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Samuelson, Bertram, DeCramer, Berg and Lessard introduced—

S.F. No. 115: 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.

Referred to the Committee on Veterans and General Legislation.

Mr. Mehrkens introduced—

S.F. No. 116: A bill for an act relating to labor; creating an employees

social responsibility act; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Employment.

Messrs. Stumpf, Pehler, Hughes and Anderson introduced—

S.F. No. 117: A bill for an act relating to education; prohibiting a school district from commencing the school year prior to Labor Day; amending Minnesota Statutes 1984, section 126.12.

Referred to the Committee on Education.

Messrs. Nelson, Mehrkens, Pehler and Chmielewski introduced—

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; 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.

Referred to the Committee on Employment.

Messrs. Spear, Knutson, Moe, D.M. and Knaak introduced—

S.F. No. 119: A bill for an act relating to state government; creating the Council on Asian-Pacific Minnesotans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

Mr. Samuelson introduced—

S.F. No. 120: A bill for an act relating to civil actions; repealing statutes authorizing and regulating dram shop actions; amending Minnesota Statutes 1984, sections 340.11, subdivision 21; 471.981, subdivision 1; and repealing Minnesota Statutes 1984, sections 340.95; 340.951; and 466.15.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Stumpf; DeCramer; Berg and Frederickson introduced—

S.F. No. 121: A bill for an act relating to taxation; providing a property tax credit for agricultural property; reducing the assessment ratio on commercial-industrial property; increasing the income limitation in the farm loss modification provision; exempting sales of repair and replacement parts for farm machinery and liquidation sales of farm machinery from sales tax; amending Minnesota Statutes 1984, sections 273.13, subdivision 9; 290.09, subdivision 29; and 297A.25, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, D.M., for the Committee on Governmental Operations, introduced—

S.F. No. 122: A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; providing that public employees retirement association is a state agency in the executive branch; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.02, subdivision 22; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

SUSPENSION OF RULES

Mr. Moe, D.M. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 122 and that the rules of the Senate be so far suspended as to give S.F. No. 122 its second reading. The motion prevailed.

S.F. No. 122 was read the second time.

Mr. Moe, D.M. moved to amend S.F. No. 122 as follows:

Page 3, delete section 2

Page 3, lines 27 to 29, delete the new language

Page 4, line 16, delete "*December 31, 1986*" and insert "*August 1, 1987*"

Page 8, line 16, after the comma, insert "*who shall serve in the unclassified service and*"

Page 8, line 17, after the second comma, insert "*appoint a confidential secretary in the unclassified service.*"

Page 8, line 19, reinstate the comma and insert "*whose terms and conditions of employment are subject to the provisions of chapters 43A and 179*"

Page 10, after line 8, insert:

"Sec. 9. [CURRENT EMPLOYEES.]

Employees of the association on the effective date of this act are appointed to the classified service of the state without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper classifications. Each employee is appointed at no loss in salary, but no increase in salary until the employee's salary comes within the range for the employee's classification. An employee so appointed shall begin on the effective date of this act to serve a probationary period not to exceed six months, which the executive director may terminate earlier."

Page 10, line 13, delete everything after "*Section*" and insert "*353.03, subdivision 1, is repealed August 1, 1987.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8

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

Page 1, line 13, delete "43A.02, subdivision 22;"

The motion prevailed. So the amendment was adopted.

Mr. Moe, D.M. moved that S.F. No. 122 be laid on the table. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, January 21, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTH DAY

St. Paul, Minnesota, Monday, January 21, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Senator Dean E. Johnson.

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

Adkins	Dicklich	Knaak	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Sieloff
Berg	Frederick	Langseth	Peterson, C.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Storm
Bernhagen	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Peterson, R.W.	Taylor
Brataas	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrrens	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
Davis	Jude	Moe, D.M.	Ramstad	Willet
DeCramer	Kamrath	Moe, R.D.	Reichgott	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Spear was excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, delete "the farm debt restructuring" and insert "this"

Page 2, after line 2, insert:

"Subd. 3. [CLASSIFIED FARM LOAN.] "Classified farm loan" means a farm loan held by a bank in which the degree of risk is substantial and unsafe for the investment of depositor's funds. These loans have positive and well defined weaknesses that jeopardize the orderly liquidation of the debt to include characteristics of inadequate protection by the current sound worth and paying capacity of the borrower. These weaknesses may be pronounced to a point where, on the basis of current facts, conditions, and collateral, if any, there is a clear, identifiable element of substantial loss to the bank."

Renumber the subdivisions in sequence

Page 2, line 9, after "*property*" delete "*of*" and insert "*for*"

Page 2, lines 25 and 26, delete "*A bank may apply for an interest reimbursement by signing*" and insert "*To qualify for an interest reimbursement, a bank must first sign*"

Page 3, line 9, after the first "*to*" insert "*the eligible portion of*"

Page 3, line 16, delete "*due on*" and insert "*attributable to the eligible portion of*"

Page 3, lines 29 and 30, delete "*The bank must comply with this section*" and insert "*A bank that complies with this section is qualified*"

Page 3, delete lines 31 to 34 and insert:

"Sec. 6. [FORMS.]

Notwithstanding Minnesota Statutes, chapter 14, the commissioner shall adopt and provide the form to be submitted by a bank under section 5. The form constitutes an application form for interest reimbursement and an agreement to suspend foreclosure on all farm loans."

Page 3, line 36, after the dollar sign, insert "*9,200,000*"

Page 4, line 2, delete "*pursuant to*" and insert "*under*"

Page 4, line 3, after the period, insert "*None of this appropriation may be spent for administrative costs."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 54 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davis moved that the names of Messrs. DeCramer and Freeman be added as co-authors to S.F. No. 54. The motion prevailed.

Mr. Solon moved that the name of Mr. Frank be added as a co-author to S.F. No. 80. The motion prevailed.

Mr. Laidig moved that the names of Messrs. Chmielewski and Ramstad be added as co-authors to S.F. No. 90. The motion prevailed.

Mr. Johnson, D.J. moved that the names of Messrs. Dicklich and Solon be

added as co-authors to S.F. No. 106. The motion prevailed.

Mr. Frank moved that the names of Messrs. Johnson, D.J.; Pogemiller and Peterson, C.C. be added as co-authors to S.F. No. 114. The motion prevailed.

Mr. Spear moved that the name of Mr. Novak be added as a co-author to S.F. No. 119. The motion prevailed.

Mr. Samuelson moved that the names of Messrs. Bertram and Chmielewski be added as co-authors to S.F. No. 120. The motion prevailed.

RECESS

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

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 122 a Special Order to be heard immediately.

Mr. Moe, D.M. moved that S.F. No. 122 be taken from the table. The motion prevailed.

S.F. No. 122: A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

Mr. Moe, D.M. moved to amend S. F. No. 122 as follows:

Page 3, after line 5, insert:

"Sec. 2. Minnesota Statutes 1984, section 43A.10, subdivision 6, is amended to read:

Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.] Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions."

Page 8, line 3, delete "179" and insert "179A"

Page 9, line 29, before "Employees" insert "Regular"

Page 9, line 30, delete "the classified service" and insert "their regular"

positions as employees”

Page 9, line 33, before the period insert “*in the classified service or, where appropriate, ranges in the unclassified service*”

Page 9, line 34, before the comma insert “*or accrued vacation benefits*”

Page 9, line 35, before the period insert “*and no additional accrual of vacation benefits until the employee’s total accrued vacation benefits falls below the maximum permitted by the state for the employee’s position*”

Page 10, line 2, after the period insert “*Employees who retire by June 30, 1985, are entitled to the cash value of their accrued sick leave under the formula in use by the association immediately before the effective date of this act. The association shall provide health insurance for employees who are retired on the effective date of this act and employees who retire by June 30, 1985.*”

Page 10, line 4, delete “9” and insert “10”

Page 10, line 7, before “Section” insert “*Minnesota Statutes 1984,*”

Page 10, line 7, before “is” insert “*as amended.*”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon insert “43A.10, subdivision 6;”

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 122, as follows:

Pages 3, 4, and 5, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1984, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] *The public employees retirement association is a state agency in the executive branch. The management of the public employees retirement fund is hereby vested in a board of trustees consisting of 15 the state auditor and eight members, who shall be known as the board of trustees. This board shall consist of are knowledgeable in pension matters, selected in the following manner. Four trustees, one of whom shall be designated by shall be appointed by the governor, with one selected by the governor to represent each of the following associations or organizations, Minnesota school boards association, League of Minnesota Cities, Association of Minnesota Counties and the executive committee of the statewide general labor organization which includes among its membership the employee organizations, as defined in section 179A.03, subdivision 6, which represent the largest number of employees who are association members; nine area trustees, who. Four trustees shall be elected from the membership employed in one of the areas described below by the members employed in such area except members of the police and fire fund; one trustee who shall be a; one non-member of the police and fire fund employed within the seven county metropolitan area elected by members therein; one non-member of the police and fire fund employed outside of the metropolitan area elected by members outside the*

area; one retired annuitant elected at large by other retired annuitants and disabilitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. All trustees elected by the membership of the association or by the retired annuitants and disabilitants of the association shall be elected for a term *serve terms* of four years. Trustees designated by an association or organization or elected or selected by the use of a procedure other than direct election by the membership of the association or by the annuitants of the association shall hold office for a term of two years or until the designation, election or selection procedure is changed; if that occurs earlier, except that the first four appointed members and the first four elected members shall be appointed or elected for indefinite terms and, at the initial meeting of the board, determine by lot which member of each class shall serve for one, two, three, and four years, as nearly as may be. Thereafter one member shall be elected and one appointed each year. For seven days beginning November 1 of each year, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. A metropolitan area candidate or nonmetropolitan area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by any combination of 25 or more retired annuitants or disabilitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No name may be withdrawn from nomination by the nominee after November 15. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members, retired annuitants and disabilitants, ballots listing the candidates and a biographical profile of 200 words or less supplied by each candidate and reproduced at the expense of the association. No member may vote for more than one candidate. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section with respect to initial terms, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the retired annuitants and disabilitants.

The Elections shall be supervised by the secretary of state. Contested elections shall be determined by the ethical practices board. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries and shall be

held to the standard of care set out in section 11A.09."

Page 5, line 18, after "member" insert "changes his place of employment to a location within or outside the metropolitan area or"

Page 9, after line 27, insert:

"Not later than 15 days after the effective date of enactment, the management of the public employees retirement fund is vested in a board of trustees consisting of the state auditor and six members, appointed by the governor who are knowledgeable in pension matters. Three trustees shall be appointed to represent the employing units. Three trustees shall be appointed from the membership of the association to represent public employees as defined in section 353.01, subdivision 2. The terms of the appointed trustees expire January 31, 1986."

Page 10, line 4, after "1" insert "and 3"

Page 10, line 5, after the period insert "Subject to the provisions of section 8, section 2 shall become effective November 1, 1985, except that appointments by the governor pursuant to section 2 shall be effective January 31, 1986."

Page 10, delete section 11

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.J.	Lessard	Ramstad
Benson	Frederick	Jude	McQuaid	Reichgott
Berg	Frederickson	Kamrath	Novak	Samuelson
Bernhagen	Freeman	Kroening	Olson	Solon
Brataas	Isackson	Kronebusch	Peterson, D.L.	Taylor
Chmielewski	Johnson, D.E.	Laidig	Pogemiller	Vega

Those who voted in the negative were:

Anderson	Dieterich	Mehrkens	Peterson, D.C.	Storm
Belanger	Frank	Merriam	Peterson, R.W.	Stumpf
Berglin	Hughes	Moe, D. M.	Petty	Waldorf
Bertram	Knaak	Moe, R. D.	Purfeerst	Wegscheid
Dahl	Langseth	Nelson	Renneke	Willet
Davis	Lantry	Pehler	Schmitz	
Diessner	Luther	Peterson, C.C.	Sieloff	

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

S.F. No. 122 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. C.	Storm
Berglin	Freeman	Lessard	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R. W.	Taylor
Bertram	Isackson	McQuaid	Petty	Vega
Brataas	Johnson, D. E.	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Purfeerst	Wegscheid
Dahl	Jude	Moe, D. M.	Ramstad	Willet
Davis	Kamrath	Moe, R. D.	Reichgott	
Dicklich	Knaak	Nelson	Renneke	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Chmielewski introduced—

S.F. No. 123: A bill for an act relating to initiative; proposing an amendment to the Minnesota Constitution, article VII by adding a section; authorizing initiative on laws; providing a statute implementing the amendment; providing for the manner of petitioning and voting on initiative measures; providing for disclosure of campaign costs on ballot issues; providing that expenditures to promote or defeat a measure may not be taken as a deduction or credit against income taxes; providing for judicial review; providing penalties; amending Minnesota Statutes 1984, sections 10A.01, subdivision 15; 10A.20, by adding a subdivision; 204B.32; 204C.19, subdivision 2; 204C.33, subdivisions 1 and 3; 204D.11, by adding a subdivision; 204D.15; 204D.16; 290.09, subdivision 2; 290.21, subdivision 3; 645.02; proposing coding for new law in Minnesota Statutes, chapter 3B.

Referred to the Committee on Elections and Ethics.

Mr. Chmielewski introduced—

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

Referred to the Committee on Elections and Ethics.

Mrs. Lantry, Messrs. Pogemiller and Frank introduced—

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; amending Minnesota Statutes 1984, section 326.01, subdivision 9.

Referred to the Committee on Employment.

Mrs. Lantry, Messrs. Hughes, Davis and Knaak introduced—

S.F. No. 126: A bill for an act relating to education; requiring post-second-

dary governing boards to develop procedures to facilitate the transfer of credit between institutions.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 127: A bill for an act relating to game and fish; authorizing deer bow and arrow licenses for nonresident students at resident fees; amending Minnesota Statutes 1984, section 98.45, subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry, Ms. Berglin and Mr. Luther introduced—

S.F. No. 128: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Frank, Dahl, Novak and Ms. Olson introduced—

S.F. No. 129: A bill for an act relating to public utilities; requiring single zone for telephone service in metropolitan area; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mrs. Lantry, Messrs. Laidig and Johnson, D.J. introduced—

S.F. No. 130: A bill for an act relating to taxation; sales; exempting sales of child restraint systems; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon; Moe, R.D.; Taylor; Wegscheid and Frederickson introduced—

S.F. No. 131: A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16.

Referred to the Committee on Economic Development and Commerce.

Messrs. Stumpf and Bertram introduced—

S.F. No. 132: A bill for an act relating to transportation; motor vehicles; exempting certain farm vehicles from the vehicle identification rule; amending Minnesota Statutes 1984, sections 221.025; and 221.031, subdivision 6.

Referred to the Committee on Transportation.

Mr. Stumpf introduced—

S.F. No. 133: A bill for an act relating to retirement; increasing survivor benefits payable by the Thief River Falls police relief association; amending Laws 1981, chapter 68, section 42, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Kamrath, Chmielewski, Renneke, Dicklich and Johnson, D.J. introduced—

S.F. No. 134: A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

Referred to the Committee on Economic Development and Commerce.

Ms. Reichgott, Messrs. Merriam, Luther, Petty and Peterson, D.L. introduced—

S.F. No. 135: A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad and Benson introduced—

S.F. No. 136: A bill for an act relating to outdoor recreation; repealing licensing requirements for cross country skiers; repealing Minnesota Statutes 1984, sections 85.40; 85.41; 85.42; 85.43; 85.44; 85.45; and Laws 1983, chapter 325, section 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad and Ms. Olson introduced—

S.F. No. 137: A bill for an act relating to waters and watercraft safety; requiring liability insurance on all licensed watercraft in the state; amending Minnesota Statutes 1984, section 361.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Frederick, Schmitz, Purfeerst, Benson and Mrs. Brataas introduced—

S.F. No. 138: A bill for an act relating to unemployment compensation; benefit requalification after voluntary quit or discharge for misconduct; amending Minnesota Statutes 1984, section 268.09, subdivision 1.

Referred to the Committee on Employment.

Messrs. Dahl, Dicklich, Langseth, Willet and Peterson, D.L. introduced—

S.F. No. 139: A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota

Statutes 1984, section 201.091, subdivision 2.

Referred to the Committee on Elections and Ethics.

Messrs. Diessner and Purfeerst introduced—

S.F. No. 140: A bill for an act relating to taxation; sales and use; extending the definition of capital equipment to include replacement equipment; providing for reduced rates and exemption for sales of capital equipment; amending Minnesota Statutes 1984, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Isackson, Bernhagen, Stumpf, Benson and Davis introduced—

S.F. No. 141: A bill for an act relating to taxation; allowing an income tax credit for pollution control feedlot equipment purchased during tax years 1983 and 1984.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich; Peterson, C.C.; Taylor and Mrs. Brataas introduced—

S.F. No. 142: A bill for an act relating to unemployment compensation; changing the requirements for quarterly reporting of wages; amending Minnesota Statutes 1984, section 268.12, subdivision 8; repealing Minnesota Statutes 1984, section 268.121.

Referred to the Committee on Employment.

Messrs. Peterson, R.W. and Sieloff introduced—

S.F. No. 143: A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Petty; Solon and Sieloff introduced—

S.F. No. 144: 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.

Referred to the Committee on Judiciary.

Messrs. Taylor and Peterson, D.L. introduced—

S.F. No. 145: A bill for an act relating to education; authorizing Indepen-

dent School District No. 79 to transfer money from the bus purchase account to the capital expenditure fund.

Referred to the Committee on Education.

Messrs. Samuelson, Dicklich, Mrs. Kronebusch and Mr. Solon introduced—

S.F. No. 146: 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.

Referred to the Committee on Health and Human Services.

Mr. Purfeerst introduced—

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.

Referred to the Committee on Health and Human Services.

Messrs. Dieterich; Merriam; Peterson, R.W.; Johnson, D.E. and Sieloff introduced—

S.F. No. 148: A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

Referred to the Committee on Judiciary.

Mr. Renneke, Mrs. McQuaid, Ms. Olson, Messrs. Frederickson and Solon introduced—

S.F. No. 149: A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bernhagen, Isackson, Jude, Laidig and Frederickson introduced—

S.F. No. 150: A bill for an act relating to taxation; income; making the pollution control and feedlot pollution control credits effective for 1983 and 1984 tax years; amending Laws 1984, chapter 644, section 85.

Referred to the Committee on Taxes and Tax Laws.

Mr. Wegscheid introduced—

S.F. No. 151: A bill for an act relating to natural resources; prohibiting the spearing of northern pike in the state; amending Minnesota Statutes 1984, section 101.41, subdivision 4, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frank, Frederickson and Mrs. McQuaid introduced—

S.F. No. 152: A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

Referred to the Committee on Economic Development and Commerce.

Mr. Solon introduced—

S.F. No. 153: A bill for an act relating to claims against the state; providing for payment of a claim for workers' compensation and attorney fees; appropriating money.

Referred to the Committee on Finance.

Mr. Samuelson introduced—

S.F. No. 154: A bill for an act relating to taxation; property; providing state paid refunds for homestead agricultural property.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad introduced—

S.F. No. 155: A bill for an act relating to claims; providing reimbursement of certain unemployment benefits paid by the city of Wayzata.

Referred to the Committee on Finance.

Messrs. Samuelson, Jude and Chmielewski introduced—

S.F. No. 156: A bill for an act relating to taxation; abolishing the tax on charitable gambling; amending Minnesota Statutes 1984, sections 349.12, subdivision 13; 349.151, subdivision 4; and 349.212, subdivision 2; repealing Minnesota Statutes 1984, section 349.212, subdivisions 1 and 3.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Benson and Wegscheid introduced—

S.F. No. 157: 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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Mehrkens introduced—

S.F. No. 158: A bill for an act relating to taxation; sales and use; exempting admissions to school events; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 159: A bill for an act relating to taxation; motor vehicle excise;

exempting sales of certain cars; amending Minnesota Statutes 1984, section 297B.03.

Referred to the Committee on Transportation.

Mr. Pehler introduced—

S.F. No. 160: A bill for an act relating to retirement; inclusion of librarians in the correctional officer's retirement plan; amending Minnesota Statutes 1984, section 352.91, subdivision 2.

Referred to the Committee on Governmental Operations.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 21, 1985

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 3:45 p.m., Tuesday, January 22, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTH DAY

St. Paul, Minnesota, Tuesday, January 22, 1985

The Senate met at 3:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Ken Copley.

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

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Storm
Berglin	Frederickson	Langseth	Peterson, D.C.	Stumpf
Bernhagen	Freeman	Lantry	Peterson, D.L.	Taylor
Bertram	Hughes	Lessard	Peterson, R.W.	Vega
Brataas	Isackson	Luther	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. McQuaid, Messrs. Petty and Spear were excused from the Session of today. Mr. Novak was excused from the Session of today at 4:20 p.m. Mr. Waldorf was excused from the Session of today at 5:15 p.m.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

Senate Resolution No. 18: A Senate resolution requesting the Farmers Home Administration to amend proposed rules.

Reports the same back with the recommendation that the resolution be amended as follows:

Delete the language of the resolution and insert:

“WHEREAS, the farm economy is under extreme financial stress; and

WHEREAS, the Farmers Home Administration has made loans to many Minnesota farmers; and

WHEREAS, administration of farm loans affects the life and welfare of Minnesota farmers and the farm economy; and

WHEREAS, the Minnesota Senate is concerned about the welfare of Minnesota farmers and the crisis in the farm economy; NOW, THEREFORE,

BE IT RESOLVED that it is the sense of the Senate of the State of Minnesota that the Farmers Home Administration should reexamine its proposed rules for all loan programs to provide that fairness, justice, and equity are given to each farm borrower.

BE IT FURTHER RESOLVED that borrowers should have a right to family living and farm operating expenses until they get a due process notice, hearing, and appeal as provided in existing regulations. It is the sense of the Senate that the proposed regulations 7 C.F.R. Sections 1924.57 and 1962.17 threaten to eliminate these provisions and must be changed.

BE IT FURTHER RESOLVED that the deferral eligibility standards should include a crisis in the farm economy in the proposed regulations 7 C.F.R. Section 1951.44. It is the sense of the Senate that the deferral eligibility related to consideration of a reduction of income should allow consideration of reduced income for five years, and not two years prior to the application date. Reduction of income in a five-year period reflects a better standard for events that affect the farmer.

BE IT FURTHER RESOLVED that borrowers should not be required to ask local creditors, suppliers, and other lienholders to forgive portions of their debt before consideration for deferral. It is the sense of the Senate that the entire rural economy is under stress and this requirement would only aggravate it.

BE IT FURTHER RESOLVED it is the sense of the Senate that the eligibility requirement to obtain a deferral under proposed regulation 7 C.F.R. Section 1951.44(c) should be changed so that a farmer with reasonable records and documentation, farm management practices, and financial management practices can comply with the regulation and be eligible for deferral.

BE IT FURTHER RESOLVED it is the sense of the Senate that a borrower should be allowed to have either a partial debt set aside or a deferral or both under the proposed regulations.”

And when so amended the resolution do pass. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that Senate Resolution No. 18 be laid on the table. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on

Bill Scheduling, designated S.F. No. 54, a Special Order to be heard immediately.

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

Mr. Berg moved to amend S.F. No. 54 as follows:

Page 4, after line 13, insert:

“Sec. 7. [ADEQUATE LEGAL REPRESENTATION.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that the attorney general acts as the attorney for the state and its people and has the duty to investigate unfair and unlawful practices in business, commerce, and trade. Due to the emergency in the agricultural economy and the necessity that persons having agricultural real and personal property have their rights adequately represented, the legislature declares that the resources of the attorney general's office be used to represent persons facing repossession, foreclosure, and foreclosure sale.

Subd. 2. [ATTORNEY GENERAL TO ALLOCATE PERSONNEL.] Other than the 22 deputy and assistant attorneys general required for the discharge of official duty under section 8.02, that are necessary to discharge the official duties of the attorney general's office, the attorney general shall allocate the remaining staff to adequately represent mortgagors and debtors as provided in subdivision 3. Notwithstanding any other law the attorneys general shall allocate part or all of their time to represent individuals requiring legal representation under subdivision 3.

Subd. 3. [PERSONS TO BE REPRESENTED BY ATTORNEY GENERAL.] An individual, partnership, or family farm corporation that has a net income of less than \$25,000 per year or that is financially unable to acquire legal representation, and has agricultural real or personal property being repossessed, foreclosed, or sold is entitled to legal representation by the attorney general's office.

Subd. 4. [LEGAL REPRESENTATION REQUIRED.] Notwithstanding any other law a nonvoluntary sale of real or personal agricultural property may not be made unless the owner of the property is given the opportunity for adequate legal representation. If the owner of the property qualifies for representation by the attorney general's office under subdivision 3, the attorney general must approve the sale and certify that the owner's interests in the property have been adequately represented.”

Page 4, after line 21, insert:

“Section 7 is repealed one year after the act becomes effective.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “providing legal representation by the attorney general's office for certain persons;”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Storm
Benson	Frederickson	Knutsen	Peterson, D.L.	Taylor
Berg	Isackson	Kronebusch	Ramstad	
Bernhagen	Johnson, D.E.	Laidig	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Nelson	Samuelson
Belanger	Diessner	Langseth	Pehler	Schmitz
Berglin	Dieterich	Lantry	Peterson, C.C.	Solon
Bertram	Frank	Lessard	Peterson, D.C.	Stumpf
Chmielewski	Freeman	Luther	Peterson, R.W.	Vega
Dahl	Hughes	Merriam	Pogemiller	Waldorf
Davis	Johnson, D.J.	Moe, D. M.	Purfeerst	Wegscheid
DeCramer	Jude	Moe, R. D.	Reichgott	Willet

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

Mr. Kamrath moved to amend S.F. No. 54 as follows:

Page 1, line 9, delete "6" and insert "7"

Page 1, line 25, delete "6" and insert "7"

Page 4, after line 13, insert:

"Sec. 7. [MINNESOTA AGRICULTURAL CRISIS DELEGATION.] :

Subdivision 1. [DUTIES.] To present the seriousness of the agricultural crisis, the objectives of this act, and as a first step to achieve federal action, the state shall immediately send a Minnesota agricultural crisis delegation to Washington, District of Columbia, to meet with congress and the United States department of agriculture to testify to the crisis in rural Minnesota.

Subd. 2. [MEMBERS.] The Minnesota agricultural crisis delegation shall consist of six citizen farmers and up to four legislators. Of the six citizen farmers, two shall be chosen by each majority caucus and one shall be chosen by each minority caucus of each house of the legislature. The citizen farmers may not be officials, officers, or employees of any farm organization on the statewide level, but may be representatives of county or local subdivisions of a farm organization. The majority and minority caucus may include one legislative member of its caucus in the delegation.

Subd. 3. [BRIEFING.] The department of agriculture with any help offered by the university of Minnesota extension service shall brief the Minnesota agricultural crisis delegation about the nature and extent of the agricultural crisis before the delegation leaves for Washington, District of Columbia.

Subd. 4. [REPORT TO LEGISLATIVE COMMITTEES.] After the Minnesota agricultural crisis delegation returns from Washington, District of Columbia, the members shall report to the agriculture and natural resources committee of the senate and the agriculture committee of the house of representatives.

Subd. 5. [REIMBURSEMENT OF EXPENSES.] The expenses of the citizen farmers of the Minnesota agricultural crisis delegation shall be reimbursed by the legislative coordinating commission in the same amounts as if

the citizen farmers were legislative employees on state business. Each citizen farmer may refuse the reimbursement from the state. For the purposes of this trip, the state may not reimburse expenses of the legislators that are members of the Minnesota agricultural crisis delegation."

Page 4, line 21, after "to" delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for an agricultural crisis delegation; requiring a report to the legislature;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Storm
Belanger	Frederickson	Knutson	Peterson, D.L.	Taylor
Benson	Isackson	Kronebusch	Ramstad	
Bernhagen	Johnson, D.E.	Laidig	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Pehler	Schmitz
Berglin	Dieterich	Lantry	Peterson, C.C.	Solon
Bertram	Frank	Lessard	Peterson, D.C.	Stumpf
Chmielewski	Freeman	Luther	Peterson, R.W.	Vega
Dahl	Hughes	Merriam	Pogemiller	Waldorf
Davis	Johnson, D.J.	Moe, D. M.	Purleerst	Wegscheid
DeCramer	Jude	Moe, R. D.	Reichgott	Willet
Dicklich	Kroening	Nelson	Samuelson	

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

Mr. Berg moved to amend S.F. No. 54 as follows:

Page 2, line 24, delete everything before "on" and insert "days after the agreement in section 5, subdivision 1, is signed"

Page 3, line 1, delete everything after "commissioner" and insert a period.

Page 3, delete lines 2 to 4

Page 3, line 6, delete "of the 120-day period" and insert "after the agreement in subdivision 1 is signed"

Page 3, delete lines 15 to 17 and insert:

"(1) state that the bank has entered an agreement with the commissioner for an interest reimbursement program;"

Page 3, line 20, delete "of the"

Page 3, line 21, delete "120-day foreclosure grace period" and insert "after the agreement under subdivision 1 is signed"

Page 3, line 33, delete "60 days of the foreclosure grace period" and insert "60-day period after the agreement in subdivision 1 is signed"

Page 4, after line 13, insert:

“Sec. 7. [LEGISLATIVE DECLARATION OF EMERGENCY.]

Due to the existing agricultural economic conditions, the legislature declares that a public economic emergency exists and this act is necessary to protect the public welfare and prevent irreparable public harm.

Sec. 8. [APPLICATION.]

Subdivision 1. [MORTGAGES HELD BY UNITED STATES.] This act applies to mortgages secured by agricultural production real estate held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors, or assigns.

Subd. 2. [MORTGAGES HELD AS SECURITY FOR PUBLIC DEBT.] This act applies to mortgages of agricultural production real estate held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 3. [MORTGAGES HELD BY LENDERS.] This act applies to all other mortgages of agricultural production land that are held by lenders that are in the business of lending money.

Subd. 4. [SECURITY INTERESTS IN AGRICULTURAL PERSONAL PROPERTY.] This act applies to all security interests in agricultural crops and livestock, and all personal property used for agricultural production.

Sec. 9. [ONE YEAR REPOSSESSION, FORECLOSURE, AND FORECLOSURE SALE MORATORIUM ON AGRICULTURAL REAL ESTATE AND PERSONAL PROPERTY.]

Subdivision 1. [MORATORIUM.] (a) Agricultural production real estate may not be foreclosed by advertisement, or sold by execution or advertisement under Minnesota Statutes, chapters 580, 581, 582, or 583 for one year after this act becomes effective. Mortgaged real estate may only be sold with the mortgagor's approval or by judicial sale under Minnesota Statutes, chapters 580, 581, 582, and 583.

(b) Agricultural production crops and livestock, and all personal property used for agricultural production may not be repossessed, foreclosed, or sold at a foreclosure sale for one year after this act becomes effective.

Subd. 2. [SUPERSEDES CHAPTER 583.] This act supersedes the moratorium provisions of Minnesota Statutes, chapter 583, and other provisions of law that conflict with this act.

Sec. 10. [APPLICATION TO DISTRICT COURT FOR RELIEF.]

Any mortgagee, mortgagor, or owner in possession of the mortgaged premises, anyone claiming under the mortgage, anyone liable for the mortgage debt, or any party to a security interest in personal property covered under section 9 may at any time after the moratorium under section 9 becomes effective, petition the district court of the county where the foreclosure proceedings are pending, or the district court of the mortgagor's or debtor's residence serving a summons and verified complaint requesting that the repossession, foreclosure, or sale become effective. Upon receiving the petition, the court shall order a hearing on the petition. The court may order the repossession, foreclosure, or sale to proceed if the parties to the

mortgage or security interest have had adequate legal representation:

(1) the parties to the security interest or mortgage agree;

(2) the mortgaged real estate or secured personal property has no equity;
or

(3) after considering all equitable arguments the court finds that there is no reason for the sale not to be held.

Sec. 11. [COMPROMISES.]

If the parties to a security interest or mortgage agree in writing to a compromise settlement, or of composition of the indebtedness, or both, the court has jurisdiction and may, by its order, confirm and approve the settlement or composition, or both.

Sec. 12. [REDUCTION OF REDEMPTION PERIOD.]

The court may order the redemption period under Minnesota Statutes, section 580.23, to be reduced to compensate for the period of time that the sale was delayed, but the redemption period must not be less than 30 days. If the foreclosure sale is not delayed, the redemption period is as provided in Minnesota Statutes, section 580.23.

Sec. 13. [COURT MAY REVISE AND ALTER TERMS.]

Upon the application of either party before the expiration of the period before the sale and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner the changed circumstances and conditions require.

Sec. 14. [HEARING.]

The hearing on the petition must be held within 30 days after the filing of the petition. The resulting order 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.

Page 4, after line 21, insert:

"Sections 7 to 14 are repealed one year after the act becomes effective but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "declaring a public economic emergency to exist; prohibiting mortgage foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow foreclosure sales; providing for the parties to compromise;"

Mr. Johnson, D.J. moved to amend the Berg amendment to S.F. No. 54 as follows:

Page 2, after line 16, insert:

"Subd. 5. This act applies to all mortgages on homesteads as defined in Minnesota Statutes, section 510.01."

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Berg amendment, as amended.

The roll was called, and there were yeas 28 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Johnson, D.J.	Lessard	Renneke
Belanger	Dicklich	Knaak	Mehrkens	Sieloff
Benson	Frank	Knutson	Olson	Storm
Berg	Frederick	Kroening	Peterson,C.C.	Taylor
Bernhagen	Isackson	Kronebusch	Peterson,D.L.	
Brataas	Johnson, D.E.	Laidig	Purfeerst	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Peterson,R.W.	Stunipf
Berglin	Frederickson	Luther	Pogemiller	Vega
Bertram	Freeman	Merriam	Ramstad	Wegscheid
Chmielewski	Hughes	Moe, R. D.	Reichgott	Willet
Dahl	Jude	Nelson	Samuelson	
Davis	Kamrath	Pehler	Schmitz	
Diessner	Langseth	Peterson,D.C.	Solon	

The motion did not prevail. So the Berg amendment, as amended, was not adopted.

Mr. Benson moved to amend S.F. No. 54 as follows:

Page 4, after line 13, insert:

"Sec. 7. Minnesota Statutes 1984, section 297A.01, subdivision 15, is amended to read:

Subd. 15. "Farm machinery" means new or used machinery, equipment, implements, accessories and contrivances used directly and principally in the production for sale, but not including the processing, of livestock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains and bees and apiary products. "Farm machinery" shall include machinery for the preparation, seeding or cultivation of soil for growing agricultural crops, harvesting and threshing of agricultural products, and certain machinery for dairy, livestock and poultry farms, together with barn cleaners, milking systems, grain dryers, automatic feeding systems and similar installations. Irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, except irrigation equipment which is situated below ground and considered to be a part of the real property, shall be included in the definition of farm machinery. Logging equipment, except chain saws, shall be included in the definition of farm machinery. Repair or replacement parts for farm machinery ~~shall not be~~ *are* included in the definition of farm machinery.

Tools, shop equipment, grain bins, feed bunks, fencing material, communication equipment and other farm supplies shall not be considered to be farm machinery. "Farm machinery" does not include motor vehicles taxed under chapter 297B, snowmobiles, snow blowers, lawn mowers, garden-type tractors or garden tillers and the repair and replacement parts for those vehicles and machines."

Page 4, after line 21, insert:

“Sec. 10. [EFFECTIVE DATE.]

Section 7 is effective for sales occurring after July 31, 1985.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “including replacement parts in the definition of farm machinery for sales tax purposes;”

Page 1, line 5, before the period, insert “; amending Minnesota Statutes 1984, section 297A.01, subdivision 15”

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

The President ruled that the amendment was not germane.

Mr. Benson appealed the decision of the President.

The question was taken on “Shall the decision of the President be the judgment of the Senate?”

The roll was called, and there were yeas 37 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Solon
Berglin	Frank	Lessard	Peterson, D.C.	Stumpf
Bertram	Freeman	Luther	Peterson, R.W.	Vega
Chmielewski	Hughes	Merriam	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Moe, D. M.	Purfeerst	Willet
Davis	Jude	Moe, R. D.	Reichgott	
DeCramer	Kroening	Nelson	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	

Those who voted in the negative were:

Anderson	Brataas	Kamrath	Olson	Storm
Belanger	Frederick	Knaak	Peterson, D.L.	Taylor
Benson	Frederickson	Knutson	Ramstad	
Berg	Isackson	Laidig	Renneke	
Bernhagen	Johnson, D.E.	Mehrkens	Sieloff	

The decision of the President was sustained.

S.F. No. 54 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Nelson	Samuelson
Anderson	Diessner	Kronebusch	Olson	Schmitz
Berg	Frank	Laidig	Pehler	Sieloff
Berglin	Frederick	Langseth	Peterson, C.C.	Solon
Bernhagen	Frederickson	Lantry	Peterson, D.C.	Storm
Bertram	Freeman	Lessard	Peterson, D.L.	Stumpf
Brataas	Hughes	Luther	Pogemiller	Taylor
Chmielewski	Isackson	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Davis	Johnson, D.J.	Moe, D. M.	Reichgott	Willet
DeCramer	Jude	Moe, R. D.	Renneke	

Those who voted in the negative were:

Belanger
Benson

Dieterich
Kamrath

Knaak

Knutson

Peterson, R. W.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. DeCramer moved that Senate Resolution No. 18 be taken from the table. The motion prevailed.

Senate Resolution No. 18: A Senate resolution requesting the Farmers Home Administration to amend proposed rules.

Mr. DeCramer moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Dieterich, Belanger, Novak, Freeman and Mrs. McQuaid introduced—

S.F. No. 161: A bill for an act relating to education; removing revenue equity aid subtraction; repealing Minnesota Statutes 1984, section 124A.037.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 162: A bill for an act relating to elections; changing the hours for voting in certain elections in towns; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 163: A bill for an act relating to taxation; exempting residential use of electricity from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Willet, Ramstad and Mrs. Lantry introduced—

S.F. No. 164: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

Messrs. Dahl, Willet, Ramstad and Mrs. Lantry introduced—

S.F. No. 165: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

Mr. Chmielewski introduced—

S.F. No. 166: A bill for an act relating to taxation; sales; exempting retail sales of electricity from the sales tax; imposing an excise tax on sales and use of kilowatt hours of electricity; amending Minnesota Statutes 1984, sections 297A.25, subdivision 1; 297A.35, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 167: A resolution memorializing the Congress of the United States relating to amending the United States Constitution to require a balanced federal budget; applying to Congress to call a constitutional convention.

Referred to the Committee on Finance. Mr. Merriam questioned the reference thereon and, under Rule 35, the resolution was referred to the Committee on Rules and Administration.

Messrs. Dicklich and Pehler introduced—

S.F. No. 168: A bill for an act relating to education; establishing criteria for a post-secondary student to be considered independent of parental support; clarifying the intent of scholarships and grants-in-aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.121, subdivisions 4 and 5; and Laws 1983, chapter 258, section 41.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 169: A bill for an act relating to taxation; income; exempting the raising of horses from the farm loss modification; amending Minnesota Statutes 1984, section 290.09, subdivision 29.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 24, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTH DAY

St. Paul, Minnesota, Thursday, January 24, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

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

Adkins	Dicklich	Laidig	Novak	Schmitz
Belanger	Diessner	Langseth	Olson	Solon
Benson	Dieterich	Lantry	Pehler	Storm
Berg	Frederickson	Luther	Peterson, D.C.	Stumpf
Berglin	Freeman	McQuaid	Peterson, D.L.	Taylor
Bertram	Hughes	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfceerst	Wegscheid
Dahl	Jude	Moe, D.M.	Ramstad	Willet
Davis	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kronebusch	Nelson	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Anderson; Bernhagen; Frank; Johnson, D.J.; Kamrath; Kroening; Lessard; Peterson, C.C.; Peterson, R.W.; Petty; Samuelson; Sieloff; Spear and Mrs. Brataas were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 21, 1985

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 90: A resolution memorializing the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

Reports the same back with the recommendation that the resolution be amended as follows:

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

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

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

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

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

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

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

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 68. The motion prevailed.

Mr. Solon moved that the name of Mr. Jude be added as a co-author to S.F. No. 80. The motion prevailed.

Mr. Frank moved that the name of Mr. Frederick be added as a co-author to S.F. No. 96. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Frank moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 129. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 132. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 133. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Anderson be added as a co-author to S.F. No. 136. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Peterson, C.C.; Johnson, D.J. and Lessard be added as co-authors to S.F. No. 167. The motion prevailed.

Mr. Dicklich moved that the names of Mr. Stumpf, Ms. Peterson, D.C. and Mr. Willet be added as co-authors to S.F. No. 168. The motion prevailed.

Mr. Pehler moved that the names of Mr. Merriam, Mrs. Adkins, Messrs. Lessard and Bertram be added as co-authors to S.F. No. 169. The motion prevailed.

Mr. Benson moved that S.F. No. 74 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 90 be withdrawn from the Committee on Rules and Administration and given its second reading. The motion prevailed.

S.F. No. 90: A resolution memorializing the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

S.F. No. 90 was read the second time.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 90 and that the rules of the Senate be so far suspended as to give S.F. No. 90 its third reading and place it on its final passage. The motion prevailed.

S.F. No. 90 was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Olson	Storm
Belanger	Dieterich	Lantry	Pehler	Stumpf
Benson	Frederickson	Luther	Peterson, D.C.	Taylor
Berglin	Freeman	McQuaid	Peterson, D.L.	Waldorf
Bertram	Hughes	Mehrkens	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Willet
Dahl	Jude	Moe, D. M.	Ramstad	
Davis	Knaak	Moe, R. D.	Reichgott	
DeCramer	Kronebusch	Nelson	Renneke	
Dicklich	Laidig	Novak	Schmitz	

So the resolution passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Willet; Davis; Johnson, D.J.; Bernhagen and Lessard introduced—

S.F. No. 170: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hughes, Nelson, Ms. Peterson, D.C.; Messrs. Dahl and Peterson, D.L. introduced—

S.F. No. 171: A bill for an act relating to education; authorizing the establishment of education districts; requiring the appointment of an advisory council; requiring state board approval of agreements of education districts; authorizing aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Nelson; Pehler; Merriam; Peterson, R.W. and Peterson, D.L. introduced—

S.F. No. 172: A bill for an act relating to education; removing the age limits on the apportionment of the school endowment fund; amending Minnesota Statutes 1984, section 124.09.

Referred to the Committee on Education.

Messrs. Peterson, D.L.; Frederickson; Isackson and Mrs. Kronebusch introduced—

S.F. No. 173: A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kamrath, Sieloff, Isackson, Benson and Laidig introduced—

S.F. No. 174: A bill for an act relating to agriculture; providing for agricultural limited partnerships of limited duration; preserving their eligibility for classification as homesteads; providing for nonrecognition of gain from the discharge of farm indebtedness in certain instances; abolishing farm loss modifications; amending Minnesota Statutes 1984, sections 273.13, subdivision 6a; 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290.16, by adding a subdivision; 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 322; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Diessner and Anderson introduced—

S.F. No. 175: A bill for an act relating to common carriers; applying implied consent law to certain employees on trains and boats; providing for unscheduled drug and alcohol screening of employees of common carriers;

amending Minnesota Statutes 1984, section 219.566; proposing coding for new law in Minnesota Statutes, chapter 219.

Referred to the Committee on Judiciary.

Messrs. Diessner and Anderson introduced—

S.F. No. 176: A bill for an act relating to transportation; requiring intoxication testing of certain employees on trains involved in fatal accidents; amending Minnesota Statutes 1984, section 219.566.

Referred to the Committee on Judiciary.

Messrs. Petty, Luther, Ms. Reichgott, Messrs. Ramstad and Johnson, D.E. introduced—

S.F. No. 177: A bill for an act relating to crime; defining "mentally impaired"; amending Minnesota Statutes 1984, sections 609.341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

Referred to the Committee on Judiciary.

Messrs. Knaak, Wegscheid and Mehrkens introduced—

S.F. No. 178: A bill for an act relating to game and fish; prohibiting the taking of northern pike or pickerel by spearing; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; 98.46, subdivision 5; and 101.41, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet; Moe, R.D.; DeCràmer; Samuelson and Stumpf introduced—

S.F. No. 179: A bill for an act relating to taxation; decreasing the assessment ratio applied to commercial and industrial property; amending Minnesota Statutes 1984, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad; Peterson, D.L.; Sieloff and Ms. Olson introduced—

S.F. No. 180: A bill for an act relating to taxation; income; conforming to federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad and Taylor introduced—

S.F. No. 181: A bill for an act relating to unemployment compensation; providing for nonreimbursement of benefits paid in certain instances; amending Minnesota Statutes 1984, section 268.10, subdivision 2.

Referred to the Committee on Employment.

Messrs. Ramstad and Sieloff introduced—

S.F. No. 182: A bill for an act relating to the legislature; reducing the

number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; and repealing Minnesota Statutes 1984, section 2.031, subdivision 2.

Referred to the Committee on Elections and Ethics.

Mr. Ramstad, by request, introduced—

S.F. No. 183: A bill for an act relating to local government; limiting zoning powers concerning certain amateur radio antennas; proposing coding for new law in Minnesota Statutes, chapters 394 and 462.

Referred to the Committee on Local and Urban Government.

Messrs. Moe, D.M. and Merriam introduced—

S.F. No. 184: A bill for an act relating to energy; requiring legislative approval for construction of a nuclear fission electrical generating plant in Minnesota; amending Minnesota Statutes 1984, section 216B.243, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Peterson, C.C. and Bertram introduced—

S.F. No. 185: A bill for an act relating to taxation; removing the additional sales tax from liquor; repealing Minnesota Statutes 1984, section 297A.02, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 186: A bill for an act relating to administrative rules; requiring the director of the pollution control agency to amend the rule governing notice of application for a water pollution discharge permit.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Diessner introduced—

S.F. No. 187: A bill for an act relating to workers' compensation; eliminating certain medical fee review; repealing Minnesota Statutes 1984, section 176.136.

Referred to the Committee on Employment.

Mr. Diessner introduced—

S.F. No. 188: A bill for an act relating to workers' compensation; changing the amount of certain benefits; amending Minnesota Statutes 1984, section 176.101, subdivisions 3a and 3b.

Referred to the Committee on Employment.

Mrs. McQuaid, Messrs. Mehrkens, Dieterich, Ms. Olson and Mr. Storm introduced—

S.F. No. 189: A bill for an act relating to education; discontinuing the revenue equity aid and levy formula; amending Minnesota Statutes 1984, sections 124.2138, subdivision 2; 124A.03, subdivision 3; 124A.037; and 275.125, subdivision 5b; repealing Minnesota Statutes 1984, sections 124.2138, subdivision 2; and 124A.037.

Referred to the Committee on Education.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 190: A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates; providing major political party registration for voting the presidential primary ballot; changing the primary date and certain related dates; providing the manner of changing major political party preference for the presidential primary; specifying application information for absentee ballot requests; providing certain procedures for verifying right to vote, marking ballots, and reconciliation of the number of ballots cast; requiring certain information on certain election reports; providing for the preparation of a presidential primary ballot for each major political party; providing certain requirements for municipalities using voting machines or electronic voting systems for a presidential primary; amending Minnesota Statutes 1984, sections 201.071, subdivision 1, and by adding a subdivision; 201.091, subdivision 1; 203B.06, subdivisions 1, 3, and 4; 203B.12, by adding a subdivision; 203B.17, subdivision 2; 203B.24, by adding a subdivision; 204B.09, subdivision 1; 204B.21, subdivision 1; 204B.33; 204C.10, subdivision 1; 204C.13, subdivisions 1 and 3; 204C.18, subdivision 1; 204C.20, by adding a subdivision; 204C.24, subdivision 1; 204C.26, subdivision 3; 204C.32, subdivision 1; 204D.03, subdivision 1, and by adding a subdivision; 204D.05, subdivision 3, and by adding a subdivision; 204D.06; 204D.08, by adding a subdivision; 204D.09; 204D.10, by adding a subdivision; 206.82, subdivision 2; and 208.03; proposing coding for new law in Minnesota Statutes, chapter 204D.

Referred to the Committee on Elections and Ethics.

Mr. Bertram introduced—

S.F. No. 191: A bill for an act relating to regulated industries; authorizing certain organizations to conduct lawful gambling; authorizing local units of government to regulate this activity; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.13; 349.14; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1984, sections 349.11; 349.12, subdivisions 13, 14, 15, 16, and 17; and 349.151 to 349.22.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Lessard; Johnson, D.J. and Peterson, C.C. introduced—

S.F. No. 192: A bill for an act relating to education; prohibiting school districts from beginning the school year before Labor Day; amending Minnesota Statutes 1984, section 126.12.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 193: A bill for an act relating to commerce; providing for the repeal of statutory law regulating entertainment agencies; repealing Minnesota Statutes 1984, sections 184A.01 to 184A.20.

Referred to the Committee on Economic Development and Commerce.

Mr. Lessard introduced—

S.F. No. 194: A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

Referred to the Committee on Local and Urban Government.

Messrs. Knaak; Frank; Peterson, D.L. and Storm introduced—

S.F. No. 195: A bill for an act relating to state government; eliminating certain investigative and intervention powers of the director of the department of public service; repealing Minnesota Statutes 1984, section 216A.07, subdivisions 3 and 4.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott, Messrs. Petty and Pogemiller introduced—

S.F. No. 196: A bill for an act relating to crimes; reporting maltreatment of minors; defining "person responsible for the child's care"; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 2, 3, 4, 5, 6, and 9.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Johnson, D.J.; Sieloff; Peterson, C.C. and Stumpf introduced—

S.F. No. 197: A bill for an act relating to taxation; income; allowing individuals who do not itemize deductions a deduction for charitable contributions; amending Minnesota Statutes 1984, section 290.089, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott, Messrs. Sieloff; Jude; Peterson, R.W. and Freeman introduced—

S.F. No. 198: A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the require-

ments for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47; subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Stumpf; Johnson, D.J.; Peterson, C.C. and Lessard introduced—

S.F. No. 199: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; Moe, R.D.; Benson; DeCramer and Davis introduced—

S.F. No. 200: A bill for an act relating to the attorney general; providing for rural representation duties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 8.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Knaak, Sieloff, Ramstad, Knutson and Taylor introduced—

S.F. No. 201: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

Referred to the Committee on Judiciary.

Mr. DeCramer introduced—

S.F. No. 202: A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Renneke introduced—

S.F. No. 203: A bill for an act relating to Independent School District Number 108 (Norwood-Young America); authorizing a permanent fund transfer.

Referred to the Committee on Education.

Messrs. Moe, D.M. and Renneke introduced—

S.F. No. 204: A bill for an act relating to retirement; expanding the availability of certain appropriations for actuarial services.

Referred to the Committee on Governmental Operations.

Messrs. Belanger; Johnson, D.E.; Knaak and Berg introduced—

S.F. No. 205: A bill for an act relating to taxation; income; conforming to

federal treatment of contributions to individual retirement plans and certain other pension plans; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pogemiller introduced—

S.F. No. 206: A bill for an act relating to public safety; subjecting rules relating to drunk driving to certain provisions of the administrative procedure act; repealing rules; amending Minnesota Statutes 1984, sections 14.02, subdivision 4; and 169.128.

Referred to the Committee on Governmental Operations.

Messrs. Spear, Purfeerst, Waldorf, Freeman and Knaak introduced—

S.F. No. 207: A bill for an act relating to crimes; defining sports book-making; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

Referred to the Committee on Judiciary.

Messrs. Isackson, Frederickson, Stumpf, Kamrath and Schmitz introduced—

S.F. No. 208: A bill for an act relating to elections; allowing certain municipalities to set shorter voting hours; amending Minnesota Statutes 1984, section 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 209: A bill for an act relating to liquor; authorizing St. Louis county to issue one off-sale liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Frank introduced—

S.F. No. 210: A bill for an act relating to insurance; workers' compensation; requiring notice of premium increases to insureds; proposing coding for new law in Minnesota Statutes, chapter 79.

Referred to the Committee on Employment.

Messrs. Peterson, C.C. and Johnson, D.J. introduced—

S.F. No. 211: A bill for an act relating to the city of Detroit Lakes; permitting the establishment of a port authority.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 212: A bill for an act relating to taxation; changing the funding for

enterprise zones; amending Minnesota Statutes 1984, section 273.1314, subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 213: A bill for an act relating to libraries; permitting Arrowhead Library System cities to reduce their budgets for public library service; amending Minnesota Statutes 1984, section 134.34, by adding a subdivision.

Referred to the Committee on Education.

Mr. Johnson, D.J. introduced—

S.F. No. 214: A bill for an act relating to unemployment compensation; eliminating the waiting week; amending Minnesota Statutes 1984, section 268.08, subdivision 1.

Referred to the Committee on Employment.

Messrs. Hughes; Moe, D.M.; Mrs. Lantry, Messrs. Solon and Knutson introduced—

S.F. No. 215: A bill for an act relating to human services; establishing a children's trust fund for the prevention of child abuse and neglect; establishing an income tax checkoff to provide money for the fund; proposing coding for new law in Minnesota Statutes, chapters 256 and 290.

Referred to the Committee on Health and Human Services.

Messrs. Bertram and Samuelson introduced—

S.F. No. 216: A bill for an act relating to taxation; sales and use; exempting farm machinery and replacement parts; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 217: A bill for an act relating to state government; regulating application deadlines for certain state jobs; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations.

Messrs. Davis and Peterson, D.L. introduced—

S.F. No. 218: A bill for an act relating to agriculture; exempting interest earned on agricultural debt restructuring loans from income taxation; providing requirements for eligible borrowers; providing requirements for agricultural debt restructuring loans; giving the commissioner of revenue authority to make rules; amending Minnesota Statutes 1984, section 290.361, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 41B.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 219: A bill for an act relating to transportation; restricting mowing of highway ditches outside of cities; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Freeman; Johnson, D.J.; Dicklich and Kamrath introduced—

S.F. No. 220: A bill for an act relating to the employment and economic development act (MEED III); giving priority to persons eligible for aid to families with dependent children and certain farm households; limiting eligible applicants in certain service delivery areas; increasing authorized expenditures; increasing job placements in permanent private jobs; providing for temporary nonprofit jobs; providing incentives; appropriating money; amending Minnesota Statutes 1984, sections 268.671; 268.672, subdivisions 2 and 11; 268.673, subdivisions 1 and 2; 268.674, subdivision 1; 268.675, subdivision 1; 268.676, subdivisions 1 and 2; 268.677; 268.678, subdivision 2; 268.679, subdivision 1; 268.68; 268.681, subdivisions 3 and 4; 268.83; and 268.685; repealing Minnesota Statutes 1984, section 268.686; Laws 1983, chapter 312, article 7, section 16; and Laws 1984, chapter 654, article 5, section 50.

Referred to the Committee on Economic Development and Commerce. Mr. Benson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davis and Berg introduced—

S.F. No. 221: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, Bertram and Moe, R.D. introduced—

S.F. No. 222: A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to beginning farmers and to banks who make loans to beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, January 28, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTH DAY

St. Paul, Minnesota, Monday, January 28, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Roger F. Carroll.

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

Adkins	Dieterich	Kronebusch	Olson	Solon
Anderson	Frank	Laidig	Pehler	Spear
Belanger	Frederick	Langseth	Peterson, D.C.	Storm
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Waldorf
Bernhagen	Isackson	Mehrkens	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	
Diessner	Kroening	Novak	Schmitz	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Bertram, Mrs. Brataas, Mr. Johnson, D.E. and Mrs. McQuaid were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

April 26, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board of Animal Health is hereby respectfully submitted to the Senate for confirmation as required by law:

Sharon Hurley, 521 S. State St., New Ulm, Brown County, has been appointed by me, effective May 3, 1984, for a term expiring the first Monday in

January, 1988.

(Referred to the Committee on Agriculture and Natural Resources.)

April 26, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Environmental Quality Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Martha C. Brand, 1904 Humboldt Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective May 3, 1984, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Agriculture and Natural Resources.)

April 26, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Water Resources Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Marlin A. Rieppel, Rt. 2, Box 78, Appleton, Swift County, has been appointed by me, effective May 3, 1984, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Agriculture and Natural Resources.)

May 16, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Director of the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas J. Kalitowski, 7456 Quadrant Ave. S., Hastings, Washington County, has been appointed by me, effective May 14, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Agriculture and Natural Resources.)

September 18, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Waste Management Board is hereby re-

spectfully submitted to the Senate for confirmation as required by law:

Ernest Lund, Box 149A, Gheen, St. Louis County, has been appointed by me, effective September 19, 1984, for a term expiring 90 days after site selection.

(Referred to the Committee on Agriculture and Natural Resources.)

January 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board of Animal Health is hereby respectfully submitted to the Senate for confirmation as required by law:

Henry L. Banal, D.V.M., 520 Grove Lake, Sauk Centre, Stearns County, has been appointed by me, effective January 16, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,
Rudy Perpich, Governor

January 28, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I am transmitting today my budget for the 1985-87 biennium, as required by statute.

Attached herewith is a copy of a budget summary book being provided to all members of the Legislature. This includes my message to the Legislature and the people of Minnesota. Detailed budget materials have been provided to the Senate Finance Committee.

I look forward to working with the members of the Senate during the coming months on all matters of budget and public policy for the benefit of the citizens of Minnesota.

Sincerely,
Rudy Perpich, Governor

Mr. Moe R.D. moved that the communication from the Governor be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 90.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 24, 1985

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 100: A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 25, after "*effective*" insert "*for obligations issued after February 28, 1985.*"

Page 3, line 34, delete "*December 31, 1983*" and insert "*February 28, 1985*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 100 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the names of Messrs. Jude and Willet be added as co-authors to S.F. No. 48. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Lessard be added as a co-author to S.F. No. 120. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frederick be added as a co-author to S.F. No. 140. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Purfeerst be added as a co-author to S.F. No. 185. The motion prevailed.

Mr. Davis moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 222. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Davis; Willet; Stumpf; Moe, R.D. and Pehler introduced—

S.F. No. 223: A bill for an act relating to agriculture; finding legal assistance is needed for financially distressed farms; establishing a legal assistance program; providing requirements for persons receiving legal assistance; providing a grant to fund the legal assistance program; providing requirements for program applicants; requiring a report on the legal assistance program; appropriating money; proposing coding for new law as Min-

nesota Statutes, chapter 41C.

Referred to the Committee on Finance.

Mr. Frederick introduced—

S.F. No. 224: A bill for an act relating to Independent School District Number 202, Dodge Center; permitting a permanent fund transfer; requiring local approval.

Referred to the Committee on Education.

Mr. Samuelson introduced—

S.F. No. 225: A bill for an act relating to taxation; requiring payment of property tax refunds to personal representatives of deceased claimants; amending Minnesota Statutes 1984, section 290A.18.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich and Solon introduced—

S.F. No. 226: A bill for an act relating to human services; establishing limits on payments to vendors of services in the medical assistance and general assistance programs; amending Minnesota Statutes 1984, section 256.967.

Referred to the Committee on Health and Human Services.

Messrs. Lessard, Bertram, Solon and Jude introduced—

S.F. No. 227: A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lessard; Stumpf; Novak; Peterson, C.C. and Johnson, D.J. introduced—

S.F. No. 228: A bill for an act relating to game and fish; exempting hunters on licensed game farms in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dahl, Laidig and Mrs. Lantry introduced—

S.F. No. 229: 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.

Referred to the Committee on Economic Development and Commerce.

Mr. Wegscheid, Mrs. Adkins, Messrs. Belanger, Solon and Benson introduced—

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; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, and 7; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Messrs. Schmitz, Luther, Mehrkens, Willet and Chmielewski introduced—

S.F. No. 231: A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Dieterich, Merriam and Knutson introduced—

S.F. No. 232: A bill for an act relating to the department of education; making its rule hearings informal; requiring them to be run by the commissioner of education; amending Minnesota Statutes 1984, section 14.14, by adding a subdivision.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 233: A bill for an act relating to the collection and dissemination of data; classifying names of finalists for position of president of the University of Minnesota as private data; amending Minnesota Statutes 1984, section 13.43, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 234: A bill for an act relating to education; pupil transportation;

authorizing Independent School District No. 1, Aitkin, to transfer moneys appropriated for bus purchases to the unappropriated fund balance account of the transportation fund; providing for local approval.

Referred to the Committee on Education.

Messrs. Hughes, Pehler, Stumpf, Nelson and Ms. Olson introduced—

S.F. No. 235: A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

Referred to the Committee on Education.

Mr. Davis introduced—

S.F. No. 236: A bill for an act relating to agriculture; finding conditions exist that have caused a loss of agricultural credit; declaring an agricultural economic emergency exists; providing seed, fertilizer, herbicides, and fuel loans; making emergency loans to counties; guaranteeing loans; appropriating money; amending Minnesota Statutes 1984, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.E.; Benson; Frederickson; Mehrkens and Kamrath introduced—

S.F. No. 237: A bill for an act relating to taxation; income; providing for exclusions from gross income for deposits in or interest earned on certain accounts used to provide agricultural loans; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; and 290.08, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederickson; Jude; Peterson, D.L. and Mrs. Lantry introduced—

S.F. No. 238: A bill for an act relating to energy; repealing the prohibition on installation of decorative residential gas lamps; repealing Minnesota Statutes 1984, section 116J.19, subdivisions 5 and 6.

Referred to the Committee on Energy and Housing.

Mr. Dicklich introduced—

S.F. No. 239: 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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Benson, Nelson and Renneke introduced—

S.F. No. 240: A bill for an act relating to education; increasing the

weighting of kindergarten pupil units for those attending full day programs; amending Minnesota Statutes 1984, section 124.17, subdivision 1.

Referred to the Committee on Education.

Mrs. Lantry introduced—

S.F. No. 241: A bill for an act relating to motor vehicles; exempting purchase or use of a motor vehicle manufactured prior to 1936 from the motor vehicle excise tax; amending Minnesota Statutes 1984, section 297B.03.

Referred to the Committee on Transportation.

Mrs. Lantry introduced—

S.F. No. 242: A bill for an act relating to liquor; providing that an individual may not purchase, possess, or consume or be given or sold various alcoholic beverages until the age of 21; providing penalties; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Referred to the Committee on Transportation.

Mr. Wegscheid, Ms. Peterson, D.C.; Mr. Moe, D.M.; Mrs. Lantry and Mr. Knaak introduced—

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.

Referred to the Committee on Health and Human Services.

Messrs. Storm, Belanger, Solon and Schmitz introduced—

S.F. No. 244: A bill for an act relating to the city of Savage; authorizing the establishment of detached banking facilities.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 245: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 246: A bill for an act relating to state government; creating a legislative commission on state and local government units.

Referred to the Committee on Governmental Operations.

Mrs. McQuaid, Mr. Laidig, Mrs. Kronebusch and Mr. Schmitz introduced—

S.F. No. 247: A bill for an act relating to veterans; directing the commissioner of veterans affairs to place a memorial to veterans of the Korean conflict in the Court of Honor; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Mr. Diessner introduced—

S.F. No. 248: A bill for an act relating to taxation; creating a commission to study the concept of a single business tax or value added tax; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty introduced—

S.F. No. 249: A bill for an act relating to motor vehicles; denying license plates or registration tabs to moving traffic violators under outstanding warrants; amending Minnesota Statutes 1984, section 168.17.

Referred to the Committee on Judiciary.

Mr. Petty introduced—

S.F. No. 250: A bill for an act relating to drivers licenses; prohibiting driver's license renewal for traffic violators with outstanding fines; amending Minnesota Statutes 1984, section 171.16, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. Samuelson, Dicklich, Storm and Renneke introduced—

S.F. No. 251: A bill for an act relating to nursing homes; establishing an educational program for nursing home consumer advisory councils; authorizing a surcharge on nursing home license fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144A.

Referred to the Committee on Health and Human Services.

Messrs. Petty and Peterson, R.W. introduced—

S.F. No. 252: A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

Referred to the Committee on Judiciary.

Mr. Diessner, Ms. Berglin and Mr. Petty introduced—

S.F. No. 253: A bill for an act relating to health care; creating a health data commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Diessner introduced—

S.F. No. 254: A bill for an act relating to occupations and professions;

requiring the board of medical examiners to set up a fund to investigate complaints; providing procedures; appropriating money; amending Minnesota Statutes 1984, section 147.073, by adding a subdivision.

Referred to the Committee on Health and Human Services.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 31, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINTH DAY

St. Paul, Minnesota, Thursday, January 31, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Paul Romstad.

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

Adkins	Diessner	Kroening	Novak	Schmitz
Anderson	Dieterich	Kronebusch	Olson	Sieloff
Belanger	Frank	Laidig	Pehler	Solon
Benson	Frederick	Langseth	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Vega
Brataas	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, D.M.	Reichgott	Willet
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knutson	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Purfeerst was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

February 26, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Board on Judicial Standards are hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas R. Bredeson, 4253 Duke Dr., Minnetonka, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1985.

James J. Schumacher, 2008 Indian Rd. W., Minnetonka, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

Gerald C. Stoppel, P.O. Box 7, Wykoff, Fillmore County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Judiciary.)

March 16, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Roger D. Clemence, 1904 Girard Ave. So., Minneapolis, Hennepin County, has been appointed by me, effective March 16, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

Sincerely yours,
Albert H. Quie, Governor

February 10, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

George Frederick Klein, Jr., 18125 Highland Ave., Deephaven, Hennepin County, has been appointed by me, effective February 10, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Governmental Operations.)

May 31, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Minnesota Housing Finance Agency are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert A. Worthington, 10326 Colorado Rd., Bloomington, Hennepin County, has been appointed by me, effective May 31, 1983, for a term expiring the first Monday in January, 1987.

Demetrius G. Jelatis, 1161 Oak St., Red Wing, Goodhue County, has been

appointed by me, effective May 31, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Energy and Housing.)

June 6, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Board on Judicial Standards are hereby respectfully submitted to the Senate for confirmation as required by law:

Janna Roderick Merrick, 230 York Ave., Elk River, Sherburne County, has been appointed by me, effective June 6, 1983, for a term expiring the first Monday in January, 1987.

Raul O. Salazar, 5620 Smetana Dr., Minnetonka, Hennepin County, has been appointed by me, effective June 6, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Judiciary.)

June 8, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Richard F. Whiteman, 3500 E. 3rd St., Duluth, St. Louis County, has been appointed by me, effective June 8, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Governmental Operations.)

January 3, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board on Judicial Standards is hereby respectfully submitted to the Senate for confirmation as required by law:

Hy Applebaum, 290 Woodlawn, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1984, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Judiciary.)

January 3, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Shirley Van Dyck, Rt. 2, Box 30, Cass Lake, Cass County, has been appointed by me, effective January 3, 1984, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Energy and Housing.)

January 3, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Mark Anderson, 10320 South Shore Dr., Plymouth, Hennepin County, has been appointed by me, effective January 3, 1984, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Governmental Operations.)

May 3, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Dottie Rietow, 1317 Kilmer Ave., St. Louis Park, Hennepin County, has been appointed by me, effective May 3, 1984, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Local and Urban Government.)

June 13, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Donald E. Stein, 11721 Evergreen Cir. N.W., Coon Rapids, Anoka County, has been appointed by me, effective June 13, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

July 30, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Human Rights is hereby respectfully submitted to the Senate for confirmation as required by law:

Linda Collins Johnson, 740 River Dr., St. Paul, Ramsey County, has been appointed by me, effective August 1, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Judiciary.)

August 1, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Board of Education is hereby respectfully submitted to the Senate for confirmation as required by law:

Lloyd Swenson, Rt. 3, Box 196A, Austin, Mower County, has been appointed by me, effective August 1, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Education.)

September 5, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Kathryn D. Jarvinen, 1750 Gilmore Ave., Winona, Winona County, has been appointed by me, effective September 10, 1984, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Education.)

September 5, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Martin J. McGowan, Rt. 1, Box 41, Kimball, Stearns County, has been appointed by me, effective September 10, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Elections and Ethics.)

October 12, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Leon F. Cook, 5016 - 13th Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective October 17, 1984, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Local and Urban Government.)

December 27, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Janna King, Rt. 1, Box 216C, Browerville, Todd County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Public Utilities and State Regulated Industries.)

December 27, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Earl Herring, 109 - 14th Ave. S., Moorhead, Clay County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

December 27, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Public Utilities Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert J. O'Keefe, 1845 Juliet Ave., St. Paul, Ramsey County, has been appointed by me, effective January 2, 1985, for a term expiring January 2, 1991.

(Referred to the Committee on Public Utilities and State Regulated Industries.)

December 27, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the State Board for Community Colleges are hereby respectfully submitted to the Senate for confirmation as required by law:

Franklin W. Iossi, 815 - 10 1/2 St. S.W., Rochester, Olmsted County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Rebecca L. Sawyer, 3990 Upper 71st St. E., Inver Grove Heights, Dakota County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

December 27, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the State Board of Vocational Technical Education are hereby respectfully submitted to the Senate for confirmation as required by law:

Jane Preston, 2145 Lakeview Ave., White Bear Lake, Ramsey County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Alan Olson, 5710 Upper 182nd St., Farmington, Dakota County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Patricia Allinder, 801 W. 17th St., Willmar, Kandiyohi County, has been appointed by me, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

January 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Toyse A. Kyle, 3244 Valley Ridge Dr., Eagan, Dakota County, has been appointed by me, effective January 16, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

January 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

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

(Referred to the Committee on Elections and Ethics.)

January 16, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Mary Elizabeth Anderson, 914 Parkview, St. Paul, Ramsey County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Leon F. Cook, 5016 - 13th Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Dirk deVries, 18600 Woolman Dr., Minnetonka, Hennepin County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Mary M. Hauser, 616 Hall Ave., Birchwood, Washington County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Mary Martin, 1521 Christensen Ave., West St. Paul, Dakota County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Josephine D. Nunn, 401 Elm Creek Rd., Champlin, Hennepin County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Dottie Rietow, 1317 Kilmer Ave., St. Louis Park, Hennepin County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

Charles Wiger, 2630 E. Burke Ave., North St. Paul, Ramsey County, has been appointed by me, effective January 21, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Local and Urban Government.)

Sincerely,
Rudy Perpich, Governor

MOTIONS AND RESOLUTIONS

Mr. Ramstad moved that S.F. No. 29 be withdrawn from the Committee on

Judiciary and re-referred to the Committee on Transportation. The motion prevailed.

Mr. Pogemiller moved that S.F. No. 246 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Local and Urban Government. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Anderson be added as a co-author to S.F. No. 66. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 88. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 126. The motion prevailed.

Mr. Peterson, D.L. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 173. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Spear be added as a co-author to S.F. No. 196. The motion prevailed.

Mr. Belanger moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 205. The motion prevailed.

Mr. Davis moved that the name of Mr. Willet be added as a co-author to S.F. No. 219. The motion prevailed.

Mr. Davis moved that the name of Mr. Mehrkens be added as a co-author to S.F. No. 222. The motion prevailed.

Mr. Lessard moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 227. The motion prevailed.

Mr. Benson moved that the name of Mr. Merriam be added as a co-author to S.F. No. 240. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 249. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 250. The motion prevailed.

Mr. Petty moved that the names of Messrs. Spear and Ramstad be added as co-authors to S.F. No. 252. The motion prevailed.

Mr. Stumpf introduced—

Senate Resolution No. 19: A Senate resolution commending Glen Tasa for 36 years of enlightened and effective service to the people of Pennington County.

Referred to the Committee on Rules and Administration.

Mr. Isackson introduced—

Senate Resolution No. 20: A Senate resolution commending Shane Kolander for his courageous actions in saving the lives of his family in a near-fatal ice-fishing mishap.

Referred to the Committee on Rules and Administration.

Mr. Freeman introduced—

Senate Resolution No. 21: A Senate resolution thanking Joseph W. Howard, Chairman of the Board of Trustees of Reno Canon Airport Authority and the members of the International Association of Firefighters Local No. 2955 for their aid to citizens of Minnesota after the crash of Galaxy Charter Flight No. 203.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Resolution No. 22: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The miles traveled by members of the Senate for the 74th Legislature in each round trip going to and returning from the Capitol to their places of residence are as follows:

MEMBER	MILEAGE
ADKINS, Betty A.	86
ANDERSON, Don A.	324
BELANGER, William V. Jr.	46
BENSON, Duane D.	228
BERG, Charles A.	370
BERGLIN, Linda	18
BERNHAGEN, John	152
BERTRAM, Joe	240
BRATAAS, Nancy	160
CHMIELEWSKI, Florian	210
DAHL, Gregory L.	40
DAVIS, Charles R.	130
DeCRAMER, GARY M.	336
DICKLICH, Ronald R.	390
DIESSNER, A. W. "Bill"	44
DIETERICH, Neil	6
FRANK, Don	36
FREDERICK, Mel	144
FREDERICKSON, Dennis	250
FREEMAN, Michael O.	30
HUGHES, Jerome M.	10
ISACKSON, Doran L.	316
JOHNSON, Dean E.	202
JOHNSON, Douglas J.	460
JUDE, Tad	50
KAMRATH, Randy P.	350
KNAAK, Fritz	22
KNUTSON, Howard A.	44
KROENING, Carl W.	30
KRONEBUSCH, Patricia Louise	222
L Aidig, Gary W.	42

LANGSETH, Keith	472
LANTRY, Marilyn M.	11
LESSARD, Bob	620
LUTHER, William P.	44
McQUAID, Phyllis W.	28
MEHRKENS, Lyle G.	100
MERRIAM, Gene	42
MOE, Donald M.	0
MOE, Roger D.	522
NELSON, Tom A.	200
NOVAK, Steven G.	30
OLSON, Gen	70
PEHLER, James C.	140
PETERSON, Collin C.	416
PETERSON, Darrel L.	300
PETERSON, Donna C.	14
PETERSON, Randolph W.	58
PETTY, Eric D.	26
POGEMILLER, Lawrence J.	0
PURFEERST, Clarence M.	116
RAMSTAD, Jim	42.6
REICHGOTT, Ember D.	42
RENNEKE, Earl W.	146
SAMUELSON, Don	276
SCHMITZ, Robert J.	96
SIELOFF, Ron	13
SOLOON, Sam G.	320
SPEAR, Allan H.	22
STORM, Donald A.	41
STUMPF, LeRoy A.	582
TAYLOR, Glen	180
ULLAND, James	302
VEGA, Conrad M.	24
WALDORF, Gene	12
WEGSCHEID, Darril	54
WILLET, Gerald L.	(air 340) 410

Mr. Moe, R.D. moved that the foregoing resolution be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated:

Mr. Frank introduced—

S.F. No. 255: A resolution memorializing Congress to balance the federal budget.

Referred to the Committee on Finance.

Mr. Dicklich introduced—

S.F. No. 256: A bill for an act relating to retirement; changing the method

for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

Referred to the Committee on Governmental Operations.

Messrs. Lessard, Stumpf, Willet, Anderson and Johnson, D.J. introduced—

S.F. No. 257: A bill for an act relating to natural resources; exempting forestry development projects from certain bonding requirements; requiring a bid deposit for contracts for forestry development projects; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapter 574.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 258: A bill for an act relating to taxation; sales tax; limiting the exemption for advertising materials subsequently shipped out of Minnesota and providing for adjustment of the rate of tax imposed on sales of advertising materials under certain circumstances; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 259: A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Benson introduced—

S.F. No. 260: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article VIII; providing for the recall of elected officials.

Referred to the Committee on Elections and Ethics.

Mr. Benson introduced—

S.F. No. 261: A bill for an act relating to liquor; allowing certain licensees to keep dice on licensed premises for lawful purposes; making various changes of a nonsubstantive nature; amending Minnesota Statutes 1984, section 340.14, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Peterson, D.L.; Ms. Olson, Messrs. Ramstad, Mehrkens and Kamrath introduced—

S.F. No. 262: A bill for an act relating to education; creating the initiatives

for excellence grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Stumpf, Davis, Moe, R.D. and DeCramer introduced—

S.F. No. 263: A bill for an act relating to agriculture; providing for interest payments to certain lenders; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 41C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich, Solon and Johnson, D.J. introduced—

S.F. No. 264: A bill for an act relating to public welfare; authorizing the establishment of employment demonstration projects for recipients of public assistance; granting rulemaking authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Renneke, Benson, Knaak, Belanger and Mrs. Kronebusch introduced—

S.F. No. 265: A bill for an act relating to taxation; sales and use; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; 297A.14; 297B.02; and 297B.08.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Berg, Laidig, Mehrkens and Mrs. Kronebusch introduced—

S.F. No. 266: A bill for an act relating to taxation; motor vehicles; accelerating distribution of motor vehicle excise tax proceeds; amending Minnesota Statutes 1984, section 297B.09, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 267: A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

Referred to the Committee on Governmental Operations.

Messrs. Pehler and Davis introduced—

S.F. No. 268: A bill for an act relating to Independent School District No. 742, St. Cloud; authorizing AVTI construction projects subject to certain conditions.

Referred to the Committee on Education.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 269: A bill for an act relating to transportation; prohibiting certain

types of barricades, fences, or obstructions across highways and roads; imposing a penalty; amending Minnesota Statutes 1984, section 160.27, subdivision 5.

Referred to the Committee on Transportation.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 270: A bill for an act relating to public utilities; requiring certain utility pole guy lines to be marked with reflector tape; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Solon, Belanger, Benson, Wegscheid and Mrs. Adkins introduced—

S.F. No. 271: A bill for an act relating to the regulation of securities; modifying fees payable on certain security registrations; amending Minnesota Statutes 1984, section 80A.28, subdivisions 1 and 3.

Referred to the Committee on Economic Development and Commerce.

Messrs. Storm, Berg, Johnson, D.E.; Anderson and Kamrath introduced—

S.F. No. 272: A bill for an act relating to business regulation; requiring the commissioner of agriculture to find that reasonable economic necessity exists for the licensure and construction of new dairy processing plants; amending Minnesota Statutes 1984, section 28A.07; proposing coding for new law in Minnesota Statutes, chapter 474.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. McQuaid, Mr. Knutson, Mrs. Lantry, Messrs. Langseth and Storm introduced—

S.F. No. 273: A bill for an act relating to taxation; income; providing a credit for home care of the elderly; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Spear introduced—

S.F. No. 274: A bill for an act relating to civil commitment; requiring continued commitment of mentally retarded persons to be for a determinate period of time; conforming provisions relating to mentally ill and mentally retarded persons; correcting a cross-reference; amending Minnesota Statutes 1984, sections 253B.12, subdivision 4; and 253B.13, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1984, section 253B.13, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 275: A bill for an act relating to the University of Minnesota;

conditioning appropriations for the Duluth campus on its administration reporting directly to the Board of Regents or on the Board of Regents' appointment of chief executive officers for the Twin Cities campus and each coordinate campus; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Finance.

Mr. Spear introduced—

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; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Schmitz and Wegscheid introduced—

S.F. No. 277: A bill for an act relating to metropolitan government; providing for various standards and procedures of metropolitan commissions; providing for the appointment and removal of certain officers of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; amending Minnesota Statutes 1984, sections 473.129, by adding a subdivision; 473.141, subdivisions 3, 5, 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245; 473.373, subdivisions 2, 3, and 7; and 473.375, subdivisions 1 and 16.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Peterson, R.W. introduced—

S.F. No. 278: A bill for an act relating to health; clarifying issues relating to patient access to medical records; amending Minnesota Statutes 1984, section 144.335, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Merriam, Lessard, Berg and Willet introduced—

S.F. No. 279: A bill for an act relating to natural resources; increasing the penalty on owners and keepers of certain dogs; authorizing peace officers to take certain actions; prohibiting damages against peace officers who take those actions; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam and Peterson, C.C. introduced—

S.F. No. 280: A bill for an act relating to taxation; reducing the corporate income tax rate; eliminating the arithmetic average from the allocation formula; amending Minnesota Statutes 1984, sections 290.06, subdivision 1; and 290.19, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty introduced—

S.F. No. 281: A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

Referred to the Committee on Judiciary.

Mrs. Adkins, Messrs. Schmitz, Isackson, Davis and Frederickson introduced—

S.F. No. 282: A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

Referred to the Committee on Local and Urban Government.

Messrs. Spear and Jude introduced—

S.F. No. 283: A bill for an act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and nonintoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1984, section 340.11, subdivision 20.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Wegscheid introduced—

S.F. No. 284: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch and Mr. Benson introduced—

S.F. No. 285: A bill for an act relating to farm loans; eliminating the adoption of federal limitation on the gross receipts of those farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, subdivision 4.

Referred to the Committee on Economic Development and Commerce. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Merriam, Davis, Lessard, Berg and Isackson introduced—

S.F. No. 286: A bill for an act relating to appropriations; reducing the amount of fees chargeable by the pollution control agency for solid waste and hazardous waste pollution control; amending Laws 1983, chapter 301, section 25.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the term

of mayor.

Referred to the Committee on Local and Urban Government.

Mr. Solon introduced—

S.F. No. 288: A bill for an act relating to retirement; authorizing purchase of allowable service credit by certain members of the teachers retirement fund for prior service as nonpublic school teachers; proposing coding for new law in Minnesota Statutes 1984, chapter 354.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 289: A bill for an act relating to unemployment compensation; providing for the disqualification of benefits under certain circumstances; amending Minnesota Statutes 1984, section 268.09, subdivision 3.

Referred to the Committee on Employment.

Messrs. Dicklich and Solon introduced—

S.F. No. 290: A bill for an act relating to human services; increasing the personal needs allowance for medical assistance recipients; amending Minnesota Statutes 1984, section 256B.35, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Merriam, Spear, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 291: A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; and 525.145; proposing coding for new law in Minnesota Statutes, chapters 524 and 525; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

Referred to the Committee on Judiciary.

Messrs. Merriam, Sieloff, Frank and Dahl introduced—

S.F. No. 292: A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office; amending Minnesota Statutes 1984, section 290.06, subdivision 11.

Referred to the Committee on Elections and Ethics.

Mr. Ramstad, Mrs. Brataas and Mr. Storm introduced—

S.F. No. 293: A bill for an act relating to unemployment compensation; requiring community service as a condition to receiving benefits; amending Minnesota Statutes 1984, section 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Employment.

Mr. Frank introduced—

S.F. No. 294: A bill for an act relating to taxation; providing an income tax credit for home care of the elderly; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Willet introduced—

S.F. No. 295: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid, Willet, Ms. Reichgott and Mr. Solon introduced—

S.F. No. 296: A bill for an act relating to insurance; homeowners; prohibiting household or family exclusions; amending Minnesota Statutes 1984, section 65A.29, by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Messrs. Renneke, Spear and Frederickson introduced—

S.F. No. 297: A bill for an act relating to retirement; guaranteeing public employees retirement benefits; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 298: A bill for an act relating to taxation; motor vehicle excise; exempting certain sales of motor vehicles; redefining "purchase price"; amending Minnesota Statutes 1984, sections 297B.01, subdivision 8; and 297B.03.

Referred to the Committee on Transportation.

Messrs. Berg, Storm, Johnson, D.E. and Kamrath introduced—

S.F. No. 299: A bill for an act relating to education; prohibiting school until school board-teacher negotiations are completed; amending Minnesota Statutes 1984, section 126.12.

Referred to the Committee on Education.

Messrs. Merriam, Moe, R.D.; Wegscheid, Berg and Lessard introduced—

S.F. No. 300: A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; and 115B.06, subdivision 1; proposing coding for new law in Minnesota

Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dieterich, Bertram, Petty, Spear and Kamrath introduced—

S.F. No. 301: A bill for an act relating to civil actions; limiting damages recoverable in dram shop actions; amending Minnesota Statutes 1984, section 340.95.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, February 4, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TENTH DAY

St. Paul, Minnesota, Monday, February 4, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Thurman Coss.

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

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Spear
Benson	Frank	Laidig	Peterson, C.C.	Storm
Berg	Frederick	Langseth	Peterson, D.C.	Stumpf
Berglin	Frederickson	Lantry	Peterson, D.L.	Taylor
Bernhagen	Hughes	Lessard	Peterson, R.W.	Vega
Bertram	Isackson	Luther	Petty	Waldorf
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.J.	Mehrkens	Purfeerst	Willet
Dahl	Jude	Merriam	Ramstad	
Davis	Kamrath	Moe, D.M.	Reichgott	
DeCramer	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Freeman, Nelson, Sieloff and Solon were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

July 12, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Chair of the Regional Transit Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Elliott Perovich, 863 River Ln., Anoka, Anoka County, has been ap-

pointed by me, effective July 17, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Transportation.)

Sincerely,
Rudy Perpich, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Willet from the Committee on Finance, to which was referred

S.F. No. 223: A bill for an act relating to agriculture; finding legal assistance is needed for financially distressed farms; establishing a legal assistance program; providing requirements for persons receiving legal assistance; providing a grant to fund the legal assistance program; providing requirements for program applicants; requiring a report on the legal assistance program; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 41C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, line 10, delete "3" and insert "2"

Page 2, lines 21, 23 and 25, after "advocates" insert "employed by the commissioner of agriculture"

Page 2, line 35, delete "net" and insert "taxable"

Page 2, line 36, delete ", or" and insert "and"

Page 3, line 6, after the period, insert "The commissioner shall submit a summary report to the legislature by February 1 each year."

Page 3, line 8, after the dollar sign, insert "300,000"

Page 3, line 11, delete "1987" and insert "1985"

Page 3, after line 11, insert:

"Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 7 and insert "relating to agriculture; establishing a program of legal assistance to financially distressed farmers; requiring a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 105, 121, 184, 1, 28, 75, 167 and 220 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. Nos. 105, 121 and 184 to the Committee on Agriculture and Natural Resources.

S.F. Nos. 1 and 28 to the Committee on Veterans and General Legislation.

S.F. Nos. 75 and 167 to the Committee on Finance.

S.F. No. 220 to the Committee on Economic Development and Commerce.

Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 223 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 7. The motion prevailed.

Mr. Diessner moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 15. The motion prevailed.

Mr. Langseth moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 43. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 117. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Lessard be added as a co-author to S.F. No. 213. The motion prevailed.

Mr. Benson moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 240. The motion prevailed.

Mr. Pogemiller moved that the names of Mr. Petty, Ms. Reichgott, Messrs. Knaak and Sieloff be added as co-authors to S.F. No. 245. The motion prevailed.

Mrs. McQuaid moved that the name of Mr. Lessard be added as a co-author to S.F. No. 247. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as a co-author to S.F. No. 255. The motion prevailed.

Mr. Pehler moved that the name of Mr. Bertram be added as a co-author to S.F. No. 268. The motion prevailed.

Mr. Dicklich moved that the name of Ms. Berglin be added as a co-author to S.F. No. 290. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as a co-author to S.F. No. 294. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 23: A Senate resolution recognizing the outstanding

Parents are Teachers program and Family Oriented Structured Preschool Activity program achievements at the St. Cloud Area Vocational Technical Institute.

Referred to the Committee on Rules and Administration.

Mr. Bernhagen introduced—

Senate Resolution No. 24: A Senate resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational Technical Institute.

Referred to the Committee on Rules and Administration.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 100, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 3, line 25, delete "for"

Page 3, line 26, delete everything before "at"

Page 3, line 34, delete "February 28, 1985" and insert "December 31, 1983"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Petty, Solon, Kroening, Belanger and Kamrath introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Spear and Ms. Peterson, D.C. introduced—

S.F. No. 303: A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts in the city and providing taxing and other authority.

Referred to the Committee on Local and Urban Government.

Mr. DeCramer introduced—

S.F. No. 304: A bill for an act relating to transportation; motor carriers; establishing a gross vehicle weight limitation for state trunk highways; requiring a local plan to upgrade market arteries; providing that 12 citizens may challenge a seasonal weight restriction imposed by the commissioner; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; 169.825, subdivision 10; 169.86, subdivisions 1a, 2, and by adding a subdivision; and 169.87, subdivision 1, and by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Samuelson introduced—

S.F. No. 305: A bill for an act relating to human services; extending the community work experience program; amending Minnesota Statutes 1984, section 256.737.

Referred to the Committee on Health and Human Services.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 306: A bill for an act relating to game and fish; setting a limit on walleyes taken from Lake of the Woods and Rainy Lake; amending Minnesota Statutes 1984, section 101.41, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Mehrkens, Ms. Peterson, D.C.; Messrs. Hughes, Luther and Johnson, D.E. introduced—

S.F. No. 307: A bill for an act relating to elections; requiring that a candidate for school district office be a qualified voter; amending Minnesota Statutes 1984, section 123.32, subdivision 4.

Referred to the Committee on Elections and Ethics.

Mr. Solon introduced—

S.F. No. 308: A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Kroening introduced—

S.F. No. 309: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing coding for new law in Minnesota Statutes, chapters 43A and 148.

Referred to the Committee on Health and Human Services.

Mr. Benson and Mrs. Kronebusch introduced—

S.F. No. 310: A bill for an act relating to taxation; motor fuels; expanding

definition of qualified service station for purposes of the excise tax on gasoline; amending Minnesota Statutes 1984, section 296.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederickson introduced—

S.F. No. 311: A bill for an act relating to health; authorizing an additional rural doctor for the Springfield service area.

Referred to the Committee on Health and Human Services.

Messrs. Frederickson; Peterson, C.C.; Renneke; Mrs. Lantry and Mr. Peterson, D.L. introduced—

S.F. No. 312: A bill for an act relating to retirement; early retirement without reduction in annuities; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Belanger, Benson, Frank and Frederick introduced—

S.F. No. 313: A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Benson and Solon introduced—

S.F. No. 314: A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for the payment of certain benefits; establishing tort threshold limitations on uninsured and underinsured motorist coverages; modifying the limitation of damages for noneconomic detriment; amending Minnesota Statutes 1984, sections 65B.43; by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.51, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty, Frank, Mrs. Lantry, Ms. Berglin and Peterson, D.C. introduced—

S.F. No. 315: A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1984, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; and 182.655, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Petty, Luther, Merriam and Dahl introduced—

S.F. No. 316: A bill for an act relating to the environment; prohibiting the sale of beverages in certain plastic containers; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 116F.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad and Jude introduced—

S.F. No. 317: A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivision 3.

Referred to the Committee on Local and Urban Government.

Messrs. Samuelson, Solon, Benson, Bertram and Mrs. Brataas introduced—

S.F. No. 318: A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Spear and Renneke introduced—

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.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 320: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 2; providing for a senate of 33 members and a house of representatives of 66 members.

Referred to the Committee on Elections and Ethics.

Messrs. Moe, D.M. and Renneke introduced—

S.F. No. 321: A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.656, subdivision 1; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

Referred to the Committee on Governmental Operations.

Messrs. Belanger, Benson, Frank and Frederick introduced—

S.F. No. 322: A bill for an act relating to taxation; providing for timely payment of certain income tax withholding and sales and use taxes; amending Minnesota Statutes 1984, sections 290.92, subdivision 6; 297A.26, sub-

division 1; and 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.26, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Belanger, Benson, Frank and Frederick introduced—

S.F. No. 323: A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kamrath; Benson; Peterson, D.L. and Ramstad introduced—

S.F. No. 324: A bill for an act relating to the legislature; redefining "legislative day" as any calendar day except Sunday; amending Minnesota Statutes 1984, section 3.012.

Referred to the Committee on Rules and Administration.

Messrs. Kamrath, Mehrikens, Renneke and Mrs. Kronebusch introduced—

S.F. No. 325: A bill for an act relating to education; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

Referred to the Committee on Education.

Messrs. Kamrath, Storm and Renneke introduced—

S.F. No. 326: A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

Referred to the Committee on Finance.

Mr. Diessner introduced—

S.F. No. 327: A bill for an act relating to watercraft; requiring titling for certain watercraft; regulating perfection of security interests in watercraft; proposing coding for new law as Minnesota Statutes, chapter 361A.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Schmitz, Storm, Langseth and Samuelson introduced—

S.F. No. 328: A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; eliminating dedication of tax revenue to the arts; amending Laws 1984, chapter 502, article 12, section 26; repealing Minnesota Statutes 1984, section 349.212, subdivision 3.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott, Messrs. Wegscheid, Kroening, Waldorf and Johnson, D.E. introduced—

S.F. No. 329: A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Stumpf introduced—

S.F. No. 330: A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Mrs. Adkins, Messrs. Diessner, Jude and Mrs. Lantry introduced—

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.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Johnson, D.E.; Freeman; Ms. Reichgott and Mr. Peterson, R.W. introduced—

S.F. No. 332: 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.

Referred to the Committee on Health and Human Services.

Messrs. Mehrkens, Solon and Wegscheid introduced—

S.F. No. 333: A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

Referred to the Committee on Economic Development and Commerce.

Mr. Luther introduced—

S.F. No. 334: A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 7, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

ELEVENTH DAY

St. Paul, Minnesota, Thursday, February 7, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. James Patrick Needham.

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

Anderson	Dicklich	Kronbusch	Nelson	Spear
Belanger	Diessner	Laidig	Novak	Storm
Benson	Frederick	Langseth	Olson	Stumpf
Berg	Frederickson	Lantry	Pehler	Taylor
Berglin	Hughes	Lessard	Peterson, C.C.	Vega
Bertram	Johnson, D.E.	Luther	Peterson, D.L.	Waldorf
Brataas	Johnson, D.J.	McQuaid	Ramstad	Wegscheid
Chmielewski	Kamrath	Mehrkens	Reichgott	Willet
Dahl	Knaak	Merriam	Samuelson	
Davis	Knutson	Moe, D.M.	Schmitz	
DeCramer	Kroening	Moe, R.D.	Sieloff	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Frank, Freeman, Isackson, Jude, Ms. Peterson, D.C.; Messrs. Peterson, R.W.; Petty; Pogemiller; Purfeerst and Solon were excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 196: A bill for an act relating to crimes; reporting maltreatment of minors; defining "person responsible for the child's care"; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 2, 3, 4, 5, 6, and 9.

Reports the same back with the recommendation that the bill be 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, Hennépin, 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 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. 3. 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. "Physical abuse" does not include conduct authorized by section 609.06, clause 6.

(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, sanitorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

Sec. 4. 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 to believe~~ 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. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff. 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.

(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 report shall, upon request to the local welfare agency, receive a concise summary of the disposition of the any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

Sec. 5. 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) (2) 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

(3) 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) 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. 6. Minnesota Statutes 1984, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. [RETALIATION PROHIBITED.] (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith suspected abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term

"adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
- (2) discharge from or termination of employment;
- (3) demotion or reduction in remuneration for services; or
- (4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 7. 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. 8. 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. 9. 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 to believe~~ 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."

Delete the title and insert:

"A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; 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, and 9."

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 69: A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

Reports the same back with the recommendation that the bill be 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.] 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~~ the state of Minnesota. *The commissioner of transportation shall adopt and place suitable marking signs on the highway to adequately mark the route as the “Veterans' Evergreen Memorial Drive.”*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 93: A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, delete “Legion” and insert “*legion and its auxiliary*”

Page 1, line 25, before the semicolon, insert “*and its auxiliary*”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 252: A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 148: A bill for an act relating to trusts; eliminating the requirement

of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "is" insert "*expressly requested by will or*"

Page 2, after line 3, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1985, and applies to wills executed or amended on or after the effective date."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 46: A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, before "Section" insert "*Notwithstanding section 645.21,*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 263: A bill for an act relating to agriculture; providing for interest payments to certain lenders; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 41C.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.]

Sections 2 to 7 may be cited as the "agricultural credit initiative act."

Sec. 2. [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 7.

Subd. 2. [CLASSIFIED FARM LOAN.] "Classified farm loan" means a farm loan that the bank determines to have a substantial risk of nonpayment, so that the bank is likely to sustain some loss if the borrower's paying capacity, net worth, or collateral is not improved. The loan need not already have been classified by a bank examiner.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner

of commerce.

Subd. 4. [FARM ADVISOR.] "Farm advisor" means an extension agent, a farm advocate working under the department of agriculture, or an adult farm management instructor under the state board of vocational technical education.

Subd. 5. [FARMER.] "Farmer" means an individual or family farm corporation defined in section 500.24, that is a resident of the state engaged in the business of farming.

Subd. 6. [FARMERS HOME ADMINISTRATION.] "Farmers home administration" means the farmers home administration of the United States department of agriculture.

Subd. 7. [FARM LOAN.] "Farm loan" means a loan for operating expenses or the purchase of property for a farm business.

Subd. 8. [LENDER.] "Lender" means state and federal chartered banks and farm credit system lenders.

Sec. 3. [QUALIFICATION OF LENDERS.]

To qualify for an interest reimbursement or interest payment under sections 4 to 6, a lender must first sign an agreement with the commissioner stating that the lender will suspend foreclosure on all farm loans held by the lender for 120 days after the agreement is signed. The commissioner shall enforce the 120-day farm loan foreclosure grace period.

Sec. 4. [INTEREST REIMBURSEMENT PROGRAM ON LOANS SUBMITTED TO FARMERS HOME ADMINISTRATION.]

Subdivision 1. [COMMISSIONER PAYS INTEREST.] The commissioner shall pay the interest attributable to the first 60 days, of a 120-day foreclosure grace period, on the first \$25,000 of operating farm loans and the first \$25,000 of ownership farm loans of each borrower submitted by a lender that signs an agreement under section 3 to the farmers home administration for loan guarantees and debt restructuring.

Subd. 2. [INTEREST.] The interest to be paid is the amount that becomes attributable to the first 60-day period after the lender signs the agreement with the commissioner under section 3. The amount to be paid is determined by the loan agreement between the lender and the borrower.

Subd. 3. [CLASSIFIED FARM LOAN REVIEW.] During the first 60 days of the 120-day period after the agreement with the commissioner in section 3 is signed, the lender must review all classified farm loans and determine which farm loans the lender will submit to the farmers home administration for loan guarantees and debt restructuring.

Subd. 4. [LENDER-BORROWER AGREEMENT.] For each farm loan that the lender submits to the farmers home administration for loan guarantees and debt restructuring, the lender and the borrower of the farm loan must sign an agreement. The agreement must:

(1) state that the lender has agreed with the commissioner not to foreclose on any farm loans held by the lender for a 120-day period and specify the dates;

(2) state that the commissioner will pay the interest attributable to the eligible portion of the farm loan submitted to the farmers home administration for the first 60 days of the 120-day foreclosure grace period if the lender qualifies for interest reimbursement;

(3) state that the borrower is not liable for interest paid by the commissioner;

(4) provide that if the lender qualifies for interest reimbursement the lender will assume responsibility for the interest attributable to the eligible portion of the farm loan submitted and the borrower is not liable for the interest except as provided in clause (5); and

(5) provide that if the borrower agrees to have the farm loan submitted and the farmers home administration guarantees the loan, the lender may add the interest attributable to the second 60 days of the foreclosure grace period to the principal of the borrower's farm loan.

Subd. 5. [REIMBURSEMENT APPLICATION.] The lender must apply to the commissioner for the 60-day interest reimbursement on a farm loan that is submitted to the farmers home administration. The lender must give the commissioner evidence of the farm loan submitted to the farmers home administration guaranteed loan program and application for the farmers home administration approved lenders program. A lender that complies with this section is qualified to receive reimbursement from the commissioner.

Sec. 5. [INTEREST REDUCTION PROGRAM ON FARM OPERATING LOANS TO FARMERS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish and administer an interest reduction program until June 30, 1986. The program shall provide payments to lenders that make farm operating loans to farmers.

Subd. 2. [PAYMENT AMOUNT.] The commissioner shall pay lenders interest at a rate of 4-1/2 percent per year on the unpaid principal of the first \$50,000 of an approved farm operating loan made to each eligible farmer. The maximum interest payment per farmer may not exceed \$2,250.

Subd. 3. [LOAN APPROVAL AND PAYMENT.] (a) The commissioner shall prescribe the procedure, documents, and forms that must be submitted for farm operating loan approval.

(b) The lender must submit all approved farm operating loans made by the lender by December 31, 1985. The commissioner may not pay interest on loans submitted after December 31, 1985. The commissioner shall pay the interest as prescribed in subdivision 1 by March 1, 1986.

Sec. 6. [FARM OPERATING LOAN.]

Subdivision 1. [APPLICATION PROCEDURE.] A farmer with a debt to asset ratio greater than 50 percent, as determined by the lender, may apply to a lender for a farm operating loan as provided in this section. To apply, the farmer must have a farm management plan certified by a farm advisor.

Subd. 2. [FARM MANAGEMENT PLAN.] (a) A farmer must prepare a one-year farm management plan for the farmer's farm business. The farm management plan must:

(1) show the most efficient use of the farm business;

(2) show the type of crop to be planted on each tract of property;

(3) provide a breakdown of the amounts and types of each crop input needed, the cost of inputs, and the time when the inputs must be provided and paid for;

(4) show a feeding, raising, and marketing plan for any livestock in the farm business;

(5) provide a monthly cash flow analysis of the farm business with a farm operating loan at the lender's current interest rate and at an interest rate of seven percent per year, using commodity price information provided by the commissioner of agriculture.

(b) The farm advisor must certify that the farm management plan is correct, utilizes the best information available to the farm advisor, and provides for the most efficient use of the farm business.

(c) The commissioner of agriculture shall designate an available source of projected commodity price information or provide each farm advisor with the commodity price information to be used in the cash flow analysis.

Subd. 3. [CASH FLOW ANALYSIS.] If the farmer has a positive cash flow under the farm management plan at the lender's current rate of interest, the farmer may not obtain a loan under the interest reduction program.

Subd. 4. [LOAN CRITERIA.] (a) The farm operating loan must:

(1) be made to a farmer at an interest rate of seven percent per year;

(2) be due and payable within one year after it is made; and

(3) be for operating expenses of the farm business.

(b) The lender may use additional criteria to make a farm operating loan to a farmer.

Sec. 7. [FORMS AND GUIDELINES.]

Notwithstanding Minnesota Statutes, chapter 14, the commissioner shall adopt and provide guidelines to administer sections 3 to 6 and the form to be submitted by a lender under section 4. The form constitutes an application form for interest reimbursement and an agreement to suspend foreclosure on all farm loans. The commissioner shall present a report to the senate agriculture and natural resources committee and the house of representatives agriculture committee containing the guidelines, when adopted.

Sec. 8. [APPROPRIATION.]

\$25,050,000 is appropriated from the general fund to the commissioner of commerce.

For reimbursement of interest on farm loans under section 4, to be available until June 30, 1985

\$ 9,200,000

For paying interest to lenders under the interest reduction program to be available until June 30, 1986 under section 5

15,800,000

For administration of sections 3 to 6

50,000

Sec. 9. [REPEALER.]

Section 4 is repealed effective July 1, 1985. Sections 5 and 6 are repealed effective July 1, 1986.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; requiring participating lenders to sign an agreement with the commissioner of commerce; providing a mechanism to aid restructuring of existing farm loans; creating an interest reimbursement program for participating lenders; creating an interest reduction program; providing interest payments to lenders that make interest reduction operating loans to farmers; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 196, 69, 93, 252, 148 and 46 were read the second time.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

June 18, 1984

The Honorable Jerome M. Hughes,
President of the Senate

Dear Sir:

The following appointment as Chairman of the Metropolitan Waste Control Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Peter E. Meintsma, 6709 - 46th Ave. N., Crystal, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

June 18, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the World Trade Center Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Richard M. Nolan, 370 Selby Ave., St. Paul, Ramsey County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Bjorn Bjornstad, 5653 Woodcrest Dr., Edina, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Ronald M. Bosrock, 1814 Hillcrest, St. Paul, Ramsey County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Willis R. Eken, Twin Valley, Norman County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Martha R. Firling, 21 Don Avon St., Duluth, St. Louis County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Thomas A. Foster, 332 Westwood Dr., Golden Valley, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Pete R. Petrafeso, 2624 Joppa Ave. S., St. Louis Park, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Irving M. Stern, 1667 Virginia Ave. S., St. Louis Park, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Paul Rexford Thatcher, 15 S. 1st St., Minneapolis, Hennepin County, has been appointed by me, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Economic Development and Commerce.)
Mr. Storm questioned the reference thereon and, under Rule 54, the appointments were referred to the Committee on Rules and Administration.

January 2, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Tax Court is hereby respectfully submitted to the Senate for confirmation as required by law:

Jean Stepan, 895 Osceola Ave., St. Paul, Ramsey County, has been appointed by me, effective January 7, 1985, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Taxes and Tax Laws.)

January 28, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Cable Communications Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Eugene F. Trumble, 2025 Audubon Dr., Chaska, Carver County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Public Utilities and State Regulated Industries.)

January 29, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

J. Mark Wedel, Box 284, Aitkin, Aitkin County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Energy and Housing.)

January 31, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Environmental Quality Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Caryl Edward Buchwald, Rt. 4, Box 164, Northfield, Rice County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,
Rudy Perpich, Governor

MOTIONS AND RESOLUTIONS

Mr. Mehrkens moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 116. The motion prevailed.

Mr. Frederickson moved that the name of Mr. Diessner be added as a co-author to S.F. No. 238. The motion prevailed.

Mr. Petty moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 252. The motion prevailed.

Mr. Benson moved that the name of Mr. Wegscheid be added as a co-au-

thor to S.F. No. 259. The motion prevailed.

Mr. DeCramer moved that the names of Messrs. Moe, R.D.; Johnson, D.J.; Berg and Purfeerst be added as co-authors to S.F. No. 304. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 314. The motion prevailed.

Mr. Samuelson moved that the name of Mrs. Brataas be stricken as a co-author to S.F. No. 318. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 318. The motion prevailed.

Mr. Solon moved that the name of Mr. Frank be added as a co-author to S.F. No. 320. The motion prevailed.

Mr. Belanger moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 322. The motion prevailed.

Mr. Belanger moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 323. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Bertram be added as a co-author to S.F. No. 330. The motion prevailed.

Mr. Luther moved that the names of Messrs. Wegscheid; Stumpf; Peterson, C.C. and Solon be added as co-authors to S.F. No. 334. The motion prevailed.

Mr. Dicklich moved that S.F. No. 256 be withdrawn from the Committee on Governmental Operations and returned to its author. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 7: A Senate concurrent resolution declaring an economic emergency, declaring the need for Congressional hearings on the crisis, federal legislation, and the use of the powers of the state's executive branch.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 7 be laid on the table. The motion prevailed.

CALENDAR

S.F. No. 100: A bill for an act relating to taxation; income; adopting federal changes relating to interest on mortgage subsidy bonds; amending Minnesota Statutes 1984, section 290.01, subdivision 20.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Kroening	Moe, D. M.	Schmitz
Belanger	Frederick	Kronebusch	Moe, R. D.	Sieloff
Benson	Frederickson	Laidig	Nelson	Spear
Berglin	Hughes	Langseth	Novak	Storm
Brataas	Johnson, D.E.	Lantry	Olson	Stumpf
Chmielewski	Johnson, D.J.	Lessard	Peterson, C.C.	Taylor
Dahl	Kamrath	Luther	Ramstad	Vega
DeCramer	Knaak	McQuaid	Reichgott	Waldorf
Dicklich	Knutson	Mehrkens	Samuelson	Willet

Those who voted in the negative were:

Berg	Davis	Merriam	Pehler	Wegscheid
------	-------	---------	--------	-----------

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Purfeerst, DeCramer, Renneke, Isackson and Bernhagen introduced—

S.F. No. 335: A bill for an act relating to animals; changing certain duties and powers of the board of animal health; increasing certain penalties; amending Minnesota Statutes 1984, sections 35.03; 35.05; and 35.069.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Johnson, D.J.; DeCramer; Stumpf and Berg introduced—

S.F. No. 336: A bill for an act relating to taxation; estate; reducing the tax to the amount of the federal credit for state death taxes; amending Minnesota Statutes 1984, sections 290.01, subdivision 20e; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a, 2a, 3a, and 5; 291.11, subdivision 1; 291.15, subdivision 3; 291.215, subdivision 1; and 524.3-1202; repealing Minnesota Statutes 1984, sections 55.10, subdivision 2; 270.75, subdivision 7; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.111; 291.131, subdivision 5; 291.132; 291.20; 291.29, subdivision 5; and 385.36.

Referred to the Committee on Taxes and Tax Laws.

Mr. Waldorf, Mrs. Lantry, Ms. Berglin, Messrs. Samuelson and Benson introduced—

S.F. No. 337: A bill for an act relating to medical assistance; providing a rate exemption for intermediate care facilities for the mentally retarded; amending Minnesota Statutes 1984, section 256B.501, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Davis, Pehler, Frederickson, Berg and Hughes introduced—

S.F. No. 338: A bill for an act relating to agriculture; appropriating money

for the agricultural extension service of the University of Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich and Benson introduced—

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; appropriating money; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

Referred to the Committee on Health and Human Services.

Messrs. Belanger, Anderson and Mehrkens introduced—

S.F. No. 340: A bill for an act relating to taxation; income; reducing rates for individuals, estates, and trusts; amending Minnesota Statutes 1984, section 290.06, subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid, DeCramer, Isackson, Frederickson and Purfeerst introduced—

S.F. No. 341: 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.

Referred to the Committee on Health and Human Services.

Mrs. Lantry, Messrs. Frank, Kroening and Mrs. McQuaid introduced—

S.F. No. 342: A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold licenses as master or journeyman plumbers; amending Minnesota Statutes 1984, section 326.37.

Referred to the Committee on Employment.

Messrs. Wegscheid and Lessard introduced—

S.F. No. 343: A bill for an act relating to game and fish; prohibiting harassment of hunters and anglers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 344: A bill for an act relating to local governments; authorizing political subdivisions to enter into certain joint insurance arrangements; amending Minnesota Statutes 1984, section 471.61, subdivision 1.

Referred to the Committee on Local and Urban Government.

Messrs. Lessard and Peterson, C.C. introduced—

S.F. No. 345: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; allowing the legislature to authorize lotteries operated by the state with net revenues dedicated to enhancement of natural resources and lotteries operated by nonprofit organizations for charitable purposes.

Referred to the Committee on Veterans and General Legislation.

Messrs. Anderson, Mehrkens, Kamrath, Isackson and Belanger introduced—

S.F. No. 346: A bill for an act relating to economic development; providing limits on state and other public costs for the development of convention facilities.

Referred to the Committee on Economic Development and Commerce.

Mr. Benson introduced—

S.F. No. 347: A bill for an act relating to courts; providing for the election of judges appointed to office and judges who have previously been elected to full terms of office; amending Minnesota Statutes 1984, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204C.40, by adding a subdivision; and 204D.08, subdivision 6.

Referred to the Committee on Judiciary.

Mr. Ramstad introduced—

S.F. No. 348: A bill for an act relating to crimes; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Knutson, Vega and Wegscheid introduced—

S.F. No. 349: A bill for an act relating to eminent domain; mandating disclosure of certain relationships; providing means for objecting to commissioners; requiring commissioners to take an oath; amending Minnesota Statutes 1984, section 117.075.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 350: A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

Referred to the Committee on Governmental Operations.

Mr. Jude introduced—

S.F. No. 351: A bill for an act relating to public safety; limiting regulation

of hand-held candles in religious and civil ceremonies; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Veterans and General Legislation.

Messrs. Freeman, Purfeerst, Anderson, Sieloff and Novak introduced—

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; 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.

Referred to the Committee on Transportation. Mr. Vega questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Purfeerst and Solon introduced—

S.F. No. 353: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Isackson, Bernhagen, Frederickson, Anderson and Laidig introduced—

S.F. No. 354: A bill for an act relating to agriculture; establishing an emergency farm operating loans program; providing penalties; appropriating money; amending Minnesota Statutes 1984, section 16A.15, subdivision 6; and proposing coding for new law in Minnesota Statutes, chapter 116M.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Willet introduced—

S.F. No. 355: A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

Referred to the Committee on Local and Urban Government.

Mr. Chmielewski introduced—

S.F. No. 356: A bill for an act relating to education; providing for an alcohol fuel pilot project; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 357: A bill for an act relating to Pine county; permitting the county

to participate separately in the community health services system.

Referred to the Committee on Local and Urban Government.

Mr. Pogemiller introduced—

S.F. No. 358: A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dieterich, Hughes, Knaak and Novak introduced—

S.F. No. 359: A bill for an act relating to the city of Roseville; authorizing the city council to set off-sale intoxicating liquor license fees.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Dieterich, Hughes, Knaak and Novak introduced—

S.F. No. 360: A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Chmielewski introduced—

S.F. No. 361: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to lease peat lands for wild rice farming; providing for appraisal and administration of leases; proposing coding for new law in Minnesota Statutes, chapter 92.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram, Chmielewski, Peterson, D.L.; Johnson, D.E. and Hughes introduced—

S.F. No. 362: A bill for an act relating to elections; delaying the applicability of certain handicapped accessibility provisions to towns; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204B.16, by adding a subdivision; 204C.04; and 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Pogemiller introduced—

S.F. No. 363: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; and article XI, sections 7 and 8; eliminating the office of state treasurer; giving the treasurer's powers and duties to another officer provided by law.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Johnson, D.E. and Peterson, R.W. introduced—

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.

Referred to the Committee on Health and Human Services.

Messrs. Hughes; Chmielewski; Bertram; Johnson, D.E. and Frederick introduced—

S.F. No. 365: A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

Referred to the Committee on Elections and Ethics.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, February 11, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWELFTH DAY

St. Paul, Minnesota, Monday, February 11, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Leslie G. Svendsen.

OATH OF OFFICE

The newly elected Senator, Mr. Jim Gustafson from the 8th District, presented his certificate of election and subscribed to the oath of office as administered by the Honorable Earl B. Gustafson, Judge of the Minnesota State Tax Court.

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

Adkins	Dicklich	Kamrath	Moe, R.D.	Reichgott
Anderson	Diessner	Knaak	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Schmitz
Berg	Frederick	Laidig	Pehler	Sieloff
Berglin	Frederickson	Langseth	Peterson, C.C.	Solon
Bernhagen	Freeman	Lantry	Peterson, D.C.	Spear
Bertram	Gustafson	Lessard	Peterson, D.L.	Storm
Brataas	Hughes	Luther	Peterson, R.W.	Stumpf
Chmielewski	Isackson	McQuaid	Petty	Taylor
Dahl	Johnson, D.E.	Mehrrens	Pogemiller	Waldorf
Davis	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
DeCramer	Jude	Moe, D.M.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 29, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Water Resources Board is hereby respectfully submitted to the Senate for confirmation as required by

law:

Erika Sitz, 6521 - 154th Ln. N.W., Anoka, Anoka County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 83.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted Feb. 7, 1985

FIRST READING OF HOUSE BILLS

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

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.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 102: A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, strike "remaining" and delete "75"

Page 1, line 25, strike "percent" and insert "balance"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 263: A bill for an act relating to agriculture; requiring participat-

ing lenders to sign an agreement with the commissioner of commerce; providing a mechanism to aid restructuring of existing farm loans; creating an interest reimbursement program for participating lenders; creating an interest reduction program; providing interest payments to lenders that make interest reduction operating loans to farmers; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]

Sections 2 to 6 may be cited as the “agricultural credit initiative act.”

Sec. 2. [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 6.

Subd. 2. [CLASSIFIED FARM LOAN.] “Classified farm loan” means a farm loan that the lender determines to have a substantial risk of nonpayment, so that the lender is likely to sustain some loss if the borrower’s paying capacity, net worth, or collateral is not improved. The loan need not already have been classified by a bank examiner.

Subd. 3. [COMMISSIONER.] “Commissioner” means the commissioner of commerce.

Subd. 4. [FARM ADVISOR.] “Farm advisor” means an extension agent, a farm advocate working under the department of agriculture, or an adult farm management instructor under the state board of vocational technical education.

Subd. 5. [FARMER.] “Farmer” means a resident individual, or a domestic family farm corporation defined in section 500.24, engaged in the business of farming property in this state.

Subd. 6. [FARMERS HOME ADMINISTRATION.] “Farmers home administration” means the farmers home administration of the United States department of agriculture.

Subd. 7. [FARM LOAN.] “Farm loan” means a loan for operating expenses or the purchase of property for a farm business.

Subd. 8. [LENDER.] “Lender” means a bank chartered by the state or federal government and a farm credit system lender.

Sec. 3. [QUALIFICATION OF LENDERS.]

To qualify for an interest payment under sections 4 to 6, a lender must first sign an agreement with the commissioner stating that the lender will suspend foreclosure on all farm loans held by the lender for 120 days after the agreement is signed. The commissioner shall enforce the 120-day farm loan foreclosure grace period.

Sec. 4. [INTEREST PAYMENT PROGRAM ON EXISTING FARM LOANS.]

Subdivision 1. [COMMISSIONER PAYS INTEREST.] The commis-

sioner shall pay the interest attributable to the first 60 days, of a 120-day foreclosure grace period, on the first \$25,000 of operating farm loans and the first \$25,000 of ownership farm loans of each borrower submitted by a lender that signs an agreement under section 3 to the farmers home administration for loan guarantees and debt restructuring.

Subd. 2. [INTEREST.] The interest to be paid is the amount that becomes attributable to the first 60-day period after the lender signs the agreement with the commissioner under section 3. The amount to be paid is determined by the loan agreement between the lender and the borrower.

Subd. 3. [CLASSIFIED FARM LOAN REVIEW.] During the first 60 days of the 120-day period after the agreement with the commissioner in section 3 is signed, the lender must review all classified farm loans and determine which farm loans the lender will submit to the farmers home administration for loan guarantees and debt restructuring.

Subd. 4. [LENDER-BORROWER AGREEMENT.] For each farm loan that the lender submits to the farmers home administration for loan guarantees and debt restructuring, the lender and the borrower of the farm loan must sign an agreement. The agreement must:

(1) state that the lender has agreed with the commissioner not to foreclose on any farm loans held by the lender for a 120-day period and specify the dates;

(2) state that the commissioner will pay the interest attributable to the eligible portion of the farm loan submitted to the farmers home administration for the first 60 days of the 120-day foreclosure grace period if the lender qualifies for state interest payment;

(3) state that the borrower is not liable for interest paid by the commissioner;

(4) provide that if the lender qualifies for state interest payment the lender will assume responsibility for the interest attributable to the eligible portion of the farm loan submitted and the borrower is not liable for the interest except as provided in clause (5); and

(5) provide that if the borrower agrees to have the farm loan submitted and the farmers home administration guarantees the loan, the lender may add the interest attributable to the second 60 days of the foreclosure grace period to the principal of the borrower's farm loan.

Subd. 5. [PAYMENT APPLICATION.] The lender must apply to the commissioner for the 60-day state interest payment on a farm loan that is submitted to the farmers home administration. The lender must give the commissioner evidence of the farm loan submitted to the farmers home administration guaranteed loan program and application for the farmers home administration approved lenders program. A lender that complies with this section is qualified to receive payment from the commissioner.

Sec. 5. [INTEREST PAYMENT PROGRAM ON NEW FARM OPERATING LOANS.]

Subdivision 1. [APPLICATION; FARMER CRITERIA.] A farmer may apply to a lender for a farm operating loan on which the state will pay part of

the interest. To be eligible for the state payment, the farmer must have a debt to asset ratio greater than 50 percent and must not have a positive cash flow at a 14.5 percent interest rate.

Subd. 2. [LOAN CRITERIA.] (a) To be eligible for the state interest payment, the farm operating loan must:

(1) be made to a farmer at an interest rate between seven and ten percent per year;

(2) be due and payable within one year after it is made; and

(3) be for operating expenses of the farm business.

(b) The lender may use additional criteria in determining whether to make a farm operating loan to a farmer.

Subd. 3. [LOAN SUBMISSION.] The lender must submit to the commissioner all farm operating loans made by the lender for which the lender requests the state to pay part of the interest. The lender must certify that the approved farm operating loan has been submitted to the farmers home administration for any loan guarantee programs that are available. The commissioner may not pay interest on loans submitted after December 31, 1985.

Subd. 4. [PAYMENT AMOUNT.] The amount of interest paid by the state must be two-thirds of the amount of interest foregone by the lender as a result of the lender making the loan at an interest rate less than 14.5 percent. The interest is payable on the unpaid principal of the first \$50,000 of the loan. The commissioner shall not pay interest in an amount greater than the amount needed to provide a positive cash flow on the loan. The maximum interest payment per farmer may not exceed \$2,500. The commissioner shall pay the interest by March 1, 1986.

Sec. 6. [FORMS AND GUIDELINES.]

Notwithstanding Minnesota Statutes, chapter 14, the commissioner shall adopt and provide guidelines to administer sections 3 to 5 and the forms to be submitted by a lender under sections 4 and 5. The form under section 4 constitutes an application form for interest payment and an agreement to suspend foreclosure on all farm loans. The commissioner shall present a report to the senate agriculture and natural resources committee and the house of representatives agriculture committee containing the guidelines, when adopted.

Sec. 7. [APPROPRIATION.]

\$25,050,000 is appropriated from the general fund to the commissioner of commerce for the following purposes:

(a) For payment of interest on existing farm loans under section 4, to be available until June 30, 1985	\$ 9,200,000
---	--------------

(b) For payment of interest on new farm operating loans under section 5, to be available until June 30, 1986	15,800,000
--	------------

(c) For administration of sections 3 to 5, to be available until June 30, 1986

50,000

(d) If the appropriation for either paragraph (a) or (b) is insufficient, the appropriation for the other is available for it.

Sec. 8. [REPEALER.]

Section 4 is repealed effective July 1, 1985. Sections 1 to 3 and 5 to 7 are repealed effective July 1, 1986.

Sec. 9. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; providing a mechanism to aid restructuring of existing farm loans; providing for payment of interest on loans to farmers; appropriating money."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 121: A bill for an act relating to taxation; providing a property tax credit for agricultural property; reducing the assessment ratio on commercial-industrial property; increasing the income limitation in the farm loss modification provision; exempting sales of repair and replacement parts for farm machinery and liquidation sales of farm machinery from sales tax; amending Minnesota Statutes 1984, sections 273.13, subdivision 9; 290.09, subdivision 29; and 297A.25, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 3 to 5, delete section 3

Page 15, line 14, delete everything after the period

Page 15, line 15, delete everything before "Section"

Page 15, line 15, delete "4" and insert "3"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "increasing"

Page 1, delete line 5

Page 1, line 6, delete "provisions;"

Page 1, lines 9 and 10, delete "290.09, subdivision 29;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 105: A bill for an act relating to taxation; income; abolishing the farm loss modifications; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a, 20b, and 20f; 290.05, subdivision 3; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7 and 11; 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 290.09, subdivision 29.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 85: A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure sales for one year; prohibiting repossession, foreclosure sales, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow foreclosure sales; prohibiting actions for deficiency judgments; providing for the parties to compromise; providing legal representation by the attorney general's office for certain persons; and repealing the act after one year.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]”

Sections 1 to 5 may be cited as the “emergency agricultural relief act of 1985.”

Sec. 2. [LEGISLATIVE FINDINGS.]

The legislature finds that conditions have deteriorated and thousands of farmers will have their land foreclosed and offered at forced sales in the spring of 1985, causing agricultural land prices to fall drastically. The foreclosures and low land prices are causing and will cause extreme stress on rural financial institutions and all rural businesses, particularly those related to agricultural production, and financial panic conditions in areas that affect over one-third of the population of the state.

The legislature finds that agricultural land prices have decreased by over 30 percent in the last five years and that this fact alone would cause grave circumstances in the rural agricultural lending and borrowing community. In addition, real interest rates have increased, crop and livestock prices are not greater than the cost of production, and net farm income is essentially nonexistent. All of these factors and the federal agricultural financial policy have caused a situation beyond the control of Minnesota farmers and lenders resulting in repossession and forced sales of farm equipment and personal property, farm foreclosures and foreclosure sales, that if continued, will cause irreparable harm to the state, its farmers, its lenders, and the social fabric and existence of rural communities.

The legislature finds that provisions for the postponement of advertised sales under Minnesota Statutes, section 580.07, and prior law have been in

existence for over 80 years.

The legislature finds and declares existing relief is inadequate and that these conditions have resulted in a state of public economic emergency of a nature that justifies and validates additional measures for the extension of time before foreclosure and foreclosure sales may be made and for other relief.

Sec. 3. [APPLICATION.]

Subdivision 1. [DATE OF APPLICATION.] Sections 1 to 5 apply to the mortgages and security interests in this section that exist before February 1, 1985.

Subd. 2. [MORTGAGES HELD BY UNITED STATES.] Sections 1 to 5 apply to mortgages of agricultural production real estate held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors, or assigns.

Subd. 3. [MORTGAGES HELD AS SECURITY FOR PUBLIC DEBT.] Sections 1 to 5 apply to mortgages of agricultural production real estate held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 4. [MORTGAGES HELD BY LENDERS.] Sections 1 to 5 apply to all other mortgages of agricultural production real estate that are held by lenders that are in the business of lending money.

Subd. 5. [SECURITY INTERESTS IN AGRICULTURAL PERSONAL PROPERTY.] Sections 1 to 5 apply to all security interests in agricultural crops and livestock, and all personal property used for agricultural production that are held by lenders in the business of lending money.

Sec. 4. [MORATORIUM AND PROHIBITION OF DEFICIENCY JUDGMENTS.]

Subdivision 1. [MORATORIUM.] (a) Mortgages may not be foreclosed, or property sold by forced sale after foreclosure, for one year after sections 1 to 5 become effective, except by court order under section 5.

(b) Agricultural production crops and livestock, and all personal property used for agricultural production may not be repossessed, or security interests in the personal property foreclosed, for one year after sections 1 to 5 become effective unless the debtor agrees in writing, or by court order under section 5.

Subd. 2. [DEFICIENCY JUDGMENTS.] An action for a deficiency judgment related to a sale of real or personal agricultural property may not be started, continued, or executed for one year after sections 1 to 5 become effective.

Subd. 3. [PREVAILS OVER CONFLICTS.] Sections 1 to 5 prevail over Minnesota Statutes, chapter 583 and other laws that conflict with sections 1 to 5.

Sec. 5. [APPLICATION TO DISTRICT COURT FOR RELIEF.]

Subdivision 1. [PETITION.] A party to a mortgage or security interest may petition for relief to the district court of the county where the foreclosure

proceedings are pending, or the district court of the mortgagor's or debtor's residence. The party petitioning the court must serve a summons and verified complaint on parties to the mortgage or security interest and show why the repossession, foreclosure, or sale should be made.

Subd. 2. [RELIEF ALLOWED.] The court may order the repossession, foreclosure, or sale to proceed under applicable law and conditions provided by the court if the parties to the mortgage or security interest have had adequate legal representation and:

(1) the parties to the security interest or mortgage agree;

(2) the mortgagor of the mortgaged real estate or the debtor of secured personal property does not have any equity in the property; or

(3) after considering all equitable arguments the court finds that there is no reason for the sale not to be held.

Subd. 3. [POSTPONEMENT OF FORECLOSURE SALE AND REDEMPTION PERIOD.] The court may postpone the date of foreclosure sale and the corresponding redemption period up to one year.

Subd. 4. [REDUCTION OF REDEMPTION PERIOD.] The court may order the redemption period under Minnesota Statutes, section 580.23, to be reduced to compensate for the period of time that the sale was delayed, but the redemption period must not be less than 30 days. If the foreclosure sale is not delayed, the redemption period is as provided in Minnesota Statutes, section 580.23.

Subd. 5. [COMPROMISES.] If the parties to a security interest or mortgage agree in writing to a compromise settlement, a composition of the indebtedness, or both, the court has jurisdiction and may, by its order, confirm and approve the settlement, composition, or both.

Subd. 6. [COURT MAY REVISE AND ALTER TERMS.] A party to a mortgage or a security interest may apply to the court before the expiration of the period before the sale and present evidence that the terms set or approved by the court are not just and reasonable because circumstances have changed. The court may revise and alter the terms.

Subd. 7. [HEARING.] The hearing on the petition must be held within 30 days after the filing of the petition. The resulting order must be made and filed within five days after the hearing. An appeal may be made as in other civil actions.

Sec. 6. 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~~ 1986, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 7. [REPEALER.]

Sections 1 to 5 are repealed one year after they become effective, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Delete the title and insert:

“A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; extending the effective date of chapter 583 for one year; and repealing the act after one year; amending Laws 1983, chapter 215, section 16, as amended.”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 102 and 263 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 34. The motion prevailed.

Mr. Langseth moved that the name of Mr. Bertram be added as a co-author to S.F. No. 42. The motion prevailed.

Mr. Mehrkens moved that the names of Messrs. Nelson and Kroening be added as co-authors to S.F. No. 116. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 319. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Dahl be added as a co-author to S.F. No. 348. The motion prevailed.

CONSENT CALENDAR

S.F. No. 46: A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

Mr. Peterson, C.C. moved to amend S.F. No. 46 as follows:

Page 1, line 20, delete “*Notwithstanding*” and insert “*Notwithstanding*”

The motion prevailed. So the amendment was adopted.

S.F. No. 46 was read the third time, as amended, and placed on its final

passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Nelson	Renneke
Anderson	Diessner	Knaak	Novak	Samuelson
Belanger	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Sieloff
Berg	Frederick	Laidig	Peterson.C.C.	Solon
Berglin	Frederickson	Lantry	Peterson.D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson.D.L.	Storm
Bertram	Gustafson	Luther	Peterson.R.W.	Stumpf
Brataas	Hughes	McQuaid	Petty	Taylor
Chmielewski	Isackson	Mehrkens	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Merriam	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Moe, D. M.	Ramstad	Willet
DeCramer	Jude	Moe, R. D.	Reichgott	

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 69, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Spear introduced—

S.F. No. 366: A bill for an act relating to marriage; adopting the uniform marital property act; providing conforming amendments to existing state law; amending Minnesota Statutes 1984, sections 181.58; 197.49; 507.02; 507.03; 518.54, subdivision 5; 518.58; 518.64; 519.11, subdivisions 1 and 7; 525.15; 525.16; 525.214; and 525.215; proposing coding for new law as Minnesota Statutes, chapter 519A; repealing Minnesota Statutes 1984, sections 519.02; 519.03; 519.04; 519.05; and 519.06.

Referred to the Committee on Judiciary.

Mr. Spear and Ms. Berglin introduced—

S.F. No. 367: A bill for an act relating to commerce; prohibiting the sale of certain gold coins; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Economic Development and Commerce.

Messrs. Chmielewski, Schmitz, Lessard, Laidig and Kamrath introduced—

S.F. No. 368: A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to possess and use arms shall not be abridged.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 369: A bill for an act relating to agriculture; clarifying the food handling license requirements applicable to itinerant and mobile food services; amending Minnesota Statutes 1984, section 28A.065.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff, Storm and Peterson, D.L. introduced—

S.F. No. 370: A bill for an act relating to taxation; income; allowing a final deduction in 1985 for certain taxes paid in 1981 or 1982 tax year; amending Minnesota Statutes 1984, section 290.18, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Peterson, D.L. and Storm introduced—

S.F. No. 371: A bill for an act relating to taxation; income; providing an itemized deduction for post-secondary education tuition; amending Minnesota Statutes 1984, section 290.089, subdivision 2.

Referred to the Committee on Education.

Messrs. Sieloff, Storm and Peterson, D.L. introduced—

S.F. No. 372: A bill for an act relating to taxation; estate; reducing the tax to the amount of the federal credit for state death taxes; amending Minnesota Statutes 1984, sections 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivision 1a; 291.09, subdivision 3a; 291.132, subdivision 2; and 291.215, subdivision 1; repealing Minnesota Statutes 1984, sections 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; and 291.111.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff and Spear introduced—

S.F. No. 373: A bill for an act relating to frauds; fixing conditions for the legal determination of fraud in property transfers; enacting the uniform fraudulent transfer act; proposing coding for new law in Minnesota Statutes, chapter 513; repealing Minnesota Statutes 1984, sections 513.20; 513.21; 513.22; 513.23; 513.24; 513.25; 513.26; 513.27; 513.28; 513.29; 513.30; 513.31; and 513.32.

Referred to the Committee on Judiciary.

Messrs. Sieloff and Spear introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Wegscheid, Knaak and Dicklich introduced—

S.F. No. 375: A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 376: A bill for an act relating to education; establishing a task force on student evaluation; appropriating money.

Referred to the Committee on Education.

Messrs. Pehler; Willet; Merriam; Peterson, D.L. and Stumpf introduced—

S.F. No. 377: A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 378: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff and Knaak introduced—

S.F. No. 379: A bill for an act relating to nonprofit corporations; requiring the articles of incorporation to contain a mailing address; amending Minnesota Statutes 1984, sections 317.02, by adding a subdivision; 317.08, subdivision 2; and 317.19, subdivision 2.

Referred to the Committee on Judiciary.

Ms. Olson, Messrs. Mehrkens; Peterson, D.L.; Knutson and Knaak introduced—

S.F. No. 380: A bill for an act relating to education; increasing aid for gifted and talented students; appropriating money; amending Minnesota Statutes 1984, section 124.247, subdivision 3.

Referred to the Committee on Education.

Mrs. Lantry, Ms. Berglin and Mr. Dicklich introduced—

S.F. No. 381: A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivision 4; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

Referred to the Committee on Health and Human Services.

Messrs. Benson and Knaak introduced—

S.F. No. 382: A bill for an act relating to administrative procedures; providing for additional review of emergency administrative rules; amending Minnesota Statutes 1984, sections 14.33; and 14.34; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

Messrs. Frederickson; Lessard; Johnson, D.J.; Schmitz and Peterson, D.L. introduced—

S.F. No. 383: A bill for an act relating to taxation; providing for timely payment of sales and use taxes; amending Minnesota Statutes 1984, sections 297A.26, subdivision 1; and 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.26, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Dicklich; Lessard; Frederick and Kroening introduced—

S.F. No. 384: A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kroening, Solon, Mrs. McQuaid, Messrs. Belanger and Samuelson introduced—

S.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.

Referred to the Committee on Economic Development and Commerce.

Messrs. Belanger, Wegscheid, Anderson and Benson introduced—

S.F. No. 386: A bill for an act relating to taxation; income; reducing the maximum corporate rate; amending Minnesota Statutes 1984, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 387: A bill for an act relating to alcoholic beverages; defining low

alcohol malt liquor and authorizing its sale by on-sale liquor licenses; amending Minnesota Statutes 1984, sections 340.07; by adding a subdivision; and 340.11, subdivision 5.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Knaak, Sieloff and Dieterich introduced—

S.F. No. 388: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Berg and Renneke introduced—

S.F. No. 389: A bill for an act relating to retirement; Stevens county memorial hospital employees refunds or deferred annuities.

Referred to the Committee on Governmental Operations.

Messrs. Spear, Petty, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 390: A bill for an act relating to marriage dissolution and child custody; requiring family courts to forward findings of parental child abuse to the county attorney; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

Messrs. Spear, Luther and Ramstad introduced—

S.F. No. 391: A bill for an act relating to causes of action; allowing an award of damages for mental anguish in actions for death by wrongful act; amending Minnesota Statutes 1984, section 573.02, subdivisions 1 and 4.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S.F. No. 392: A bill for an act relating to retirement; authorizing state aid for the University of Minnesota police department; amending Minnesota Statutes 1984, section 69.011, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Dahl, Wegscheid, Belanger, Benson and Luther introduced—

S.F. No. 393: A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.03, subdivision 11; 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dahl, Wegscheid, Laidig and Luther introduced—

S.F. No. 394: A bill for an act relating to commerce; requiring manufac-

turers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Messrs. Lessard; Moe, R.D.; Taylor; Johnson, D.J. and Stumpf introduced—

S.F. No. 395: A bill for an act relating to natural resources; establishing an aspen recycling program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff, Knaak, Taylor and Ramstad introduced—

S.F. No. 396: A bill for an act relating to taxation; income; repealing the suspension of inflation adjustments; repealing Minnesota Statutes 1984, section 290.06, subdivision 2f.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 397: A bill for an act relating to property taxation; discontinuing the revenue equity aid and levy formula; changing the basic maintenance mill rate to 20 mills; amending Minnesota Statutes 1984, sections 124.2138, subdivision 2; 124A.02, subdivision 7; 124A.03, subdivision 3; 124A.037; and 275.125, subdivision 5b; repealing Minnesota Statutes 1984, sections 124.2138, subdivision 2; and 124A.037.

Referred to the Committee on Education.

Messrs. Belanger and Storm introduced—

S.F. No. 398: A bill for an act relating to taxation; sales and use; motor vehicle excise; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; and 297A.14.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Belanger, Anderson and Wegscheid introduced—

S.F. No. 399: A bill for an act relating to taxation; property; increasing the market value of commercial and industrial property assessed at 28 percent; amending Minnesota Statutes 1984, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederickson introduced—

S.F. No. 400: A bill for an act relating to Independent School District No. 508, St. Peter; authorizing a fund transfer.

Referred to the Committee on Education.

Mr. DeCramer introduced—

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; 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.

Referred to the Committee on Judiciary.

Messrs. Knaak, Sieloff, Ramstad, Storm and Laidig introduced—

S.F. No. 402: A bill for an act relating to state departments and agencies; abolishing the Minnesota telecommunications council; repealing Minnesota Statutes 1984, section 16C.01.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Ramstad and Diessner introduced—

S.F. No. 403: A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Referred to the Committee on Transportation.

Mr. Bertram introduced—

S.F. No. 404: A bill for an act relating to waters; limiting appeals from determinations that certain waters are public waters; amending Minnesota Statutes 1984, section 105.391, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pehler, Langseth, Mrs. Kronebusch, Messrs. DeCramer and Willet introduced—

S.F. No. 405: A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Messrs. Schmitz, DeCramer, Bernhagen, Mehrkens and Novak introduced—

S.F. No. 406: A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C.; Spear and Frederickson introduced—

S.F. No. 407: A bill for an act relating to retirement; state employees; extending coverage to state employees on leave of absence with an exclusive bargaining agent; amending Minnesota Statutes 1984, section 352.029.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Frederickson and Spear introduced—

S.F. No. 408: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

Referred to the Committee on Governmental Operations.

Messrs. Petty, Belanger, Mrs. McQuaid, Mr. Freeman and Ms. Peterson, D.C. introduced—

S.F. No. 409: A bill for an act relating to metropolitan government; prohibiting certain persons from receiving remuneration from certain suppliers; amending Minnesota Statutes 1984, section 473.141, subdivision 9.

Referred to the Committee on Governmental Operations.

Messrs. Petty, Belanger, Mrs. McQuaid, Mr. Freeman and Ms. Peterson, D.C. introduced—

S.F. No. 410: A bill for an act relating to retirement; requiring certain payments by the metropolitan airports commission to the Minneapolis employees retirement fund; amending Minnesota Statutes 1984, section 422A.101, subdivision 3, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Peterson, R.W.; Berg and Johnson, D.E. introduced—

S.F. No. 411: A bill for an act relating to governmental operations; prohibiting any governmental entity from engaging a lobbyist; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Governmental Operations.

Messrs. Moe, R.D. and Vega introduced—

S.F. No. 412: A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

Referred to the Committee on Energy and Housing.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Benson moved that S.F. No. 74 be withdrawn from the Committee on

Agriculture and Natural Resources and returned to its author. The motion prevailed.

Mr. Lessard moved that S.F. No. 93, No. 4 on General Orders, be stricken and re-referred to the Committee on Governmental Operations. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 7:30 p.m., Tuesday, February 12, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTEENTH DAY

St. Paul, Minnesota, Tuesday, February 12, 1985

The Senate met at 7:30 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. James Patrick Needham.

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

Adkins	Dicklich	Kamrath	Moe, R.D.	Reichgott
Anderson	Diessner	Knaak	Nelson	Renneke
Belanger	Dieterich	Knutson	Novak	Samuelson
Benson	Frank	Kroening	Olson	Schmitz
Berg	Frederick	Kronebusch	Pehler	Sieloff
Berglin	Frederickson	Laidig	Peterson, C.C.	Solon
Bernhagen	Freeman	Langseth	Peterson, D.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.L.	Storm
Brataas	Hughes	Luther	Peterson, R.W.	Stumpf
Chmielewski	Isackson	McQuaid	Petty	Taylor
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Davis	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
DeCramer	Jude	Moe, D.M.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Lessard and Vega were excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 207: A bill for an act relating to crimes; defining sports book-making; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 233: A bill for an act relating to the collection and dissemination of data; classifying names of finalists for position of president of the University of Minnesota as private data; amending Minnesota Statutes 1984, section 13.43, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after the headnote, insert "*Notwithstanding the provisions of subdivision 3,*"

Page 1, line 12, before "*finalists*" insert "*and individual data on*"

Page 1, line 15, delete everything after the period

Page 1, delete line 16 and insert "*For the purposes of this subdivision, 'finalists' means individuals who are selected to be interviewed by the appointing authority prior to selection.*"

Page 1, line 17, after "DATE" insert "; REPEALER"

Page 1, line 18, before the period, insert "*and is repealed effective one year following the first filling of a position under section 1*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 328: A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; eliminating dedication of tax revenue to the arts; amending Laws 1984, chapter 502, article 12, section 26; repealing Minnesota Statutes 1984, section 349.212, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "*March*" and insert "*June*" and reinstate the stricken "*1985*" and delete "*1986*"

Page 1, line 18, strike "*February 28*" and insert "*May 31*" and reinstate the stricken "*1985*" and delete "*1986*"

Page 1, line 23, delete "*encatment*" and insert "*enactment*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 412: A bill for an act relating to housing; raising the limit on the

total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1:

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for January 31, 1985:

**DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER
Linda Collins Johnson**

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 207, 233 and 328 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Frank moved that the name of Mr. Jude be added as a co-author to S.F. No. 152. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 272. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Jude be added as a co-author to S.F. No. 348. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 363. The motion prevailed.

Mr. Spear moved that the name of Mr. Freeman be added as a co-author to S.F. No. 391. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Bertram be added as a co-author to S.F. No. 408. The motion prevailed.

Mr. Moe, R.D. moved that the names of Mr. Taylor and Ms. Peterson, D.C. be added as co-authors to S.F. No. 412. The motion prevailed.

Mr. Freeman introduced—

Senate Resolution No. 25: A Senate resolution of condolences upon the death of former chaplain to the Senate of Minnesota, Joseph Simonson.

Referred to the Committee on Rules and Administration.

Mr. Pehler introduced—

Senate Concurrent Resolution No. 8: A Senate concurrent resolution providing for a joint convention of the Senate and the House of Representatives

to elect members of the Board of Regents of the University of Minnesota.

Mr. Pehler moved that Senate Concurrent Resolution No. 8 be laid on the table. The motion prevailed.

RECESS

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

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

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

CALENDAR

S.F. No. 69: A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kroening	Pehler	Sieloff
Benson	Frederick	Kronebusch	Peterson, C. C.	Solon
Berg	Frederickson	Laidig	Peterson, D. C.	Spear
Berglin	Freeman	Langseth	Peterson, D. L.	Storm
Bernhagen	Gustafson	Lantry	Peterson, R. W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Chmielewski	Isackson	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Merriam	Ramstad	Willet
DeCramer	Jude	Moe, D. M.	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 7 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 7: A Senate concurrent resolution declaring an economic emergency; declaring the need for Congressional hearings on the crisis, federal legislation, and the use of the powers of the state's executive branch.

WHEREAS, the State of Minnesota, one of the major agricultural states in the United States, is suffering from a financial crisis in agriculture that affects the entire economic health of this state, as well as the economic health of the midwestern and national economies; and

WHEREAS, this financial crisis that affects agricultural producers has grown to include the business communities which together form the core of the midwestern economy; and

WHEREAS, the factors which created this crisis are beyond the capacity of individuals to manage or control, including sustained high interest rates, declining land values which have eroded farm equity, commodity prices below the cost of production, and successive years of weather-related problems; and

WHEREAS, if current economic conditions continue, over 18,000 of Minnesota's 94,000 farms currently burdened with a high debt-to-asset ratio face the likelihood of insolvency within the next two years; and

WHEREAS, the value of Minnesota's agricultural land plunged by 4.2 billion dollars during 1984, which represents a 15 percent drop in the value of agricultural land in 12 months, the largest single year decrease in price since the depression of the 1930's, and which caps a 31 percent drop in agricultural land value since 1981; and

WHEREAS, the value of assets lost in this financial crisis has already negatively affected the machinery market and has forced many farm implement dealers and related agricultural service businesses into bankruptcy; and

WHEREAS, the average Minnesota farmer recorded a net farm income loss of \$2,425 during 1983, and average United States net farm income dropped to \$6,793 which represents an income \$3,470 below the federal poverty level for a family of four; and

WHEREAS, experts expect this crisis to broaden during the immediate weeks prior to the spring 1985 planting season, thus endangering the financial health of farmers, state and federally chartered lending institutions, rural small businesses, and agricultural manufacturers; NOW, THEREFORE,

BE IT RESOLVED by the Senate, the House of Representatives concurring, that the legislature declares Minnesota to be in a state of economic emergency due to an agricultural depression.

BE IT FURTHER RESOLVED that the Congress of the United States should immediately hold local and statewide hearings involving the United States Department of Agriculture and federal credit officials to examine the current crisis and to determine the immediate actions necessary to alleviate this crisis, and Congress should use the 1985 federal farm bill to restructure the financial burden currently facing agricultural producers and businesses.

BE IT FURTHER RESOLVED that the Legislature of the State of Minnesota calls upon the Governor to use the powers of the executive branch to address this state of economic emergency brought on by this agricultural depression.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 263 a Special Order to be heard imme-

diately.

S.F. No. 263: A bill for an act relating to agriculture; providing a mechanism to aid restructuring of existing farm loans; providing for payment of interest on loans to farmers; appropriating money.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	Novak	Samuelson
Anderson	Dicklich	Jude	Olson	Schmitz
Benson	Diessner	Kamrath	Pehler	Sieloff
Berg	Frank	Kronebusch	Peterson, C.C.	Solon
Berglin	Frederick	Laidig	Peterson, D.C.	Spear
Bernhagen	Frederickson	Langseth	Peterson, D.L.	Storm
Bertram	Freeman	Luther	Pogemiller	Stumpf
Brataas	Gustafson	Mehrkens	Purfeerst	Taylor
Chmielewski	Hughes	Merriam	Ramstad	Wegscheid
Dahl	Isackson	Moe, R. D.	Reichgott	Willet
Davis	Johnson, D.E.	Nelson	Renneke	

Those who voted in the negative were:

Belanger	Knutson	Lantry	Moe, D. M.	Petty
Dieterich	Kroening	McQuaid	Peterson, R.W.	Waldorf
Knaak				

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 223 a Special Order to be heard immediately.

S.F. No. 223: A bill for an act relating to agriculture; establishing a program of legal assistance to financially distressed farmers; requiring a report on the legal assistance program; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 41C.

Mr. Davis moved to amend S.F. No. 223 as follows:

Page 1, line 9, delete "[41C.01]" and delete "APPLICANTS TO ADMINISTER"

Page 1, line 11, delete "ACCEPT APPLICANTS AND MAKE"

Page 1, line 12, delete "GRANTS" and insert "CONTRACT FOR LEGAL ASSISTANCE PROGRAM" and delete "request groups to"

Page 1, line 13, delete "apply for grants" and insert "contract with an eligible nonprofit organization"

Page 1, line 14, delete everything after "The"

Page 1, line 15, delete "of eligible applicants" and insert "contract" and delete "completed" and insert "awarded"

Page 1, line 16, after the period, insert "The contract may be terminated by

the commissioner, or denied for renewal, upon reasonable written notice and for good cause."

Page 1, line 17, delete "APPLICANTS" and insert "ORGANIZATION"

Page 1, line 18, delete "applicant" and insert "organization"

Page 1, line 19, delete "resident of" and insert "nonprofit organization chartered in"

Page 1, line 20, delete "be" and insert "have attorneys"

Page 1, line 22, after "experience" insert "and demonstrated expertise"

Page 1, line 23, after "finance" insert "affecting financially distressed farmers"

Page 1, delete lines 24 to 26

Page 2, delete lines 1 and 2

Page 2, line 3, delete "Subdivision 1." and insert "Subd. 3." and delete "A program for" and insert "The commissioner must require the organization contracting to provide"

Page 2, line 4, delete "financially distressed farmers must provide"

Page 2, line 14, delete the second "and"

Page 2, line 18, delete the period and insert "; and

(7) an incoming statewide toll-free telephone line for state callers to contact the legal assistance contractor for advice and referral."

Page 2, line 19, delete "2" and insert "4"

Page 2, line 20, after "assistance" insert "from the contractor"

Page 2, delete lines 30 to 36, and insert:

"Subd. 5. [REPORT.] (a) The contractor shall establish priorities, and a working plan, for the accomplishment of these objectives. The plan must be submitted to the commissioner of agriculture within 60 days after the contract is awarded. The contractor shall provide a report each six months of the contract to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee. The report must describe how the contractor has met the requirements in subdivision 3.

(b) The contractor shall submit a report to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee by December 31 of each year of funding. The report must show the amounts of the contract spent during the year and a summary of additional legal representation needed by financially distressed family farmers."

Page 3, line 2, delete "\$300,000" and insert "\$968,000"

Page 3, line 3, delete "make grants" and insert "contract"

Page 3, line 5, delete "1985" and insert "1987"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a legal assistance program; providing requirements for persons receiving legal assistance; providing contracting authority to fund the legal assistance program; providing requirements for the program contractor; requiring reports on the legal assistance program; appropriating money."

Mr. Spear requested division of the amendment as follows:

First portion:

Page 3, line 2, delete "\$300,000" and insert "\$968,000"

Page 3, line 5, delete "1985" and insert "1987"

Second portion:

Page 1, line 9, delete "[41C.01]" and delete "APPLICANTS TO ADMINISTER"

Page 1, line 11, delete "ACCEPT APPLICANTS AND MAKE"

Page 1, line 12, delete "GRANTS" and insert "CONTRACT FOR LEGAL ASSISTANCE PROGRAM" and delete "request groups to"

Page 1, line 13, delete "apply for grants" and insert "contract with an eligible nonprofit organization"

Page 1, line 14, delete everything after "The"

Page 1, line 15, delete "of eligible applicants" and insert "contract" and delete "completed" and insert "awarded"

Page 1, line 16, after the period, insert "The contract may be terminated by the commissioner, or denied for renewal, upon reasonable written notice and for good cause."

Page 1, line 17, delete "APPLICANTS" and insert "ORGANIZATION"

Page 1, line 18, delete "applicant" and insert "organization"

Page 1, line 19, delete "resident of" and insert "nonprofit organization chartered in"

Page 1, line 20, delete "be" and insert "have attorneys"

Page 1, line 22, after "experience" insert "and demonstrated expertise"

Page 1, line 23, after "finance" insert "affecting financially distressed farmers"

Page 1, delete lines 24 to 26

Page 2, delete lines 1 and 2

Page 2, line 3, delete "Subdivision 1." and insert "Subd. 3." and delete "A program for" and insert "The commissioner must require the organization contracting to provide"

Page 2, line 4, delete "financially distressed farmers must provide"

Page 2, line 14, delete the second "and"

Page 2, line 18, delete the period and insert "; and"

(7) *an incoming statewide toll-free telephone line for state callers to contact the legal assistance contractor for advice and referral.*"

Page 2, line 19, delete "2" and insert "4"

Page 2, line 20, after "assistance" insert "from the contractor"

Page 2, delete lines 30 to 36, and insert:

"Subd. 5. [REPORT.] (a) The contractor shall establish priorities, and a working plan, for the accomplishment of these objectives. The plan must be submitted to the commissioner of agriculture within 60 days after the contract is awarded. The contractor shall provide a report each six months of the contract to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee. The report must describe how the contractor has met the requirements in subdivision 3.

(b) The contractor shall submit a report to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee by December 31 of each year of funding. The report must show the amounts of the contract spent during the year and a summary of additional legal representation needed by financially distressed family farmers."

Page 3, line 3, delete "make grants" and insert "contract"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a legal assistance program; providing requirements for persons receiving legal assistance; providing contracting authority to fund the legal assistance program; providing requirements for the program contractor; requiring reports on the legal assistance program; appropriating money."

The question was taken on the adoption of the first portion of the amendment:

The roll was called, and there were yeas 25 and nays 40, as follows:

Those who voted in the affirmative were:

Berg	DeCramer	Langseth	Novak	Schmitz
Berglin	Dicklich	Merriam	Pehler	Solon
Bernhagen	Frank	Moe, D. M.	Peterson, C.C.	Stumpf
Chmielewski	Hughes	Moe, R. D.	Pogemiller	Wegscheid
Davis	Johnson, D.J.	Nelson	Purfeerst	Willet

Those who voted in the negative were:

Adkins	Dieterich	Kamrath	McQuaid	Reichgott
Anderson	Frederick	Knaak	Mehrkens	Renneke
Belanger	Frederickson	Knutson	Olson	Samuelson
Benson	Freeman	Kroening	Peterson, D.C.	Sieloff
Bertram	Gustafson	Kronebusch	Peterson, D.L.	Spear
Brataas	Isackson	Laidig	Peterson, R.W.	Storm
Dahl	Johnson, D.E.	Lantry	Petty	Taylor
Diessner	Jude	Luther	Ramstad	Waldorf

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

adopted.

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

Mr. Knaak moved to amend S.F. No. 223, the unofficial engrossment, as follows:

Page 1, line 23, delete "and"

Page 1, line 26, before the period, insert "; and"

(4) have been granted an equal amount for the same purpose by the lawyers trust account board"

Page 3, line 12, delete "\$300,000" and insert "\$150,000"

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

Mr. Pogemiller moved to amend S.F. No. 223, the unofficial engrossment, as follows:

Page 1, line 16, delete "60" and insert "30"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 223, the unofficial engrossment, as follows:

Page 1, delete lines 12 to 26 and insert:

"Subdivision 1. [ATTORNEY GENERAL TO PROVIDE STAFF.] The attorney general's office shall designate at least 20 attorneys and sufficient staff to provide legal assistance to financially distressed farmers. The designated attorneys shall operate the legal assistance program within 60 days after this act becomes effective."

Page 1, line 27, delete "commissioner" and insert "attorney general"

Page 2, delete lines 1 and 2 and insert "provide:"

Page 2, lines 22, 31, and 35, delete "contractor" and insert "attorney general"

Page 2, line 35, delete "of the"

Page 2, line 36, delete "contract"

Page 3, lines 3 and 4, delete "contractor" and insert "attorney general"

Page 3, line 8, delete "of the contract"

Renumber the subdivisions in sequence

Page 3, delete lines 12 to 15 and insert:

"\$300,000 is appropriated from the general fund to the attorney general for legal assistance to farmers as provided by this act, to be available until June 30, 1987."

Amend the title as follows:

Page 1, line 4, delete "providing contracting"

Page 1, delete line 5

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

Mr. Kamrath moved that S.F. No. 223, on Special Orders, be stricken and re-referred to the Committee on Judiciary.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Adkins	Brataas	Jude	McQuaid	Ramstad
Anderson	Frederick	Kamrath	Mehrrens	Renneke
Belanger	Frederickson	Knaak	Olson	Sieloff
Benson	Gustafson	Knutson	Peterson, D.L.	Storm
Berg	Isackson	Kronebusch	Peterson, R.W.	Taylor
Bernhagen	Johnson, D.E.	Laidig	Petty	

Those who voted in the negative were:

Berglin	Dieterich	Luther	Peterson, D.C.	Stumpf
Bertram	Frank	Merriam	Pogemiller	Waldorf
Chmielewski	Freeman	Moe, D. M.	Purfeerst	Wegscheid
Dahl	Hughes	Moe, R. D.	Reichgott	Willett
Davis	Johnson, D.J.	Nelson	Samuelson	
DeCramer	Kroening	Novak	Schmitz	
Dicklich	Langseth	Pehler	Solon	
Diessner	Lantry	Peterson, C.C.	Spear	

The motion did not prevail.

S.F. No. 223 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Benson	Dieterich	Laidig	Peterson, C.C.	Spear
Berg	Frank	Langseth	Peterson, D.C.	Storm
Berglin	Frederick	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Frederickson	Luther	Peterson, R.W.	Waldorf
Bertram	Freeman	Mehrrens	Pogemiller	Wegscheid
Chmielewski	Hughes	Merriam	Purfeerst	Willett
Dahl	Isackson	Moe, D. M.	Reichgott	
Davis	Johnson, D.E.	Moe, R. D.	Renneke	
DeCramer	Johnson, D.J.	Nelson	Samuelson	
Dicklich	Kamrath	Novak	Schmitz	

Those who voted in the negative were:

Anderson	Gustafson	Knutson	Olson	Sieloff
Belanger	Jude	Kronebusch	Petty	Taylor
Brataas	Knaak	McQuaid	Ramstad	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees

indicated.

Ms. Berglin, Messrs. DeCramer, Lessard, Willet and Storm introduced—

S.F. No. 413: A bill for an act relating to charitable gambling; exempting certain organizations who conduct bingo from licensing; amending Minnesota Statutes 1984, section 349.214, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Frank and Wegscheid introduced—

S.F. No. 414: A bill for an act relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 415: A bill for an act relating to human services; clarifying the services available to autistic persons; revising the language of certain statutes; amending Minnesota Statutes 1984, sections 245.072; 245.70, subdivision 1; 245.825, subdivision 1; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 252.27, subdivisions 1 and 4; 252.275; subdivisions 1 and 7; 252.28, subdivisions 1, 2, and 4; 252.291, subdivision 3; 252.30; 252.31; 252.32; 256B.02, subdivision 8; 256B.092, subdivisions 1, 4, and 5; 256B.501, subdivision 1; and 256E.03, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 416: A bill for an act relating to water; requiring that the legislative advisory commission be consulted about certain plans and permits to divert water; amending Minnesota Statutes 1984, section 105.405, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 417: A bill for an act relating to human services; establishing an aid to families with dependent children grant diversion demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

Messrs. Pogemiller and Schmitz introduced—

S.F. No. 418: A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1 and 5,

and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

Referred to the Committee on Local and Urban Government.

Mr. Frank introduced—

S.F. No. 419: A bill for an act relating to state departments and agencies; providing for quorum and voting on telecommunications council; amending Minnesota Statutes 1984, section 16C.01, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Davis and Sieloff introduced—

S.F. No. 420: A bill for an act relating to taxation; extending class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1984, section 273.13, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; Peterson, C.C.; Lessard and Merriam introduced—

S.F. No. 421: A bill for an act relating to transportation; railroads; requiring occupied caboose car; requiring caboose car to be equipped with short-wave radio; imposing a penalty; amending Minnesota Statutes 1984, section 219.56; proposing coding for new law in Minnesota Statutes, chapter 219.

Referred to the Committee on Transportation.

Messrs. Knaak, Freeman, Laidig, Sieloff and Kamrath introduced—

S.F. No. 422: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Referred to the Committee on Judiciary.

Mr. Benson, Mrs. Kronebusch, Messrs. Frederickson and Peterson, D.L. introduced—

S.F. No. 423: A bill for an act relating to state government; regulating mandates to local units of government; proposing coding for new law as Minnesota Statutes, chapter 256F.

Referred to the Committee on Local and Urban Government.

Messrs. Bertram, Laidig, Pogemiller and Jude introduced—

S.F. No. 424: A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of

peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

Referred to the Committee on Judiciary.

Messrs. Dicklich, Freeman, Willet and Moe, R.D. introduced—

S.F. No. 425: A bill for an act relating to state government; requiring the governor to establish the Minnesota department of jobs and training to administer all programs for current or potential labor force participants; establishing an advisory task force; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

Referred to the Committee on Health and Human Services. Mr. Solon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Peterson, D.C. introduced—

S.F. No. 426: A bill for an act relating to children; allowing name changes for minor children; amending Minnesota Statutes 1984, section 259.11.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C. introduced—

S.F. No. 427: A bill for an act relating to education; providing that the compulsory attendance law applies to a child below the age of seven who is enrolled in grades kindergarten or above; amending Minnesota Statutes 1984, section 120.10, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Pehler, Taylor, Willet, Nelson and Waldorf introduced—

S.F. No. 428: A bill for an act relating to the higher education coordinating board; extending the regular scholarship and grant program to certain part-time students; amending Minnesota Statutes 1984, sections 136A.101, subdivision 7; 136A.121, subdivisions 1 and 2; repealing Minnesota Statutes 1984, section 136A.132.

Referred to the Committee on Education.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 14, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTEENTH DAY

St. Paul, Minnesota, Thursday, February 14, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. James H. Hanson.

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

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Bernhagen	Freeman	Lantry	Peterson, D.C.	Storm
Bertram	Gustafson	Lessard	Peterson, D.L.	Stumpf
Brataas	Isackson	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkeins	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Reichgott	Willet
Dicklich	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Ms. Berglin, Messrs. Hughes and Petty were excused from the Session of today. Mr. Novak was excused from the Session of today at 3:10 p.m. Messrs. Frederick and Sieloff were excused from the Session of today at 3:45 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 29, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

Bunny (Isabelle) Robinson, 6921 Olson Memorial Hwy., Golden Valley, Hennepin County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

James Nardone, 2607 Audrey Ln., Grand Rapids, Itasca County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Leonard J. Nadasdy, 5515 Lake Sarah Hts. Dr., Loretto, Hennepin County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Veterans and General Legislation.)

Sincerely,
Rudy Perpich, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 342: A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold licenses as master or journeyman plumbers; amending Minnesota Statutes 1984, section 326.37.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, 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; amending Minnesota Statutes 1984, section 326.01, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, reinstate the stricken "or" and delete the comma

Page 1, line 15, reinstate the old language and delete the new language and after the reinstated "plumber" insert "*or plumbing contractor*"

Page 1, line 16, delete the new language

Page 1, after line 16, insert:

"Sec. 2. [326.401] [PLUMBER'S APPRENTICES.]

Subdivision 1. [REGISTRATION.] A plumber's apprentice"

Page 1, line 23, before "When" insert:

"*Subd. 2. [JOURNEYMAN EXAM.]*"

Page 1, line 23, delete "an" and insert "*a plumber's*"

Page 2, after line 2, insert:

"The Commissioner may allow an extension of the two year period for taking the exam for cases of hardship or other appropriate circumstances."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring the registration of plumber's apprentices;"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 326"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 300: A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; and 115B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 85: A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; extending the effective date of chapter 583 for one year; and repealing the act after one year; amending Laws 1983, chapter 215, section 16, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 13, insert:

"The legislature finds that the foreclosure process has been disrupted, that the pain and suffering in the rural areas has caused people to take their own lives, and that this act is necessary for the people of this state and their governments to develop relief and an orderly process out of the rural economic depression."

Page 3, line 35, delete "complaint" and insert "petition"

Page 4, line 12, delete "reason" and insert "basis" and before the period, insert "as set forth in subdivision 3"

Page 4, line 15, before the period, insert "if it finds the following:

(1) that the mortgagor or debtor is facing economic problems due to low farm commodity prices or high interest rates;

(2) that the mortgagor or debtor is unable under all reasonable circumstances to make his payments; and

(3) that there is a reasonable prospect that postponement will enable the mortgagor or debtor to recover and continue farming into the foreseeable future"

Page 5, delete section 6

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 10, delete everything after "compromise"

Page 1, line 11, delete "583 for one year" and delete the semicolon at the end of the line

Page 1, delete line 12

Page 1, line 13, delete "amended"

And when so amended the bill be reported to the Senate without recommendation. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 304: A bill for an act relating to transportation; motor carriers; establishing a gross vehicle weight limitation for state trunk highways; requiring a local plan to upgrade market arteries; providing that 12 citizens may challenge a seasonal weight restriction imposed by the commissioner; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; 169.825, subdivision 10; 169.86, subdivisions 1a, 2, and by adding a subdivision; and 169.87, subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 36, insert:

"Sec. 2. Minnesota Statutes 1984, section 169.825, is amended by adding a subdivision to read:

Subd. 3a. [TANDEM.] "Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart."

Page 6, lines 8 to 30, delete the new language

Page 7, after line 31, insert:

"Sec. 4. Minnesota Statutes 1984, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.] (a) The limita-

tions provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-North Dakota Border; thence northerly along said Border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from October 1 through November 30 each year for the movement of sugar beets and potatoes from the field of harvest to the point of first unloading.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11."

Page 8, line 8, delete "12-MONTH" and insert "SPECIAL"

Page 8, line 9, delete "for a" and insert "during the times specified by the commissioner"

Page 8, line 10, delete "12-month period"

Page 8, line 11, before the comma, insert "on state trunk highways"

Page 8, line 14, after the comma, insert "the hauler must present to" and after "commissioner" insert "an inspection report issued by the department of public safety for each vehicle for which a permit is requested. The department of public safety shall charge a \$50 inspection fee for each vehicle. The report" and after "that" delete "the" and insert "each"

Page 8, line 15, delete the first "properly"

Page 8, after line 15, insert:

"The hauler must pay a fee of \$60 for each vehicle or combination of vehicles that will be operated under the permit. The permit and a copy of the inspection report shall be carried with each vehicle or combination of vehicles operating under a permit issued under this subdivision."

Page 9, line 33, after the period, insert *"The commissioner may impose restrictions that are not proposed by November 1 only in cases of unanticipated road damage so severe as to warrant immediate emergency action. Emergency road restrictions are not subject to the hearing requirement."*

Page 10, lines 31, 32, and 36, before "plan" insert "programming"

Page 11, lines 2 and 9, before "plan" insert "programming"

Page 11, lines 3 and 7, before "plans" insert "programming"

Page 11, after line 21, insert:

"Subd. 3. [IMPLEMENTATION.] The commissioner shall integrate the district upgrading programming plans into the state transportation and regional transportation plans required under section 174.03, subdivisions 1 and 5.

Upgrading as recommended by the district upgrading programming plans shall begin as soon as is practicable."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "revising the gross weight seasonal zone; providing for ten percent overweight allowance for movement of potatoes and sugar beets;"

Page 1, line 4, before "plan" insert "programming"

Page 1, line 8, delete the second "subdivision" and insert "subdivisions"

Page 1, line 9, after "10" insert "and 11, and by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 342, 125 and 85 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. DeCramer moved that the names of Messrs. Benson and Davis be added as co-authors to S.F. No. 101. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 120. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Knaak be added as a co-author to S.F. No. 196. The motion prevailed.

Mr. DeCramer moved that the names of Messrs. Benson and Davis be added as co-authors to S.F. No. 202. The motion prevailed.

Mr. Frank moved that the name of Mr. Jude be added as a co-author to S.F. No. 255. The motion prevailed.

Mr. Benson moved that the name of Mr. Jude be added as a co-author to S.F. No. 260. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 339. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 361. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 412. The motion prevailed.

Mr. Frank moved that the names of Messrs. Pogemiller and Dahl be added as co-authors to S.F. No. 414. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as a co-author to S.F. No. 419. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 421. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 425. The motion prevailed.

Mr. Pehler moved that S.F. No. 268 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Pogemiller moved that S.F. No. 358 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Local and Urban Government. The motion prevailed.

Messrs. Isackson; Moe, R.D.; Davis; Frederickson and Kamrath introduced—

Senate Resolution No. 26: A Senate resolution declaring the sense of the Senate that the Commodity Credit Corporation should authorize loan advances to fund spring planting.

Mr. Moe, R.D. moved that Senate Resolution No. 26 be laid on the table. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Luther in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. No. 196, which the committee recommends to pass with the following amendments offered by Messrs. Knaak and Merriam:

Mr. Knaak moved to amend S.F. No. 196 as follows:

Page 7, after line 14, insert:

"Sec. 10. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency *for investigating the alleged abuse* includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or *at* any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian or school official. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified; *by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview be withheld* from the parent, legal custodian, or guardian. *If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under paragraph (c), and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.*

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of *intent to interview the child on school property* must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, *whether the child's parents, legal custodian, or guardian will be permitted to be present during the interview,* and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. *For interviews conducted by the local law enforcement agency, the notification shall be signed by either the county sheriff or chief of police or their designee. The notification shall become part of the*

child's school record and 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 that may be a part of the child's school record 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.

The time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare agency, or the local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is ~~deemed~~ *considered* necessary by agreement between the school officials and the local welfare ~~agency~~ or local law enforcement agency. Where the school fails to comply with the provisions of this ~~section~~ *paragraph*, the juvenile court may order the school to comply with this ~~provision~~. ~~School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the investigation or assessment has been concluded.~~ Every effort ~~shall~~ *must* be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

(f) The commissioner, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 11. 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. *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.

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)."

Amend the title as follows:

Page 1, line 11, delete "and" and after "9" insert, ", 10, and 11"

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 7, after line 14, insert:

"Sec. 10. 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. *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.

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)."

Amend the title accordingly

Second portion:

Page 7, after line 14, insert:

"Sec. 10. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a)

If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency *for investigating the alleged abuse* includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or at any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian or school official. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified; *by the responsible local welfare or law enforcement agency* no later than the conclusion of the investigation or assessment, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, *the agency withhold* notification of this interview ~~be withheld~~ from the parent, legal custodian, or guardian. *If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under paragraph (c), and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.*

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of *intent to interview the child on school property* must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, *whether the child's parents, legal custodian, or guardian will be permitted to be present during the interview*, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. *For interviews conducted by the local law enforcement agency, the notification shall be signed by either the county sheriff or chief of police or their designee. The notification shall become part of the child's school record and 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 that may be a part of the child's school record 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.*

The time and place, and manner of the interview on school premises shall

be within the discretion of school officials, but the local welfare agency, or the local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is ~~deemed~~ *considered* necessary by agreement between the school officials and the local welfare agency or local law enforcement agency. Where the school fails to comply with the provisions of this section *paragraph*, the juvenile court may order the school to comply with this provision. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the investigation or assessment has been concluded. Every effort shall *must* be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

(f) The commissioner, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings."

Amend the title accordingly

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

The question was taken on the adoption of the second portion of the amendment. The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Knaak then moved to amend S. F. No. 196 as follows:

Page 3, line 19, delete "conduct" and insert "the use of reasonable force

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 or to administer appropriate discipline."

Page 3, delete line 20

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Sieloff
Anderson	Diessner	Kroening	Pehler	Solon
Belanger	Frederick	Kronebusch	Peterson, C.C.	Spear
Benson	Freeman	Laidig	Peterson, D.C.	Storm
Berg	Gustafson	Langseth	Pogemiller	Stumpf
Bernhagen	Isackson	Lantry	Purfeerst	Taylor
Bertram	Johnson, D.E.	Lessard	Ramstad	Vega
Brataas	Johnson, D.J.	Luther	Reichgott	Waldorf
Chmielewski	Jude	McQuaid	Renneke	Willet
Dahl	Kamrath	Mehrken's	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	

Those who voted in the negative were:

Davis	Frank	Merriam	Moe, R. D.	Peterson, R.W.
Dieterich	Frederickson	Moe, D. M.	Peterson, D.L.	Wegscheid

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 196 as follows:

Page 5, line 14, after the semicolon insert "and"

Page 5, lines 15 to 19, delete the new language and strike the old language

Page 5, line 20, delete "(3)" and insert "(2)"

Page 5, after line 26, insert:

"(b) A person that is a supervisor or social worker employed by a local welfare agency complying with subdivisions 10 and 11 or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions if the person is acting in good faith and exercising due care."

Page 5, line 27, delete "(b)" and insert "(c)"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 196.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Samuelson
Anderson	Diessner	Knutson	Nelson	Schmitz
Belanger	Dieterich	Kroening	Olson	Solon
Benson	Frank	Kronebusch	Pehler	Spear
Berg	Frederickson	Laidig	Peterson, C. C.	Storm
Bernhagen	Freeman	Langseth	Peterson, D. C.	Stumpf
Bertram	Gustafson	Lantry	Peterson, D. L.	Taylor
Brataas	Isackson	Lessard	Peterson, R. W.	Vega
Chmielewski	Johnson, D. E.	Luther	Pogemiller	Waldorf
Dahl	Johnson, D. J.	McQuaid	Ramstad	Wegscheid
Davis	Jude	Mehrkens	Reichgott	Willet
DeCramer	Kamrath	Merriam	Renneke	

The motion prevailed. So S.F. No. 196 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Isackson moved that Senate Resolution No. 26 be taken from the table. The motion prevailed.

Senate Resolution No. 26: A Senate resolution declaring the sense of the Senate that the Commodity Credit Corporation should authorize loan advances to fund spring planting.

WHEREAS, dangerously high interest rates, coupled with low grain prices, decreasing land values and the strong dollar preventing exports have caused grave concern among farmers and economic experts throughout the United States; and

WHEREAS, there is currently desperate concern within the agricultural community that the federal government will repeal programs that have provided farmers financial aid during recent years; and

WHEREAS, the approval of a federal farm program that is less than attentive to the urgent needs of American agriculture could cause the virtual collapse of the farm industry and submerge this nation into an economic depression; and

WHEREAS, with the spring planting season just weeks away, farmers need capital to put in their crops; **NOW; THEREFORE,**

BE IT RESOLVED by the Senate of the State of Minnesota that it is the sense of the Senate that the Secretary of Agriculture of the United States should expeditiously act to authorize the Commodity Credit Corporation to advance part of the loan that farmers normally receive for sealing grain as either a recourse or nonrecourse loan to pay for spring planting expenses. This advance could be handled by local ASCS offices which are already in place requiring no extra funding and would be paid back at the 9-1/8 percent rate at which the Commodity Credit Corporation receives money.

Mr. Isackson moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, the Senate reverted to the Order of Business of Reports

of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 412: A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

Reports the same back with the recommendation that the bill do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 412 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Peterson, C.C. introduced—

S.F. No. 429: A bill for an act relating to industrial development bonds; requiring the refund of application deposits to the city of Fergus Falls.

Referred to the Committee on Local and Urban Government.

Mr. Peterson, C.C. introduced—

S.F. No. 430: A bill for an act relating to industrial development bonds; requiring the refund of certain 1984 application deposits.

Referred to the Committee on Local and Urban Government.

Messrs. Samuelson, Wegscheid, Freeman and Solon introduced—

S.F. No. 431: A bill for an act relating to health; authorizing the commissioner of commerce to adopt rules related to financial affairs of health maintenance organizations; requiring certificates of authority to be jointly issued by the commissioners of health and insurance; providing for joint supervision of health maintenance organizations; amending Minnesota Statutes 1984, sections 62D.03, as amended; 62D.04; 62D.05, by adding a subdivision; 62D.08; 62D.14; 62D.15, subdivision 1, and by adding a subdivision; 62D.16; 62D.17; 62D.20; and 62D.21.

Referred to the Committee on Health and Human Services.

Messrs. Johnson, D.E.; Ramstad and Spear introduced—

S.F. No. 432: A bill for an act relating to public safety; requiring the commissioner of public safety to administer an automated fingerprint identification network system; appropriating money; proposing coding for new law in

Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

Messrs. Vega, Renneke, Solon and Dicklich introduced—

S.F. No. 433: A bill for an act relating to crimes; permitting crime victims suffering certain types of property damage to file claims for reparations; amending Minnesota Statutes 1984, sections 611A.52; 611A.53, subdivision 2; 611A.54; and 611A.60.

Referred to the Committee on Judiciary.

Mr. Vega introduced—

S.F. No. 434: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Referred to the Committee on Elections and Ethics.

Messrs. Chmielewski, Frederickson, Renneke, Bernhagen and Ms. Reichgott introduced—

S.F. No. 435: A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Referred to the Committee on Local and Urban Government.

Messrs. Bernhagen, Wegscheid, Bertram, Frederickson and Isackson introduced—

S.F. No. 436: A bill for an act relating to taxation; property, changing property tax payments, settlement, and distribution dates; amending Minnesota Statutes 1984, sections 276.09; 276.10; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; and 473F.08, subdivision 7a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Solon, Mmes. Adkins, Kronebusch and Mr. Laidig introduced—

S.F. No. 437: A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

Referred to the Committee on Economic Development and Commerce.

Mr. Merriam, Mrs. Adkins and Mr. Kroening introduced—

S.F. No. 438: A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998,

subdivision 1.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Novak; Pehler; Ms. Berglin and Mr. Merriam introduced—

S.F. No. 439: A bill for an act relating to taxation; adopting federal taxable income for individual income tax purposes; reducing the tax rate; amending Minnesota Statutes 1984, sections 41.55; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.012, subdivision 2; 290.06, subdivisions 2c, 2d, 3f, and 11; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1, 2, and 29; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.101, subdivision 1; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivisions 1a and 2; 290.46; 290.49, subdivision 10; 290.92, subdivisions 2a, 5, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 290.01, subdivisions 20c, 20f, and 26; 290.06, subdivisions 3e, 14, 16, 17, 18, and 19; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.088; 290.089; 290.17, subdivision 1a; 290.18, subdivision 2; 290.41, subdivision 5; and 290.9726, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Kamrath, Mehrkens, Storm and Knaak introduced—

S.F. No. 440: A resolution memorializing Congress of ratification of a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

Referred to the Committee on Elections and Ethics.

Mr. Bertram introduced—

S.F. No. 441: A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

Referred to the Committee on Veterans and General Legislation.

Mr. Bertram introduced—

S.F. No. 442: A bill for an act relating to public safety; providing for use of a portion of the proceeds of the tobacco tax for training of firefighters; appropriating money; amending Minnesota Statutes 1984, section 297.13, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Ms. Reichgott, Mrs. McQuaid, Messrs. Jude, Luther and Pogemiller introduced—

S.F. No. 443: 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.

Referred to the Committee on Judiciary.

Messrs. Peterson, D.L.; Frederickson; Kamrath; Davis and Isackson introduced—

S.F. No. 444: A bill for an act relating to civil judgments; authorizing the court to stay execution of a judgment for a year if it is in the best interest of both the judgment debtor and creditor; amending Minnesota Statutes 1984, section 550.36.

Referred to the Committee on Judiciary.

Mr. Wegscheid, Ms. Reichgott, Messrs. Freeman, Solon and Knaak introduced—

S.F. No. 445: A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid; Samuelson; Benson; Moe, D.M. and Mrs. Lantry introduced—

S.F. No. 446: A bill for an act relating to human services; requiring nursing home medical assistance reimbursement rules to be effective by a certain time period.

Referred to the Committee on Health and Human Services.

Messrs. Nelson, Langseth, Taylor, Pehler and Ms. Peterson, D.C. introduced—

S.F. No. 447: A bill for an act relating to education; changing the instructional effectiveness plan and training to the educational effectiveness plan and training; providing for research and development; appropriating money; amending Minnesota Statutes 1984, sections 121.608 and 121.609.

Referred to the Committee on Education.

Messrs. Wegscheid, Merriam, Ms. Reichgott, Messrs. Sieloff and Dahl introduced—

S.F. No. 448: A bill for an act relating to crimes; providing for assault of firefighters or emergency medical services personnel; amending Minnesota Statutes 1984, section 609.2231.

Referred to the Committee on Judiciary.

Messrs. Wegscheid; Peterson, R.W.; Sieloff; Schmitz and Dahl introduced—

S.F. No. 449: A bill for an act relating to government data practices; providing that a complaint or charge against an employee that does not result in disciplinary action is private data; amending Minnesota Statutes 1984, section 13.43, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Jude and Peterson, C.C. introduced—

S.F. No. 450: A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1, 2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knaak, Storm, Ramstad, Knutson and Peterson, D.L. introduced—

S.F. No. 451: A bill for an act relating to utilities; prescribing membership on the public utilities commission; amending Minnesota Statutes 1984, section 216A.03, subdivision 1.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Jude; Frank; Storm; Johnson, D.J. and Sieloff introduced—

S.F. No. 452: A bill for an act relating to alcoholic beverages; requiring local approval of farm winery licenses in certain instances; amending Minnesota Statutes 1984, section 340.435, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott, Messrs. Willet, Merriam, Dahl and Belanger introduced—

S.F. No. 453: A bill for an act relating to natural resources; reducing fees for camping spaces within a state park and state park motor vehicle permits for physically handicapped persons; amending Minnesota Statutes 1984, section 85.05.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Reichgott, Messrs. Stumpf, Anderson, Nelson and Pehler introduced—

S.F. No. 454: A bill for an act relating to post-secondary education; allowing financial aid for four years, not just the first four years, of undergraduate education; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

Referred to the Committee on Education.

Messrs. Jude, Merriam, Freeman, Sieloff and Knaak introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Dieterich and Kroening introduced—

S.F. No. 456: A bill for an act relating to insurance; automobile; requiring coverage for certain accident investigation charges; proposing coding for new law in Minnesota Statutes, chapter 65B.

Referred to the Committee on Economic Development and Commerce.

Mrs. McQuaid, Messrs. Johnson, D.E. and Sieloff introduced—

S.F. No. 457: A bill for an act relating to taxation; income; allowing spouses to apportion the federal tax deduction as they elect; amending Minnesota Statutes 1984, section 290.18, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bernhagen, Benson, Frederickson, Isackson and Renneke introduced—

S.F. No. 458: A bill for an act relating to taxation; exempting business equipment, including farm machinery, from the sales tax; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15 and by adding a subdivision; 297A.14; 297A.25, subdivision 1; repealing Minnesota Statutes 1984, sections 297A.01, subdivisions 16 and 17; 297A.02, subdivision 2; and 297A.15, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear introduced—

S.F. No. 459: A bill for an act relating to probate; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, section 525.703.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 460: A bill for an act relating to taxation; income; modifying the minimum tax; amending Minnesota Statutes 1984, section 290.091.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schmitz; Moe, R.D.; Bernhagen; Wegscheid and Purfeerst introduced—

S.F. No. 461: A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; 41.61, subdivision 1; and 290.01, subdivision 20b.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen, Benson, Frederickson, Isackson and Renneke introduced—

S.F. No. 462: A bill for an act relating to taxation; providing state paid credits for homestead agricultural property.

Referred to the Committee on Taxes and Tax Laws.

Mr. Wegscheid, Mrs. Lantry and Mr. Renneke introduced—

S.F. No. 463: A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; adding to the nongeneral fund staff complement of the land management information center; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 464: A bill for an act relating to taxation; clarifying the sales tax permit verification requirement; amending Minnesota Statutes 1984, section 297A.041.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes, Nelson, Waldorf, Willet and Taylor introduced—

S.F. No. 465: A bill for an act relating to education; agricultural extension service; adding a small business component; appropriating money.

Referred to the Committee on Finance.

Mr. Hughes, Ms. Olson, Messrs. Pehler, Stumpf and Nelson introduced—

S.F. No. 466: A bill for an act relating to education; increasing surety bond amounts and refund amounts for private proprietary vocational schools; requiring preservation of student records by private proprietary vocational schools; clarifying review of advertising and promotional materials; requiring a study of refund policies for private and public vocational schools; clarifying and simplifying language in certain sections; amending Minnesota Statutes 1984, sections 136A.653, subdivision 1; 141.23; 141.25, subdivisions 5, 8, 9, 10, and by adding a subdivision; 141.26, subdivisions 3 and 5; 141.271, subdivisions 2, 3, 4, and 5; 141.28, subdivision 4; and 141.32; proposing coding for new law in Minnesota Statutes, chapter 141.

Referred to the Committee on Education.

Messrs. Frederickson; Chmielewski; Johnson, D.E.; Samuelson and Taylor introduced—

S.F. No. 467: A bill for an act relating to government operations; allowing municipalities to contract to buy sheltered workshop products without getting competitive bids; including sheltered workshops in the small business set-aside program; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision; and 471.345, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Pehler; Peterson, D.L.; Mehrkens; Peterson, R.W. and Mrs. Adkins introduced—

S.F. No. 468: A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Johnson, D.J.; Frank; Novak and Dicklich introduced—

S.F. No. 469: A bill for an act relating to the city of Ely; authorizing the city to operate a casino gaming facility regulated by the charitable gambling control board.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Jude, Merriam, Luther, Sieloff and Knaak introduced—

S.F. No. 470: A bill for an act relating to arrest; providing for the extradition and rendition of accused persons, escapees, and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1984, sections 480.059, subdivision 7; 611.14; and 629.404, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1984, sections 629.01 to 629.29.

Referred to the Committee on Judiciary.

Mr. DeCramer introduced—

S.F. No. 471: A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 472: A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; changing the tax treatment of certain exempt property; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; clarifying procedures relating to the sale of cigarettes to American Indians; altering the eligibility for confessions of judgment; providing for the

recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; clarifying cost of doing business provisions for cigarette wholesalers; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.01, subdivision 2, and by adding a subdivision; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 297.041; 298.02, subdivision 1; 298.225; 325D.32, subdivisions 10 and 11; 473H.10, subdivision 3; 508.47, subdivision 1; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.19; 297.02, subdivision 2; and 477A.04.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes, Pehler, Taylor, Ms. Olson and Mr. Wegscheid introduced—

S.F. No. 473: A bill for an act relating to the department of education; authorizing it to make shared service agreements with other public agencies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 474: A bill for an act relating to labor and employment; establishing a youth conservation corps to promote employment of youths and young adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 84C.

Referred to the Committee on Agriculture and Natural Resources. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam introduced—

S.F. No. 475: A bill for an act relating to probate; enacting the succession without administration provisions of the uniform probate code; proposing coding for new law in Minnesota Statutes, chapter 524.

Referred to the Committee on Judiciary.

Messrs. Pehler, Nelson, Moe, R.D., Mehrkens and Peterson, D.L. introduced—

S.F. No. 476: A bill for an act relating to education; requiring examinations for certain people applying for teaching licenses; appropriating money;

amending Minnesota Statutes 1984, sections 125.03, by adding a subdivision; 125.05, subdivision 1; 125.182, subdivision 1; and 125.185, subdivision 4.

Referred to the Committee on Education.

Messrs. Pehler, Nelson, Mehrkens, Knutson and Ms. Peterson, D.C. introduced—

S.F. No. 477: A bill for an act relating to education; authorizing school districts to hire nonlicensed community experts on a limited basis; establishing a business incentive matching fund program; requiring the Minnesota academic excellence foundation to examine ways to encourage employee involvement in education; appropriating money; amending Minnesota Statutes 1984, section 121.612, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Nelson; Peterson, D.L.; Kamrath; Pehler and Ms. Peterson, D.C. introduced—

S.F. No. 478: A bill for an act relating to education; establishing courseware integration centers; providing grants for centers for the 1986-1987 school year; providing grants to encourage using technology in school district management; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Messrs. Nelson, Merriam and Dieterich introduced—

S.F. No. 479: A bill for an act relating to education; providing pupils with an alternative attendance option if the resident school district does not meet certain minimum curriculum requirements; amending Minnesota Statutes 1984, section 120.0751, by adding a subdivision.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Nelson, Dicklich and Pehler introduced—

S.F. No. 480: A bill for an act relating to education; establishing a task force to study and make recommendations about educational options for pupils in 11th and 12th grades; appropriating money.

Referred to the Committee on Education.

Messrs. Nelson; Peterson, D.L.; Peterson, R.W. and Pehler introduced—

S.F. No. 481: A bill for an act relating to education; enabling the state board of education to authorize school boards to permanently transfer money from one fund to another when unforeseeable events occur within a district; requiring review and recommendations by the advisory council on uniform financial accounting and reporting standards; amending Minnesota Statutes 1984, section 121.912, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Ms. Reichgott, Messrs. Dicklich, Mehrkens, Stumpf and Anderson introduced—

S.F. No. 482: A bill for an act relating to education; increasing state aid for school district programs for gifted and talented students; appropriating money; amending Minnesota Statutes 1984, section 124.247, subdivision 3; repealing Minnesota Statutes 1984, section 124.247, subdivision 6.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 483: A bill for an act relating to education; directing the commissioner to grant a capital loan to Independent School District No. 690, Warroad.

Referred to the Committee on Education.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, February 18, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTEENTH DAY

St. Paul, Minnesota, Monday, February 18, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Albert Neibacher.

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

Adkins	Diessner	Knutson	Nelson	Renneke
Anderson	Dieterich	Kroening	Novak	Samuelson
Belanger	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Vega
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Ramstad	Willet
Dicklich	Knaak	Moe, R.D.	Reichgott	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Hughes, Sieloff and Mrs. Brataas were excused from the Session of today.

The following members were excused from today's Session for brief periods of time:

Messrs. Ramstad and Solon.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 279: A bill for an act relating to natural resources; increasing the penalty on owners and keepers of certain dogs; authorizing peace officers to take certain actions; prohibiting damages against peace officers who take those actions; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 5 and insert "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;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 219: A bill for an act relating to transportation; restricting mowing of highway ditches outside of cities; proposing coding for new law in Minnesota Statutes, chapter 160.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 160.02, is amended by adding a subdivision to read:

Subd. 14. [NOXIOUS WEEDS.] "Noxious weeds" has the meaning given in section 18.171, subdivision 5.

Sec. 2. [160.232] [MOWING RIGHTS-OF-WAY OUTSIDE CITIES.]

Road authorities may not mow the right-of-way of highways located outside of a home rule charter or statutory city except as allowed in this section and section 160.23.

(a) For a highway that has a shoulder, the first eight feet away from the road surface may be mowed at any time.

(b) For a highway without a shoulder, the first eight feet away from the road surface may be mowed at any time.

(c) A right-of-way may be mowed as is necessary to maintain sight distance for safety.

(d) An entire right-of-way may be mowed after July 31.

(e) An entire right-of-way may be mowed down to a height of 12 inches after August 31 if the mowing is necessary for safety reasons.

(f) Rights-of-way may be mowed at other times according to the rules of the commissioner of transportation.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Amend the title as follows:

Page 1, line 3, delete "ditches" and insert "rights-of-way"

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1984, section 160.02, by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Transportation. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 279 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davis moved that the names of Messrs. Merriam and Novak be added as co-authors to S.F. No. 219. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 411. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 415. The motion prevailed.

Mr. Johnson, D.E. moved that the names of Messrs. Laidig and Merriam be added as co-authors to S.F. No. 432. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Lessard and Solon be added as co-authors to S.F. No. 441. The motion prevailed.

Mr. Merriam moved that the names of Mrs. Lantry, Messrs. Pogemiller, Dahl and Freeman be added as co-authors to S.F. No. 474. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 412 a Special Order to be heard immediately.

S.F. No. 412: A bill for an act relating to housing; raising the limit on the total amount of Minnesota housing finance agency bonds and notes outstanding; amending Minnesota Statutes 1984, section 462A.22, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Schmitz
Anderson	Dieterich	Kronebusch	Olson	Spear
Belanger	Frank	Laidig	Pehler	Storm
Benson	Frederick	Langseth	Peterson, C.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.C.	Taylor
Berglin	Freeman	Lessard	Peterson, D.L.	Vega
Bernhagen	Gustafson	Luther	Peterson, R.W.	Waldorf
Bertram	Isackson	McQuaid	Petty	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Willet
Dahl	Johnson, D.J.	Merriam	Purfeerst	
Davis	Jude	Moe, D. M.	Reichgott	
DeCramer	Knaak	Moe, R. D.	Renneke	
Dicklich	Knutson	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 328 a Special Order to be heard immediately.

S.F. No. 328: A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; eliminating dedication of tax revenue to the arts; amending Laws 1984, chapter 502, article 12, section 26; repealing Minnesota Statutes 1984, section 349.212, subdivision 3.

Mr. Merriam moved to amend S.F. No. 328 as follows:

Page 1, after line 9, insert:

“Section 1. Minnesota Statutes 1984, section 349.212, subdivision 3, is amended to read:

Subd. 3. [ANNUAL APPROPRIATION.] At the end of each fiscal year, the commissioner of finance shall certify to the state treasurer the total revenues collected by the board from taxes and fees imposed by ~~this article sections 349.11 to 349.22~~ minus the amount appropriated by law from the general fund to the board for its expenses and operations. The net revenue so certified shall be expended by legislative appropriation to ~~the department of education for expenditure, in consultation with the state arts board, as grants for programs, construction, maintenance, and operation of one or more schools for the arts located within the state, or the purposes recommended by the Minnesota school for the arts planning task force for arts education programs,~~ except that any part of the amount so certified which is not appropriated for the purposes set forth in this subdivision may be appropriated for any other purpose.”

Page 1, delete lines 19 to 21

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "eliminating dedication of tax revenue for the arts" and insert "clarifying that certain revenue may be used for arts education programs"

Page 1, line 5, after "amending" insert "Minnesota Statutes 1984, section 349.212, subdivision 3; and"

Page 1, lines 6 and 7, delete "; repealing Minnesota Statutes 1984, section 349.212, subdivision 3"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson	Mehrkens	Pehler	Taylor
Chmielewski	Johnson, D.E.	Merriam	Peterson, C.C.	Vega
Davis	Johnson, D.J.	Moe, D. M.	Peterson, D.L.	Wegscheid
DeCramer	Knaak	Moe, R. D.	Petty	Willet
Dicklich	Kronebusch	Nelson	Pogemiller	
Frank	Lessard	Novak	Ramstad	
Frederick	Luther	Olson	Schmitz	

Those who voted in the negative were:

Adkins	Dahl	Kamrath	Peterson, D.C.	Storm
Anderson	Diessner	Knutson	Peterson, R.W.	Stumpf
Belanger	Dieterich	Kroening	Purfeerst	Waldorf
Benson	Freeman	Laidig	Reichgott	
Berg	Gustafson	Langseth	Renneke	
Bernhagen	Isackson	Lantry	Samuelson	
Bertram	Jude	McQuaid	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend S.F. No. 328 as follows:

Page 1, line 16, reinstate the stricken "March" and delete "June" and strike "1985" and insert "1986"

Page 1, line 18, reinstate the stricken "February 28" and delete "May 31" and strike "1985" and insert "1986"

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

S.F. No. 328 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Ramstad
Anderson	Diessner	Knaak	Nelson	Reichgott
Belanger	Dieterich	Kroening	Novak	Renneke
Benson	Frank	Kronebusch	Olson	Samuelson
Berg	Frederick	Laidig	Pehler	Schmitz
Berglin	Frederickson	Langseth	Peterson, C.C.	Spear
Bernhagen	Freeman	Lantry	Peterson, D.C.	Storm
Bertram	Gustafson	Lessard	Peterson, D.L.	Stumpf
Chmielewski	Isackson	Luther	Peterson, R.W.	Taylor
Dahl	Johnson, D.E.	McQuaid	Petty	Vega
Davis	Johnson, D.J.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Jude	Merriam	Purfeerst	Willet

Messrs. Moe, D.M. and Waldorf voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

CALENDAR

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, and 9.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Spear
Benson	Frederick	Langseth	Peterson, C.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.C.	Stumpf
Berglin	Freeman	Lessard	Peterson, D.L.	Taylor
Bernhagen	Gustafson	Luther	Peterson, R.W.	Vega
Bertram	Isackson	McQuaid	Petty	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Merriam	Purfeerst	Willet
Davis	Jude	Moe, D. M.	Ramstad	
DeCramer	Kamrath	Moe, R. D.	Reichgott	
Dicklich	Knaak	Nelson	Renneke	

So the bill passed and its title was agreed to.

CALL OF THE SENATE

Mr. Berg imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Luther in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. No. 85, which the committee recommends to pass, after the following motions:

Mr. Johnson, D.J. moved to amend S.F. No. 85 as follows:

Page 1, line 14, after "agricultural" insert "and homestead"

Page 2, after line 11, insert:

"The legislature finds that the rural economic depression has intensified the unemployment and underemployment in most of the state and that federal and international policies beyond the control of individuals and the state have caused severe employment reduction in the agriculture, steelmaking, and wood products industries. The high unemployment rates and rural economic depression have resulted in persons losing their homes in foreclosure sales, at prices below what is believed to be the real value, in areas where there are few, if any, alternatives for employment or housing."

Page 3, after line 13, insert:

"Subd. 6. [MORTGAGES ON HOMESTEADS.] Sections 1 to 5 apply to mortgages on homesteads, as defined in Minnesota Statutes, section 510.01, held by lenders in the business of lending money."

Page 4, line 15, delete "as set"

Page 4, line 16, delete everything before the period

Page 4, delete lines 17 to 27 and insert:

"Subd. 3. [POSTPONEMENT OF FORECLOSURE SALE AND REDEMPTION PERIOD.] If the court orders the foreclosure and sale to proceed, the court may postpone the date of foreclosure sale and the corresponding redemption period up to one year if it finds:

(a) that for a mortgage of agricultural production real estate or a security interest in personal property used for agricultural production:

(1) the mortgagor or debtor is facing economic problems due to low farm commodity prices and unexpectedly high interest rates;

(2) the mortgagor or debtor is unable under all reasonable circumstances to make payments; and

(3) there is a reasonable prospect that postponement will enable the mortgagor or debtor to recover and continue farming into the foreseeable future.

(b) that for a mortgage on a homestead:

(1) there is depressed economy in the area where the debtor or mortgagor resides; and

(2) the mortgagor or debtor is unemployed or underemployed, or has a net income that does not allow living expenses, principal, and interest to be paid."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 32, as follows:

Those who voted in the affirmative were:

Benson	Dicklich	Lantry	Peterson, D.C.	Spear
Berg	Dieterich	Lessard	Peterson, D.L.	Vega
Berglin	Frank	Luther	Petty	Wegscheid
Chmielewski	Freeman	Moe, R. D.	Pogemiller	Willet
Dahl	Johnson, D.J.	Novak	Reichgott	
Davis	Jude	Pehler	Samuelson	
DeCramer	Kroening	Peterson, C.C.	Solon	

Those who voted in the negative were:

Adkins	Frederickson	Kronebusch	Nelson	Storm
Anderson	Gustafson	Laidig	Olson	Stumpf
Belanger	Isackson	Langseth	Peterson, R. W.	Taylor
Bernhagen	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Bertram	Kamrath	Mehrkens	Ramstad	
Diessner	Knaak	Merriam	Renneke	
Frederick	Knutson	Moe, D. M.	Schmitz	

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Stumpf moved that the vote whereby the Johnson, D.J. amendment of S.F. No. 85 was not adopted on February 18, 1985; be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Berg	Diessner	Luther	Petty	Stumpf
Berglin	Dieterich	Moe, R. D.	Pogemiller	Vega
Bertram	Frank	Nelson	Reichgott	Waldorf
Chmielewski	Johnson, D.J.	Novak	Renneke	Wegscheid
Dahl	Jude	Pehler	Samuelson	Willet
Davis	Kroening	Peterson, C.C.	Solon	
DeCramer	Lantry	Peterson, D.C.	Spear	
Dicklich	Lessard	Peterson, D.L.	Storm	

Those who voted in the negative were:

Adkins	Frederickson	Knaak	Mehrkens	Ramstad
Anderson	Freeman	Knutson	Merriam	Schmitz
Belanger	Gustafson	Kronebusch	Moe, D. M.	
Benson	Isackson	Laidig	Olson	
Bernhagen	Johnson, D.E.	Langseth	Peterson, R. W.	
Frederick	Kamrath	McQuaid	Purfeerst	

The motion prevailed. So the vote was reconsidered.

The question recurred on the Johnson, D.J. amendment.

The roll was called, and there were yeas 32 and nays 32, as follows:

Those who voted in the affirmative were:

Berg	Dieterich	Luther	Peterson, D.L.	Stumpf
Berglin	Frank	Moe, R. D.	Petty	Vega
Chmielewski	Freeman	Nelson	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Novak	Reichgott	Willet
Davis	Jude	Pehler	Solon	
DeCramer	Kroening	Peterson, C.C.	Spear	
Dicklich	Lessard	Peterson, D.C.	Storm	

Those who voted in the negative were:

Adkins	Frederick	Knutson	Merriam	Samuelson
Anderson	Frederickson	Kronebusch	Moe, D. M.	Schmitz
Belanger	Gustafson	Laidig	Olson	Taylor
Benson	Isackson	Langseth	Peterson, R. W.	Waldorf
Bernhagen	Johnson, D.E.	Lantry	Purfeerst	
Bertram	Kamrath	McQuaid	Ramstad	
Diessner	Knaak	Mehrkens	Renneke	

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

Mr. Berg moved to amend S.F. No. 85 as follows:

Page 2, line 8, before "that" insert "and deficiencies from low prices accepted at the sales."

Page 2, line 18, after "that" insert "foreclosure by advertisement will not provide a fair foreclosure process as contemplated by law unless the court authorizes the procedure and"

Page 2, line 24, after "validates" insert "court supervision of the foreclosure process,"

Page 2, line 25, after "made" insert a comma

Page 4, line 15, delete "as set"

Page 4, line 16, delete everything before the period

Page 4, delete lines 17 to 27 and insert:

"Subd. 3. [POSTPONEMENT OF FORECLOSURE SALE AND REDEMPTION PERIOD.] *If the court orders the foreclosure and sale to proceed, the court may postpone the date of foreclosure sale and the corresponding redemption period up to one year if it finds the following:*

(1) *that the mortgagor or debtor is facing economic problems due to low farm commodity prices or unexpectedly high interest rates;*

(2) *that the mortgagor or debtor is unable under all reasonable circumstances to make his payments; and*

(3) *that there is a reasonable prospect that postponement will enable the mortgagor or debtor to recover and continue farming into the foreseeable future."*

Mr. Merriam moved to amend the Berg amendment to S.F. No. 85, as follows:

Page 1, delete lines 18 and 19

Renumber the clauses in sequence

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Berg amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

The question was taken on the recommendation to pass S.F. No. 85.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Merriam	Peterson, D. L.	Spear
Benson	Freeman	Moe, D. M.	Pogemiller	Storm
Berg	Kroening	Moe, R. D.	Purfeerst	Vega
Berglin	Kronebusch	Nelson	Renneke	Wegscheid
Dahl	Lajdig	Novak	Samuelson	Willet
Davis	Lessard	Peterson, C. C.	Schmitz	
DeCramer	Luther	Peterson, D. C.	Solon	

Those who voted in the negative were:

Adkins	Dieterich	Jude	Mehrkens	Stumpf
Belanger	Frederick	Kamrath	Olson	Taylor
Bernhagen	Frederickson	Knaak	Pehler	Waldorf
Bertram	Gustafson	Knutson	Peterson, R. W.	
Chmielewski	Isackson	Langseth	Petty	
Dicklich	Johnson, D.E.	Lantry	Ramstad	
Diessner	Johnson, D.J.	McQuaid	Reichgott	

The motion prevailed. So S.F. No. 85 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Berglin, Mr. Samuelson, Mrs. Lantry, Messrs. Benson and Dicklich introduced—

S.F. No. 484: A bill for an act relating to human services; expanding preadmission screening to all applicants seeking admission to nursing homes or boarding care homes; adding a criterion for payment of alternative care grants; appropriating money; amending Minnesota Statutes 1984, section 256B.091, subdivisions 1, 2, 4, 5, and 8.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 485: A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 486: A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Referred to the Committee on Elections and Ethics.

Mr. Bertram introduced—

S.F. No. 487: A bill for an act relating to taxation; removing the additional sales tax from liquor; repealing Minnesota Statutes 1984, section 297A.02, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear introduced—

S.F. No. 488: A bill for an act relating to marriage; adopting the uniform

marital property act; providing conforming amendments to existing state law; amending Minnesota Statutes 1984, sections 181.58; 197.49; 507.02; 507.03; 518.54, subdivision 5; 518.58; 518.64; 519.11, subdivisions 1 and 7; 525.15; 525.16; 525.214; and 525.215; proposing coding for new law as Minnesota Statutes, chapter 519A; repealing Minnesota Statutes 1984, sections 519.02; 519.03; 519.04; 519.05; and 519.06.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Wegscheid; Renneke; Knaak and Spear introduced—

S.F. No. 489: A bill for an act relating to retirement; public employees generally; revising the state unclassified employees retirement program; amending Minnesota Statutes 1984, sections 352D.01; 352D.015, subdivisions 2, 4, and 5; 352D.02, subdivisions 1, 2, 3, and 4, and by adding a subdivision; 352D.05, subdivision 4; 352D.06, subdivision 1; 352D.065, subdivision 5; 352D.085, subdivision 1; 352D.09, subdivisions 1, 5, and 7; 352D.11, subdivisions 1 and 4; and 353.01, subdivision 2a; and repealing section 352D.02, subdivision 1a.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Laidig, Belanger, Dahl and Solon introduced—

S.F. No. 490: A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivision 1; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Ramstad introduced—

S.F. No. 491: A bill for an act relating to unemployment compensation; providing an exception for contributions and coverage for self-employed business owners; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Employment.

Messrs. Wegscheid, Chmielewski, Storm, Laidig and Lessard introduced—

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.

Referred to the Committee on Veterans and General Legislation.

Messrs. Jude and Wegscheid introduced—

S.F. No. 493: A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota

Statutes 1984, section 296.05, subdivision 3a.

Referred to the Committee on Energy and Housing.

Messrs. Samuelson; Johnson, D.E.; Dicklich; Waldorf and Ms. Peterson, D.C. introduced—

S.F. No. 494: 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.

Referred to the Committee on Health and Human Services.

Messrs. DeCramer, Schmitz, Storm, Bertram and Lessard introduced—

S.F. No. 495: A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Messrs. Frederickson, Lessard, Mrs. Lantry, Mr. Peterson, D.L. and Ms. Olson introduced—

S.F. No. 496: A bill for an act relating to state departments and agencies; requiring the commissioner of administration to notify libraries about available surplus documents; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations.

Mr. Ramstad introduced—

S.F. No. 497: A bill for an act relating to taxation; property tax refund; clarifying the term "property taxes payable"; amending Minnesota Statutes 1984, section 290A.03, subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes, Wegscheid, Meses. Reichgott and Peterson, D.C. introduced—

S.F. No. 498: A bill for an act relating to education; defining substantial parental involvement in early childhood family education programs; including expectant parents in the program; deleting "and" from the name of the program; amending Minnesota Statutes 1984, section 121.882, subdivisions 1, 2, 3, 7, 8, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Novak; Lessard; Berg and Bertram introduced—

S.F. No. 499: A bill for an act relating to charitable gambling; exempting certain organizations that conduct raffles from regulation by the charitable gambling control board; amending Minnesota Statutes 1984, section

349.214, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Spear, Merriam, Ramstad, Petty and Ms. Olson introduced—

S.F. No. 500: A bill for an act relating to crimes; authorizing parents of children in day care facilities to be informed of abuse reports under the reporting of maltreatment of minors act; amending Minnesota Statutes 1984, section 626.556, subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Freeman, Merriam, Sieloff, Knaak and Pogemiller introduced—

S.F. No. 501: A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the third degree and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Berg; Peterson, C.C.; Lessard; Merriam and Anderson introduced—

S.F. No. 502: A bill for an act relating to appropriations; appropriating money for walleyed pike fingerling production and related educational documentation.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C.; Messrs. Vega, Kroening, Pogemiller and Ms. Olson introduced—

S.F. No. 503: A bill for an act relating to housing; regulating powers of the Minnesota housing finance agency; setting limits on loan authority, terms and amounts; providing for administrative changes in various loan programs; amending Minnesota Statutes 1984, sections 462A.03, subdivisions 13 and 14; 462A.05, subdivisions 11, 12, 14a, 15a, 23, and by adding subdivisions; 462A.07, subdivisions 14 and 15; 462A.08, subdivision 3; 462A.20, subdivision 3; 462A.21, subdivision 6, and by adding a subdivision; 462A.22, subdivision 1; and 462C.09, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Ms. Peterson, D.C.; Messrs. Pogemiller and Pehler introduced—

S.F. No. 504: A bill for an act relating to post-secondary education; reducing the tuition component required to pay in part for instruction costs; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Mrs. McQuaid, Ms. Olson and Mr. Ramstad introduced—

S.F. No. 505: A bill for an act relating to local government; providing

conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivision 3.

Referred to the Committee on Local and Urban Government.

Messrs. Dicklich; Lessard; Johnson, D.J. and Solon introduced—

S.F. No. 506: A bill for an act relating to natural resources; imposing a temporary freeze upon certain lease rates for state-owned campgrounds.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederickson; Stumpf; Samuelson; Peterson, D.L. and Anderson introduced—

S.F. No. 507: A bill for an act relating to game and fish; authorizing the use of artificial lights in protecting livestock from predators; amending Minnesota Statutes 1984, sections 100.27, subdivision 7; and 100.29, subdivision 9a.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad introduced—

S.F. No. 508: A bill for an act relating to health; exempting freestanding outpatient surgical centers from health care cost information requirements; amending Minnesota Statutes 1984, sections 144.698; 144.699, subdivisions 1 and 2; 144.701, subdivisions 1, 2, and 3; 144.702, subdivisions 1, 2, and 3; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, section 144.696, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich and Pehler introduced—

S.F. No. 509: A bill for an act relating to education; ensuring minimum amounts of financial support to the regional public library system; requiring county board of commissioners to appoint at least one representative to the regional public library system board; proposing coding for new law in Minnesota Statutes, chapter 134.

Referred to the Committee on Education.

Messrs. Pogemiller; Moe, D.M.; Spear; Wegscheid and Jude introduced—

S.F. No. 510: A bill for an act relating to retirement; making various changes regarding actuarial services in laws governing various public pension funds; amending Minnesota Statutes 1984, sections 3A.11, subdivision 1; 11A.18, subdivision 11; 352.116, subdivision 3; 352.119, subdivision 2; 352B.02, subdivision 1; 352B.08, subdivision 2; 353.271, subdivision 1; 353.271, subdivision 2; 353.29, subdivision 6; 353.30, subdivision 3; 354.07, subdivision 1; 354.35; 354.45, subdivision 1; 354.63, subdivision 2; 354A.32; 354A.33; 422A.04, subdivision 3; 422A.06, subdivision 5; 422A.101, subdivision 3; 422A.15, subdivision 2; 422A.17; 422A.23, subdivision 6; 490.124, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Messrs. Purfeerst, Taylor, Nelson, Bernhagen and Renneke introduced—

S.F. No. 511: A bill for an act relating to public improvements; authorizing the issuance of state bonds for improvements at the Minnesota agricultural interpretive center; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Taylor, Nelson, Renneke and Bernhagen introduced—

S.F. No. 512: A bill for an act relating to agriculture; appropriating funds for the Minnesota Agricultural Interpretive Center.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear, Vega, Mrs. Lantry, Messrs. Johnson, D.E. and Solon introduced—

S.F. No. 513: A bill for an act relating to human services; transferring the child care sliding fee program to the department of economic security; expanding the child care sliding fee program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256; and repealing Minnesota Statutes 1984, sections 245.84, subdivision 2; and 245.87.

Referred to the Committee on Health and Human Services.

Messrs. Bernhagen; Peterson, C.C.; Renneke; Benson and Johnson, D.E. introduced—

S.F. No. 514: A bill for an act relating to taxation; property; providing that the basic maintenance levy not be applied against agricultural property for taxes payable in 1985; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf and Peterson, C.C. introduced—

S.F. No. 515: A bill for an act relating to retirement; teachers retirement association; changing the effective date of retirement for a certain annuitant; transferring reserves to the postretirement investment fund.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz, DeCramer, Freeman, Lessard and Ramstad introduced—

S.F. No. 516: A bill for an act relating to veterans; creating a veterans advisory task force; proposing coding for new law in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and General Legislation.

Mr. Solon introduced—

S.F. No. 517: A bill for an act relating to unemployment compensation;

regulating benefit eligibility for certain employees of institutions of higher education; amending Minnesota Statutes 1984, section 268.08, subdivision 6.

Referred to the Committee on Employment.

Messrs. DeCramer, Kamrath, Stumpf, Isackson and Nelson introduced—

S.F. No. 518: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; proposing coding for new law in Minnesota Statutes, chapter 136D.

Referred to the Committee on Education.

Messrs. Freeman, Solon, Dicklich, Knaak and Benson introduced—

S.F. No. 519: A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Frederickson, Jude and Renneke introduced—

S.F. No. 520: A bill for an act relating to state government; abolishing the manufacturing growth council; repealing Laws 1984, chapter 654, article 2, section 151.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

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 officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

Referred to the Committee on Health and Human Services.

Messrs. Johnson, D.J.; Dicklich and Lessard introduced—

S.F. No. 522: A bill for an act relating to economic development; creating the Northeastern Minnesota employment and training program; granting certain powers and duties to the commissioners of economic security and human services; providing for the use of public funds in certain public and private jobs and training programs in the counties of St. Louis, Lake, Cook, and Itasca; requiring coordination with other state agencies and reports to the governor and legislature; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Pehler; Johnson, D.E.; Merriam and Davis introduced—

S.F. No. 523: A bill for an act relating to hazardous substances; providing an appropriation to the state university board for the purpose of creating a hazardous materials incident response training center at St. Cloud state university.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 21, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTEENTH DAY

St. Paul, Minnesota, Thursday, February 21, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. James D. Gorman.

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

Adkins	Dicklich	Kamrath	Moe, D.M.	Reichgott
Anderson	Diessner	Knaak	Moe, R.D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Samuelson
Benson	Frank	Kroening	Novak	Schmitz
Berg	Frederick	Kronebusch	Oison	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, C.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.C.	Stumpf
Brataas	Hughes	Lessard	Peterson, D.L.	Taylor
Chmielewski	Isackson	Luther	Peterson, R.W.	Vega
Dahl	Johnson, D.E.	McQuaid	Petty	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Pogemiller and Sieloff were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

May 16, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Chairman of the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Sandra S. Gardebring, 925 W. Hwy. 36, Roseville, Ramsey County, has been appointed by me, effective May 14, 1984, for a term expiring the first

Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

January 14, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the State University Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Rodney N. Searle, Rt. 1, Box 44, Waseca, Waseca County, has been appointed by me, effective January 19, 1985, for a term expiring the first Monday in January, 1989.

Russel P. Stanton, 1004 N. 4th, Marshall, Lyon County, has been appointed by me, effective January 19, 1985, for a term expiring the first Monday in January, 1989.

James B. Lund, 519 N. 2nd St., Mankato, Blue Earth County, has been appointed by me, effective January 19, 1985, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Education.)

Sincerely,
Rudy Perpich, Governor

February 13, 1985

Patrick E. Flahaven
Secretary of the Senate

Dear Sir:

The Subcommittee on Committees met today and the following appointments were made to Senate Committees:

Mr. Jim Gustafson was appointed to the Agriculture and Natural Resources Committee, the Employment Committee and the Public Utilities and State Regulated Industries Committee.

Mr. Gary Laidig was appointed to the Committee on Rules and Administration to replace Mr. Ulland.

Ms. Gen Olson was appointed to the Education Aids Subcommittee.

The following appointments were made to legislative commissions:

Pursuant to Minnesota Statutes 1984

Section 1.22: Great Lakes Commission - Mr. Frederickson replaced Mr. Ulland.

Section 3.922: Indian Affairs Council - Mr. Mehrkens replaced Mr. Storm.

Section 3.29: Interstate Cooperation Committee - Mr. Novak replaced Mr. Kamrath.

Section 3.9222: Legislative Commission on Economic Status of Women -

Mr. Storm replaced Mrs. Kronebusch.

Section 3.855: Legislative Commission on Employee Relations - Mr. Taylor designated Mr. Ramstad to serve as his designee and Mr. Anderson replaced Mr. Johnson, D.E.

Section 3.351: Legislative Commission on Energy - Mr. Gustafson replaced Mr. Bernhagen.

Section 3.85: Legislative Commission on Pensions and Retirement - Mr. Pogemiller replaced Mr. Frederickson and Mr. Wegscheid replaced Mr. Peterson, C.C.

Section 3.303: Legislative Coordinating Commission - Mr. Laidig.

Sincerely,
Roger D. Moe
Chairman
Subcommittee on Committees

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 122: A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

Senate File No. 122 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 18, 1985

Mr. Moe, D.M. moved that the Senate do not concur in the amendments by the House to S.F. No. 122, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 265 and 336.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 18, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees

indicated.

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.

Referred to the Committee on Judiciary.

H.F. No. 336: A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

Mr. Stumpf, for Mr. Pogemiller, moved that H.F. No. 336 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 63, 72 and 247 and reports pertaining to appointments. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 286: A bill for an act relating to appropriations; reducing the amount of fees chargeable by the pollution control agency for solid waste and hazardous waste pollution control; amending Laws 1983, chapter 301, section 25.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, strike "and shall" and insert "to"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 177: A bill for an act relating to crime; defining "mentally impaired"; amending Minnesota Statutes 1984, sections 609.341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. 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 or a person who is mentally impaired as defined in section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or the person who is mentally impaired 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 *or person mentally impaired as defined in section 609.341, subdivision 6*, 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."

Page 1, line 10, reinstate the stricken "that"

Page 1, line 13, delete "who"

Page 1, line 14, after "substantial" insert "psychiatric"

Page 1, line 15, after "mood" insert a comma

Page 6, line 19, delete "1 to 6" and insert "2 to 7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "defining" insert "allowing the admission of certain out-of-court statements of mentally impaired persons;"

Page 1, line 3, after "sections" insert "595.02, subdivision 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 291: A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; and 525.145; proposing coding for new law in Minnesota Statutes, chapters 524 and 525; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, delete everything after the semicolon

Page 2, delete lines 11 and 12 and insert "any who are children of the decedent take equally and others by"

Page 2, line 28, before "homestead" insert "descent of the" and delete "allowance"

Page 3, line 21, delete "of this section 6"

Page 3, line 24, after "to" insert "the rules of the"

Page 5, lines 2 and 6, delete "1985" and insert "1986"

Page 5, line 20, before "homestead" insert "the" and delete "allowance"

Page 8, after line 14, insert:

"For an insurer, the written notice of intention to file a petition for the elective share shall be mailed to its home office by registered mail, return receipt requested, or shall be served upon the insurer in the same manner as a summons in a civil action. Upon receipt of written notice of intention to file a petition for the elective share, an insurer may pay any amounts owed by it specified in clause (3) into the court in which the probate proceedings relating to the estate of the decedent are venued, or if no proceedings have been commenced, into the court having jurisdiction of decedents' estates located in the county of the insured's residence. The court shall hold the funds and, upon its determination under clause (d) of section 18, shall order its disbursement in accordance with the determination. If no petition is filed in the court within the specified time under clause (a) of section 18, or if filed, the demand for an elective share is withdrawn under clause (c) of section 18, the court shall order disbursement to the designated beneficiary. Payment made into the court discharges the insurer from all claims for the amounts paid."

Page 8, line 34, before "homestead" insert "the" and delete "allowance"

Page 9, line 14, after "(1)" insert "and clause (3)"

Page 9, line 26, delete "a final determination" and insert "an order"

Page 9, line 27, before the period, insert "determining the elective share"

Page 11, lines 17 and 18, delete "Minnesota Statutes,"

Page 12, lines 4 and 5, delete "Minnesota Statutes,"

Pages 12 and 13, delete section 23

Page 13, after line 15, insert:

"PART 4
MISCELLANEOUS PROVISIONS"

Page 14, after line 11, insert:

"Sec. 24. Minnesota Statutes 1984, section 525.13, is amended to read:

525.13 [ESTATE.]

As used in sections 525.13 to ~~525.173~~ 525.161, the word "estate" includes every right and interest of a decedent in property, real or personal, except such as are terminated or otherwise extinguished by his death."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "525.13;"

Page 1, line 8, delete "chapters" and insert "chapter" and delete "and 525"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 106: A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 333: A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 375: A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 244: A bill for an act relating to the city of Savage; authorizing the establishment of detached banking facilities.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, before the period, insert "*and the acquiring national bank may continue to operate its existing detached facilities*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 358: A bill for an act relating to public finance; providing for allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, lines 16 and 25, delete "local"

Page 1, line 18, delete "A local" and insert "An"

Page 2, line 2, after "requested" insert "(the higher education coordinating board may satisfy the requirements of this clause by stating that the bond proceeds are intended to be used for student loans)"

Page 2, line 4, delete "local"

Page 2, line 13, after the period, insert "The department shall return the application deposits made by applicants for a carryover allocation pursuant to section 474.19, subdivision 7. The amount necessary to pay the refund of application deposits is appropriated to the department of energy and economic development from the general fund."

Page 2, after line 16, insert:

"For purposes of this section, "issuer" means a local issuer or the higher education coordinating board."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 63: A bill for an act relating to the city of Fergus Falls; granting the city the powers of a port authority; requiring local approval.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 7 to 10 and insert:

"Section 1. [FERGUS FALLS AND DETROIT LAKES; PORT AUTHORITY.]

The city of Fergus Falls located in Otter Tail county and the city of Detroit Lakes located in Becker county may establish a port authority commission that has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law. If either city establishes a port authority commission, that city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, chapter 458, or other law. Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, each city may choose the name of the commission. Notwithstanding Minnesota Statutes, section 458.10, subdivision 1, or other law, each city may appoint a seven-member commission.

Sec. 2. [FERGUS FALLS AND DETROIT LAKES; MUNICIPAL HOUSING AND REDEVELOPMENT AUTHORITY.]

If the city of Fergus Falls or the city of Detroit Lakes establishes a port authority commission under section 1, either commission may exercise the same powers as a municipal housing and redevelopment authority established under Minnesota Statutes, section 462.425, or other law. Either city shall then exercise all the powers relating to the municipal housing and rede-

velopment authority granted to a city by Minnesota Statutes, chapter 462, or other law.”

Page 1, line 14, delete “body” and insert “bodies” and delete “city” and insert “cities”

Page 1, line 14, before the period, insert “and Detroit Lakes”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after “Falls” insert “located in Otter Tail county and the city of Detroit Lakes located in Becker county”

Page 1, line 3, delete “city” and insert “cities” and after the semicolon, insert “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;”

And when so amended the bill do pass. Mr. Novak questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 72: A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete line 8 and insert “is amended by adding a subdivision to read:”

Page 1, delete lines 9 to 21

Page 1, line 22, delete “commissioner. In addition, in” and insert:

“Subd. 6. In”

Page 1, line 25, delete “, but in no event more” and insert a period

Page 2, delete line 1 and insert:

“Sec. 2. [REPEALER.]

Section 1 is repealed August 1, 1989.”

Amend the title as follows:

Page 1, line 2, after “liquor;” insert “allowing an exemption from requirement for”

Page 1, line 4, before the period, insert “, by adding a subdivision”

And when so amended the bill do pass. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 284: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after "CERTAIN" insert "DEPARTMENT OF" and delete "ADMINISTRATION" and insert "AFFAIRS"

Page 1, line 11, delete "September" and insert "January" and delete "1985" and insert "1986"

Page 1, line 12, delete "may" and insert "must"

Page 1, line 15, after "appraised" insert ", in the manner provided in Minnesota Statutes, section 94.10."

And when so amended the bill do pass and be re-referred to the Committee on Veterans and General Legislation. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 47: A bill for an act relating to animals; increasing penalties for certain cruel acts against animals; amending Minnesota Statutes 1984, section 343.21, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 343.21, subdivision 9, is amended to read:

Subd. 9. [PENALTY.] *A person who fails to comply with any provision of subdivision 1 or 7 is guilty of a gross misdemeanor. A person who fails to comply with any other provision of this section is guilty of a misdemeanor.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 247: A bill for an act relating to veterans; directing the commissioner of veterans affairs to place a memorial to veterans of the Korean conflict in the Court of Honor; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [COURT OF HONOR MEMORIAL.]

Memorial plaques to honor Minnesota veterans of the Civil War, Spanish-American War, World War I, World War II, and the Korean conflict shall be placed in the Court of Honor on the Capitol grounds. The plaques shall be

furnished by other than the department of veterans' affairs and approved by the commissioner and the capitol area architectural and planning board."

Delete the title and insert:

"A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds."

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "*In this act*" and insert "*For purposes of this chapter*"

Page 1, line 12, before the period, insert "*, notwithstanding any law to the contrary*"

Page 1, line 25, delete "*act*" and insert "*chapter*"

Page 2, line 13, before the period, insert "*, notwithstanding any law to the contrary*"

Page 2, line 27, delete "*act*" and insert "*chapter*"

Page 2, line 32, delete "*act*" in both places and insert "*chapter*"

Page 2, line 34, after "*made*" insert a comma

Page 3, lines 1 and 4, delete "*act*" and insert "*chapter*"

Page 5, line 23, delete "*act*" and insert "*chapter*"

Page 8, lines 3, 7, 20, 23, 25, and 28, delete "*act*" and insert "*chapter*"

Page 11, lines 6 and 8, delete "*act*" and insert "*chapter*"

Page 13, line 32, delete "*act*" and insert "*chapter*"

Page 14, line 14, delete "*This act applies*" and insert "*Sections 1 to 20 apply*"

Page 14, line 15, delete "*its*" and insert "*their*"

Page 14, lines 22 and 25, delete "*this act*" and insert "*sections 1 to 20*"

Page 14, line 30, delete "*This act applies*" and insert "*Sections 1 to 20 apply*"

Page 14, line 36, delete "*this act*" and insert "*those sections*"

Page 15, line 5, delete "*this act*" and insert "*sections 1 to 20*"

Page 15, line 6, delete "*does*" and insert "*do*"

Page 15, line 13, delete "*act*" and insert "*chapter*"

Page 15, delete section 25

Page 15, line 18, delete "REPEALS" and insert "REPEALER"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 379: A bill for an act relating to nonprofit corporations; requiring the articles of incorporation to contain a mailing address; amending Minnesota Statutes 1984, sections 317.02, by adding a subdivision; 317.08, subdivision 2; and 317.19, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

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; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "*adult*"

Page 1, line 17, reinstate the stricken "who have attained the age of" and after the stricken "19" insert "21" and reinstate the stricken "years"

Page 3, line 8, reinstate the stricken "a" and delete "*an adult*"

Page 3, line 9, after the stricken "19" insert "21" and reinstate the stricken "years of age or over,"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal

for January 28, 1985:

MINNESOTA POLLUTION CONTROL AGENCY
DIRECTOR
Thomas J. Kalitowski

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 177, 291, 106, 333, 375, 244, 358, 47, 374, 379 and 455 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Petty moved that the name of Mr. Frederick be added as a co-author to S.F. No. 314. The motion prevailed.

Mr. Kamrath moved that the name of Mr. Jude be added as a co-author to S.F. No. 324. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 358. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Schmitz be added as a co-author to S.F. No. 408. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Anderson and Lessard be added as co-authors to S.F. No. 487. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Jude be added as a co-author to S.F. No. 491. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 504. The motion prevailed.

Mrs. McQuaid moved that the name of Mr. Jude be added as a co-author to S.F. No. 505. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Davis and Wegscheid be added as co-authors to S.F. No. 509. The motion prevailed.

Mr. Pehler moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 523. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 27: A Senate resolution extending congratulations to Shawn Stoermann of rural Avon, Minnesota, on attaining the rank of Eagle Scout.

Referred to the Committee on Rules and Administration.

Mr. Stumpf, for Mr. Pogemiller, moved that H.F. No. 336 be taken from the table. The motion prevailed.

H.F. No. 336: A bill for an act relating to public finance; providing for

allocation of 1984 state private activity bond issuance authority; proposing coding for new law in Minnesota Statutes, chapter 474.

SUSPENSION OF RULES

Mr. Stumpf, for Mr. Pogemiller, moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 336 and that the rules of the Senate be so far suspended as to give H.F. No. 336 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 336 was read the second time.

H.F. No. 336 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Spear
Berg	Frederick	Laidig	Pehler	Storm
Berglin	Frederickson	Langseth	Peterson, C.C.	Stumpf
Bernhagen	Freeman	Lantry	Peterson, D.C.	Taylor
Bertram	Gustafson	Lessard	Peterson, D.L.	Vega
Brataas	Hughes	Luther	Peterson, R.W.	Waldorf
Chmielewski	Isackson	McQuaid	Petty	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Stumpf, for Mr. Pogemiller, moved that S.F. No. 358, on the Consent Calendar, be stricken and laid on the table. The motion prevailed.

Mr. Moe, D.M. moved that S.F. No. 277 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Local and Urban Government. The motion prevailed.

CALL OF THE SENATE

Mr. Berg imposed a call of the Senate for the proceedings on S.F. No. 85. The Sergeant at Arms was instructed to bring in the absent members.

CALENDAR

S.F. No. 85: A bill for an act relating to agriculture; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to

compromise; and repealing the act after one year.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Benson	Frank	Luther	Peterson, D.L.	Storm
Berg	Freeman	Merriam	Purfeerst	Stumpf
Berglin	Hughes	Moe, D. M.	Reichgott	Vega
Dahl	Johnson, D.J.	Moe, R. D.	Renneke	Wegscheid
Davis	Kroening	Nelson	Samuelson	Willet
DeCramer	Kronebusch	Novak	Schmitz	
Dicklich	Laidig	Peterson, C.C.	Solon	
Diessner	Lessard	Peterson, D.C.	Spear	

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.E.	McQuaid	Ramstad
Anderson	Dieterich	Jude	Mehrkens	Taylor
Belanger	Frederick	Kamrath	Olson	Waldorf
Bernhagen	Frederickson	Knaak	Pehler	
Bertram	Gustafson	Langseth	Peterson, R.W.	
Brataas	Isackson	Lantry	Petty	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 252, 102, 207 and 279, which the committee recommends to pass.

On motion of Mr. Luther, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Benson and Kamrath introduced—

S.F. No. 524: A bill for an act relating to health; exempting certain drivers of basic life support transportation vehicles from certain requirements; amending Minnesota Statutes 1984, section 144.804, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Luther and Dahl introduced—

S.F. No. 525: A bill for an act relating to insurance; no-fault auto; providing uninsured and underinsured motorist coverages; defining terms; amend-

ing Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; and 65B.49, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Mr. DeCramer introduced—

S.F. No. 526: A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear, Jude, Bertram and Ramstad introduced—

S.F. No. 527: A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

Referred to the Committee on Judiciary.

Messrs. Knaak, Wegscheid, Storm, Freeman and Dieterich introduced—

S.F. No. 528: A bill for an act relating to metropolitan government; transportation; providing for regional transit board to regulate operation of taxicabs within metropolitan area; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin, Mr. Benson, Mrs. Lantry, Messrs. Petty and Waldorf introduced—

S.F. No. 529: A bill for an act relating to health; concerning health-related licensing boards; 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 rules and publish disciplinary actions; establishing special requirements for cases before the boards of psychology and medical examiners that involve sexual exploitation of clients; establishing special requirements for health-related licensing boards; amending Minnesota Statutes 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, by adding subdivisions; 147.025; 148.951; 214.07, subdivision 1; and 214.10, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Solon; Chmielewski; Johnson, D.J.; Benson and Purfeerst introduced—

S.F. No. 530: A bill for an act relating to corrections; allowing chiroprac-

tors to practice in institutions under the control of the commissioner of corrections; amending Minnesota Statutes 1984, section 241.021, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 531: A bill for an act relating to taxation; extending the 3cc classification to homesteads of recipients of private disability pensions; amending Minnesota Statutes 1984, section 273.13, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Mrs. Lantry, Mr. Dicklich and Mrs. Brataas introduced—

S.F. No. 532: A bill for an act relating to human services; setting eligibility criteria for community social services; requiring information from users to be included in the process of planning county social services; prescribing duties of the commissioner of human services; amending Minnesota Statutes 1984, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Pogemiller, Freeman, Dicklich and Stumpf introduced—

S.F. No. 533: A bill for an act relating to post-secondary education; allowing financial aid for four years, not just the first four years, of undergraduate education; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

Referred to the Committee on Education.

Messrs. Samuelson, Bertram, Berg, Stumpf and Langseth introduced—

S.F. No. 534: A bill for an act relating to agriculture; appropriating money for additional apiary inspection staff and staff support.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Benson and Mrs. Kronebusch introduced—

S.F. No. 535: A bill for an act relating to occupations and professions; providing a contingency fee recovery scale for attorneys; proposing coding for new law in Minnesota Statutes, chapter 481.

Referred to the Committee on Judiciary.

Mrs. McQuaid, Messrs. Belanger, Storm, Ramstad and Ms. Olson introduced—

S.F. No. 536: A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

Referred to the Committee on Local and Urban Government.

Messrs. Purfeerst, DeCramer, Frederick, Anderson and Mrs. Lantry introduced—

S.F. No. 537: A resolution memorializing the President and Congress of the United States to take prompt action to enact an interstate cost estimate bill.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Langseth introduced—

S.F. No. 538: A bill for an act relating to corrections; appropriating money for the west central regional juvenile center.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 539: A bill for an act relating to agriculture; repealing requirements for a department slogan on printed matter; changing emergency rule-making authority; creating a statistical services account in the state treasury; clarifying membership requirements for the soil and water conservation board; appropriating money; amending Minnesota Statutes 1984, sections 17.03, by adding a subdivision; and 40.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, sections 16.51; 16.52; and 16.53.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam; Peterson, D.L.; Frederick and Taylor introduced—

S.F. No. 540: A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Freeman, Belanger, Schmitz and Novak introduced—

S.F. No. 541: A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; amending Minnesota Statutes 1984, section 473.556, subdivision 6.

Referred to the Committee on Local and Urban Government.

Messrs. Freeman and Belanger introduced—

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.

Referred to the Committee on Local and Urban Government.

Ms. Berglin, Messrs. Petty, Samuelson, Mrs. Lantry and Mr. Johnson, D.E. introduced—

S.F. No. 543: A bill for an act relating to health; requiring a study of the feasibility of home equity conversion to finance long-term health care and long-term health care insurance; appropriating money.

Referred to the Committee on Energy and Housing.

Ms. Berglin, Messrs. Petty, Benson, Mrs. Lantry and Mr. Storm introduced—

S.F. No. 544: A bill for an act relating to municipalities; requiring review by the commissioners of human services and health; health care facility projects involving the issuance of revenue bonds; amending Minnesota Statutes 1984, section 474.01, subdivisions 7a, and 9.

Referred to the Committee on Health and Human Services.

Messrs. Petty; Dicklich; Spear; Johnson, D.E. and Ms. Berglin introduced—

S.F. No. 545: A bill for an act relating to human services; requiring a study and report on public guardianship.

Referred to the Committee on Health and Human Services.

Messrs. Wegscheid, Langseth and Moe, R.D. introduced—

S.F. No. 546: A bill for an act relating to agriculture; appropriating money for the agricultural extension service of the University of Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer, Purfeerst, Bernhagen, Mehrkens and Novak introduced—

S.F. No. 547: A bill for an act relating to motor vehicles; regulating motor vehicle auctions; prescribing licensing and bonding requirements for motor vehicle dealers; amending Minnesota Statutes 1984, section 168.27, subdivisions 7, 11, 12, and 24.

Referred to the Committee on Transportation.

Ms. Berglin, Messrs. Dicklich; Samuelson; Johnson, D.E. and Solon introduced—

S.F. No. 548: A bill for an act relating to human services; conforming liquid asset limits in the Minnesota supplemental aid program for persons eligible by reason of old age or disability to the limits prescribed by the federal supplemental security income program; amending Minnesota Statutes 1984, section 256D.37, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Nelson introduced—

S.F. No. 549: A bill for an act relating to education; requiring the commis-

sioner to have conferences on peer tutoring programs in the schools; appropriating money.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 550: 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.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Berg and Peterson, R.W. introduced—

S.F. No. 551: A bill for an act relating to the legislature; prohibiting the payment of honorariums to legislators during the legislative session; amending Minnesota Statutes 1984, section 3.099.

Referred to the Committee on Elections and Ethics.

Mr. Lessard introduced—

S.F. No. 552: A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Storm, Laidig, Knaak, Lessard and Schmitz introduced—

S.F. No. 553: A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Peterson, R.W.; Nelson; Merriam; Pehler and Schmitz introduced—

S.F. No. 554: A bill for an act relating to education; providing for full implementation of tier revenue by the 1986-1987 school year; amending Minnesota Statutes 1984, section 124A.16, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 124A.16.

Referred to the Committee on Education.

Ms. Berglin, Messrs. Samuelson, Dicklich, Mmes. Lantry and Brataas introduced—

S.F. No. 555: A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds to special projects; amending Minnesota Statutes 1984, sections 145.882; 145.884; 145.885; and 145.886.

Referred to the Committee on Health and Human Services.

Messrs. Freeman, Davis, Luther and Peterson, C.C. introduced—

S.F. No. 556: A bill for an act relating to agriculture; increasing the number of deputy commissioners of agriculture; establishing a trade office; appropriating money; amending Minnesota Statutes 1984, section 17.01; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frank, Pehler, Chmielewski, Ramstad and Ms. Reichgott introduced—

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.

Referred to the Committee on Employment.

Messrs. Wegscheid, Knaak, Jude, Renneke and Spear introduced—

S.F. No. 558: A bill for an act relating to state and local government; providing procedures for the conduct of meetings by public bodies; amending Minnesota Statutes 1984, sections 62E.10, subdivision 4; 116C.60; 129.121, subdivision 5; 144.413, subdivision 3; 144.581, subdivision 4; and 400.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 471A; repealing Minnesota Statutes 1984, section 471.705.

Referred to the Committee on Governmental Operations.

Messrs. Anderson and Pogemiller introduced—

S.F. No. 559: A bill for an act relating to taxation; exempting residential use of electricity from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Luther, Freeman and Ramstad introduced—

S.F. No. 560: A bill for an act relating to civil actions; authorizing aggregation of the fault of multiple defendants in comparative fault actions; amending Minnesota Statutes 1984, section 604.01, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Stumpf, DeCramer, Ms. Olson, Messrs. Mehrkens and Samuelson introduced—

S.F. No. 561: A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.08, subdivision 2; 136C.26; 136C.28, subdivisions 1 and 2; 136C.31; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.27, subdivision 1; 136C.28, sub-

divisions 3, 4, 5, 6, and 7; and 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

Referred to the Committee on Education.

Mr. DeCramer, Ms. Olson, Messrs. Waldorf, Samuelson and Mehrkens introduced—

S.F. No. 562: A bill for an act relating to vocational education; discontinuing program elimination standards based on placement ratios and class size; repealing Minnesota Statutes 1984, section 136C.27, subdivision 1.

Referred to the Committee on Education.

Messrs. Stumpf, DeCramer, Waldorf and Mehrkens introduced—

S.F. No. 563: A bill for an act relating to education; vocational; removing a restriction for awarding associate degrees; amending Minnesota Statutes 1984, section 136C.042, subdivision 1.

Referred to the Committee on Education.

Messrs. Davis, Taylor and Ms. Olson introduced—

S.F. No. 564: A bill for an act relating to vocational education; changing certain licensure requirements; amending Minnesota Statutes 1984, sections 125.031, and 125.055.

Referred to the Committee on Education.

Messrs. Chmielewski and Merriam introduced—

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.

Referred to the Committee on Veterans and General Legislation.

Messrs. Jude and Luther introduced—

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 Money-Judgments Act; proposing coding for new law in Minnesota Statutes, chapter 548.

Referred to the Committee on Judiciary.

Mr. Luther, Ms. Reichgott, Messrs. Spear and Johnson, D.E. introduced—

S.F. No. 567: A bill for an act relating to real property; clarifying notice period required for cancellation of contract for deed; amending Minnesota Statutes 1984, section 559.21, subdivisions 1 and 2, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Langseth, Merriam, Pehler and Taylor introduced—

S.F. No. 568: A bill for an act relating to education; directing the commis-

sioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Merriam, DeCramer, Spear, Luther and Johnson, D.E. introduced—

S.F. No. 569: A bill for an act relating to natural resources; granting conservation officers the authority of peace officers; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank introduced—

S.F. No. 570: A bill for an act relating to taxation; income providing a credit for volunteer services; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Wegscheid and Merriam introduced—

S.F. No. 571: A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Referred to the Committee on Judiciary. Mr. Waldorf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

S.F. No. 572: A bill for an act relating to hazardous waste; establishing a hazardous waste compensation fund for the payment of certain claims for personal injuries caused by hazardous waste; providing for administration of the fund and for payment of claims; providing for payment of medical expenses from other sources; providing a penalty; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivision 2; 62E.53, subdivision 2; 115B.02, subdivision 7, and by adding subdivisions; 115B.19; 115B.20, subdivisions 1, 4, and 6; Laws 1983, chapter 121, section 32, subdivisions 1, 3, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 115B.

Referred to the Committee on Judiciary. Mr. Waldorf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 3: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 21, 1985

Mr. Pehler moved that House Concurrent Resolution No. 3 be laid on the table. The motion prevailed.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 2:00 p.m., Monday, February 25, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTEENTH DAY

St. Paul, Minnesota, Monday, February 25, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Patricia Wolander.

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

Adkins	Dieterich	Knaak	Nelson	Reichgott
Anderson	Frank	Knutson	Novak	Renneke
Belanger	Frederick	Kroening	Olson	Samuelson
Benson	Frederickson	Kronebusch	Pehler	Schmitz
Berglin	Freeman	Laidig	Peterson, C.C.	Solon
Bertram	Gustafson	Lantry	Peterson, D.C.	Spear
Brataas	Hughes	Lessard	Peterson, D.L.	Storm
Chmielewski	Isackson	Luther	Peterson, R.W.	Taylor
Dahl	Johnson, D.E.	McQuaid	Petty	Vega
DeCramer	Johnson, D.J.	Merriam	Pogemiller	Waldorf
Dicklich	Jude	Moe, D.M.	Purfeerst	Wegscheid
Diessner	Kamrath	Moe, R.D.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Berg, Bernhagen, Davis, Langseth, Mehrkens, Sieloff and Stumpf were excused from the Session of today.

The following member was excused from today's Session for a brief period of time:

Mr. Lessard.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

February 20, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities

Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Carol A. Blomberg, Rt. 1, Box 95A, Nashwauk, Itasca County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Education.)

February 21, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Minnesota Pollution Control Agency are hereby respectfully submitted to the Senate for confirmation as required by law:

Carol Lee Baudler, 309 - 4th Ave. N.W., Austin, Mower County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Bill Walker, Itasca Star Rt., Park Rapids, Becker County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,
Rudy Perpich, Governor

February 22, 1985

Patrick E. Flahaven
Secretary of the Senate

Dear Sir:

The Subcommittee on Committees made the following appointment:

Pursuant to Minnesota Statutes 1984

Section 1.34: Advisory Committee of the Minnesota-Wisconsin Boundary Area Commission - effective February 21, 1985, Mr. Wegscheid replaced Mr. Storm.

Sincerely,
Roger D. Moe
Chairman
Subcommittee on Committees

February 6, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 90.

Sincerely,
Rudy Perpich, Governor

February 6, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
90		Resolution No. 1	February 6	February 6

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 100.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 21, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 98.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 21, 1985

FIRST READING OF HOUSE BILLS

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

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

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, after "(8)" insert "*The permanent school fund established under the Minnesota Constitution, article XI, section 8;*

(9) The supplemental investment fund established under section 11A.17;

(10) The variable annuity investment fund established under section 11A.19; and

(11)"

Page 2, line 2, delete " ; and "

Page 2, lines 3 and 4, delete the new language

Page 2, lines 7 and 8, reinstate the stricken language

Page 2, line 12, before "account" insert "fixed return"

Page 2, line 19, strike "accounts" and insert "fixed return account"

Page 2, line 23, after the period, insert "*At the end of each fiscal year the state board may determine for the bond account the period over which the established rate is to apply to funds so invested depending on the average yield and maturity of the securities purchased.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "9" and insert "10"

Page 1, line 23, after "a" insert "written"

Page 1, line 24, after "declaration" insert "upon oath or affirmation" and before "statement" insert "written"

Page 1, line 24, delete everything after "true" and insert a period

Page 1, delete line 25 and insert "*A verification upon oath or affirmation includes a signature under oath required by rule 33 of the rules of civil procedure of the district court.*"

Page 8, delete section 10 and insert:

"Sec. 10. [358.50] [DECLARATION UNDER PENALTY OF

PERJURY.]

Subdivision 1. [WRITTEN DECLARATION AUTHORIZED.] Notwithstanding any law to the contrary, any matter that is required to be supported, evidenced, established, or proved by verification upon oath or affirmation by the person making the verification may with like force and effect be supported, evidenced, established, or proved by a written statement that the matter is true under penalty of perjury. The written statement shall contain the date and county of execution within this state or any other state permitting declarations under penalty of perjury.

The written statement may be in substantially the following form:

"I declare under penalty of perjury that the foregoing is true and correct.

(Signature)

_____(date)_____ (county)_____ (state)"

Subd. 2. [EXCEPTION.] This section does not apply to a deposition, or a self-proved will under section 524.2-504, or an antenuptial contract under section 519.11, or an oath of office, or an oath required to be taken before a specified official other than a notary public, or to any instrument to be recorded in the office of the county recorder or to be filed in the office of the registrar of titles, or to acknowledgments as defined under section 1.

Sec. 11. Minnesota Statutes 1984, section 609.48, subdivision 1, is amended to read:

Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement ~~which he does not believe~~ believing it to be true in any of the following cases is guilty of perjury and may be sentenced as provided in subdivision 4:

- (1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or
- (2) In any writing which is required or authorized by law to be under oath or affirmation; or
- (3) In any declaration under penalty of perjury under section 10; or
- ~~(3)~~ (4) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided."

Page 8, line 21, delete "TIME OF TAKING EFFECT" and insert "EFFECTIVE DATE"

Page 8, line 22, delete "This act takes effect" and insert "Sections 1 to 10 are effective" and before the period, insert ", and apply to notarial acts performed on or after the effective date"

Page 8, line 22, after the period, insert "Section 11 is effective August 1, 1985, and applies to crimes committed on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing that matters to be verified by oath or affirmation may be declared under penalty of perjury; imposing a penalty; amending Minnesota Statutes 1984, section 609.48, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 331: A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

Reports the same back with the recommendation that the bill be 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 section 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, unless (1) this would alter a gift made under sections 525.921 to 525.93; or (2) the next of kin of the decedent notifies the coroner that he or she objects to the removal of the gland."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 311: A bill for an act relating to health; authorizing an additional rural doctor for the Springfield service area.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 290: A bill for an act relating to human services; increasing the personal needs allowance for medical assistance recipients; amending Minnesota Statutes 1984, section 256B.35, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 332: A bill for an act relating to human services; requiring con-

tribution by the parent of a child for full assistance expenditures; amending Minnesota Statutes 1984, section 256.87, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 450: A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1, 2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, after line 13, insert:

“Sec. 3. [270.65] [DATE OF ASSESSMENT; DEFINITION.]

For purposes of chapters 270, 290, 296, and 297A, the term “date of assessment” means the date a return was filed or the date a return should have been filed, whichever is later; or, in the case of taxes determined by the commissioner, “date of assessment” means the date of the order assessing taxes; or, in the case of an amended return filed by the taxpayer, the assessment date is the date the return was filed with the commissioner.”

Page 5, line 21, after “tax” delete the new language

Page 5, line 22, delete the new language

Page 6, line 6, after “tax” delete the new language

Page 6, line 7, delete the new language

Page 8, line 26, after “tax” delete the new language

Page 8, line 27, delete the new language

Page 9, line 25, after “tax” delete the new language

Page 9, line 26, delete the new language

Page 10, line 2, after “tax” delete the new language

Page 10, line 3, delete the new language

Page 10, line 19, after “tax” delete the new language

Page 10, line 20, delete the new language

Page 11, line 25, before “assessment” insert “date of”

Page 16, line 3, after “subdivision” delete the new language

Page 16, line 4, delete the new language

Page 16, line 27, after "tax" delete the new language

Page 16, line 28, delete the new language

Page 19, line 26, after "fees" delete the new language and insert a period

Page 19, delete line 27

Page 20, line 18, before "assessment" insert "date of"

Page 21, delete line 5

Page 21, line 6, delete "Sections 6, 7, 8, and 16 are" and insert "This act is,"

Page 21, line 7, delete "16" and insert "17"

Page 21, line 12, delete "July 1, 1985" and insert "the day after enactment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "2;" insert "proposing coding for new law in Minnesota Statutes, chapter 270;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 472: A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; changing the tax treatment of certain exempt property; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; clarifying procedures relating to the sale of cigarettes to American Indians; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; clarifying process of taconite aid guarantee phase out; clarifying cost of doing business provisions for cigarette wholesalers; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.01, subdivision 2, and by adding a subdivision; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 297.041; 298.02, subdivision 1; 298.225; 325D.32, subdivisions 10 and 11; 473H.10, subdivision 3; 508.47, subdivision 1; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.19; 297.02, subdivision 2;

and 477A.04.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 40, insert:

“Section 1. Minnesota Statutes 1984, section 270.06, is amended to read:

270.06 [POWERS AND DUTIES.]

It shall be the duty of the commissioner of revenue and he shall have power and authority:

(1) To have and exercise general supervision over the administration of the assessment and taxation laws of the state, over assessors, town, county, and city boards of review and equalization, and all other assessing officers in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state;

(2) To confer with, advise and give the necessary instructions and directions to local assessors and local boards of review throughout the state as to their duties under the laws of the state;

(3) To direct proceedings, actions, and prosecutions to be instituted to enforce the laws relating to the liability and punishment of public officers and officers and agents of corporations for failure or negligence to comply with the provisions of the laws of this state governing returns of assessment and taxation of property, and to cause complaints to be made against local assessors, members of boards of equalization, members of boards of review, or any other assessing or taxing officer, to the proper authority, for their removal from office for misconduct or negligence of duty;

(4) To require county attorneys to assist in the commencement of prosecutions in actions or proceedings for removal, forfeiture and punishment for violation of the laws of this state in respect to the assessment and taxation of property in their respective districts or counties;

(5) To require town, city, county, and other public officers to report information as to the assessment of property, collection of taxes received from licenses and other sources, and such other information as may be needful in the work of the department of revenue, in such form and upon such blanks as he may prescribe;

(6) To require individuals, copartnerships, companies, associations, and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, earnings, operating expenses, taxes, as well as all other statements now required by law for taxation purposes;

(7) To summon witnesses to appear and give testimony, and to produce books, records, papers and documents relating to any tax matter which he may have authority to investigate or determine. Provided, that any summons which does not identify the person or persons with respect to whose tax liability the summons is issued may be served only if (a) the summons relates to the investigation of a particular person or ascertainable group or class of persons, (b) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any tax law administered by the commissioner, (c) the information sought to be obtained

from the examination of the records (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources, (d) the summons is clear and specific as to the information sought to be obtained, and (e) the information sought to be obtained is limited solely to the scope of the investigation. Provided further that the party served with a summons which does not identify the person or persons with respect to whose tax liability the summons is issued shall have the right, within 20 days after service of the summons, to petition the district court for the judicial district in which lies the county in which that party is located for a determination as to whether the commissioner of revenue has complied with all the requirements in (a) to (e), and thus, whether the summons is enforceable. If no such petition is made by the party served within the time prescribed, the summons shall have the force and effect of a court order;

(8) To cause the deposition of witnesses residing within or without the state, or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner that depositions of witnesses are taken in civil actions in the district court, in any matter which he may have authority to investigate or determine;

(9) To investigate the tax laws of other states and countries and to formulate and submit to the legislature such legislation as he may deem expedient to prevent evasions of assessment and taxing laws, and to secure just and equal taxation and improvement in the system of assessment and taxation in this state;

(10) To consult and confer with the governor upon the subject of taxation, the administration of the laws in regard thereto, and the progress of the work of the department of revenue, and to furnish the governor, from time to time, such assistance and information as he may require relating to tax matters;

(11) To transmit to the governor, on or before the third Monday in December of each even-numbered year, and to each member of the legislature, on or before November 15 of each even numbered year, the report of the department of revenue for the preceding years, showing all the taxable property in the state and the value of the same, in tabulated form;

(12) To inquire into the methods of assessment and taxation and ascertain whether the assessors faithfully discharge their duties, particularly as to their compliance with the laws requiring the assessment of all property not exempt from taxation;

(13) To exercise and perform such further powers and duties as may be required or imposed upon the commissioner of revenue by law;

(14) The commissioner of revenue may promulgate rules and regulations for the administration and enforcement of the property tax. Such rules and regulations shall have the force and effect of law;

(15) To execute and administer any agreement with the secretary of the treasury of the United States regarding the exchange of information and administration of the tax laws of both the United States and the state of Minnesota;

(16) To administer and enforce the provisions of sections 325.64 to 325.76, the Minnesota Unfair Cigarette Sales Act."

Page 2, line 3, after the stricken "due" insert "*unless the payment is waived or otherwise adjusted by an order of the court*"

Pages 4 to 6, delete sections 4 and 5

Page 19, line 23, reinstate the stricken language and insert "*or*" and delete "*pellets*" and insert "*concentrates, whichever is shipped*"

Page 19, line 27, after "concentrates" insert "*or iron ore*"

Page 20, line 6, after "at" insert "*four times*" and strike "same"

Pages 20 and 21, delete section 23

Page 21, after line 36, insert:

"Sec. 22. 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."

Page 22, line 10, strike "(a)" and strike "underground" and insert "*all*" and strike "or that tonnage of"

Page 22, strike lines 11 and 12

Page 22, line 13, strike the old language

Page 22, line 34, strike ", as applied to underground and"

Page 22, strike lines 35 and 36

Page 23, strike lines 6 to 34

Page 24, after line 26, insert:

"Sec. 25. 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. 26. 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. 27. 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, taconite, 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."

Page 24, line 27 to page 26, line 3, delete sections 26 and 27

Page 27, line 7, delete "1" and insert "4"

Page 27, delete lines 8 to 20 and insert:

"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."

Page 28, delete section 31

Page 28, delete lines 15 to 17 and insert:

"(a) Minnesota Statutes 1984, sections 298.01, subdivision 2; and 299.01, subdivision 2, are repealed.

(b) Minnesota Statutes 1984, section 325D.41 is repealed."

Page 28, line 20, before "Sections" insert "Section 1 is effective July 1, 1985." and delete "1 to 13 and 32, paragraph (a)," and insert "2 to 12"

Page 28, line 22, delete "14 to 31 and 32, paragraph (b)" and insert "13 to 21 and 28 to 30"

Page 28, line 23, after the period, insert "Sections 22 to 27 and 31, paragraph (a), are effective for ores produced after December 31, 1984. Section 31, paragraph (b), is effective December 31, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "discontinuing enforcement of the unfair cigarette sales act;"

Page 1, lines 4 and 5, delete "changing the tax treatment of certain exempt property;"

Page 1, after line 16, insert "modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore;"

Page 1, delete line 18

Page 1, line 19, delete "cigarette wholesalers;"

Page 1, line 22, delete everything after the semicolon

Page 1, line 23, delete "provisions;"

Page 1, line 23, after "sections" insert "270.06;"

Page 1, line 25, delete everything after the semicolon

Page 1, line 26, delete "subdivision;"

Page 1, line 32, delete "297.041" and insert "298.01, subdivision 1" and delete "325D.32," and insert "298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1"

Page 1, line 33, delete "subdivisions 10 and 11"

Page 1, line 34, delete "1" and insert "4"

Page 1, lines 34 and 35, delete "559.21, by adding a subdivision;"

Page 1, lines 37 and 38, delete "273.19; 297.02, subdivision 2;"

Page 1, line 38, after the semicolon insert "298.01, subdivision 2; 299.01, subdivision 2; 325D.41;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 7, 1985:

MINNESOTA ENVIRONMENTAL QUALITY BOARD
Caryl Edward Buchwald

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 28, 1985:

MINNESOTA ENVIRONMENTAL QUALITY BOARD
Martha C. Brand

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 319, 276, 331, 450 and 472 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 31. The motion prevailed.

Mr. Mehrkens moved that the name of Mr. Gustafson be added as a co-author to S.F. No. 116. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 226. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Knaak be added as a co-author to S.F. No. 525. The motion prevailed.

Mr. Spear moved that the name of Mr. Dahl be added as a co-author to S.F. No. 527. The motion prevailed.

Mr. Wegscheid moved that the names of Messrs. Isackson and Davis be added as co-authors to S.F. No. 546. The motion prevailed.

Mr. Freeman moved that the name of Mr. Pehler be added as a co-author to S.F. No. 556. The motion prevailed.

Mr. Anderson moved that the name of Mr. Frank be added as a co-author to S.F. No. 559. The motion prevailed.

Mr. Chmielewski moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 565. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 569. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Novak and Dahl be added as co-authors to S.F. No. 571. The motion prevailed.

Mr. Wegscheid moved that the names of Mr. Merriam and Mrs. McQuaid be added as co-authors to S.F. No. 572. The motion prevailed.

Messrs. Bertram; Peterson, C.C.; Stumpf and Isackson introduced—

Senate Resolution No. 28: A Senate resolution expressing the sense of the Senate that current imports of live hogs from Canada should be rolled back to 1981 levels.

Referred to the Committee on Rules and Administration.

Mr. Pehler moved that House Concurrent Resolution No. 3 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 3: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Tuesday, March 19, 1985, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Mr. Pehler moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported February 21, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 21, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA POLLUTION CONTROL AGENCY
DIRECTOR**

Thomas J. Kalitowski, 7456 Quadrant Ave. S., Hastings, Washington County, effective May 14, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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

CALENDAR

S.F. No. 252: A bill for an act relating to corporations; providing for the shareholder vote required to amend articles of incorporation in certain cases; amending Minnesota Statutes 1984, section 302A.135, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knaak	Nelson	Renneke
Anderson	Frank	Knutson	Novak	Samuelson
Belanger	Frederick	Kroening	Olson	Schmitz
Benson	Frederickson	Kronebusch	Pehler	Spear
Berglin	Freeman	Laidig	Peterson, C.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.L.	Taylor
Brataas	Hughes	Lessard	Peterson, R.W.	Vega
Chmielewski	Isackson	Luther	Petty	Waldorf
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
DeCramer	Johnson, D.J.	Merriam	Purfeerst	Willet
Dicklich	Jude	Moe, D. M.	Ramstad	
Diessner	Kamrath	Moe, R. D.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 102: A bill for an act relating to natural resources; terms of payment in county timber sales; amending Minnesota Statutes 1984, section 282.04, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knaak	Novak	Renneke
Anderson	Frank	Knutson	Olson	Samuelson
Belanger	Frederick	Kroening	Pehler	Schmitz
Benson	Frederickson	Laidig	Peterson, C.C.	Solon
Berglin	Freeman	Lantry	Peterson, D.C.	Spear
Bertram	Gustafson	Lessard	Peterson, D.L.	Storm
Brataas	Hughes	Luther	Peterson, R.W.	Taylor
Chmielewski	Isackson	McQuaid	Petty	Vega
Dahl	Johnson, D.E.	Merriam	Pogemiller	Wegscheid
DeCramer	Johnson, D.J.	Moe, D. M.	Purfeerst	Willet
Dicklich	Jude	Moe, R. D.	Ramstad	
Diessner	Kamrath	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 207: A bill for an act relating to crimes; defining sports book-making; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knaak	Nelson	Renneke
Anderson	Frank	Knutson	Novak	Samuelson
Belanger	Frederick	Kroening	Olson	Schmitz
Benson	Frederickson	Kronebusch	Pehler	Solon
Berglin	Freeman	Laidig	Peterson, C.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.C.	Storm
Brataas	Hughes	Lessard	Peterson, D.L.	Taylor
Chmielewski	Isackson	Luther	Peterson, R.W.	Vega
Dahl	Johnson, D.E.	McQuaid	Petty	Waldorf
DeCramer	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
Dicklich	Jude	Moe, D. M.	Ramstad	Willet
Diessner	Kamrath	Moe, R. D.	Reichgott	

Mr. Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Pehler	Solon
Anderson	Frederick	Laidig	Peterson, D.C.	Spear
Belanger	Frederickson	Lantry	Peterson, D.L.	Storm
Benson	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Gustafson	Luther	Petty	Vega
Bertram	Hughes	McQuaid	Pogemiller	Waldorf
Brataas	Isackson	Merriam	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Moe, D. M.	Ramstad	Willet
Dahl	Jude	Moe, R. D.	Reichgott	
DeCramer	Kamrath	Nelson	Renneke	
Diessner	Knutson	Novak	Samuelson	
Dieterich	Kroening	Olson	Schmitz	

Messrs. Dicklich; Johnson, D.J. and Knaak voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Spear moved that the report from the Committee on Judiciary, re-

ported February 12, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Spear moved that the foregoing report be now adopted. The motion prevailed.

Mr. Spear moved that in accordance with the report from the Committee on Judiciary, reported February 12, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER**

Linda Collins Johnson, 740 River Dr., St. Paul, Ramsey County, effective August 1, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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

CONSENT CALENDAR

S.F. No. 375: A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures contracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Olson	Samuelson
Anderson	Frank	Kroening	Pehler	Schmitz
Belanger	Frederick	Kronebusch	Peterson, C.C.	Solon
Benson	Frederickson	Laidig	Peterson, D.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.L.	Storm
Bertram	Gustafson	Luther	Peterson, R.W.	Taylor
Brataas	Hughes	McQuaid	Petty	Vega
Chmielewski	Isackson	Merriam	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Moe, D. M.	Purfeerst	Wegscheid
DeCramer	Johnson, D.J.	Moe, R. D.	Ramstad	Willet
Dicklich	Jude	Nelson	Reichgott	
Diessner	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that

the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 122: Messrs. Moe, D.M.; Wegscheid; Spear; Renneke and Knaak.

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

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 148, 125, 291, 106 and 244, which the committee recommends to pass.

S.F. No. 177, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 1, after line 9, insert:

“Section 1. 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, or a child over the age of ten years who is mentally impaired, as defined under section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on 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.”

Page 7, line 10, delete “2 to 7” and insert “1 to 8”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after “sections” insert “260.156;”

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Nelson, Pehler, Mehrkens, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 573: A bill for an act relating to education; extending the instructional effectiveness models to all districts; appropriating money; amending Minnesota Statutes 1984, section 121.609, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Taylor, Ramstad, Storm, Gustafson and Ms. Olson introduced—

S.F. No. 574: A bill for an act relating to state government; making the budget reserve account a segregated fund; retaining investment earnings in the account; allowing the commissioner of finance to borrow from the account; appropriating money; amending Minnesota Statutes 1984, section 16A.15, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bertram, Jude, Laidig, Mrs. Kronebusch and Mr. Dahl introduced—

S.F. No. 575: A resolution memorializing the United States Congress to propose an amendment to the United States Constitution to protect human life.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Frederickson; Taylor; Merriam and Moe, D.M. introduced—

S.F. No. 576: A bill for an act relating to state departments and agencies; regulating initial fees and fee adjustments for agency services; amending Minnesota Statutes 1984, section 16A.128.

Referred to the Committee on Governmental Operations.

Mr. Peterson, R.W. introduced—

S.F. No. 577: A bill for an act relating to education; exempting certain school district tax and aid anticipation certificates from public sale requirements; amending Minnesota Statutes 1984, section 124.76, subdivision 2.

Referred to the Committee on Education.

Mrs. Adkins, Messrs. Mehrkens, Purfeerst, Stumpf and Bernhagen introduced—

S.F. No. 578: A bill for an act relating to motor vehicles; taxation; defining

terms; reclassifying pickup trucks used in the business of farming for tax purposes; amending Minnesota Statutes 1984, sections 168.011, subdivisions 7 and 17; and 168.013, subdivision 1a.

Referred to the Committee on Transportation.

Messrs. Wegscheid, Luther, Storm, Anderson and Merriam introduced—

S.F. No. 579: A bill for an act relating to liquor; authorizing issuance of off-sale wine licenses to food stores; regulating sales; prohibiting the same person from being licensed as both liquor wholesaler and retailer; amending Minnesota Statutes 1984, sections 340.07, subdivision 13, and by adding a subdivision; 340.11, subdivisions 13 and 14; 340.13, by adding a subdivision; and 340.14, subdivisions 1 and 3.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Schmitz and Wegscheid introduced—

S.F. No. 580: A bill for an act relating to the city of Lakeville; appropriating money to return a forfeiture.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid, Petty, Luther, Solon and Laidig introduced—

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 50.14, subdivision 2; 475.66, by adding a subdivision; and 501.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

Referred to the Committee on Governmental Operations. Mr. Schmitz questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Pehler, Ms. Peterson, D.C.; Mr. Ramstad, Ms. Olson and Mr. Peterson, R.W. introduced—

S.F. No. 582: A bill for an act relating to education; establishing a health awareness program in public elementary and secondary schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Spear, Petty, Ms. Reichgott, Messrs. Luther and Ramstad introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Dahl; Laidig; Moe, R.D.; Freeman and Solon introduced—

S.F. No. 584: A bill for an act relating to commerce; granting motor fuel retailers the option to purchase from wholesalers other than the refiner; proposing coding for new law in Minnesota Statutes, chapter 80C.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dahl and Novak introduced—

S.F. No. 585: A bill for an act relating to education; authorizing the payment of referendum levy equalization aid to school districts; amending Minnesota Statutes 1984, section 124A.01; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Education.

Messrs. Berg and Wegscheid introduced—

S.F. No. 586: A bill for an act relating to liquor; allowing certain liquor establishments outside the metropolitan area to be open during certain hours on Sunday; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Pehler introduced—

S.F. No. 587: A bill for an act relating to the organization and operation of state government; removing the Minnesota municipal board's contested case procedures exemption; amending Minnesota Statutes 1984, section 14.03, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, Willet, Waldorf and Renneke introduced—

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.

Referred to the Committee on Finance. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mrs. Adkins introduced—

S.F. No. 589: A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Mr. Diessner, Mrs. Lantry, Messrs. Benson and Storm introduced—

S.F. No. 590: A bill for an act relating to health; authorizing the legislative commission on long-term health care to study cost containment strategies; amending Minnesota Statutes 1984, section 256B.504, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Luther; Peterson, R.W.; Spear; Jude and Knaak introduced—

S.F. No. 591: 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.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 592: A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.70, subdivision 1; 245.71; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.51; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 246.57; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

Mr. Frederickson introduced—

S.F. No. 593: A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

Referred to the Committee on Local and Urban Government.

Mr. Frederickson, by request, introduced—

S.F. No. 594: A bill for an act relating to courts; providing that the office of clerk of district court is elective; amending Minnesota Statutes 1984, section 485.01.

Referred to the Committee on Judiciary.

Messrs. Ramstad and Dahl introduced—

S.F. No. 595: A bill for an act relating to human services; requiring a

six-month residency in Minnesota for general assistance; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

Messrs. Ramstad, Frederick and Gustafson introduced—

S.F. No. 596: A bill for an act relating to unemployment compensation; regulating benefit eligibility related to receipt of severance pay; amending Minnesota Statutes 1984, section 268.08, subdivision 3.

Referred to the Committee on Employment.

Mr. Taylor introduced—

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.

Referred to the Committee on Local and Urban Government.

Messrs. Davis, Dahl, Wegscheid and DeCramer introduced—

S.F. No. 598: A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 325F.665, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. McQuaid, Messrs. Johnson, D.E.; Wegscheid and Laidig introduced—

S.F. No. 599: 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.

Referred to the Committee on Judiciary.

Mrs. Lantry, Messrs. Benson, Petty, Ms. Berglin and Mr. Spear introduced—

S.F. No. 600: A bill for an act relating to human services; establishing a family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes 1984, section 252.32; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Davis, Wegscheid, Mrs. Adkins and Mr. DeCramer introduced—

S.F. No. 601: A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; amending Minnesota Statutes 1984, section 9.36; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nelson, Ms. Olson, Messrs. Pehler, Mehrkens and Ms. Reichgott introduced—

S.F. No. 602: A bill for an act relating to education; extending the use of summer educational improvement revenue allowance to the entire year; appropriating money; amending Minnesota Statutes 1984, section 124A.033, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Peterson, C.C. and Berg introduced—

S.F. No. 603: A bill for an act relating to public safety; regulating transportation of firearms and bows; amending Minnesota Statutes 1984, section 100.29, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C. introduced—

S.F. No. 604: A bill for an act relating to taxation; allowing deferred payments of first half property taxes on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Mr. Berg introduced—

S.F. No. 605: A bill for an act relating to Independent School District No. 208, Evansville; authorizing a permanent fund transfer.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Hughes; Nelson; Merriam and Renneke introduced—

S.F. No. 606: A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Petty, Luther, Solon and Storm introduced—

S.F. No. 607: 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.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Tuesday, February 26, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTEENTH DAY

St. Paul, Minnesota, Tuesday, February 26, 1985

The Senate met at 11:45 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

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

Adkins	Dicklich	Knaak	Moe, R.D.	Renneke
Anderson	Diessner	Kroening	Nelson	Samuelson
Belanger	Dieterich	Kronebusch	Novak	Sieloff
Benson	Frederick	Laidig	Olson	Solon
Berg	Frederickson	Langseth	Pehler	Spear
Berglin	Freeman	Lantry	Peterson, C.C.	Storn
Bernhagen	Gustafson	Lessard	Peterson, D.C.	Stumpf
Brataas	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Bertram; Frank; Johnson, D.J.; Knutson; Peterson, R.W.; Petty and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

February 21, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 100.

Sincerely,
Rudy Perpich, Governor

February 21, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
	336	1	February 21	February 21
100		2	February 21	February 21

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 122: A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

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

Knickerbocker, O'Connor, Bennett, Clausnitzer and Long.

Senate File No. 122 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1985

Mr. President:

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

S.F. No. 328: A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; clarifying that certain revenue may be used for arts education programs;

amending Minnesota Statutes 1984, section 349.212, subdivision 3; and Laws 1984, chapter 502, article 12, section 26.

Senate File No. 328 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1985

CONCURRENCE AND REPASSAGE

Mr. Dieterich moved that the Senate concur in the amendments by the House to S.F. No. 328 and that the bill be placed on its repassage as amended.

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 328, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 16 and nays 41, as follows:

Those who voted in the affirmative were:

Berg	Dicklich	Moe, D.M.	Pehler	Storm
Berglin	Knaak	Nelson	Peterson, D.L.	Vega
Davis	Merriam	Novak	Pogemiller	Wegscheid
DeCramer				

Those who voted in the negative were:

Adkins	Dieterich	Kamrath	Moe, R. D.	Sieloff
Anderson	Frederick	Kroening	Olson	Spear
Belanger	Frederickson	Kronebusch	Peterson, C. C.	Taylor
Benson	Freeman	Laidig	Peterson, D. C.	Waldorf
Bernhagen	Gustafson	Langseth	Purfeerst	Willet
Brataas	Hughes	Lantry	Ramstad	
Chmielewski	Isackson	Lessard	Reichgott	
Dahl	Johnson, D.E.	Luther	Renneke	
Diessner	Jude	McQuaid	Samuelson	

The motion did not prevail.

The question recurred on the motion of Mr. Dieterich. The motion prevailed.

S.F. No. 328: A bill for an act relating to charitable gambling; changing the effective date for licensing by the charitable gambling control board; authorizing emergency licensing ordinances by local units of government; amending Minnesota Statutes 1984, section 349.212, subdivisions 1 and 3; and Laws 1984, chapter 502, article 12, section 26.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Ramstad
Anderson	Dieterich	Knaak	Nelson	Reichgott
Belanger	Frederick	Kroening	Novak	Renneke
Benson	Frederickson	Kronebusch	Olson	Samuelson
Berg	Freeman	Laidig	Pehler	Sieloff
Bernhagen	Gustafson	Langseth	Peterson, C. C.	Spear
Brataas	Hughes	Lantry	Peterson, D. C.	Storm
Chmielewski	Isackson	Lessard	Peterson, D. L.	Taylor
Dahl	Johnson, D. E.	Luther	Pogemiller	Wegscheid
Dicklich	Jude	McQuaid	Purfeerst	Willet

Those who voted in the negative were:

Berglin	DeCramer	Moe, D. M.	Vega	Waldorf
Davis	Merriam			

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

Senate File No. 54 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1985

Mr. Davis moved that the Senate do not concur in the amendments by the House to S.F. No. 54, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 37 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lessard	Peterson, C. C.	Stumpf
Berg	Dieterich	Luther	Peterson, D. C.	Vega
Berglin	Freeman	Merriam	Peterson, D. L.	Waldorf
Chmielewski	Hughes	Moe, D. M.	Pogemiller	Wegscheid
Dahl	Jude	Moe, R. D.	Purfeerst	Willet
Davis	Kroening	Nelson	Reichgott	
DeCramer	Langseth	Novak	Samuelson	
Dicklich	Lantry	Pehler	Spear	

Those who voted in the negative were:

Anderson	Frederick	Kamrath	Mehrkens	Storm
Belanger	Frederickson	Knaak	Olson	Taylor
Benson	Gustafson	Kronebusch	Ramstad	
Bernhagen	Isackson	Laidig	Renneke	
Brataas	Johnson, D. E.	McQuaid	Sieloff	

The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 68.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 25, 1985

FIRST READING OF HOUSE BILLS

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

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 148, now on the Calendar.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 170: 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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 52: A bill for an act relating to recreational vehicles; exempting recreational vehicles licensed for highway use from registration with the department of natural resources; amending Minnesota Statutes 1984, section 84.922, subdivision 8.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 88: A bill for an act relating to agriculture; providing for establishment of certain fees by rule; changing certain fees and procedures; appropriating money; amending Minnesota Statutes 1984, sections 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivision 2; 25.39; and 25.40, subdivision 1; repealing

Minnesota Statutes 1984, section 17.717, subdivisions 3, 4, 5, and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 17.717, is amended by adding a subdivision to read:

Subd. 1a. [FERTILIZER INSPECTION ACCOUNT.] A fertilizer inspection account is established in the state treasury. The commissioner shall deposit all fees and penalties collected under sections 17.711 to 17.729 in the fertilizer inspection account. Money in that account, including interest earned and any money appropriated for the purposes of sections 17.711 to 17.729, is annually appropriated to the commissioner for the administration and enforcement of sections 17.711 to 17.729.

Sec. 2. Minnesota Statutes 1984, section 25.39, subdivision 4, is amended to read:

Subd. 4. [COMMERCIAL FEED INSPECTION ACCOUNT.] Fees collected shall be deposited in the state treasury and credited to the general fund. The costs of inspections, sampling, and analysis shall be paid from the appropriations made to the department of agriculture. A commercial feed inspection account is established in the state treasury. Fees and penalties collected under sections 25.35 to 25.44 must be deposited in the state treasury and credited to the commercial feed inspection account. Money in that account, including interest earned and money appropriated for the enforcement and administration of sections 25.35 to 25.44, is annually appropriated to the commissioner for the administration and enforcement of sections 25.35 to 25.44.

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, section 17.717, subdivision 6, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This act is effective July 1, 1985.”

Delete the title and insert:

“A bill for an act relating to agriculture; establishing dedicated accounts for commercial fertilizer inspection fees and commercial feed inspection fees; appropriating money; amending Minnesota Statutes 1984, sections 17.717, by adding a subdivision; and 25.39, subdivision 4; repealing Minnesota Statutes 1984, section 17.717, subdivision 6.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, after "*negotiate*" delete "*to*" and insert "*an agreement subsequent to the initial agreement*"

Page 2, line 1, delete "*modify or terminate the contract*"

Page 2, line 3, after the second "*the*" insert "*existing*"

Page 5, line 33, delete "*20*" and insert "*25*"

Page 5, line 34, delete the comma and insert "*: (1)*"

Page 5, line 35, delete "*20-day*" and insert "*25-day*"

Page 6, line 2, delete "*ten*" and insert "*five*" and before the period, insert "*, or (2) a tentative agreement between the parties has been reached before the last day a strike may commence and upon or after the last day a strike may commence either party rejects the agreement, in which case the strike may not commence later than 48 hours following the rejection*"

Page 6, lines 14 and 15, reinstate the stricken language

Page 6, line 16, reinstate the stricken "*teachers shall be for a term of*" and after the reinstated "*of*" insert "*not less than*"

Page 6, line 16, reinstate the stricken "*two years*" and after the reinstated "*years*" insert "*and not more than three years and shall begin*"

Page 6, line 16, reinstate the stricken "*on July 1*" and after the reinstated "*July 1*" insert a period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 228: A bill for an act relating to game and fish; exempting hunters on licensed game farms in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 97.4843, subdivision 2, is amended to read:

Subd. 2. [STAMP REQUIRED.] (a) Except for residents under the age of 18 years or over the age of 65 years as provided in paragraph (b), no person who is otherwise required to possess a Minnesota small game license shall hunt or take pheasants within this state without first purchasing a stamp and

having the stamp in possession while hunting or taking pheasants. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons interested in the improvement of pheasant habitat.

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

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton County, and locations north of the northern boundaries of these counties."

Amend the title as follows:

Page 1, line 3, delete "game farms" and insert "private shooting preserves"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 63: A bill for an act relating to the city of Fergus Falls; granting the city the powers of a port authority; requiring local approval.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for February 21, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Taxes and Tax Laws." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 72: A bill for an act relating to liquor; use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for February 21, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 247: A bill for an act relating to veterans; directing the commissioner of veterans affairs to place a memorial to veterans of the Korean conflict in the Court of Honor; appropriating money.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for February 21, 1985, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Governmental Operations.” Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 285, 474, 352, 528, 425, 522, 571 and 572, reports the same back with the recommendation that the bills be re-referred as follows:

S.F. Nos. 285 and 474 to the Committee on Agriculture and Natural Resources.

S.F. Nos. 352 and 528 to the Committee on Transportation.

S.F. No. 425 to the Committee on Health and Human Services.

S.F. No. 522 to the Committee on Economic Development and Commerce.

S.F. Nos. 571 and 572 to the Committee on Judiciary.

Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 54:

Governor's Appointment Letter dated June 18, 1984, submitting appointments to the World Trade Center Board, reported in the Journal for February 7, 1985.

Reports the same back with the recommendation that the letter be referred to the Committee on Economic Development and Commerce.

SECOND READING OF SENATE BILLS

S.F. Nos. 170, 52, 118, 228 and 72 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Adkins moved that the name of Mr. Jude be added as a co-author to S.F. No. 589. The motion prevailed.

Mr. Frank moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 592. The motion prevailed.

Mrs. McQuaid moved that the name of Mr. Knaak be added as a co-author to S.F. No. 599. The motion prevailed.

RECESS

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

the President. The motion prevailed.

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

APPOINTMENTS

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

S.F. No. 54: Messrs. Davis, Stumpf and Berg.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Purfeerst and Chmielewski introduced—

S.F. No. 608: A bill for an act relating to taxation; sales and use; exempting sales of United States and Minnesota flags; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott, Mrs. Brataas, Messrs. Freeman, Pogemiller and Sieloff introduced—

S.F. No. 609: A bill for an act relating to human rights; removing a statutory prohibition on waiver of remedies under the human rights act; repealing Minnesota Statutes 1984, section 363.031.

Referred to the Committee on Judiciary.

Mmes. Brataas, Lantry, Messrs. Laidig; Peterson, R.W. and Solon introduced—

S.F. No. 610: A bill for an act relating to animals; establishing a rabies control program; proposing coding for new law in Minnesota Statutes, chapter 346.

Referred to the Committee on Veterans and General Legislation.

Mr. Petty introduced—

S.F. No. 611: A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

Referred to the Committee on Judiciary.

Messrs. Vega, Chmielewski, Solon, Willet and Samuelson introduced—

S.F. No. 612: A bill for an act relating to human services; providing for

reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of a work exemption under general assistance; amending Minnesota Statutes 1984, sections 256D.03, subdivision 4; and 256D.111, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Peterson, R. W. introduced—

S.F. No. 613: A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 614: A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Stumpf introduced—

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.

Referred to the Committee on Local and Urban Government.

Mr. Stumpf introduced—

S.F. No. 616: A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

Referred to the Committee on Local and Urban Government.

Messrs. Storm, Merriam, Novak and Renneke introduced—

S.F. No. 617: A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Novak, Pehler, Vega, Laidig and Merriam introduced—

S.F. No. 618: A bill for an act relating to taxation; increasing the income tax itemized deduction for use of an automobile for volunteer services; amending Minnesota Statutes 1984, section 290.089, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kamrath, Pogemiller, Spear, Chmielewski and Isackson introduced—

S.F. No. 619: A bill for an act relating to taxation; sales and use; exempting sales of materials used to modify motor vehicles for private use by hand-capped persons; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kamrath introduced—

S.F. No. 620: A bill for an act relating to regional development commissions; establishing procedures for counties and municipalities to withdraw or join; amending Minnesota Statutes 1984, section 462.387, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mr. Kamrath, Ms. Olson, Messrs. Ramstad and Frederickson introduced—

S.F. No. 621: A bill for an act relating to education; requiring one-third of the interest on the budget reserve to be used to reduce the property tax shift imposed on school districts; amending Minnesota Statutes 1984, sections 16A.15, subdivision 6; and 121.904, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Johnson, D.E.; Jude and Anderson introduced—

S.F. No. 622: A bill for an act relating to traffic regulations; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

Referred to the Committee on Transportation.

Ms. Reichgott, Messrs. Petty, Freeman and Ms. Berglin introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Moe, D.M.; Spear; Ms. Berglin and Mrs. Brataas introduced—

S.F. No. 624: A bill for an act relating to human rights; adding the Roy Wilkins memorial to the list of state monuments; establishing a memorial to Roy Wilkins for placement in the Capitol complex; providing for a competition to select a designer; appropriating money; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Ms. Reichgott, Messrs. Frederickson, Vega, Mrs. McQuaid and Ms. Peterson, D.C. introduced—

S.F. No. 625: A bill for an act relating to energy; delaying the effective

date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

Referred to the Committee on Energy and Housing.

Messrs. Samuelson; Purfeerst; Peterson, R.W.; Johnson, D.E. and Ms. Berglin introduced—

S.F. No. 626: A bill for an act relating to human services; establishing a demonstration project for state-operated, community-based services for mentally retarded persons; creating a limited exception to the moratorium on new intermediate care facilities for the mentally retarded; requiring the commissioner of human services to establish rules concerning staff ratios; setting priorities for services under federal waivers; expanding the responsibility of the legislative commission on long-term health care; amending Minnesota Statutes 1984, sections 252.291, subdivisions 2 and 3; 256B.092, subdivision 5; Laws 1983, chapter 199, section 17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C. and Willet introduced—

S.F. No. 627: A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 3 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Benson introduced—

S.F. No. 628: A bill for an act relating to retirement; public employees retirement association; earnings limits for membership; amending Minnesota Statutes 1984, section 353.01, subdivision 2b.

Referred to the Committee on Governmental Operations.

Mrs. Lantry, Messrs. Moe, R.D. and Spear introduced—

S.F. No. 629: A bill for an act relating to the supreme court; removing the sunset provision for the surcharge on filing fees in civil actions to fund legal services; repealing Laws 1982, chapter 489, section 11.

Referred to the Committee on Judiciary.

Mr. Dieterich, Ms. Olson, Messrs. Dicklich, Freeman and Gustafson introduced—

S.F. No. 630: A bill for an act relating to education; increasing the cost differential tier allowance formula figure; amending Minnesota Statutes 1984, section 124A.06, subdivision 1.

Referred to the Committee on Education.

Messrs. Merriam; Solon; Pehler; Johnson, D.E. and Waldorf introduced—

S.F. No. 631: A bill for an act relating to hazardous substances; requiring

hazardous substance notification report forms to be filed with a fire department by every employer; providing for duties of fire departments and duties of the commissioner of public safety; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Health and Human Services.

Mr. Kamrath introduced—

S.F. No. 632: A bill for an act relating to courts; providing that 90 percent of the surcharges on civil filings should be transmitted to the supreme court and ten percent transmitted to the county where the surcharge was collected; repealing the sunset provision of the law providing for surcharges on civil filings; amending Minnesota Statutes 1984, section 480.241, subdivision 2; repealing Laws 1982, chapter 489, section 11.

Referred to the Committee on Judiciary.

Mr. Wegscheid introduced—

S.F. No. 633: A bill for an act relating to agriculture; establishing a commission to collect the data necessary to design a financially sound, statewide farm program; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 28, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETEENTH DAY

St. Paul, Minnesota, Thursday, February 28, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Edward Flahavan.

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

Adkins	Diessner	Knutson	Novak	Samuelson
Anderson	Frank	Kroening	Olson	Schmitz
Belanger	Frederick	Laidig	Pehler	Sieloff
Benson	Frederickson	Langseth	Peterson, C.C.	Solon
Berg	Freeman	Lantry	Peterson, D.C.	Spear
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Storm
Bertram	Hughes	Luther	Peterson, R.W.	Stumpf
Brataas	Isackson	McQuaid	Petty	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Dahl	Johnson, D.J.	Merriam	Purfeerst	Waldorf
Davis	Jude	Moe, D.M.	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, R.D.	Reichgott	Willet
Dicklich	Knaak	Nelson	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Ms. Berglin, Mr. Dieterich and Mrs. Kronebusch were excused from the Session of today.

Mr. Solon was excused from the Session of today at 2:30 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

January 15, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Waste Management Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Mary A. Robinson, 422 Oak Ave., Delano, Wright County, has been ap-

pointed by me, effective January 21, 1985, for a term expiring 90 days after site selection.

(Referred to the Committee on Agriculture and Natural Resources.)

February 21, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Kathryn Jarvinen, 1750 Gilmore Ave., Winona, Winona County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Education.)

February 13, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

It is my pleasure to enclose herewith the names of notaries public in the State of Minnesota.

Pursuant to the provisions of Article V, Section 3, of the Minnesota Constitution, I hereby appoint those individuals as notaries public, and hereby request the advice and consent of the Senate in those appointments.

Sincerely,
Rudy Perpich, Governor

Mr. Moe, R.D. moved that the appointments of notaries public be laid on the table. The motion prevailed.

February 22, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

As Majority Leader of the Senate, I am designating Senator Randolph W. Peterson to serve on the Legislative Audit Commission in my place.

Respectfully,
Roger D. Moe
Senate Majority Leader

February 22, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

On February 13, 1985, the Subcommittee on Committees met and by ap-

propriate action made the following appointments:

Pursuant to Minnesota Statutes 1984

Sections 121.81-121.84: Education Commission of the States - Mr. Nelson.

Section 298.22: Iron Range Resources & Rehabilitation Board - Messrs. Chmielewski; Dicklich; Johnson, D.J.; Lessard and Solon.

Section 86.07: Legislative Commission on Minnesota Resources - Messrs. Knutson; Luther; Merriam; Moe, R.D.; Purfeerst; Renneke and Willet.

Section 3.85: Legislative Commission on Pensions and Retirement - Messrs. Moe, D.M.; Renneke and Spear.

Section 3.865: Legislative Commission on Public Education - Messrs. Hughes, Nelson, Ms. Olson, Messrs. Pehler; Peterson, D.L. and Peterson, R.W.

Sections 121.843-121.845: Midwestern Education Board - Mr. Hughes.

Respectfully,
Roger D. Moe
Chairman
Subcommittee on Committees

February 22, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

On February 21, 1985, by appropriate action, the Subcommittee on Committees made the following appointments:

Pursuant to Minnesota Statutes 1984

Section 1.34: Advisory Committee to Minnesota-Wisconsin Boundary Area Commission - Messrs. Diessner, Frank, Mehrkens and Peterson, R.W.

Section 161.1419: Mississippi River Parkway Commission - Messrs. Bernhagen, Pogemiller and Waldorf.

Respectfully,
Roger D. Moe
Chairman
Subcommittee on Committees

February 25, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1984, I have made the following appointments:

Section 3.97: Legislative Audit Commission - Messrs. Bernhagen,

Frederick and Johnson, D.E.

Respectfully,
Glen Taylor
Senate Minority Leader

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted with the exception of the report on Permanent Rules of the Senate. The motion prevailed.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 485: A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 384: A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 89: A resolution memorializing the President and Congress of the United States to adopt legislation requiring that all milk sold in the United States contain a higher minimum level of nonfat milk solids.

Reports the same back with the recommendation that the resolution be amended as follows:

Delete everything after the title and insert:

“WHEREAS, in a time of record budget deficits, the United States Department of Agriculture is spending a significant amount of money to buy surplus milk and dairy products from dairy processors; and

WHEREAS, production of surplus milk and dairy products is increasing at a rate faster than the United States Department of Agriculture can disburse the surplus to needy Americans, and

WHEREAS, the United States Department of Agriculture has already begun deducting 50 cents per hundredweight from federal price support payments to dairy producers in an attempt to discourage surplus production; and

WHEREAS, that deduction may be increased to \$1.00 if surplus produc-

tion continues to rise; and

WHEREAS, most of that surplus is in the form of dried nonfat milk solids; and

WHEREAS, programs presently requiring supplementing of the nonfat solid content of milk have found that that requirement has resulted in a more flavorful product, increased per capita consumption of milk, and a decrease in the dairy surplus; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it calls upon Congress to adopt and the President to approve legislation to require that all milk sold in the United States be supplemented to contain at least 8.8 percent nonfat milk solids.

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

And when so amended the resolution do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred:

S.F. No. 42: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, strike "or" and insert "and"

Page 2, after line 13, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for sales after March 31, 1985."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 483: A bill for an act relating to education; directing the commissioner to grant a capital loan to Independent School District No. 690, Warroad.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 8 and 9 and insert:

"The legislature approves a capital loan in the amount of \$1,295,000 to Independent School District No. 690, Warroad. The commissioner of fi-

nance shall issue bonds in the amount necessary to make the loan"

Page 1, line 11, after "124.43" delete the comma and insert a period

Page 1, line 11, before "to" insert "*The loan is to be used*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 117: A bill for an act relating to education; prohibiting a school district from commencing the school year prior to Labor Day; amending Minnesota Statutes 1984, section 126.12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "for" insert "*learning programs during summer and for*"

Page 1, line 12, delete "a" and insert "*an elementary or secondary*"

Page 1, after line 22, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for the 1986-1987 school year and thereafter."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 19: A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections; amending Minnesota Statutes 1984, section 169.20, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "*uncontrolled*" insert "*approach to a*"

Page 1, line 14, after "*T-shaped*" insert "*or a Y-shaped*"

Pages 1 and 2, delete section 2

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "*and Y-intersections*"

Page 1, line 4, delete "*subdivisions*" and insert "*subdivision*" and delete "*and 3*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 441: A bill for an act relating to the national guard; changing

minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 351: A bill for an act relating to public safety; limiting regulation of hand-held candles in religious and civil ceremonies; proposing coding for new law in Minnesota Statutes, chapter 299F.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 299F.011, is amended by adding a subdivision to read:

Subd. 7. Notwithstanding any provision of this section, the commissioner or any political subdivision may not adopt or enforce any rule prohibiting, restraining, or otherwise limiting the use of hand-held candles in religious or civil ceremonies when the use of the candles is expressly authorized by the chief of the fire department that has jurisdiction over the place where the ceremony is to take place.”

Delete the title and insert:

“A bill for an act relating to public safety; permitting the use of hand-held candles in religious and civil ceremonies with the approval of the local fire chief; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 518: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 136C.02, subdivision 6, is amended to read:

Subd. 6. [DISTRICT.] “District” means a school district providing post-secondary vocational education or, an intermediate district, or a joint district.

Sec. 2. Minnesota Statutes 1984, section 136C.02, subdivision 8, is amended to read:

Subd. 8. [SCHOOL BOARD.] “School board” means the school board of

a district ~~and, in the case of an intermediate district, the board of the an intermediate district, or the board of a joint district.~~

Sec. 3. Minnesota Statutes 1984, section 136C.02, is amended by adding a subdivision to read:

Subd. 9. [JOINT DISTRICT.] "Joint district" means a joint vocational technical district established under section 4.

Sec. 4. [136D.41] [DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.]

Notwithstanding other law, two or more independent school districts each operating an area vocational technical institute may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the state director of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.

Sec. 5. [136D.42] [GOVERNING BOARD.]

Subdivision 1. [MEMBERS.] The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school districts specified in the agreement establishing the joint vocational technical district. Board members must be residents of the respective school districts represented, may be members of the school boards of the respective school districts and the first members shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. Appointed members shall serve at the pleasure of their respective school boards and may be subject to recall by a majority vote of the appointing board. The election of members is governed by section 123.32. Board members shall report at least quarterly to their appointing boards on the activities of the joint vocational technical district.

Subd. 2. [EX OFFICIO MEMBER.] The director of the joint vocational technical district is an ex officio, nonvoting member of the joint board.

Subd. 3. [TERMS.] The agreement establishing the joint vocational technical district must specify the number of members from each participating district who shall serve an initial one-year term and the number of members from each participating district who shall serve an initial two-year term. The appointing board shall designate which of the appointees shall serve the one-year term and which of the appointees shall serve the two-year term. Terms of office of the members of the joint board must expire on June 30. After the initial term, the length of terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board shall qualify as a board member by filing with its director a written certificate of appointment from the member's respective appointing board.

Subd. 4. [ORGANIZATIONAL MEETINGS.] The first meeting of the

first joint board shall be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the director of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.

Subd. 5. [OFFICERS.] The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.

Subd. 6. [QUORUM.] A majority of the joint board is a quorum although a smaller number may adjourn.

Sec. 6. [136D.43] [POWERS AND DUTIES.]

Subdivision 1. [IN GENERAL.] The joint board has the powers and duties specified in section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 11 and 13.

Subd. 2. [PROVISION OF FACILITIES AND SERVICES.] The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.

Subd. 3. [FINANCE.] The joint board shall provide for the conduct of the schools, payment of indebtedness, and payment of other proper expenses of the district.

Subd. 4. [CONTRACTS.] The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge the same under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.

Sec. 7. [136D.44] [LEGAL STATUS OF JOINT BOARD.]

Subdivision 1. [PUBLIC AGENCY.] The joint board is a public corporation and agency and may receive and disburse private, federal, and state funds made available to it.

Subd. 2. [LIABILITY.] A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.

Subd. 3. [TAX EXEMPT.] Real or personal property, acquired, owned, leased, used, or controlled in any way by the joint board for its purposes is

exempt from taxation by the state or its political subdivisions.

Subd. 4. [APPLICABLE LAWS.] Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.

Sec. 8. [136D.45] [TEACHERS.]

Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, a teacher employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district; provided that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if the teacher was placed on unrequested leave of absence by the joint vocational technical district, if the teacher is properly licensed for the position, and if a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the joint vocational technical district. A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.

Subd. 2. [EXCLUSIVE REPRESENTATIVE.] The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization representing teachers in the joint vocational technical district may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.

Subd. 3. [BARGAINING AGREEMENT.] The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district shall be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bargaining representative. The date of first employment in the new joint vocational technical district shall be the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits shall be applied to any maximum

accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on preexisting conditions. The successor contract shall contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.

Subd. 4. [APPLICABLE LAW.] Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.

Sec. 9. [136D.46] [NONLICENSED EMPLOYEES.]

Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in an AVTI who is transferred to the joint vocational technical district shall be assigned to and become an employee of the joint vocational technical district without further employment rights in the member district, other than, for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and job seniority layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.

Subd. 2. [EXCLUSIVE REPRESENTATIVES.] After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services proceedings are concluded.

Subd. 3. [BARGAINING AGREEMENT.] The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment shall be governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district shall be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract shall continue until bureau of mediation services proceedings are concluded; and if exclusive representatives have been elected, until successor contracts are executed between the board of the joint vocational technical

district and the new exclusive representatives.

The date of first employment in the joint vocational technical district shall be the date on which services were first performed by the employee in the member school district from which assigned. Any sick leave, vacation time, or severance pay benefits accumulated pursuant to policies of a member district or contracts between exclusive representatives and the boards of member districts shall continue to apply in the new joint vocational technical district to the employee assigned from those member districts; provided that their accumulated benefits do not exceed any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district shall be governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on preexisting conditions.

Sec. 10. [136D.47] [TRANSFER OF PROPERTY.]

Subdivision 1. [TRANSFER OF TITLE.] When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the AVTI facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the AVTI and adult and post-secondary vocational education programs including claims for unemployment compensation, shall also transfer to the joint vocational technical district.

Subd. 2. [DEBT.] The bonded debt on all property transferred shall be paid according to levies for that debt previously made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.

Subd. 3. [TRANSFER OF FUNDS.] A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.

Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of property, title, and power to govern AVTIs and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding shall be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.

Sec. 11. [136D.48] [TAX LEVIES.]

Subdivision 1. [STATE AUDITOR COSTS; JUDGMENTS; INSURANCE.] The joint board may levy upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations under section 6.62, to pay its obligations under section 127.05, and to pay its insurance premium costs under section

466.06.

Subd. 2. [AID ANTICIPATION CERTIFICATES.] The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.

Subd. 3. [AVTI CONSTRUCTION.] It is the intention of the legislature to pay 100 percent of the cost of future authorized construction of post-secondary vocational facilities in the joint vocational technical district; however, the joint board may levy for the local share of the cost of construction of post-secondary vocational facilities as provided in section 275.125, subdivision 14a.

Sec. 12. [136D.49] [JOINDER.]

Upon approval by the majority vote of its board and the joint board, any other independent school district with an area vocational technical institute may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the state director.

Sec. 13. [PAYMENT OBLIGATION.]

Subdivision 1. [AGREEMENTS WITH STATE DIRECTOR.] The state director may enter into agreements with the joint vocational technical district and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.

Subd. 2. [CONSTRUCTION.] Notwithstanding Minnesota Statutes, section 136C.44, it is the intention of the legislature to fund 100 percent of the cost of any future authorized post-secondary vocational facilities construction in the joint vocational technical district.

Subd. 3. [PAYMENT OF DEBT; TRANSFER; DEBT SERVICE AID.] A member district which has debt outstanding upon an AVTI facility and property that is transferred to the joint vocational technical district shall escrow in its AVTI debt redemption fund the lesser of: (a) a sufficient amount to pay the local share of all principal, interest, and redemption premiums on the outstanding debt when due, or (b) the remaining balance in the AVTI debt redemption fund. The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the AVTI debt redemption fund may be used as provided in Minnesota Statutes, section 123.36, subdivision 13, clauses (2), (3), and (4).

The state board of vocational technical education shall provide for credit against the debt service of all member districts that have transferred their AVTI facilities to the board of the joint vocational technical district. The provided credit must be post-secondary vocational debt service aid equal to the state portion of the amount necessary to make all payments due in each school year ending June 30 with respect to bonds issued to finance those post-secondary vocational facilities and interest on the bonds. If the property reverts to ownership by the member district according to section 10, the state portion of debt service aid shall be paid according to Minnesota Statutes, section 136C.41.

Subd. 4. [LEVY.] A member district that has transferred an AVTI facility to the joint board may levy upon all taxable property in the member district, the following:

(1) in the first year's levy after the transfer, 75 percent of the amount of the district's most recent service fee allocation;

(2) in the second year's levy after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and

(3) in the third year's levy after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).

The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net unappropriated fund balance of the member district for the three fiscal years to which the levy is attributable.

Sec. 14. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 546: A bill for an act relating to agriculture; appropriating money for the agricultural extension service of the University of Minnesota.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

Subdivision 1. [A.V.T.I. FARM CRISIS INTERVENTION.] \$967,800 is appropriated from the general fund to the state board of vocational technical education to provide farm financial crisis intervention services, to be available until June 30, 1985. This appropriation is not subject to the allocation procedures for instructional aid in Minnesota Statutes, chapter 136C.

Subd. 2. [A.E.S. FARM CRISIS INTERVENTION.] \$402,500 is appro-

appropriated from the general fund to the University of Minnesota for use by its agricultural extension service in providing farm financial crisis intervention services, to be available until June 30, 1985.

Subd. 3. [A.V.T.1.] \$1,420,000 is appropriated from the general fund to the board of vocational technical education for farm management programs, to be available for the biennium ending June 30, 1987 as follows:

<i>(a) For tuition scholarships</i>	<i>\$500,000</i>
<i>(b) For expanded farm management programs and in-service training of farm management</i>	<i>\$800,000</i>
<i>(c) For computer hardware, software, training and materials</i>	<i>\$120,000</i>

Subd. 4. [PROJECT SUPPORT.] \$1,200,000 is appropriated from the general fund to the University of Minnesota for use by its agricultural extension service for the Project Support program, to be available for the biennium ending June 30, 1987.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 68 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				68	148

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 68 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 68 and insert the language after the enacting clause of S.F. No. 148, the first engrossment; further, delete the title of H.F. No. 68 and insert the title of S.F. No. 148, the first engrossment.

And when so amended H.F. No. 68 will be identical to S.F. No. 148, and further recommends that H.F. No. 68 be given its second reading and substituted for S.F. No. 148, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration.

Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 581, 588 and 607 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 581 to the Committee on Local and Urban Government.

S.F. No. 588 to the Committee on Finance.

S.F. No. 607 to the Committee on Economic Development and Commerce.

Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, makes the following report:

The Permanent Rules of the Senate for the 74th Legislature shall read as follows:

“PERMANENT RULES OF THE SENATE

PARLIAMENTARY REFERENCE

1. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

HOUR OF CONVENING

2. The Senate shall convene on days of meeting at 2 o'clock p.m. unless the Senate directs otherwise.

PRESIDENT

3. The President shall take the chair at the hour to which the Senate adjourned. He shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business. He shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member. An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

SUBSTITUTES FOR THE PRESIDENT

4. The President may call a member to preside. In the absence of the President the Chairman of the Committee on Rules and Administration, or his designee, shall preside over the Senate. In the absence of the President and the Chairman, a member may be selected by the Senate to perform the

duties of the President. Substitutions do not extend beyond adjournment.

ABSENCE OF MEMBERS

5. No member or officer of the Senate shall be absent from a session of the Senate unless excused by the Senate.

DECORUM DURING BUSINESS

6. When the President puts a question, or addresses the Senate, no one shall walk out of or cross the Chamber. When a member is speaking, no one shall pass between the member speaking and the President. No member, or other person, shall proceed to or remain by the Secretary's desk while the yeas and nays are being called or counted. No member may speak without using a microphone.

ORDER OF BUSINESS

7. The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
 - (a) From standing committees.
 - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.
12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

CALENDAR

8. The Secretary shall make a Calendar of all bills, resolutions and other matters coming before the Senate for final action. He shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole. The Calendar shall be printed and placed upon the members' desks at least one calendar day before the matters on it are considered.

CONSENT CALENDAR

9. If a committee determines that a bill it recommends to pass is of a routine nature or otherwise of a nature which likely will not be opposed, it may in its report recommend that the bill be placed on the Consent Calendar. If the report is adopted, the bill shall be printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

A majority of the whole Senate, or the Subcommittee on Bill Scheduling, may order a bill on General Orders to be placed on the Consent Calendar.

The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills. The Consent Calendar shall be printed and placed on the members' desks at least one calendar day before the matters on it are considered.

If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill shall be referred to the Committee of the Whole, and shall be placed at the bottom of General Orders subject to Rule 11, except that it need not lie over one calendar day before consideration in the Committee of the Whole.

SPECIAL ORDER

10. The Chairman of the Subcommittee on Bill Scheduling of the Committee on Rules and Administration, as authorized by the subcommittee, may designate a special order for a bill that has been given its second reading.

A special order shall provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

During consideration of a special order, Rule 20 is suspended. As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall be that of the Committee of the Whole.

On any question a member may call for the yeas and nays which shall be entered in the Journal.

Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall immediately proceed to its third reading and final passage.

GENERAL ORDERS

11. The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, for a particular day, and number them. The lists are called the "General Orders". They shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

General Orders, together with all bills included on it required to be printed under the rules or orders of the Senate, shall be printed and placed upon the

members' desks at least one calendar day before being considered in Committee of the Whole.

MOTIONS

12. When a motion is made it shall be stated by the President. If it is in writing it shall be handed to the Secretary and read to the members.

13. A motion or amendment shall be written if the president or a member requests. In that case it must be signed by the member or committee offering it.

14. After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

PRECEDENCE OF MOTIONS

15. When a question is under debate no motion shall be received, except:

1. To adjourn.

2. To recess.

3. To reconsider.

4. To lay on the table.

5. For the previous question.

(Motions numbered 1, 2, 4 and 5 above shall be decided without debate.)

6. To refer.

7. To postpone to a day certain.

8. To amend.

9. To postpone indefinitely.

These several motions have precedence in the foregoing order; but when a motion for the previous question has been seconded, or the main question ordered, a motion to lay on the table is not in order.

A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, shall not again be put on the same day, nor at the same stage of the bill or proposition.

MOTION TO ADJOURN

16. A motion to adjourn is always in order, and also a motion to adjourn to a time certain. The latter motion is debatable solely as to the time. When either motion is rejected it shall not be renewed until further business has been transacted.

AMENDMENTS TO RULES AND SUSPENSION OF RULES

17. Every proposition to amend a rule of the Senate shall be referred to the Committee on Rules and Administration. The proposition shall not be acted upon until the report of the committee is received by the Senate. A rule shall

not be suspended except by at least two-thirds vote of the whole Senate. A motion to suspend the rules for the purpose of advancing a bill shall be made only under the order of business, "Motions and Resolutions".

ORDER IN DEBATE

18. When a member is about to speak in debate, or deliver a matter to the Senate, the member shall rise and respectfully address "Mr. President". The member shall not proceed to speak further until recognized by the President. The member shall speak only to the question under debate and avoid personality. In discussing a resolution, each member is limited to ten minutes.

19. When a member is called to order, he shall be silent until it is determined whether or not he is in order. If a member is called to order for words spoken in debate, the words excepted to shall be taken down in writing by the Secretary immediately.

20. No member shall speak more than twice on the same question on the same day without leave of the Senate.

COMMITTEES NOT TO BE ABSENT

21. Committees shall not be absent from the Senate without permission of the Senate. The names of the members excused shall be printed in the Journal.

MEMBERS TO VOTE UNLESS EXCUSED

22. Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless, for special reasons, excused by the Senate.

A motion by a member to be excused from voting shall be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request and the question on the motion shall be taken without further debate.

When members have had an opportunity to vote and fail to do so, a majority of all the members of the Senate may, by motion, direct the President to close the roll. The vote on a motion to close the roll shall be taken without debate and no member is required to vote on the motion.

CALL OF THE SENATE

23. A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained upon the request of any member, and the Sergeant at Arms instructed to bring in the absent members. When the Senate has been placed under call, a member may demand that the doors be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance members not answering the call.

A call cannot be made after voting has commenced.

QUESTIONS—HOW STATED AND DECIDED

24. Questions shall be distinctly put. The President shall declare all votes but if a member rises to question a vote, the President shall order a division.

ONLY MEMBERS PRESENT TO VOTE

25. Upon a division and count of the Senate on a question, only members present in the Senate chamber shall be counted. No member may vote on a question except at the member's own seat in the chamber.

ANY MEMBER MAY DEMAND YEAS AND NAYS

26. At any time prior to the start of voting on a question, a member may call for the yeas and nays which shall be entered in the Journal. A call for the yeas and nays cannot be interrupted except as provided in Rule No. 22.

AUTHORIZED ELECTRICAL VOTING DEVICE

27. Unless otherwise ordered, a vote, except upon elections and upon the overriding of a governor's veto, may be taken by means of the electrical voting system which is under the control of the President.

CERTIFICATE FOR MONEY

28. No certificate authorizing the payment of money appropriated by the Legislature shall be issued by the Secretary by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of all members of the Senate upon a call of the yeas and nays.

THE PREVIOUS QUESTION

29. Unless the motion for the previous question is made specifically applicable to a subsidiary motion, the previous question shall be in this form:

“Shall the main question now be put?” It shall only be admitted when demanded by a majority of the members present, and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

On a motion for the previous question a call of the Senate is in order before the President submits the question to the Senate.

On a previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, shall be decided, whether on appeal or otherwise, without debate.

DIVISION OF QUESTION

30. A member may call for a division of the question when the question will admit of it. A motion to strike out and insert is indivisible. A motion to

strike out being lost does not preclude an amendment nor a motion to strike out and insert.

RECONSIDERATION

31. When a motion or question has been once put and carried in the affirmative or negative, it is in order for a member who voted with the prevailing side to move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted prior to the disposition of the motion for reconsideration, a motion for reconsideration shall lie over until the next succeeding day the Senate meets except as provided in this rule. When notice of intention to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

During the six calendar days before the first Tuesday following the third Saturday in May of any year a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made and have priority over all other business except a motion to adjourn. A motion for reconsideration having been once voted on shall not be put again nor reconsidered.

INTRODUCTION OF BILLS

32. Bills, memorials, concurrent or joint resolutions may be introduced by a member or by order of the Senate on a report of a committee. An original and three copies are required for introduction. The number of authors shall not exceed five. A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall place it in the hands of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

The name of the author or authors shall be prefixed to each bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it.

RECESS BILL INTRODUCTIONS

33. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction shall be given a file number and may be unofficially referred by the President, with the approval of the Subcommittee on Bill Scheduling, to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall be presented to the Senate when it reconvenes and shall be referred to the standing committees previously indicated by the President, subject to objection under Rule 35.

REPORTING OF BILLS

34. Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall be reported to the Senate on three different days pre-

vious to its passage. The first report, called the first reading, is made when it has been received for introduction; the second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate; the third report, called the third reading, is made when it is ready for final passage.

REFERRING OF BILLS

35. All bills shall be referred by the President without motion to the proper standing committee unless otherwise referred by the Senate. A bill introduced by a committee need not be referred to a standing committee unless a question arises but rather shall lie over one day before being given its second reading. When a question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report on it by a standing committee to which the bill was previously referred, the bill shall be referred without debate to the Committee on Rules and Administration to report the proper reference, and upon adoption of the report of the Committee on Rules and Administration, it shall be referred accordingly.

All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, shall, before passage, be referred to the Committee on Finance.

36. No bill or resolution shall be referred to committee or amended until it has been given its first reading. No bill or resolution shall be objected to on its introduction.

AMENDMENTS TO BE GERMANE

37. An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order. A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose than that of the original bill to which it is proposed. Whether an amendment is germane is a question to be decided by the President, who may put the question to the body if he chooses.

AMENDMENTS TO BILLS

38. In drawing an amendment to a bill or resolution reference shall be made therein, first to the number of the bill, then to the page, and then to the line or lines from which matter is to be stricken or in which new matter is to be inserted.

AMENDMENTS TO TITLE

39. The title to a bill may be amended at any time during its pendency in the Senate.

RECALL FROM COMMITTEE

40. A majority of the Senate may at any time recall a bill from any committee or take a bill from the table and place it on General Orders.

By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the first author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

DISTRIBUTION AND PRINTING OF BILLS

41. To the extent practical the Secretary shall provide a copy of any bill to the public. He may charge a reasonable fee.

Unless otherwise ordered by the Senate, all Senate bills which have been reported upon favorably or without recommendation by a committee shall be printed prior to consideration by the Senate or the Committee of the Whole. A committee chairman, a majority of the last committee to consider a bill, or the Senate may require that a House bill amended by the Senate be unofficially engrossed and printed when placed on General Orders. A bill may be printed by order of the Secretary when amended after second reading. A bill shall be printed when ordered by a majority vote of the Senate. Action by the Senate on a bill which has not been printed is a waiver of the printing requirement.

COMMITTEE OF THE WHOLE

42. All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, except as provided for in Rules 9 and 10.

43. The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole. The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chairman of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question cannot be made. The yeas and nays shall be taken only upon the request of three members, and when taken shall be recorded in the Journal along with the amendment; provided, however, that a member may, with the approval of the Chairman of the Committee on Rules and Administration, submit a description of the amendment for printing. In those cases the Secretary shall retain in the minutes of the Committee of the Whole the full text of the amendment.

44. The recommendations of the Committee of the Whole shall be reported to the Senate. If a recommendation contains a proposed amendment of a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall be admitted. The question may be divided to permit separate Senate action on the report as to any bill. On adoption of the report of the Committee of the Whole all bills recommended to pass shall be placed upon the Calendar.

AMENDMENT ON THIRD READING

45. No amendment is in order on third reading without the unanimous

consent of the Senate unless it fills a blank, amends the title as provided by Rule 39, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

In filling blanks, the largest sum, the longest time and the greatest distance shall be first taken.

MOTION TO REFER

46. A bill or resolution may be referred to committee at any time prior to its passage, and if an amendment is reported on the referral to any other than a Committee of the Whole, it shall again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it shall be placed at the head of General Orders, except when the referral is under Rule 9.

FINAL PASSAGE

47. The final question upon a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is upon its final passage.

TRANSMITTING OF BILLS TO THE HOUSE

48. Except as provided in Rule 31, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House. On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

COMPARISON AND SUBSTITUTION OF BILLS

49. Unless there is a motion or objection, a House bill, after its first reading, shall be referred as follows:

(a) If there is no Senate companion bill, the House bill shall be referred to the appropriate standing committee;

(b) If there is a Senate companion bill, the House bill shall be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall so state and recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall be indefinitely postponed.

Reports of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.

A House bill placed on the Calendar by substitution shall not be given its third reading on the same day as the substitution.

ENGROSSING AND ENROLLING OF BILLS

50. All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

Every bill, memorial, order or resolution originating in the Senate shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills.

DISPOSITION OF BILLS ON ADJOURNMENT

51. Adjournment of the regular session in an odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders shall be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to adjournment. Bills returned to committee pursuant to this rule shall, upon request of the author, be given priority for consideration by the committee ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

PETITIONS AND OTHER COMMUNICATIONS

52. In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

Every petition, memorial, remonstrance, resolution, bill and report of committee, shall have an appropriate title, and the name of the member presenting it written on it.

RESOLUTIONS

53. Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor shall follow the same procedure as bills before being adopted.

Upon a member giving notice of intention to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution shall lie over one calendar day without debate or other action. Upon the request of a member, the resolution shall be referred to the proper committee. Whenever a question arises con-

cerning the proper reference the procedure provided by Rule 35 applies.

CONFIRMATIONS

54. Every gubernatorial appointment requiring the advice and consent of the Senate shall be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment shall be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question shall not be put the same day the appointment is received or on the day it is reported by committee unless by unanimous consent.

SIGNING OF ACTS, RESOLUTIONS

55. In addition to his duties under Rule 3, the President shall sign all acts, memorials, addresses and resolutions. All writs, warrants and subpoenas issued by the Senate shall be signed by the President and attested by the Secretary. Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chairman of the Committee on Rules and Administration, or some other member selected by the committee shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

APPOINTMENT OF COMMITTEES

56. The majority and minority shall each be represented on all standing committees of the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group shall be given adequate notice about its positions prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee assignments.

The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority. The uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless other-

wise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees of the Committee on Rules and Administration of the Senate shall appoint those who are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

STANDING COMMITTEES

57. The standing committees of the Senate are as follows:

Agriculture and Natural Resources

Economic Development and Commerce

Education

Elections and Ethics

Employment

Energy and Housing

Finance

Governmental Operations

Health and Human Services

Judiciary

Local and Urban Government

Public Utilities and State Regulated Industries

Rules and Administration

Taxes and Tax Laws

Transportation

Veterans and General Legislation

The Committee on Rules and Administration may constitute a standing Subcommittee on Engrossing and Enrolling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration, and the reference under Rule 49 is made directly to this subcommittee.

The Committee on Rules and Administration may constitute a standing Subcommittee on Bill Scheduling, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of six members, two of whom shall be members of the minority group.

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including a subcommittee of the

committee, is authorized at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration. A standing committee, but not a subcommittee, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, Section 3.153.

COMMITTEE MEETINGS

58. All meetings of the Senate, its committees and subcommittees are open to the public.

To the extent practical, meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol, and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary.

QUORUM IN COMMITTEE

59. A majority of its members constitutes a quorum of a committee.

REPORT OF VOTE IN COMMITTEE

60. Upon the request of a member of a committee or subcommittee to which a bill has been referred, or upon the request of the author of the bill, a record shall be made of the vote on the bill in the committee or subcommittee, including the vote on any amendment or proposed amendment to it, in the committee or subcommittee to which the bill was referred.

Upon request of three members of the committee *before the vote is taken*, the record of a roll call vote in a standing committee shall accompany the committee report and be printed in the Journal.

COMMITTEE ACTION

61. No report of any committee shall be made to the Senate unless it reports action taken at a regular or special meeting of the Committee. A report in violation of this rule is out of order.

A committee report or a proposed amendment to a bill, memorial or resolution shall be in six copies and written only on one side of the paper.

EMPLOYEES AUTHORIZED IN THE SENATE

62. The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems proper to carry out the work of the Senate. At the request of any committee member, an action of the committee shall be submitted as a Senate resolution for adoption by the Senate. A roster of all employees of the Senate, including positions and compensation, shall be kept by the Secretary and shall be open for inspection by the public.

ADDITIONAL EMPLOYEES

63. All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature, other than those provided by law, shall be referred to the Committee on Rules and Administration without debate.

AUTHORITY OVER EMPLOYEES

64. Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, officers and clerks of the Senate both elective and appointive. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may from time to time provide. The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule. The committee may make rules and regulations for the government of the employees, officers and clerks as they see fit. In case of violation of an order of the committee by an employee, officer or clerk, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, officer or clerk, the Committee on Rules and Administration may hear complaints and discharge the employee, officer or clerk or impose other punishment by way of fine or otherwise upon the employee, officer or clerk as the committee deems just and proper.

DUTIES OF SECRETARY

65. The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to him as Secretary. He shall not permit Journal records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business. If a paper in his charge is missing, he shall report the fact to the President, so that inquiry may be made. He shall superintend the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, supervise the assistants, clerks and stenographers under the direction of the Committee on Rules and Administration, and generally perform the duties of Secretary, under direction of the President. The Secretary shall keep the books to be called "Minute Books" in which he shall enter under the appropriate marginal numbers, all Senate and House bills, and correct notes, with the dates thereof, of the state, condition and progress of each bill pending, until its final passage.

The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, each standing committee and standing subcommittee. Each tape shall be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each tape shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within one week after each meeting of a

standing committee or standing subcommittee the Secretary shall make a copy of the tape and corresponding log of the meeting and deliver the copies to the Legislative Reference Library. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee or standing subcommittee, and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received. The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes. Copies of Senate tapes shall be available to the public from the Secretary, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall be provided free to a member of the Senate upon request for use in legislative business. The original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as he sees fit. Tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit. It is the intention that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

JOURNAL—HOW APPROVED

66. The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

SECRETARY MAY CORRECT ERRORS

67. The Secretary of the Senate and Engrossing Secretary, in all proper cases, shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

PURCHASING SUPPLIES

68. The Secretary is the agent of the Senate for the purchase of supplies. ~~He shall file timely reports of expenditures made with the Committee on Rules and Administration. The Secretary's records on purchase of supplies are open for inspection during normal business hours.~~

DUTIES OF THE SERGEANT AT ARMS

69. The Sergeant at Arms shall execute all orders of the President and perform all duties assigned to him connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the chambers; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature properly regulated,

and that it is open for the use of members of the Senate at the time fixed; and perform all other services pertaining to his office.

PERSONS PRIVILEGED TO THE FLOOR OF THE SENATE

70. No person shall be admitted within the Senate Chamber, but a member, *an officer*, the executive or ex-Governors of the State of Minnesota, members of the House, ~~heads of departments of state government~~, judges of the Supreme and Districts Courts and members of Congress. Those who have been members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate. An employee of either house may be admitted at the request of a member or an officer of the Senate. *The head of a department of state government may be admitted by the President.* When the Senate is not meeting, a person not a member may be admitted to the floor at the request of a member or officer. No public hearings shall be held in the Senate Chamber. The retiring room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, United Press International, St. Paul Pioneer Press, St. Paul Dispatch, Minneapolis Star and Tribune, Duluth News-Tribune and Herald, Rochester Post-Bulletin, WCCO radio, KSTP radio, and Minnesota Public Radio. An additional two spaces shall be provided to other reporters.

One person from each named agency may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The committee or its agent may designate a committee of three senior news correspondents to act as an issuing agency for reporters' badges or other credentials.

DISORDERLY CONDUCT

72. In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared. Picture taking by persons other than accredited news reporters, hand clapping, demonstrations, and food and beverages, are prohibited in the galleries.

INTRODUCTION OF VISITORS

73. No introduction of a visitor or visitors in the galleries shall be made

from the floor or rostrum of the Senate.

SMOKING

74. No person is permitted to smoke in the Senate Chamber. There shall be no smoking in the visitors section of the galleries.

ETHICAL CONDUCT

75. The Subcommittee on Committees shall appoint a special committee on Ethical Conduct consisting of four members, two from the majority and two from the minority.

The committee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee.

A lobbyist shall not appear before a Senate committee pursuant to his employment unless he is in compliance with the law requiring lobbyist registration, Minnesota Statutes, Sections 10A.03 to 10A.06. A lobbyist when appearing before a committee shall disclose to the committee those in whose interest he speaks and the purpose of his appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when he knows or should know it will influence the judgment or action of the Senate or any of its committees thereon. A lobbyist shall not exert undue influence or expend improper sums of money in connection with any legislation.

The committee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate or a lobbyist. The committee has the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, Section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the committee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. Upon a finding of probable cause, further proceedings on the complaint are open to the public. If, after investigation, the committee finds the complaint substantiated by the evidence, it shall recommend to the Senate appropriate disciplinary action."

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that Senate Resolution No. 22 be taken from the table. The motion prevailed.

Senate Resolution No.22: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The miles traveled by members of the Senate for the 74th Legislature in

each round trip going to and returning from the Capitol to their places of residence are as follows:

MEMBER	MILEAGE
ADKINS, Betty A.	86
ANDERSON, Don	324
BELANGER, William V. Jr.	46
BENSON, Duane D.	228
BERG, Charles A.	370
BERGLIN, Linda	18
BERNHAGEN, John	152
BERTRAM, Joe	240
BRATAAS, Nancy	160
CHMIELEWSKI, Florian	210
DAHL, Gregory L.	40
DAVIS, Charles R.	130
DeCRAMER, GARY M.	336
DICKLICH, Ronald R.	390
DIESSNER, A. W. "Bill"	44
DIETERICH, Neil	6
FRANK, Don	36
FREDERICK, Mel	144
FREDERICKSON, Dennis	250
FREEMAN, Michael O.	30
HUGHES, Jerome M.	10
ISACKSON, Doran L.	316
JOHNSON, Dean E.	202
JOHNSON, Douglas J.	460
JUDE, Tad	50
KAMRATH, Randy P.	350
KNAAK, Fritz	22
KNUTSON, Howard A.	44
KROENING, Carl W.	30
KRONEBUSCH, Patricia Louise	222
L Aidig, Gary W.	42
LANGSETH, Keith	472
LANTRY, Marilyn M.	11
LESSARD, Bob	620
LUTHER, William P.	44
McQUAID, Phyllis W.	28
MEHRKENS, Lyle G.	100
MERRIAM, Gene	42
MOE, Donald M.	0
MOE, Roger D.	522
NELSON, Tom A.	200
NOVAK, Steven G.	30
OLSON, Gen	70
PEHLER, James C.	140
PETERSON, Collin C.	416
PETERSON, Darrel L.	300
PETERSON, Donna C.	14
PETERSON, Randolph W.	58
PETTY, Eric D.	26
POGEMILLER, Lawrence J.	0
PURFEERST, Clarence M.	116

RAMSTAD, Jim	42.6
REICHGOTT, Ember D.	42
RENNEKE, Earl W.	146
SAMUELSON, Don	276
SCHMITZ, Robert J.	96
SIELOFF, Ron	13
SOLOMON, Sam G.	320
SPEAR, Allan H.	22
STORM, Donald A.	41
STUMPF, LeRoy A.	582
TAYLOR, Glen	180
ULLAND, James	302
VEGA, Conrad M.	24
WALDORF, Gene	12
WEGSCHEID, Darril	54
WILLET, Gerald L. (air 340)	410

Mr. Moe, R.D. moved to amend Senate Resolution No. 22 as follows:

Page 1, after line 29, insert:

GUSTAFSON, Jim	312
----------------------	-----

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved the adoption of the foregoing resolution, as amended. The motion prevailed. So the resolution, as amended, was adopted.

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Second Reading of Senate Bills and Second Reading of House Bills.

SECOND READING OF SENATE BILLS

S.F. Nos. 485, 89, 42, 483, 117, 19 and 351 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 68 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegscheid moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 21. The motion prevailed.

Mr. Langseth moved that the name of Mr. Purfeerst be added as a co-author to S.F. No. 42. The motion prevailed.

Mr. Diessner moved that the names of Messrs. Ramstad and Samuelson be added as co-authors to S.F. No. 327. The motion prevailed.

Mr. Merriam moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 540. The motion prevailed.

Mr. Merriam moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 614. The motion prevailed.

Mr. Storm moved that the name of Mr. Dahl be added as a co-author to

S.F. No. 617. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 624. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Resolution No. 29: A Senate resolution providing for Senate committee assignments.

BE IT RESOLVED, by the Senate:

That Senate Resolution No. 3 relating to standing committees of the Senate for the 74th session, Senate Daily Journal, January 8, 1985, pages 6-7, be amended as follows:

Agriculture and Natural Resources—18 19

Add: Gustafson

Employment—12 13

Add: Gustafson

Health and Human Services—14 13

Delete: Ulland

Public Utilities and State Regulated Industries—14 15

Add: Gustafson

Rules and Administration—27

Add: Laidig

Delete: Ulland

Taxes and Tax Laws—26 25

Delete: Ulland

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

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

TABLE OF CONTENTS

ARTICLE I: JOINT CONVENTIONS

1.01 How Governed

- 1.02 President's Duties
- 1.03 President's Right to Vote
- 1.04 Stating Questions
- 1.05 Order of Debate
- 1.06 Calling Member to Order
- 1.07 Call of the Convention
- 1.08 Elections
- 1.09 No Smoking
- 1.10 Parliamentary Procedure

ARTICLE II: BILLS

- 2.01 Form
- 2.02 Appropriating Money
- 2.03 Deadlines
- 2.04 Amending Bills Originating in other House
- 2.05 Receding From Position
- 2.06 Conference Committees
- 2.07 Enrollment and Signature

ARTICLE III: GENERAL PROVISIONS

- 3.01 Suspension of Joint Rules
- 3.02 Odd Year Session Adjournment
- 3.03 Interim Committee and Commission Reports

ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form:

“As many as are of the opinion that (the question) shall pass, say ‘Aye.’” After an affirmative vote is expressed the nays shall be called as follows: “As many as are of the contrary opinion, say ‘No.’” If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the 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 favor-

ably 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.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 9 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that Senate Resolution No. 23 be withdrawn from the Committee on Rules and Administration and laid on the table. The motion prevailed.

Mr. Moe, R.D. moved that Senate Resolution No. 24 be withdrawn from the Committee on Rules and Administration and laid on the table. The motion prevailed.

CONFIRMATION

Mr. Merriam moved that the reports from the Committee on Agriculture and Natural Resources, reported February 25, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the reports from the Com-

mittee on Agriculture and Natural Resources, reported February 25, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Martha C. Brand, 1904 Humboldt Ave. S., Minneapolis, Hennepin County, effective May 3, 1984, for a term expiring the first Monday in January, 1988.

Caryl Edward Buchwald, Rt. 4, Box 164, Northfield, Rice County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pehler moved that S.F. No. 523 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Health and Human Services. The motion prevailed.

Mr. Pehler moved that Senate Resolution No. 23 be taken from the table. The motion prevailed.

Senate Resolution No. 23: A Senate resolution recognizing the outstanding Parents are Teachers program and Family Oriented Structured Preschool Activity program achievements at the St. Cloud Area Vocational Technical Institute.

WHEREAS, family education is an important factor in maintaining the quality of life in Minnesota and is being recognized as an important phase of education in the United States; and

WHEREAS, the St. Cloud Area Vocational Technical Institute's parent-child development programs, Parents are Teachers and Family Oriented Structured Preschool Activity, were developed in conjunction with the American Vocational Association and the W. K. Kellogg Foundation as a response to increased recognition of family problems; and

WHEREAS, both programs have been replicated in two foreign countries and 22 states with a total of 170 community-based programs in Minnesota and the nation; and

WHEREAS, this program emphasizes the self-esteem, uniqueness, and importance of the child and helps parents gain confidence in interaction with their children; and

WHEREAS, these programs are positive steps toward the prevention of child abuse and other family problems; and

WHEREAS, these programs received a national award and recognition at the 1984 American Vocational Association Conference; and

WHEREAS, Minnesota's vocational technical education programs received 25 percent of all national awards given by the American Vocational Association in November, 1984; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it com-

mends the St. Cloud Area Vocational Technical Institute and the Parents are Teachers and Family Oriented Structured Preschool Activity instructional staff for program innovation and excellence in meeting the needs of Minnesota's families.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Chairman of the Rules and Administration Committee, and present them to representatives of the St. Cloud Area Vocational Technical Institute and the Parents are Teachers and Family Oriented Structured Preschool Activity programs.

Mr. Pehler moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Bernhagen moved that Senate Resolution No. 24 be taken from the table. The motion prevailed.

Senate Resolution No. 24: A Senate resolution recognizing the outstanding Automotive Technician program achievement at Hutchinson Area Vocational Technical Institute.

WHEREAS, the Hutchinson Area Vocational Technical Institute's Automotive Technician program received the outstanding automotive vocational training program award for 1984 in the State of Minnesota; and

WHEREAS, the program also received the 1984 American Vocational Association national award for excellence in Automotive Service Programs in the United States; and

WHEREAS, the recognition of this program is part of a national program sponsored by the National Motor Vehicle Manufacturers' Association and the American Vocational Association; and

WHEREAS, the purpose of this award is to recognize outstanding vocational technical programs in the nation and the cooperation existing between vocational technical education and industry at the national, state, and local levels; and

WHEREAS, this award also indicates the high standards and excellence of Minnesota's post-secondary vocational technical education programs and instruction; and

WHEREAS, Minnesota's vocational technical education programs received 25 percent of all national awards given by the American Vocation Association in November 1984; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it commends the Hutchinson Area Vocational Technical Institute and the automotive technician program instructor, John Mlinar, for program excellence and for cooperation with representatives of business and industry in providing quality vocational technical programs for the citizens of the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chairman of the Rules and Administration Committee, and that it be presented to John Mlinar.

Mr. Bernhagen moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALENDAR

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Frank	Lantry	Peterson, C. C.	Sieloff
Anderson	Frederickson	Lessard	Peterson, D. C.	Spear
Belanger	Hughes	Luther	Peterson, D. L.	Storm
Benson	Isackson	McQuaid	Peterson, R. W.	Taylor
Bernhagen	Johnson, D. E.	Mehrrens	Petty	Vega
Bertram	Johnson, D. J.	Merriam	Pogemiller	Waldorf
Brataas	Jude	Moe, D. M.	Purfeerst	Wegscheid
Chmielewski	Kamrath	Moe, R. D.	Ramstad	Willet
Dahl	Knaak	Nelson	Reichgott	
DeCramer	Kroening	Novak	Renneke	
Dicklich	Laidig	Olson	Samuelson	
Diessner	Langseth	Pehler	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 177: A bill for an act relating to crime; allowing the admission of certain out-of-court statements of mentally impaired persons defining "mentally impaired"; amending Minnesota Statutes 1984, sections 260.156; 595.02, subdivision 3; 609.341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Olson	Samuelson
Anderson	Frederickson	Langseth	Pehler	Schmitz
Belanger	Freeman	Lantry	Peterson, C. C.	Sieloff
Benson	Hughes	Lessard	Peterson, D. C.	Spear
Bernhagen	Isackson	Luther	Peterson, D. L.	Storm
Bertram	Johnson, D. E.	McQuaid	Peterson, R. W.	Taylor
Brataas	Johnson, D. J.	Mehrrens	Petty	Vega
Chmielewski	Jude	Merriam	Pogemiller	Waldorf
Dahl	Kamrath	Moe, D. M.	Purfeerst	Wegscheid
DeCramer	Knaak	Moe, R. D.	Ramstad	Willet
Dicklich	Knutson	Nelson	Reichgott	
Diessner	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 291: A bill for an act relating to probate; adopting provisions of

the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; 525.13; and 525.145; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Olson	Samuelson
Anderson	Frederickson	Langseth	Pehler	Schmitz
Belanger	Freeman	Lantry	Peterson, C. C.	Sieloff
Benson	Hughes	Lessard	Peterson, D. C.	Spear
Bernhagen	Isackson	Luther	Peterson, D. L.	Storm
Bertram	Johnson, D. E.	McQuaid	Peterson, R. W.	Taylor
Brataas	Johnson, D. J.	Mehrkens	Petty	Vega
Chmielewski	Jude	Merriam	Pogemiller	Waldorf
Dahl	Kamrath	Moe, D. M.	Purfeerst	Wegscheid
DeCramer	Knaak	Moe, R. D.	Ramstad	Willet
Dicklich	Knutson	Nelson	Reichgott	
Diessner	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 106: A bill for an act relating to the town of Tofte; authorizing the establishment of a detached banking facility.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Olson	Schmitz
Anderson	Frederickson	Langseth	Pehler	Sieloff
Belanger	Freeman	Lantry	Peterson, C. C.	Spear
Benson	Hughes	Lessard	Peterson, D. C.	Storm
Bernhagen	Isackson	Luther	Peterson, D. L.	Taylor
Bertram	Johnson, D. E.	McQuaid	Peterson, R. W.	Vega
Brataas	Johnson, D. J.	Mehrkens	Petty	Waldorf
Chmielewski	Jude	Merriam	Pogemiller	Wegscheid
Dahl	Kamrath	Moe, D. M.	Purfeerst	Willet
DeCramer	Knaak	Moe, R. D.	Ramstad	
Dicklich	Knutson	Nelson	Reichgott	
Diessner	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 52: A bill for an act relating to recreational vehicles; exempting recreational vehicles licensed for highway use from registration with the department of natural resources; amending Minnesota Statutes 1984, section 84.922, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Nelson	Reichgott
Anderson	Frederick	Kroening	Novak	Renneke
Belanger	Frederickson	Laidig	Olson	Samuelson
Benson	Freeman	Langseth	Pehler	Schmitz
Bernhagen	Gustafson	Lantry	Peterson, C. C.	Sieloff
Bertram	Hughes	Lessard	Peterson, D. C.	Spear
Brataas	Isackson	Luther	Peterson, D. L.	Storm
Chmielewski	Johnson, D. E.	McQuaid	Peterson, R. W.	Taylor
Dahl	Johnson, D. J.	Mehrkens	Petty	Vega
DeCramer	Jude	Merriam	Pogemiller	Waldorf
Dicklich	Kamrath	Moe, D. M.	Purfeerst	Wegscheid
DieSSner	Knaak	Moe, R. D.	Ramstad	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 333, 379, 455, 331 and 450, which the committee recommends to pass.

S.F. No. 47, which the committee recommends to pass with the following amendment offered by Mr. Frank:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1984, section 343.21, subdivision 1, is amended to read:

Subdivision 1. [TORTURE.] No person shall ~~overdrive, overload,~~ torture, cruelly beat, ~~neglect,~~ or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to himself or to another person.

Sec. 2. Minnesota Statutes 1984, section 343.21, is amended by adding a subdivision to read:

Subd. 1a. [NEGLECT.] No person shall neglect any animal.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “clarifying what acts constitute torture;”

Page 1, line 4, delete “subdivision” and insert “subdivisions 1 and” and before the period insert “, and by adding a subdivision”

The motion prevailed. So the amendment was adopted.

S.F. No. 276, which the committee recommends to pass with the follow-

ing amendment offered by Mr. Peterson, R.W.:

Page 1, after line 11, 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) (2) ~~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."

Page 1, line 13, delete "1" and insert "2" and delete "10" and insert "11"

Page 3, line 19, delete "5" and insert "6"

Page 4, line 1, delete "5" and insert "6"

Page 6, line 5, delete "8" and insert "9"

Page 6, line 16, delete "2" and insert "3"

Page 6, line 20, delete "7" and insert "8"

Page 8, line 17, delete "1" and insert "2" and delete "9" and insert "10"

Page 9, line 8, delete "1" and insert "2"

Page 9, lines 21 and 29, delete "10" and insert "11"

Page 9, line 31, delete "11" and insert "12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "section" and insert "sections 358.15; and"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees

indicated.

Messrs. Peterson, C.C.; Berg; Stumpf; Frederick and Mrs. Adkins introduced—

S.F. No. 634: A bill for an act relating to local government; providing for transfer of certain federal payments in lieu of taxes from the county to the city or town; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Mrs. Adkins introduced—

S.F. No. 635: A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

Referred to the Committee on Transportation.

Mr. Hughes, Meses. Olson, Reichgott, Messrs. Peterson, D.L. and Merriam introduced—

S.F. No. 636: A bill for an act relating to education; stating certain requirements for teacher preparation programs; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Mr. Peterson, C.C. introduced—

S.F. No. 637: A bill for an act relating to county humane societies; allowing for an increase in the appropriation a county may make for a county humane society in any year; amending Minnesota Statutes 1984, section 343.11.

Referred to the Committee on Veterans and General Legislation.

Mr. Bertram introduced—

S.F. No. 638: A bill for an act relating to charitable gambling; changing the date for licensing by the charitable gambling control board; providing a certain exemption for organizations conducting raffles; amending Minnesota Statutes 1984, section 349.214, subdivision 2; amending Laws 1984, chapter 502, article 12, section 26.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Bertram, Schmitz, Mrs. Adkins, Messrs. Frederickson and Samuelson introduced—

S.F. No. 639: A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; amending Minnesota Statutes 1984, sections 16B.62, by adding a

subdivision; 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 365 and 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

Referred to the Committee on Local and Urban Government.

Messrs. Pehler; Johnson, D.J.; Petty; Laidig and Benson introduced—

S.F. No. 640: A bill for an act relating to taxation; abolishing the gross earnings tax on telephone companies; providing for property taxation of real property of telephone companies; amending Minnesota Statutes 1984, sections 272.02, subdivision 1; 272.03, subdivision 1; 295.365; 295.366, subdivision 1; repealing Minnesota Statutes 1984, sections 295.01, subdivision 10; 295.34; and 295.36.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 641: A bill for an act relating to taxation; changing the date by which the second installment of property taxes on agricultural property must be paid; amending Minnesota Statutes 1984, section 279.01, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Adkins, Messrs. Schmitz, Langseth, Frederickson and Chmielewski introduced—

S.F. No. 642: A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid and Knaak introduced—

S.F. No. 643: A bill for an act relating to game and fish; closing of lakes to taking of fish by angling and spearing; prohibiting spearing in muskellunge lakes; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; 101.41, subdivision 4; and 101.475, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid introduced—

S.F. No. 644: A bill for an act relating to courts; providing for the recovery of costs, disbursements, and attorney fees from the state when a statute is declared unconstitutional; proposing coding for new law in Minnesota Statutes, chapter 549.

Referred to the Committee on Judiciary.

Messrs. Pogemiller; Moe, D.M.; Wegscheid; Knaak and Mrs. McQuaid introduced—

S.F. No. 645: 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.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 646: A bill for an act relating to transportation; clarifying disposition of trees removed by road authorities under certain conditions; amending Minnesota Statutes 1984, section 160.23.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pehler; Moe, R.D.; Nelson; Taylor and Knaak introduced—

S.F. No. 647: A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Referred to the Committee on Education.

Messrs. Spear; Moe, D.M.; Taylor and Mrs. Lantry introduced—

S.F. No. 648: A bill for an act relating to state government; requiring the adoption of rules governing the 700 hours program; requiring the preparation of agency affirmative action plans; providing for incentives; appropriating money; amending Minnesota Statutes 1984, sections 43A.04, subdivision 3; 43A.10, subdivision 8; and 43A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1984, section 43A.19, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich and Pehler introduced—

S.F. No. 649: A bill for an act relating to unemployment compensation; regulating employer contribution rates; amending Minnesota Statutes 1984, sections 268.04, subdivision 25; and 268.06, subdivisions 2, 6, and 8; repealing Minnesota Statutes 1984, section 268.06, subdivision 24.

Referred to the Committee on Employment.

Messrs. Pogemiller, Jude and Spear introduced—

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, subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Dicklich; Dahl; Peterson, D.L.; Storm and Davis introduced—

S.F. No. 651: A bill for an act relating to education; removing the metering of state aid payments to school districts; amending Minnesota Statutes 1984, section 273.1392; repealing Minnesota Statutes 1984, section 124.195.

Referred to the Committee on Education.

Mrs. Kronebusch, Messrs. Knutson, Freeman, Benson and Knaak introduced—

S.F. No. 652: A bill for an act relating to marriage dissolution; allowing grandparent visitation of children of a divorced parent; amending Minnesota Statutes 1984, section 518.175, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Stumpf; Peterson, D.L.; Willet; Kamrath and Davis introduced—

S.F. No. 653: A bill for an act relating to education; extending interdistrict cooperation aid to noninstructional costs and power equalizing the levy for interdistrict cooperation; amending Minnesota Statutes 1984, sections 124.272, subdivision 3; and 275.125, subdivision 8a.

Referred to the Committee on Education.

Mr. Nelson introduced—

S.F. No. 654: A bill for an act relating to agriculture; allowing persons to buy farm products from persons engaged in farming free of a security interest; allowing a person who sells goods for another including a commission merchant to take the goods free of a security interest; amending Minnesota Statutes 1984, section 336.9-307.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Adkins introduced—

S.F. No. 655: A bill for an act relating to counties; permitting the consolidation of the offices of county auditor and county treasurer under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 382.

Referred to the Committee on Local and Urban Government.

Mr. Merriam introduced—

S.F. No. 656: A bill for an act relating to crimes; providing for peace

officer training of persons who are employed by the commissioner of natural resources and who possess peace officer authority for the purpose of enforcing game and fish laws; providing for the financing of such training through surcharges on penalties imposed for violations of certain laws; amending Minnesota Statutes 1984, section 609.101.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dieterich; Peterson, R.W. and Sieloff introduced—

S.F. No. 657: A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Merriam; Bernhagen; Stumpf and Lessard introduced—

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 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid and Ms. Olson introduced—

S.F. No. 659: A bill for an act relating to education; allowing the department of education to purchase printing services from school printing programs without inviting bids; amending Minnesota Statutes 1984, section 16B.08, subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. DeCramer; Kamrath; Moe, R.D.; Hughes and Johnson, D.E. introduced—

S.F. No. 660: A bill for an act relating to education; establishing a science and technology resource center; appropriating money for the technological-economic development initiative at Southwest State University to establish a program dealing with food production, food processing, and food distribution and for an interactive television network among high schools in southwestern Minnesota; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Messrs. Freeman, Solon, Anderson, Wegscheid and Ms. Peterson, D.C. introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Messrs. Schmitz, Willet and Mehrkens introduced—

S.F. No. 662: A bill for an act relating to local government; making municipal real property sales subject to the uniform municipal contracting law; amending Minnesota Statutes 1984, section 471.345, subdivision 2.

Referred to the Committee on Local and Urban Government.

Messrs. Jude, Ramstad, Luther, Pogemiller and Kamrath introduced—

S.F. No. 663: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; and 609.582, by adding subdivisions.

Referred to the Committee on Judiciary.

Mr. Jude introduced—

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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam; Peterson, C.C.; Novak and Johnson, D.J. introduced—

S.F. No. 665: A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Pehler, Mses. Peterson, D.C. and Olson introduced—

S.F. No. 666: A bill for an act relating to education; providing for the access to excellence program including access to: schools and programs beyond district boundaries, local program and staff development aid, learner outcomes and testing, model programs and schools, and management assistance to local districts; appropriating money; amending Minnesota Statutes 1984, sections 121.608; 121.609, subdivisions 2, 3, and 4; 123.3513; 123.39, by adding a subdivision; 123.74; 123.741, subdivisions 1, 3, 6, and

by adding subdivisions; 123.742, subdivision 1, and by adding a subdivision; 124.195, subdivision 9; 124A.036, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 120, 121, and 124; repealing Minnesota Statutes 1984, section 123.741, subdivisions 2, 4, 5, and 7.

Referred to the Committee on Education.

Messrs. Freeman; Moe, R.D.; Willet; Sieloff and Knaak introduced—

S.F. No. 667: A bill for an act relating to courts; providing for the appointment of a chief judge and assistant chief judge for each judicial district; clarifying the administrative authority of the chief judge; amending Minnesota Statutes 1984, section 484.69, subdivisions 1 and 3.

Referred to the Committee on Judiciary.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 17D.

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

Redalen, McDonald and Norton.

Senate File No. 54 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1985

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 6:00 p.m. The motion prevailed.

The hour of 6:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, March 1, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTIETH DAY

St. Paul, Minnesota, Friday, March 1, 1985

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Senator Dean E. Johnson.

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

Adkins	Diessner	Knutson	Nelson	Renneke
Anderson	Dieterich	Kroening	Olson	Samuelson
Belanger	Frederick	Kronebusch	Pehler	Schmitz
Benson	Frederickson	Laidig	Peterson, C.C.	Sieloff
Berg	Gustafson	Langseth	Peterson, D.C.	Spear
Bernhagen	Hughes	Lantry	Peterson, D.L.	Storm
Bertram	Isackson	Luther	Peterson, R.W.	Stumpf
Brataas	Johnson, D.E.	McQuaid	Petty	Taylor
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Davis	Jude	Merriam	Purfeerst	Waldorf
DeCramer	Kamrath	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Knaak	Moe, R.D.	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Ms. Berglin, Messrs. Chmielewski, Frank, Freeman, Lessard, Novak and Solon were excused from the Session of today.

MOTIONS AND RESOLUTIONS

S.F. No. 54 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 54

A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

March 1, 1985

The Honorable Jerome M. Hughes
President of the Senate

The Honorable David M. Jennings
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 54, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 54 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]

Sections 3 to 10 may be cited as the “Minnesota emergency farm operating loans act.”

Sec. 2. [LEGISLATIVE FINDINGS, PUBLIC PURPOSE, SCOPE OF PROGRAM.]

The legislature finds that many farm families face extreme financial hardship or possible foreclosure in 1985 because of their inability to obtain farm operating loans at affordable rates of interest. In many of these cases excessive interest rates reduce projected cash flow to a level where lending institutions refuse to renew a line of credit or demand the partial or total liquidation of remaining assets.

The legislature further finds that with relatively little public expense, and with the voluntary cooperation and assistance of Minnesota farm lenders, operating loans can be made to farm operators at an interest rate that will allow continuation of viable farm operations during 1985.

The legislature further finds that the use of money in the general fund for the purpose of assisting qualified farm operators is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.

Sec. 3. [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 3 to 9.

Subd. 2. [CLASSIFIED FARM LOAN.] “Classified farm loan” means a farm loan that the lender determines to have a substantial risk of nonpayment, so that the lender is likely to sustain some loss if the borrower’s paying capacity, net worth, or collateral is not improved. The loan need not already have been classified by a bank examiner.

Subd. 3. [COMMISSIONER.] “Commissioner” means the commissioner of commerce.

Subd. 4. [COMMISSIONER’S INTEREST INDEX.] “Commissioner’s interest index” means an interest rate that is 2.3 percent above the current lending rates of the federal intermediate credit bank to production credit associations as certified each month by the commissioner.

Subd. 5. [FARMER.] “Farmer” means a state resident individual, or a domestic family farm corporation defined in Minnesota Statutes, section 500.24, engaged in the business of farming property in this state.

Subd. 6. [FARMERS HOME ADMINISTRATION.] "Farmers home administration" means the farmers home administration of the United States Department of Agriculture.

Subd. 7. [FARM LOAN.] "Farm loan" means a loan for operating expenses or the purchase of property for a farm business.

Subd. 8. [LENDER.] "Lender" means a bank chartered by the state or federal government and a farm credit system lender.

Sec. 4. [QUALIFICATION OF LENDERS.]

(a) To qualify for an interest payment under sections 4 to 6, a lender must first sign an agreement with the commissioner to follow the guidelines.

(b) A lender shall not foreclose on a farm loan of a farmer that has received a loan under section 6, or has had a loan application submitted to the farmers home administration under section 5 until the lender certifies to the commissioner that the farmer's loans have been submitted to the farmers home administration for debt restructuring and that the loan debt restructuring has been approved or denied, or 90 days have expired, whichever is earlier.

(c) The commissioner shall not make an interest payment to a lender for a loan under this act if the lender has foreclosed the loan.

Sec. 5. [INTEREST PAYMENT PROGRAM ON EXISTING FARM LOANS.]

Subdivision 1. [COMMISSIONER PAYS INTEREST.] The commissioner shall pay the interest attributable to the first 60 days, of a 120-day period, on the first \$25,000 of operating farm loans and the first \$25,000 of ownership farm loans of each borrower submitted by a lender that signs an agreement under section 4 to the farmers home administration for loan guarantees and debt restructuring except as provided in section 7.

Subd. 2. [INTEREST.] The interest to be paid is the amount that becomes attributable to the first 60-day period after the lender signs the agreement with the commissioner under section 4. The amount to be paid is determined by the loan agreement between the lender and the borrower.

Subd. 3. [CLASSIFIED FARM LOAN REVIEW.] During the first 60 days of the 120-day period after the agreement with the commissioner in section 4 is signed, the lender must review all classified farm loans and determine which farm loans the lender will submit to the farmers home administration for loan guarantees and debt restructuring.

Subd. 4. [LENDER-BORROWER AGREEMENT.] For each farm loan that the lender submits to the farmers home administration for loan guarantees and debt restructuring, the lender and the borrower of the farm loan must sign an agreement. The agreement must:

(1) state that the lender has agreed with the commissioner not to foreclose on farm loans submitted as specified in section 4;

(2) state that the commissioner will pay the interest attributable to the eligible portion of the farm loan submitted to the farmers home administration for the first 60 days of the 120-day period if the lender qualifies for state interest payment;

(3) state that the borrower is not liable for interest paid by the commissioner;

(4) provide that if the lender qualifies for state interest payment the lender will assume responsibility for the interest attributable to the eligible portion of the farm loan submitted and the borrower is not liable for the interest except as provided in clause (5); and

(5) provide that if the borrower agrees to have the farm loan submitted and the farmers home administration guarantees the loan, the lender may add the interest attributable to the second 60 days of the period to the principal of the borrower's farm loan.

Subd. 5. [PAYMENT APPLICATION.] The lender must apply to the commissioner for the 60-day state interest payment on a farm loan that is submitted to the farmers home administration. The lender must give the commissioner evidence of the farm loan submitted to the farmers home administration guaranteed loan program and application for the farmers home administration approved lenders program. A lender that complies with this section is qualified to receive payment from the commissioner.

Sec. 6. [INTEREST PAYMENT PROGRAM ON NEW FARM OPERATING LOANS.]

Subdivision 1. [APPLICATION; FARMER CRITERIA.] A farmer may apply to a lender for a farm operating loan on which the state will pay part of the interest. To be eligible for the state payment, the farmer must have a debt to asset ratio greater than 50 percent and must not have a positive cash flow at the commissioner's interest index rate.

Subd. 2. [LOAN CRITERIA.] (a) To be eligible for the state interest payment, the farm operating loan must:

(1) be made to a farmer at an interest rate between seven and ten percent per year;

(2) be due and payable by March 1, 1986, after it is made;

(3) be for operating expenses of the farm business; and

(4) be made to a farmer that shows a positive cash flow at the reduced interest rate, demonstrates a reasonable chance of obtaining debt restructuring necessary to achieve a positive cash flow, or shows the ability to repay the operating loan.

(b) The lender may use additional criteria in determining whether to make a farm operating loan to a farmer.

(c) The lender must encourage the farmer to participate in the vocational adult farm business management program. The lender must agree to offer to pay enrollment fees, less the amount of a locally available reduction in or subsidy to fees ordinarily paid by the enrollee, for loan recipients who wish to enroll and participate in a vocational adult farm business management program or equivalent. A lender is not required to pay farm management program enrollment fees for more than one farmer per loan.

Subd. 3. [LOAN SUBMISSION.] The lender must submit to the commissioner all farm operating loans made by the lender for which the lender requests the state to pay part of the interest. The lender must certify that the

approved farm operating loan has been submitted to the farmers home administration for any loan guarantee programs that are available. The commissioner must review the loan within five days after receipt. The commissioner may not pay interest on loans submitted after December 31, 1985.

Subd. 4. [PAYMENT AMOUNT.] The amount of interest paid by the state must be two-thirds of the amount of interest foregone by the lender as a result of the lender making the loan at an interest rate less than the commissioner's interest index. The interest is payable on the unpaid principal of the first \$75,000 of the loan, except as provided in section 7. The maximum interest payment per farmer may not exceed \$3,750. The commissioner shall make payments beginning January 1, 1986, and pay all interest due by March 1, 1986.

Sec. 7. [MAXIMUM LOAN AMOUNTS.]

Lenders may not receive interest payments on loans under sections 5 and 6 to a single farmer for a loan principal amount greater than \$100,000 and the principal for a loan under section 6 may not exceed \$75,000.

Sec. 8. [FORMS AND GUIDELINES.]

(a) Notwithstanding Minnesota Statutes, chapter 14, the commissioner shall adopt and provide guidelines to administer sections 4 to 6 and the forms to be submitted by a lender under sections 5 and 6. The forms under sections 5 and 6 constitute an application form for interest payment.

(b) The commissioner shall present a report to the senate agriculture and natural resources committee and the house of representatives agriculture committee containing the guidelines, when adopted.

(c) On April 15, 1985, and every third month afterwards until January 15, 1986, the commissioner shall report to the chairpersons of the agriculture and appropriations committees of the house of representatives and the agriculture and natural resources and finance committees of the senate on the implementation and economic impact of this act. In the quarterly report the commissioner shall describe the current economic situation for agricultural lending in the state economy.

(d) By April 15, 1986, the commissioner must report to the governor and the legislature on the overall effectiveness and efficiency of this act.

Sec. 9. [PENALTIES.]

A lender or farmer that willfully or intentionally misrepresents farm operating expenses or other required information, or misuses money obtained under this act, is guilty of fraud and subject to the penalties for using fraud to obtain credit under Minnesota Statutes, section 609.82. An application presented to the commissioner as provided under sections 4 to 6 may be deemed to be correct and accurate without further audit or substantiation.

Sec. 10. [APPROPRIATION.]

\$25,050,000 is appropriated from the general fund to the commissioner of commerce for the following purposes:

- (a) For payment of interest on existing farm loans under section 5,
to be available until June 30, 1986 \$ 9,200,000

- (b) For payment of interest on new farm operating loans under section 6, to be available until June 30, 1986 15,800,000
- (c) For administration of sections 4 to 6, to be available until June 30, 1986 50,000
- (d) If the appropriation for paragraph (b) is insufficient the appropriation for paragraph (a) is available for it.

Sec. 11. [REPEALER.]

Sections 1 to 9 are repealed effective July 1, 1986.

Sec. 12. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; providing a mechanism to aid restructuring of existing farm loans; providing for payment of interest on loans to farmers; appropriating money."

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

Senate Conferees: (Signed) Charles R. Davis, LeRoy A. Stumpf

House Conferees: (Signed) Elton R. Redalen, K.J. McDonald, Fred C. Norton

Mr. Berg moved that the recommendations and Conference Committee Report on S.F. No. 54 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 54. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the motion of Mr. Berg.

The roll was called, and there were yeas 11 and nays 46, as follows:

Those who voted in the affirmative were:

Berg	Knutson	Merriam	Samuelson	Vega
Diessner	Kroening	Ramstad	Sieloff	Waldorf
Knaak				

Those who voted in the negative were:

Adkins	Dicklich	Laidig	Pehler	Spear
Anderson	Frederick	Langseth	Peterson, C.C.	Storm
Belanger	Frederickson	Lantry	Peterson, D.L.	Stumpf
Benson	Gustafson	Luther	Peterson, R.W.	Taylor
Bernhagen	Hughes	McQuaid	Petty	Wegscheid
Bertram	Isackson	Mehrkens	Pogemiller	Willet
Brataas	Johnson, D.E.	Moe, D. M.	Purfeerst	
Dahl	Jude	Moe, R. D.	Reichgott	
Davis	Kamrath	Nelson	Renneke	
DeCramer	Kronebusch	Olson	Schmitz	

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Davis moved that the foregoing recommendations and Conference

Committee Report on S.F. No. 54 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 54 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Nelson	Renneke
Anderson	Frederick	Kronebusch	Olson	Samuelson
Belanger	Frederickson	Laidig	Pehler	Schmitz
Benson	Gustafson	Langseth	Peterson, C. C.	Sieloff
Bernhagen	Hughes	Lantry	Peterson, D. C.	Spear
Bertram	Isackson	Luther	Peterson, D. L.	Storm
Brataas	Johnson, D. E.	McQuaid	Peterson, R. W.	Stumpf
Dahl	Johnson, D. J.	Mehrkens	Petty	Taylor
Davis	Jude	Merriam	Pogemiller	Vega
DeCramer	Kamrath	Moe, D. M.	Purfeerst	Wegscheid
Dicklich	Knutson	Moe, R. D.	Reichgott	Willet

Messrs. Dieterich, Knaak, Ramstad and Waldorf voted in the negative.

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 546: A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "\$967,800" and insert "\$1,166,600"

Pages 1 and 2, delete subdivisions 3 and 4

And when so amended the bill do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 546 was read the second time.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 4, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIRST DAY

St. Paul, Minnesota, Monday, March 4, 1985.

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Senator Dean E. Johnson.

The absence of a quorum was noted due to a severe snow storm.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:45 p.m., Tuesday, March 5, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SECOND DAY

St. Paul, Minnesota, Tuesday, March 5, 1985

The Senate met at 2:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

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

Adkins	Dicklich	Jude	Moe, D.M.	Ramstad
Anderson	Diessner	Kamrath	Moe, R.D.	Reichgott
Belanger	Dieterich	Knutson	Nelson	Renneke
Benson	Frank	Kroening	Novak	Schmitz
Berg	Frederick	Kronebusch	Olson	Sofon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, C.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.C.	Stumpf
Brataas	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Waldorf
Davis	Johnson, D.E.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Johnson, D.J.	Merriam	Purfeerst	Willet

The President declared a quorum present.

The reading of the Journals of the Twentieth and Twenty-first days was dispensed with and the Journals, as printed and corrected, were approved.

MEMBERS EXCUSED

Messrs. Dahl, Knaak, Lessard, Petty, Samuelson, Sieloff and Vega were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 155.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1985

FIRST READING OF HOUSE BILLS

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

indicated.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 170, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 64. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 424: A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 626.8463, is amended to read:

626.8463 [PART-TIME PEACE OFFICERS.]

Subdivision 1. [APPOINTMENT REQUIREMENTS.] Any individual appointed or employed as a part-time peace officer to a position which was filled by a part-time officer between January 1, 1978 and May 31, 1979 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that the individual has:

(a) (1) Within six months of his appointment he has satisfied the selection standards of the board then in effect. The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;

(b) (2) Within 12 months of his appointment he has successfully completed a board certified course, or a professionally recognized program, courses in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force; and

(c) (3) Within 24 months of his appointment he has successfully passed a board part-time peace officer licensing examination.

Subd. 2. [QUOTA.] A law enforcement agency may designate personnel as part-time peace officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers between January 1, 1978 and May 31, 1979. Provided that the number of personnel so

designated shall not exceed a number equal to two or ten percent of the positions filled by part-time officers between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater have no more than two part-time peace officer positions, except that the agency may have up to the number of part-time peace officer positions recognized by the board as of January 1, 1985."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 432: A bill for an act relating to public safety; requiring the commissioner of public safety to administer an automated fingerprint identification network system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "SYSTEM" and insert "system"

Page 2, lines 28 and 33, delete "department" and insert "commissioner"

Pages 2 and 3, delete section 4

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 245: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, delete "the chief justice" and insert "a majority of the judges of the supreme court"

Page 1, line 22, after "district" insert a comma

Page 1, lines 23 and 24, delete "the bar" and insert "attorney"

Page 1, line 25, delete "and" and insert "or"

Page 2, line 4, delete the second "the" and insert "each"

Page 2, line 13, delete "(4)" and insert "(3)" and delete the comma

Page 2, line 17, delete "clause" and insert "clauses" and delete "or" and insert "to"

Page 2, line 25, after the period, insert "Each time a vacancy occurs in the court of appeals, in addition to the permanent members provided in clauses (1) and (2), two residents of the state shall be appointed by the governor as special members of the committee and shall serve only while that vacancy is being filled."

Page 2, line 27, delete "attorneys who are"

Page 2, line 28, delete "and" and insert "or"

Page 2, line 31, delete "six" and insert "seven"

Page 2, line 32, delete "five" and insert "six"

Page 3, after line 2, insert:

"Subd. 3. [RECRUITMENT PROCESS.] No later than 60 days after the appointment or election of all of the permanent committee members, the committee shall prepare and make available to the public an outline of the process the committee will follow in recruiting nominees to fill judicial vacancies."

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

Page 3, line 17, delete "4" and insert "5"

Page 3, line 22, after "persons" insert "or on behalf of qualified persons"

Page 3, lines 35 and 36, delete "the district bar" and insert "attorney"

Page 4, line 3, delete "5" and insert "6"

Page 4, line 13, delete "the district bar" and insert "attorney"

Page 4, line 18, delete "bar" and insert "attorney"

Page 4, line 21, delete "6" and insert "7"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 64: A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete "41" and insert "31"

Page 2, delete lines 29 to 31 and insert "and each other year's special levy shall not exceed \$50,000, including interest."

Page 2, line 36, after the period, insert "The board may exercise the powers authorized under section 414.01, subdivisions 11 and 12."

Page 3, line 5, after "order" insert "setting the effective dates for the consolidation and the proposed city charter and"

Page 3, line 7, after the period, insert "The board's order for consolidation shall be final. If the proposed city charter does not provide for the election of new municipal officers, the board shall do so pursuant to section 414.09, subdivision 3."

And when so amended the bill do pass. Mr. Johnson, D.J. questioned the

reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 82: A bill for an act relating to Washington county; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 389.09, is amended to read:

389.09 [APPROVAL OF PLATS AND SURVEYS IN CERTAIN COUNTIES, AND FLOOR PLANS.]

Subdivision 1. [PLATS AND SURVEYS IN CERTAIN COUNTIES.] In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.

Subd. 2. [CONDOMINIUM FLOOR PLANS.] *Despite chapter 515, 515A, or other law to the contrary, a condominium floor plan submitted for recordation after July 31, 1985, must be approved by the county surveyor or, if the county has no full-time surveyor, then by a licensed surveyor hired for this purpose by the county, before recording. The proprietor of the condominium floor plan may be charged a fee for the service in accordance with a schedule established by resolution passed by the governing body of the county.”*

Delete the title and insert:

“A bill for an act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 43: A bill for an act relating to transportation; motor vehicles; exempting certain farm vehicles from the vehicle identification rule; amending Minnesota Statutes 1984, sections 221.025; and 221.031, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. 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 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 con-

sists 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~~ 14, 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. 2. 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. 3. 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. 4. 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. 5. 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. 6. 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. 7. 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 strin-

gent 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. 8. 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. 9. 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. 10. 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. 11. 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 cancelled 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. 12. 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 ~~14~~ 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. 13. 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 persons 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. 14. [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 de-

scribes 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 15. 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. 15. 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. 16. 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 221.64 to 221.68 14, 15, and 17* is attached to the summons.

Sec. 17. 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 ~~221.64 to 221.68 14 to 16~~ 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. 18. 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, subdivi-

sion 9.

Sec. 19. [REPEALER.]

Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66, are repealed.

Sec. 20. [EFFECTIVE DATE.]

Sections 1, 2, 5, 6, 7, 10, 11, 12, 13, 15, 16, 17, 18, and 19 are effective the day following final enactment."

Delete the title and insert:

"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 cancelled 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 when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 152: A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, and 7; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, delete everything after "of"

Page 2, line 14, delete "checks, or"

Page 2, line 15, after the first comma, insert "provided that these instruments are issued in conformity with the Uniform Commercial Code,"

Page 2, line 15, after "or" insert "is"

Page 3, line 1, delete "only comply with" and insert "not comply with subdivision 2b."

Page 3, lines 2 to 6, delete the new language

Page 5, after line 7, insert:

"Sec. 5. Minnesota Statutes 1984, section 53.03, is amended by adding a subdivision to read:

Subd. 2b. [ADDITIONAL DUTIES; THRIFT CERTIFICATES FOR INVESTMENT.] If an application includes the right to issue thrift certificates for investment the department of commerce must, in addition to the duties in subdivision 2, make a determination that there is a reasonable public demand for that company and that the probable volume of business in that location is sufficient to insure the solvency of any then existing industrial loan and thrift companies or banks in that locality, without endangering the safety of the company or bank in the locality as a place for investing or depositing public and private money."

Page 5, lines 22, 23, and 27, strike "commission" and insert "commissioner"

Page 6, line 13, strike everything after the period

Page 6, strike lines 14 and 15

Page 6, line 16, strike "state."

Page 6, after line 34, insert:

"Sec. 9. Minnesota Statutes 1984, section 53.03, subdivision 8, is amended to read:

Subd. 8. [INVESTIGATION.] Upon receiving an application, the department of commerce shall make or cause to be made, an investigation of the application to determine that the corporation is in a solvent condition, meets current thrift industry standards of management quality and asset condition, is in compliance with the requirements of this chapter and that the approval of the application will not have an adverse effect upon the solvency of any existing industrial loan and thrift company selling and issuing certificates for investment or banks in the locality, or endanger the safety of any company or bank in the locality as a place for investing or depositing public and private money. If, upon completion of its investigation and any hearing provided for in subdivision 7, it appears to the department of commerce that the requirements for approval contained in this subdivision have been met, the application shall be approved. In all other cases, the application shall be denied. As a condition of approval, the capital funds of the applicant corporation shall not be less than the total amount which the department of commerce considers necessary having in mind the potential for the issuance of certificates for investment by the applicant. The procedure in subdivision 3a shall be followed in decisions, notice, and hearing of applications for consent to sell and issue thrift certificates for investment by issuance of an amended certificate of authorization."

Page 9, line 24, strike "or"

Page 9, line 34, strike the period and insert "; or"

Page 9, after line 34, insert:

"(8) issue cashier's checks pursuant to section 48.151, unless and at all times the aggregate liability to all creditors on these instruments is protected by a special fund in cash or due from banks to be used solely for payment of the cashier's checks."

Page 15, line 20, after "amount" strike "of" and insert "not exceeding"

Page 15, line 21, delete "permanent" and insert "contributed"

Page 15, line 21, after "capital" insert "and appropriated reserves as defined in section 53.015"

Page 15, line 21, after the second "a" insert "corporate"

Page 18, line 3, delete "\$5" and insert "\$4"

Page 18, after line 3, insert:

"A default charge under this subdivision may be collected only once on an installment however long it remains in default. No default charge may be collected with respect to a deferred installment unless the installment is not paid within ten days of its deferred due date. A default charge may be collected at the time it accrues or at any time thereafter."

A default charge under this subdivision may not be collected on an install-

ment paid in full within ten days of its scheduled or deferred installment due date even though a default or deferral charge on an earlier installment has not been paid in full. For purposes of this subdivision, a payment is deemed to have been applied first to the current installment if the payment is paid in full within ten days of the installment due date as scheduled or deferred and then to default installments, default charges, and any deferral charges agreed to in writing."

Pages 19 and 20, delete section 16

Page 21, after line 23, insert:

"Sec. 19. Minnesota Statutes 1984, section 56.19, is amended by adding a subdivision to read:

Subd. 2a. [PENALTY FOR INTENTIONAL VIOLATIONS.] Any lender intentionally violating this chapter, when the violation does not also constitute a violation of any other provision of state or federal law for which there is a remedy, shall be liable to the consumer in an amount not to exceed \$250 for each violation.

Sec. 20. Minnesota Statutes 1984, section 56.19, subdivision 4, is amended to read:

Subd. 4. [REMEDIES EXCLUSIVE.] The remedies set forth in this section and section 48.196 are exclusive and, except as otherwise provided in this chapter, A violation of any provision of this chapter does not impair rights on a debt.

Sec. 21. 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."

Page 21, line 28, delete "/8" and insert "22"

Renumber the sections in sequence

Amend the title as follows:

Page 1, after line 23, insert "providing that certain violations do not impair obligations of a contract; providing penalties; providing for certain dollar adjustments;"

Page 1, line 25, delete "and" and after "7" insert ", 8, and by adding a subdivision"

Page 1, line 27, delete ", 2,"

Page 1, line 28, after the semicolon, insert "56.19, subdivision 4, and by adding a subdivision; and 550.37, subdivision 4a;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 424, 245, 82, 43, 71, 152 and 230 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the names of Messrs. Pogemiller and Merriam be added as co-authors to S.F. No. 35. The motion prevailed.

Mr. Davis moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 221. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Nelson be added as a co-author to S.F. No. 239. The motion prevailed.

Mr. Benson moved that the names of Messrs. Moe, R.D.; Frank and Waldorf be added as co-authors to S.F. No. 382. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 418. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Moe, R.D.; Langseth; DeCramer and Stumpf be added as co-authors to S.F. No. 604. The motion prevailed.

Mr. Petty moved that the name of Mr. Merriam be added as a co-author to

S.F. No. 611. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 650. The motion prevailed.

Mr. Merriam moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 656. The motion prevailed.

Mr. Nelson moved that the name of Mr. Dieterich be added as a co-author to S.F. No. 666. The motion prevailed.

Mr. Storm moved that S.F. No. 272 be withdrawn from the Committee on Agriculture and Natural Resources and returned to its author. The motion prevailed.

Mr. Ramstad moved that S.F. No. 595 be withdrawn from the Committee on Health and Human Services and returned to its author. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution No. 30: A Senate resolution extending congratulations to Lona Williams for being selected Minnesota's Junior Miss.

Referred to the Committee on Rules and Administration.

Messrs. Moe, R.D. and Chmielewski introduced—

Senate Concurrent Resolution No. 10: A Senate concurrent resolution expressing the sense of the Senate and House of Representatives in support of the concentration of small business assistance programs within the Small Business Administration.

Referred to the Committee on Rules and Administration.

CALENDAR

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Novak	Schmitz
Anderson	Frank	Kroening	Olson	Soion
Belanger	Frederick	Kronebusch	Pehler	Spear
Benson	Frederickson	Laidig	Peterson, C.C.	Storm
Berglin	Freeman	Langseth	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Taylor
Bertram	Hughes	Luther	Peterson, R.W.	Waldorf
Chmielewski	Isackson	McQuaid	Pogemiller	Wegscheid
Davis	Johnson, D.E.	Mehrkens	Purfeerst	Willet
DeCramer	Johnson, D.J.	Merriam	Ramstad	
Dicklich	Jude	Moe, D. M.	Reichgott	
Diessner	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 244: A bill for an act relating to the city of Savage; authorizing the establishment of detached banking facilities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Renneke
Anderson	Dieterich	Knutson	Novak	Schmitz
Belanger	Frank	Kroening	Olson	Solon
Benson	Frederick	Kronebusch	Pehler	Spear
Berg	Frederickson	Laidig	Peterson, C.C.	Storm
Berglin	Freeman	Langseth	Peterson, D.C.	Stumpf
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Taylor
Bertram	Hughes	Luther	Peterson, R.W.	Waldorf
Chmielewski	Isackson	McQuaid	Pogemiller	Wegscheid
Davis	Johnson, D.E.	Mehrkens	Purfeerst	Willet
DeCramer	Johnson, D.J.	Merriam	Ramstad	
Dicklich	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 333: A bill for an act relating to the town of Cannon Falls; authorizing the establishment of a detached banking facility.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, C.C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Stumpf
Bertram	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Waldorf
Davis	Johnson, D.E.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Johnson, D.J.	Merriam	Purfeerst	Willet
Dicklich	Jude	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 47: A bill for an act relating to animals; increasing penalties for certain cruel acts against animals; clarifying what acts constitute torture; amending Minnesota Statutes 1984, section 343.21, subdivisions 1 and 9, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Novak	Renneke
Anderson	Frank	Laidig	Olson	Schmitz
Belanger	Frederick	Langseth	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson, C.C.	Spear
Bernhagen	Freeman	Luther	Peterson, D.C.	Storm
Bertram	Gustafson	McQuaid	Peterson, D.L.	Stumpf
Chmielewski	Hughes	Mehrkens	Peterson, R.W.	Taylor
Davis	Isackson	Merriam	Pogemiller	Wegscheid
DeCramer	Johnson, D.E.	Moe, D. M.	Purfeerst	Willet
Dicklich	Johnson, D.J.	Moe, R. D.	Ramstad	
Diessner	Jude	Nelson	Reichgott	

Messrs. Benson, Kamrath, Knutson and Mrs. Kronebusch voted in the negative.

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, C.C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Stumpf
Bertram	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Waldorf
Davis	Johnson, D.E.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Johnson, D.J.	Merriam	Purfeerst	Willet
Dicklich	Jude	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, C. C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Luther	Peterson, D. L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R. W.	Waldorf
Davis	Johnson, D. E.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Johnson, D. J.	Merriam	Purfeerst	Willet
Dicklich	Jude	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 331: A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R. D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, C. C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Luther	Peterson, D. L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R. W.	Waldorf
Davis	Johnson, D. E.	Mehrkens	Pogemiller	Wegscheid
DeCramer	Johnson, D. J.	Merriam	Purfeerst	Willet
Dicklich	Jude	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 450: A bill for an act relating to taxation; providing for collection of outstate liabilities; changing certain time limitations; changing tax lien provisions; providing for certain disclosures; changing entry for confessions of judgment; amending Minnesota Statutes 1984, sections 270.06; 270.063; 270.66, subdivision 1; 270.68, subdivisions 1 and 4; 270.69, subdivisions 1, 2, 3, and 4; 270.70, subdivisions 1 and 13; 290.49, subdivision 7; 290.58; 290.92, subdivisions 6 and 23; 296.15, subdivision 6; 297A.34, subdivision 5; 297A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1984, section 270.69, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Reichgott
Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Solon
Berg	Frederick	Laidig	Pehler	Spear
Berglin	Frederickson	Langseth	Peterson, C. C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D. C.	Stumpf
Bertram	Gustafson	Luther	Peterson, D. L.	Taylor
Brataas	Isackson	McQuaid	Peterson, R. W.	Waldorf
Chmielewski	Johnson, D. E.	Mehrkens	Pogemiller	Wegscheid
Davis	Johnson, D. J.	Merriam	Purfeerst	Willet
DeCramer	Jude	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Dicklich, Solon and Johnson, D.J. introduced—

S.F. No. 668: A bill for an act relating to taxation; property; eliminating the required county board approval prior to confession of judgment for delinquent taxes; amending Minnesota Statutes 1984, section 279.37, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich, Solon and Johnson, D.J. introduced—

S.F. No. 669: A bill for an act relating to human services; providing for a larger state share of general assistance costs; amending Minnesota Statutes 1984, section 256D.03, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Solon, Dicklich and Johnson, D.J. introduced—

S.F. No. 670: 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.

Referred to the Committee on Local and Urban Government.

Messrs. Solon, Dicklich and Johnson, D.J. introduced—

S.F. No. 671: A bill for an act relating to education; increasing the compensation for election judges in school district consolidation elections; amending Minnesota Statutes 1984, section 122.23, subdivision 12.

Referred to the Committee on Elections and Ethics.

Messrs. Johnson, D.J.; Solon and Dicklich introduced—

S.F. No. 672: A bill for an act relating to taxation; property; allowing taxes on commercial-industrial property to be composed to confession of judgment and paid in ten annual installments; amending Minnesota Statutes 1984, sec-

tion 279.37, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Hughes, Ms. Peterson, D.C.; Messrs. Peterson, D.L.; Storm and Pogemiller introduced—

S.F. No. 673: 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.

Referred to the Committee on Elections and Ethics.

Mr. DeCramer introduced—

S.F. No. 674: A bill for an act relating to veterans; permitting the commissioner of veterans affairs to charge a fee for serving as guardian for certain veterans; amending Minnesota Statutes 1984, section 196.051, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Mr. Schmitz, Mrs. Adkins, Mr. Purfeerst, Mrs. Kronebusch and Mr. Bernhagen introduced—

S.F. No. 675: A bill for an act relating to transportation; authorizing designation of minimum-maintenance roads by resolution of local road authorities; exempting road authorities from liability for damages arising from reduced maintenance standards on minimum-maintenance roads; providing penalties; amending Minnesota Statutes 1984, sections 160.01, subdivision 1; 160.02, subdivisions 7 and 9; 160.04; 160.07; 160.09; 160.10, subdivisions 1, 2, and 8; 160.11, subdivision 2; 160.13; 160.16, by adding a subdivision; 160.17; 160.18, subdivision 3; 160.20; 160.201, subdivision 1; 160.21; 160.215; 160.22, subdivision 1; 160.23; 160.24; 160.25, subdivisions 1 and 3; 160.26; 160.27; 160.29, subdivision 1; 160.292, subdivisions 5 and 9; 161.16, subdivisions 1, 4, and 5; 161.18; 161.19; 161.202, subdivision 1; 161.24; 161.25; 162.02, subdivisions 6, 7, and 10; 162.08, subdivisions 3 and 4; 162.081, subdivision 4; 162.09, subdivisions 8 and 9; 163.02; 163.03; 163.035; 163.04, subdivisions 1 and 2; 163.11; 163.111; 163.13, subdivision 1; 163.14; 163.16; 164.02; 164.03, subdivisions 1, 2, and 4; 164.04; 164.041; 164.05, subdivisions 1 and 2; 164.06; 164.07; 164.08, subdivision 2; 164.09, subdivision 1; 164.11; 164.12; 164.13, subdivision 1; 164.14; 164.15; 164.151; and 164.155; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Transportation.

Mr. Chmielewski, Mmes. Adkins, Kronebusch, Messrs. Bernhagen and Schmitz introduced—

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.

Referred to the Committee on Local and Urban Government.

Mr. Ramstad and Ms. Olson introduced—

S.F. No. 677: A bill for an act relating to human services; allowing the commissioner of human services to lease Oak Terrace Nursing Home for certain purposes; amending Minnesota Statutes 1984, section 251.011, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Purfeerst; Peterson, D.L.; Isackson; Johnson, D.J. and Frank introduced—

S.F. No. 678: A bill for an act relating to horseracing; authorizing the commission to adopt certain drug rules; amending Minnesota Statutes 1984, section 240.24.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Lessard; Johnson, D.J.; Bernhagen; Willet and Stumpf introduced—

S.F. No. 679: A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad, Benson, Mrs. Brataas and Ms. Olson introduced—

S.F. No. 680: A bill for an act relating to human services; eliminating the presumption of eligibility from the general assistance program; amending Minnesota Statutes 1984, section 256D.07.

Referred to the Committee on Health and Human Services.

Messrs. Wegscheid; Nelson; Peterson, C.C.; Renneke and Ms. Olson introduced—

S.F. No. 681: A bill for an act relating to retirement; extending the deadline for applications for unreduced annuities by certain teachers; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Petty, Mrs. Lantry, Ms. Peterson, D.C. and Mr. Hughes introduced—

S.F. No. 682: A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for

licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.

Referred to the Committee on Health and Human Services.

Mrs. Lantry, Messrs. Johnson, D.E.; Petty; Solon and Dicklich introduced—

S.F. No. 683: A bill for an act relating to human services; allowing additional income disregard for certain general assistance recipients; amending Minnesota Statutes 1984, section 256D.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Dahl; Samuelson; Willet; Moe, R.D. and Taylor introduced—

S.F. No. 684: A bill for an act relating to health; requiring insurance coverage for special dietary treatment for phenylketonuria; providing an educational testing program; allowing a deduction for the costs of the special dietary treatment; amending Minnesota Statutes 1984, sections 62E.06, subdivision 1; and 290.089, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62A and 144.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Lessard; Novak; Berg and Merriam introduced—

S.F. No. 685: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, adding a section; dedicating a portion of the state sales tax revenue to the game and fish fund.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C.; Messrs. Freeman, Dahl, Mrs. Adkins and Mr. Laidig introduced—

S.F. No. 686: A bill for an act relating to insurance; requiring insurance on home service contracts; regulating sales; requiring disclosures; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Ramstad and Luther introduced—

S.F. No. 687: A bill for an act relating to state government; requiring the commissioner of administration to develop a plan for a suggestion system to include citizens from outside state government.

Referred to the Committee on Governmental Operations.

Messrs. Frank and Petty introduced—

S.F. No. 688: A bill for an act relating to alcoholic beverages; prohibiting practices by licensees which may tend to increase consumption of alcoholic beverages; amending Minnesota Statutes 1984, section 340.14, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mrs. Lantry, Messrs. Knaak; Waldorf; Moe, D.M. and Hughes introduced—

S.F. No. 689: A bill for an act relating to Ramsey county; providing for the creation, organization, powers, and duties of a personnel system; providing penalties; amending Minnesota Statutes 1984, sections 383.405; and 383A.41, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam; Johnson, D.E.; Spear; Petty and Kamrath introduced—

S.F. No. 690: A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal, probate and county judges learned in the law are district judges; providing that the county court judge not learned in the law is an associate judge; limiting the creation of additional referee, law clerk, courtroom bailiff, and courtroom deputy clerk positions; requiring each judicial district to prepare a reorganization plan; amending Minnesota Statutes 1984, sections 2.722, subdivision 1; 484.01; 484.545, subdivision 1; 484.69, subdivision 1; and 484.70, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 484, 487, and 488A; repealing Minnesota Statutes 1984, section 487.191.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. DeCramer; Spear; Johnson, D.E. and Dicklich introduced—

S.F. No. 691: 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.

Referred to the Committee on Health and Human Services.

Messrs. Chmielewski, Diessner, Bertram and Lessard introduced—

S.F. No. 692: A bill for an act relating to veterans; clarifying certain veteran benefit definitions to include veterans who have served in the Grenada campaign or with the peacekeeping forces in the Lebanon campaign; amending Minnesota Statutes 1984, sections 136C.13, subdivision 3; 198.01; and 462A.05, subdivision 19.

Referred to the Committee on Veterans and General Legislation.

Messrs. Spear; Waldorf; Peterson, R.W.; Ramstad and Knaak introduced—

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, section 609.531.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 694: 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.

Referred to the Committee on Governmental Operations.

Mr. Waldorf, Mrs. Lantry, Messrs. Frederickson, Merriam and Kamrath introduced—

S.F. No. 695: A bill for an act relating to courts; providing that venue for hearings for certain pregnant women shall be the county in which the woman resides; amending Minnesota Statutes 1984, section 144.343, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Ramstad introduced—

S.F. No. 696: A bill for an act relating to taxation; motor vehicle excise; exempting transfers by a business to an owner in certain cases; amending Minnesota Statutes 1984, section 297B.03.

Referred to the Committee on Transportation.

Mr. Johnson, D.J. introduced—

S.F. No. 697: A bill for an act relating to taxation; income; changing certain filing and payment dates for corporate estimated tax declarations; amending Minnesota Statutes 1984, section 290.932, subdivision 1; and 290.933, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Taylor introduced—

S.F. No. 698: A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Wegscheid; Johnson, D.J.; Merriam; Frederickson and Gustafson introduced—

S.F. No. 699: A bill for an act relating to fish and game; establishing life-

time 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.E.; Samuelson and Benson introduced—

S.F. No. 700: A bill for an act relating to health; encouraging philanthropic support of nonprofit hospitals and nursing homes; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a nursing home; proposing coding for new law in Minnesota Statutes 1984, chapter 144.

Referred to the Committee on Health and Human Services.

Mr. Mehrkens introduced—

S.F. No. 701: A bill for an act creating an advisory council to study the possibility of the creation of a unicameral legislature in Minnesota.

Referred to the Committee on Elections and Ethics.

Messrs. Hughes; Nelson; Pehler; Peterson, R.W. and Peterson, D.L. introduced—

S.F. No. 702: A bill for an act relating to education; establishing comprehensive learning programs; providing for the award of grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Messrs. Merriam, Spear, Knutson and Samuelson introduced—

S.F. No. 703: A bill for an act relating to human services; appropriating money for services to persons who are both deaf and blind.

Referred to the Committee on Health and Human Services.

Messrs. Pehler; Nelson; Peterson, R.W.; Taylor and Mehrkens introduced—

S.F. No. 704: A bill for an act relating to education; requiring school districts to assess pupils in core curricular areas; requiring the state board to adopt measurable learning expectations for districts to use at their option; requiring a state curriculum advisory committee; requiring an annual curriculum report by the state board; appropriating money; amending Minnesota Statutes 1984, section 123.742, subdivisions 1, 3, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1984, section 123.742, subdivision 2.

Referred to the Committee on Education.

Messrs. Freeman, Luther, Wegscheid, Anderson and Solon introduced—

S.F. No. 705: 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.

Referred to the Committee on Economic Development and Commerce.

Messrs. Peterson, D.L.; Knutson; Ramstad; Dahl and Ms. Olson introduced—

S.F. No. 706: A bill for an act relating to education; changing the basic maintenance mill rate to 16 mills; amending Minnesota Statutes 1984, section 124A.02, subdivision 7.

Referred to the Committee on Education.

Messrs. Moe, D.M.; Wegscheid; Renneke; Pogemiller and Spear introduced—

S.F. No. 707: A bill for an act relating to retirement; Minnesota state retirement system unclassified plan; including certain state university administrators and faculty; directing a transfer of funds; amending Minnesota Statutes 1984, section 352D.02, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 708: A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1984, sections 3.095; 3.29, subdivision 7; 3.30, subdivision 2; 3.3025, subdivision 2; 3.303, subdivision 3; 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.24; 16B.58, subdivision 6; 43A.18, subdivision 6; 86.08, subdivision 1; 115A.14, subdivision 2; 161.1419, subdivision 4; and 298.22, subdivision 2; Laws 1983, chapter 199, section 17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1984, section 3.304, subdivisions 1 and 5.

Referred to the Committee on Governmental Operations.

Messrs. Jude, Knaak, Wegscheid, Ms. Reichgott and Mr. Merriam introduced—

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.

Referred to the Committee on Judiciary.

Mr. Freeman introduced—

S.F. No. 710: A bill for an act relating to courts; providing that tax court

judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Vega; Waldorf; Spear; Johnson, D.J. and Knaak introduced—

S.F. No. 711: A bill for an act relating to utilities; energy; providing that costs of certain investments and expenses for refuse-derived fuel facilities not be considered for rate-making purposes; amending Minnesota Statutes 1984, section 216B.16, subdivision 6.

Referred to the Committee on Energy and Housing. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Vega; Waldorf; Spear; Johnson, D.J. and Knaak introduced—

S.F. No. 712: A bill for an act relating to utilities; requiring utilities to file annual conservation plans; amending Minnesota Statutes 1984, section 216B.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy and Housing.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 7, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-THIRD DAY

St. Paul, Minnesota, Thursday, March 7, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. John M. Chell.

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

Anderson	Diessner	Knutson	Nelson	Schmitz
Belanger	Dieterich	Kroening	Novak	Sieloff
Benson	Frank	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, C.C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Stumpf
Bertram	Hughes	Lessard	Peterson, D.L.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, D.M.	Renneke	
Dicklich	Knaak	Moe, R.D.	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Frederick; Peterson, R.W. and Purfeerst were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 4, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 328.

Sincerely,
Rudy Perpich, Governor

March 5, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 54.

Sincerely,
Rudy Perpich, Governor

March 4, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
328		3	March 4	March 4

Sincerely,
Joan Anderson Growe
Secretary of State

March 5, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
54		4	March 5	March 5

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 54, and repassed said bill in accordance with the report of the Committee, so

adopted.

S.F. No. 54: A bill for an act relating to agriculture; providing a mechanism to aid restructuring existing farm loans; providing an interest reimbursement program to qualified banks; appropriating money.

Senate File No. 54 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 85, 140, 213, 231 and 241.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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

Referred to the Committee on Economic Development and Commerce.

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.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Judiciary.

H.F. No. 231: A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 241: A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1; repealing Minnesota Statutes

1984, section 80E.03, subdivision 11.

Referred to the Committee on Economic Development and Commerce.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 518: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, delete lines 33 to 36

Renumber the remaining subdivision

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "*Notwithstanding Minnesota*"

Page 1, delete lines 24 and 25

Page 2, line 10, after "*effective*" insert "*for the city of Fergus Falls*"

Page 2, line 12, delete "*bodies of the cities*" and insert "*body of the city*" and delete "*and Detroit Lakes*"

Page 2, after line 12, insert:

"This act is effective for the city of Detroit Lakes the day after compliance

with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Detroit Lakes."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services; 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 agreements with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete the new language

Page 1, after line 16, insert:

"If otherwise permitted under this section, the commissioner may authorize limited shared service agreements with for-profit organizations concerning laundry services only."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, sections 117.52, by adding a subdivision; and 473.167, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 473.167, is amended by adding a subdivision to read:

Subd. 2a. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The council may make hardship loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway corridor or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make hardship loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway corridor or project as indicated on an official map or plat adopted under sections 160.085, 394.361, or 462.359;

(4) the appraisal of the fair market value of the homestead property has been approved by the council. The council's approval shall not be unreasonably withheld; and

(5) the owner of the homestead property is burdened by circumstances that the council determines constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by his or her employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.

(c) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.

(2) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres.

(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Sec. 2. Minnesota Statutes 1984, section 473.167, subdivision 3, is amended to read:

Subd. 3. [TAX.] The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to ~~subdivision~~ subdivisions 2 and 2a. The tax shall be certified by the council, levied, and collected in the manner provided by section 473.08. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than five one-hundredths of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of five one-hundredths of a mill would raise in that year.

Sec. 3. [AFFECTED COUNTIES.]

Sections 1 and 2 are effective only in the counties of Anoka, Carver, Dakota excluding the city of Northfield, Hennepin excluding the city of Hanover, Ramsey, Scott excluding the city of New Prague, and Washington."

Delete the title and insert:

"A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 604: A bill for an act relating to taxation; allowing deferred payments of first half property taxes on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "OF" insert "MAY," and after "TAXES" insert "AND SPECIAL ASSESSMENTS"

Page 1, line 11, after "taxes" insert "*and special assessments*"

Page 1, line 15, after the period, insert "*If the owner of class 3b or class 3cc agricultural property receives a consolidated property tax statement that shows only an aggregate of the taxes and special assessments due on that property and on other property not classified as class 3b or class 3cc agricultural property, the aggregate tax and special assessments shown due on the property by the consolidated statement will be eligible for deferment pursuant to this section. If the deferred tax and special assessment are not paid by October 15, 1985, a penalty of eight percent will attach on October 16, 1985. Penalties will attach to all taxes unpaid after October 15, 1985, pursuant to Minnesota Statutes, section 279.01.*"

Page 1, line 20, after the period, insert "*The notice will include a description of the penalty that will apply if the deferred tax is not paid by October 15, 1985.*"

Page 1, line 22, before "Payment" insert "*At the request of the governing body of the taxing district,*"

Page 1, line 23, delete "shall" and insert "will"

Page 1, line 25, delete "Interest,"

Page 2, delete lines 1 and 2

Page 2, line 4, before the period, insert "*for each taxing district that requests a loan pursuant to this section*"

Page 2, line 7, delete everything after the period

Page 2, delete lines 8 to 12

Page 2, line 13, delete "on May 29, 1985." and insert "Upon receipt of an accurate or corrected certification, the commissioner of revenue shall pay to each taxing district that requests a loan the amount of tax that was deferred."

Page 2, line 13, after "district" insert ", or the amount that a school district would have received if it had requested a loan."

Page 2, line 16, after "1985" insert a comma

Page 2, line 16, after the period, insert "Payments received pursuant to this section will not be considered to be borrowing for purposes of any prohibition on borrowing by a school district or other taxing district to meet debt service payments."

Page 2, line 17, delete "31" and insert "22"

Page 2, line 26, delete "Any shortfall"

Page 2, delete lines 27 to 33 and insert "Amounts not repaid by October 22, 1985, will bear interest at the maximum rate established for municipal obligations under Minnesota Statutes, section 475.55, subdivision 4. Any amount not repaid by October 22, 1985, plus interest, will be deducted from payments made after October 22, 1985, of state aids under Minnesota Statutes, chapters 273, 477A, or any other law, to the local unit of government."

Page 2, line 35, delete "budget reserve account of the"

Page 2, line 36, delete "Notwithstanding the provisions"

Page 3, line 1, delete everything before "there"

Page 3, line 2, delete "budget reserve" and insert "general"

Page 3, line 3, delete "and the commissioner of education"

Page 3, line 4, delete "amounts" and insert "amount"

Amend the title as follows:

Page 1, line 3, after "taxes" insert "and special assessments"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 155 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
155			170		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration.
Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 63, 147 and 604 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 155 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Frank moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 47. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 101. The motion prevailed.

Mrs. Kronebusch moved that the name of Mr. Taylor be added as a co-author to S.F. No. 112. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 202. The motion prevailed.

Mr. Belanger moved that the name of Mr. Isackson be added as a co-author to S.F. No. 399. The motion prevailed.

Mr. Merriam moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 656. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Jude be added as a co-author to S.F. No. 680. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Storm be added as a co-author to S.F. No. 692. The motion prevailed.

Mr. Mehrkens moved that the name of Mr. Merriam be added as a co-author to S.F. No. 701. The motion prevailed.

Mrs. Lantry moved that S.F. No. 629 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Finance. The motion prevailed.

Messrs. Taylor; Benson; Frederickson; Peterson, D.L. and Kamrath introduced—

Senate Resolution No. 31: A Senate resolution relating to the budget; directing establishment of a process to set limits on appropriations from the general fund.

Referred to the Committee on Rules and Administration.

Ms. Reichgott introduced—

Senate Resolution No. 32: A Senate resolution extending condolences to the family and friends of Officer John Thomas Scanlon.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 33: A Senate resolution congratulating the Apple Valley High School A.V. Aires for winning first place in the Minnesota State High School Danceline Competition.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 34: A Senate resolution congratulating the wrestling team from Apple Valley High School for winning the 1984 Class AA State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

CALENDAR

S.F. No. 379: A bill for an act relating to nonprofit corporations; requiring the articles of incorporation to contain a mailing address; amending Minnesota Statutes 1984, sections 317.02, by adding a subdivision; 317.08, subdivision 2; and 317.19, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, C.C.	Stumpf
Bertram	Gustafson	Lantry	Peterson, D.C.	Taylor
Brataas	Hughes	Lessard	Peterson, D.L.	Vega
Chmielewski	Isackson	Luther	Petty	Waldorf
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
Davis	Johnson, D.J.	Mehrkens	Ramstad	Willet
DeCramer	Jude	Merriam	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	
Diessner	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. Nos. 42, 546; 71 and 72, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees

indicated.

Ms. Peterson, D.C. introduced—

S.F. No. 713: A bill for an act relating to boxing; prohibiting boxing; providing a penalty; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 341; repealing Minnesota Statutes 1984, sections 341.01 to 341.15.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller, Mses. Berglin and Peterson, D.C. introduced—

S.F. No. 714: A bill for an act relating to health; health maintenance organizations; requiring disclosure of certain exclusions and limitations on coverage; amending Minnesota Statutes 1984, sections 62D.05, subdivision 2; 62D.07, subdivision 3; and 62D.12, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Olson, Messrs. Ramstad, Kamrath and Jude introduced—

S.F. No. 715: A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. DeCramer, Kamrath and Isackson introduced—

S.F. No. 716: A bill for an act relating to education; appropriating money for the southwest Minnesota telecommunications project operated by ten public school districts.

Referred to the Committee on Education.

Messrs. Stumpf; Peterson, C.C.; Bernhagen and Wegscheid introduced—

S.F. No. 717: A bill for an act relating to natural resources; changing date to sell walleye quota to the state; requiring the state to make payment within 60 days after notification; amending Minnesota Statutes 1984, section 102.26, subdivision 3d.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Wegscheid, Dicklich, Ms. Berglin and Mr. Solon introduced—

S.F. No. 718: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, sections 62E.52; subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Stumpf; Peterson, C.C.; Davis; Berg and Moe, R.D. introduced—

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; proposing coding for new law in Minnesota Statutes, chapter 98.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Freeman and Knutson introduced—

S.F. No. 720: A bill for an act relating to retirement; special retirement coverage for certain military affairs department personnel.

Referred to the Committee on Governmental Operations.

Messrs. Ramstad and Jude introduced—

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.

Referred to the Committee on Local and Urban Government.

Messrs. Berg, Isackson and Frederickson introduced—

S.F. No. 722: A bill for an act relating to motor vehicles; exempting agricultural carriers from vehicle identification requirements; amending Minnesota Statutes 1984, section 221.031, subdivision 6.

Referred to the Committee on Transportation.

Messrs. Peterson, R. W.; Peterson, C. C.; Novak and Pehler introduced—

S.F. No. 723: A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, subdivision 16; 290.421, subdivision 5; and 290.431; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 724: A bill for an act relating to commitment; establishing a procedure for the involuntary, outpatient commitment of certain mentally ill persons; providing for the diversion of persons from inpatient to outpatient commitment; amending Minnesota Statutes 1984, sections 253B.02, by adding a subdivision; 253B.07, subdivision 1; 253B.09, subdivision 1, and by adding a subdivision; 253B.12, subdivisions 1 and 2, and by adding a subdivision; 253B.17, subdivisions 1 and 5; 253B.18, subdivisions 3, 4, 5, and 15; 253B.19, subdivisions 3, 4, and 5; and 253B.20, subdivisions 2, 3, 6, and 7; proposing coding for new law as Minnesota Statutes, chapter 253C.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 725: A bill for an act relating to taxation; exempting from income

taxation certain income used to purchase long-term care insurance; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Kronebusch, Messrs. Stumpf, Bernhagen, Willet and Merriam introduced—

S.F. No. 726: A bill for an act relating to recreational vehicles; requiring registration of snowmobiles; abolishing special registration requirements for collector's snowmobiles; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Jude introduced—

S.F. No. 727: A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegscheid; Moe, D.M.; DeCramer; Solon and Schmitz introduced—

S.F. No. 728: A resolution memorializing the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States.

Referred to the Committee on Veterans and General Legislation.

Messrs. Knaak; Benson; Petty; Peterson, R.W. and Dieterich introduced—

S.F. No. 729: A bill for an act relating to corporations; regulating corporate take-overs; providing a hearing; removing statutory regulation of control share acquisitions; amending Minnesota Statutes 1984, section 80B.03, subdivision 5; repealing Minnesota Statutes 1984, sections 302A.011, subdivisions 37, 38, and 39; 302A.449, subdivision 7; and 302A.671.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Purfeerst, Mrs. Kronebusch and Mr. Mehrkens introduced—

S.F. No. 730: A bill for an act relating to transportation; establishing conflict of interest requirements for court-appointed commissioners in condemnation; providing for relocation and disposal of historically significant buildings or structures; denying certain contracts to persons convicted of contract crimes; creating new, state-surveying coordinate system; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 505.18; 505.19; 505.20; 505.22; 505.23; and 505.24; proposing coding for new law in Minnesota Statutes, chapters 161 and 505.

Referred to the Committee on Transportation.

Messrs. Peterson, R.W.; Frank; Laidig; Merriam and Chmielewski introduced—

S.F. No. 731: A bill for an act relating to courts; correcting references to the number of district court judges in law; providing for additional district court judgeships in the tenth judicial district; appropriating money; amending Minnesota Statutes 1984, section 2.722, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Diessner, Mrs. Lantry, Messrs. Purfeerst, Knutson and Benson introduced—

S.F. No. 732: A bill for an act relating to taxation; income; providing for additional withholding exemptions in certain instances; amending Minnesota Statutes 1984, section 290.92, subdivisions 5 and 5a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Willet introduced—

S.F. No. 733: A bill for an act relating to Hubbard county; authorizing county appropriations to the county agricultural society and an annual levy for that purpose; requiring a reverse referendum under certain circumstances.

Referred to the Committee on Local and Urban Government.

Mr. Pehler introduced—

S.F. No. 734: A bill for an act relating to labor; providing for binding arbitration under certain circumstances between exclusive representatives of teachers and school districts; changing the requirements for when teachers may legally strike; amending Minnesota Statutes 1984, sections 179A.15; 179A.16, subdivision 1; 179A.17, subdivision 1; 179A.18, subdivisions 2, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Employment.

Messrs. Diessner; Moe, D.M.; Moe, R.D.; Ms. Berglin and Mr. Benson introduced—

S.F. No. 735: A bill for an act relating to the organization and operation of state government; requiring occupational examining and licensing boards to adopt procedural rules; amending Minnesota Statutes 1984, sections 125.185, subdivision 4; 144A.24; 147.01, subdivision 3; 148.03; 148.191, subdivision 2; 148.53; 148.90, subdivision 2; 150A.04, subdivision 5; 151.06, subdivision 1; 153.02; 154.24; 156.01, subdivision 3; 270.47; 326.06; 326.18; 326.241, by adding a subdivision; 326.33, subdivision 2; 341.01; 386.63, subdivision 3; and 626.843, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Spear; Petty; Moe, D.M.; Nelson and Ms. Berglin introduced—

S.F. No. 736: A bill for an act relating to human rights; prohibiting unfair

discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1984, sections 363.01, subdivision 24, and by adding a subdivision; 363.02, subdivisions 1 and 2; 363.03, subdivisions 1, 2, 3, 4, 5, 7, and 8; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 737: A bill for an act relating to human services; requiring standardized procedures for medical assistance rates for mental health and chemical dependency services; amending Minnesota Statutes 1984, section 256B.04, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Nelson introduced—

S.F. No. 738: A bill for an act relating to education; requiring the higher education coordinating board to send information relating to post-secondary education to all eighth graders; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 739: A bill for an act relating to human services; allowing a greater amount of income be disregarded for general assistance recipients and placed in trust until discharge; amending Minnesota Statutes 1984, section 256D.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Petty, Wegscheid, Mrs. Adkins and Mr. Anderson introduced—

S.F. No. 740: A bill for an act relating to insurance; modifying certain continuing education requirements; amending Minnesota Statutes 1984, section 60A.1701, subdivisions 7 and 8.

Referred to the Committee on Economic Development and Commerce.

Mr. Chmielewski introduced—

S.F. No. 741: A bill for an act relating to the environment; repealing the metropolitan solid waste landfill fee; repealing county, city, and town landfill fee authority; appropriating money; amending Minnesota Statutes 1984, sections 473.844, subdivision 1; 473.845, subdivision 1; repealing Minnesota Statutes 1984, sections 115A.919; 115A.921; and 473.843.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Isackson, Laidig, Benson, Lessard and Mrs. Kronebusch introduced—

S.F. No. 742: A bill for an act relating to agriculture; authorizing conser-

vation reserve contracts covering marginal agricultural land; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Jude introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Spear and Kroening introduced—

S.F. No. 744: A bill for an act relating to Special School District No. 1 of the city of Minneapolis; increasing the size of the board of education to nine members; providing for six members to be elected by districts; amending Laws 1959, chapter 462, section 3, subdivisions 1 and 3, as amended and renumbered.

Referred to the Committee on Elections and Ethics.

Mr. Peterson, R.W. introduced—

S.F. No. 745: A bill for an act relating to criminal sentences; authorizing a stay of execution of a portion of a criminal sentence; amending Minnesota Statutes 1984, section 609.135, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 746: A bill for an act relating to crimes; specifying elements that may be contained in an order for restitution and the procedures for issuing that order; amending Minnesota Statutes 1984, sections 609.14, by adding a subdivision; 611A.04, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Messrs. Dicklich; Peterson, R.W.; Moe, R.D. and Stumpf introduced—

S.F. No. 747: A bill for an act relating to school districts; providing for self-insured, statewide fringe benefit coverages for employees; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Nelson; Pehler; Dicklich; Peterson, D.L. and Ms. Olson introduced—

S.F. No. 748: A bill for an act relating to education; establishing an excellence in teaching and curriculum program; authorizing aid to develop plans for excellence in teaching and curriculum; providing for aid and levy for excellence in teaching and curriculum with a portion for certain teacher

contracts; eliminating summer educational improvement revenue; appropriating money; amending Minnesota Statutes 1984, sections 124.195, subdivision 9; 124A.03, subdivision 4; 124A.033, subdivisions 2, 3, and 5; and 275.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 124 and 126; repealing Minnesota Statutes 1984, sections 121.601; 124.246, subdivisions 2 and 3; 124.247, subdivision 6; 124A.03, subdivision 5; 129B.33; 129B.34; and 129B.36.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 749: A bill for an act relating to taxation; permitting the appointment of certain persons as county assessors and county assessors' assistants; amending Minnesota Statutes 1984, section 270.50.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Lessard introduced—

S.F. No. 750: A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Minnesota Statutes 1984, section 197.58.

Referred to the Committee on Veterans and General Legislation.

Messrs. Pogemiller; Johnson, D.J.; Peterson, C.C.; Novak and Freeman introduced—

S.F. No. 751: A bill for an act relating to taxation; providing for economic opportunity and arts enterprise zones; depositing revenue from the mortgage registration and deed taxes with the county and reducing certain welfare aids to the counties by the amount of revenue deposited; providing for local collection of taconite production taxes; changing property tax refund benefit schedules; changing maximum local government aid to cities and towns; amending Minnesota Statutes 1984, sections 273.1312, subdivision 4; 273.1313, subdivision 2; 273.1314, subdivisions 2, 4, 5, 7, 8, and by adding subdivisions; 273.136, subdivisions 1, 2, and 4; 287.05, subdivision 1; 287.08; 287.09; 287.12; 287.21, subdivision 2, and by adding a subdivision; 287.23; 287.25; 287.28; 287.29, subdivision 1; 287.33; 287.35; 290A.03, subdivisions 3, 7, and 8; 290A.04, subdivisions 1, 2, and 3; 290A.06; 290A.19; 298.225; 298.24, subdivision 4; 298.27; 298.28, subdivisions 1 and 2; 298.282, subdivisions 1, 4, and 5; and 477A.011, subdivision 10; repealing Minnesota Statutes 1984, sections 273.136, subdivision 3; 287.27; 287.29; 287.32; and 290A.04, subdivisions 2a and 2b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, D.M.; Luther and Moe, R.D. introduced—

S.F. No. 752: A bill for an act relating to state government; restructuring the capitol area architectural and planning board; creating the position of state capitol architect; requiring the designation of employees of the department of administration as preservation architect and capitol engineer; creating the state capitol user committee; creating an art works jury within the

Minnesota state historical society; appropriating money; amending Minnesota Statutes 1984, sections 15.50, subdivisions 1 and 2, and by adding subdivisions; 16B.24, subdivisions 1 and 2; 16B.31, subdivision 4; 16B.32; and 138.68; repealing Minnesota Statutes 1984, section 15.50, subdivision 2a.

Referred to the Committee on Governmental Operations.

Messrs. Freeman; Merriam; Johnson, D.E.; Luther and Petty introduced—

S.F. No. 753: A bill for an act relating to the juvenile court; revising and recodifying current laws governing the apprehension, detention, adjudication, and disposition of minors who commit unlawful acts or who are in need of protection or services; providing additional due process protections for minors and other parties who are subject to juvenile court jurisdiction; placing limitations on voluntary out-of-home placements of minors; providing for foster care review; establishing a procedure for court review of inpatient admissions and commitments of minors to mental health and chemical dependency programs; imposing penalties; amending Minnesota Statutes 1984, sections 242.19, subdivision 2; 257.071; 259.23, subdivision 1; 260.022, subdivision 4; 260.024, subdivision 2; 260.094; 260.101; 260.103, subdivision 1; 260.121; 260.125, subdivision 2; 260.131; 260.132; 260.133; 260.135; 260.141, subdivision 1; 260.145; 260.151, subdivision 1; 260.155; 260.156; 260.161; 260.211; 260.221; 260.231, subdivision 3; 260.235; 260.251, subdivision 1a; 260.255, subdivision 2; 260.311, subdivision 5; 260.315; 260.35; 260.36; 484.70, subdivision 1; 484.73, subdivision 2; and 524.5-505; proposing coding for new law as Minnesota Statutes, chapters 260A and 260B; repealing Minnesota Statutes 1984, sections 260.011; 260.015; 260.024, subdivision 1; 260.031; 260.111; 260.115; 260.151, subdivision 2; 260.165 to 260.195; 260.261; 260.281; 260.291; and 260.301.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 11, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 11, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Kenneth Ludeschere.

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

Adkins	Diessner	Knaak	Moe, R.D.	Renneke
Anderson	Dieterich	Knutson	Nelson	Samuelson
Belanger	Frank	Kroening	Olson	Schmitz
Benson	Frederick	Kronebusch	Pehler	Sieloff
Berg	Frederickson	Laidig	Peterson, C.C.	Solon
Berglin	Freeman	Langseth	Peterson, D.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Storm
Bertram	Hughes	Lessard	Peterson, R.W.	Stumpf
Chmielewski	Isackson	Luther	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vega
Davis	Johnson, D.J.	Mehrkens	Purfuerst	Waldorf
DeCramer	Jude	Merriam	Ramstad	Wegscheid
Dicklich	Kamrath	Moe, D.M.	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Novak was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 102 and 252.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 7, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1, 34 and 97.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 7, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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

Referred to the Committee on Rules and Administration.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 72, now on the Calendar.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 395: A bill for an act relating to natural resources; establishing an aspen recycling program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 8 to 23 and insert:

"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 con-

ervation work projects."

Page 2, after line 7, insert:

"Sec. 3. [REPEALER.]

Section 1, subdivisions 2 and 3, are repealed effective July 1, 1987."

Renumber the remaining section

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 251: A bill for an act relating to nursing homes; establishing an educational program for nursing home consumer advisory councils; authorizing a surcharge on nursing home license fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reports the same back with the recommendation that the bill be amended as follows:

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.] A license application or renewal fee under section 144A.07 must be increased by \$2 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 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 immediately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, age, size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per 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)."

Amend the title as follows:

Page 1, line 3, delete "nursing home consumer" and insert "resident and family"

Page 1, line 4, delete "nursing home" and after the semicolon, insert "requiring evaluation and a report to the legislature by the Minnesota board on aging;"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 51: A bill for an act relating to health; requiring licensure of a home care agency; providing a home care bill of rights; providing a grievance procedure for a home care agency; amending Minnesota Statutes 1984, sections 144.12, subdivision 1; 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision 1; 626.557, subdivision 2; and proposing coding for new law in Minnesota Statutes, chapter 144A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [144A.43] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 4 and 13.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of health.

Subd. 3. [HOME CARE SERVICE.] “Home care service” means any of the following services when delivered in a place of residence to a person whose advanced age, illness, disability, or physical condition creates a need for the service:

(1) nursing;

(2) personal care;

(3) home health aide services;

(4) physical therapy;

(5) speech therapy;

(6) respiratory therapy;

(7) occupational therapy;

(8) nutritional services;

(9) homemaker services, meal preparation, and similar nonmedical services when arranged to be provided along with at least one other home care service listed in this subdivision;

(10) medical social services; and

(11) other similar medical services and health-related support services identified by the commissioner in rule.

Subd. 4. [HOME CARE AGENCY.] “Home care agency” means an organization, unit of government, self-employed individual, or other entity that is regularly engaged in the delivery, directly or by contractual arrangement, of home care services for a fee. “Home care agency” does not include:

(1) a program sponsored by the Church of Christ, Scientist;

(2) an individual who only provides services to a relative; or

(3) an agency that only provides chore or housekeeping services which do not involve any medical care or treatment or personal care services.

Sec. 2. [144A.44] [HOME CARE BILL OF RIGHTS.]

Subdivision 1. [STATEMENT OF RIGHTS.] A person who receives home care services has these rights:

(1) the right to receive written information about rights, including what to do if rights are violated;

(2) the right to receive care and services according to a suitable and up-to-date plan, subject to accepted medical nursing standards, and to take an active part in creating and changing the plan and evaluating care and services;

(3) the right to be told, as part of the doctor's treatment plan, about treatment and services that are being provided or suggested, about other choices that are available, and about the consequences of these choices including the consequences of refusing treatment;

(4) the right to refuse services or treatment;

(5) the right to know, in advance, any limits to the services available from an agency and whether the services are covered by health insurance, medical assistance, or other health programs;

(6) the right to know what the charges are for services, no matter who will be paying the bill;

(7) the right to know that there may be other services available in the community, including other home care services, agencies, and case management services, and to know where to go for information about these services;

(8) the right to choose freely among available agencies and to change agencies after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(9) the right to have personal, financial, and medical information kept private;

(10) the right to be served by people who are properly trained and competent to perform their duties;

(11) the right to be treated with courtesy and respect;

(12) the right to be free from physical and verbal abuse;

(13) the right to reasonable notice of changes in services or charges;

(14) the right to a smooth transition when there will be a change in the agency which provides the services;

(15) the right to know how to contact the director of an agency who is responsible for handling problems and where to go for help outside the agency; and

(16) the right to assert these rights without retaliation.

Subd. 2. [INTERPRETATION AND ENFORCEMENT OF RIGHTS.] These rights are established for the benefit of persons who receive home care services. "Home care services" means home care services as defined in section 1. A home care agency may not require a person to surrender these rights as a condition of receiving services. A guardian or conservator or,

when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist. The commissioner of health shall establish guidelines for interpretation of these rights.

Sec. 3. [144A.45] [REGULATION OF HOME CARE SERVICES.]

Subdivision 1. [AUTHORITY TO REGULATE.] The commissioner may regulate and control the delivery of home care services in order to protect consumers; assure quality of care; improve access to services; prevent fraud, overcharging and other undesirable practices; promote desirable forms of competition; and control health care costs. The commissioner may:

(1) require home care providers to furnish relevant information and documentation including information requested for purposes of section 4;

(2) inspect the office and records of a provider during regular business hours;

(3) with the consent of the consumer, visit the home where services are being provided;

(4) issue correction orders and assess civil penalties in accordance with section 144.653, subdivisions 5 to 8; and

(5) take other action the commissioner considers appropriate to accomplish the purposes of sections 1 to 4.

In the exercise of the authority granted in sections 1 to 4, the commissioner shall comply with the applicable requirements of section 144.122, the government data practices act, and the administrative procedure act. When conducting routine office visits or inspections, the commissioner shall provide at least 48 hours advance notice to the home care agency.

Subd. 2. [LICENSURE.] A home care agency may not operate in the state without a current license issued by the commissioner of health. In addition to the exemptions listed in subdivision 3, the commissioner may by rule exempt other classes of agencies from licensure requirements. When determining whether to exempt a class of agencies, the commissioner shall consider: (1) the extent to which the agencies, or the individuals who provide services through the agencies, are regulated under another law; (2) the risk to the health, safety, and well-being of the client; and (3) other factors the commissioner considers appropriate. The commissioner may establish different classes of licenses for different types of agencies and may impose different standards and requirements for different kinds of home care services. If a home care agency is Medicare certified, the state standards shall not be more burdensome than the Medicare standards for Medicare services, except as necessary to enforce the home care bill of rights.

Subd. 3. [EXEMPTIONS.] The following agencies are exempt from the requirement to obtain a home care agency license:

(1) a person who is licensed under sections 148.171 to 148.299 and who independently provides nursing services in the home without any contractual or employment relationship to a home care agency or other organization; and

(2) a personal care attendant authorized by the commissioner of human services to provide services under the medical assistance program.

An exemption under this subdivision does not excuse the exempted agency from complying with applicable provisions of the home care bill of rights.

Subd. 4. [ENFORCEMENT.] The commissioner may refuse to grant or renew a license, or may suspend or revoke a license, for violation of statutes or rules relating to home care services or for conduct detrimental to the welfare of the consumer. In addition to any other remedy provided by law, the commissioner may, without a prior contested case hearing, temporarily suspend a license or prohibit delivery of services by a provider for not more than 60 days if the commissioner determines that the health or safety of a consumer is in imminent danger, provided advance notice is given to the provider and there is a subsequent opportunity for a contested case hearing. The process of suspending or revoking a license must include a plan for transferring affected clients to other providers.

At the request of a licensee who has been issued a correction order, the commissioner shall order a review of the appropriateness of the correction order by a person designated by the commissioner other than the person who issued the correction order. The review process must allow an opportunity for the licensee to submit a brief explanation of the objections to the correction order. If, after receiving the report and recommendation of the reviewer, the commissioner determines that the correction order was issued inappropriately, the commissioner shall retract the correction order and remove from the licensee's record all references to the order.

Subd. 5. [RELATION TO OTHER REGULATORY PROGRAMS.] In the exercise of the authority granted under sections 1 to 4, the commissioner shall not duplicate or replace standards and requirements imposed under another state regulatory program. The commissioner shall not impose additional training or education requirements upon members of a licensed or registered occupation or profession, except as necessary to address or prevent problems that are unique to the delivery of services in the home or to enforce and protect the rights of consumers listed in section 2.

Subd. 6. [RULES.] The commissioner shall, in consultation with representatives of home care providers, community health service agencies, and consumers, adopt rules to implement sections 1 to 4. The rules shall, to the extent possible, assure the health, safety, well-being, and appropriate treatment of persons who receive home care services.

Sec. 4. [144A.46] [INFORMATION AND REFERRAL SERVICES.]

The commissioner shall ensure that information and referral services relating to home care are available in all regions of the state. The commissioner shall collect and make available information about available home care services, costs, sources of payment, providers, the rights of consumers, and other information the commissioner determines to be appropriate. The commissioner may require home care providers to provide information requested for the purposes of this section, including price information, as a condition of licensure. Specific price information furnished by providers under this section is not public data and must not be released without the written permission of the provider. The commissioner may publish and make available:

(1) general information about the range of costs of home care services in the state and a summary of the range of prices charged by specific providers;

(2) *summary information about the number and nature of complaints received about individual providers;*

(3) *summary information about consumer evaluations of individual providers;*

(4) *limitations on hours, availability of services, and eligibility for third-party payments, applicable to individual providers; and*

(5) *other information the commissioner determines to be appropriate.*

Sec. 5. Minnesota Statutes 1984, section 144A.51, is amended by adding a subdivision to read:

Subd. 7. "Home care agency" means a home care agency as defined in section 1.

Sec. 6. Minnesota Statutes 1984, section 144A.52, subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, *home care agencies*, and the state commissioner of health.

Sec. 7. Minnesota Statutes 1984, section 144A.53, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to chapter 14, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers, *home care agencies*, or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider, *home care agency*, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, a *home care agency*, or a health facility which he deems necessary for the discharge of his responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to section 144.653 or any other law which provides for the issuance of correction orders to health care facilities or *home care agencies*, or pursuant to section 3, subdivisions 1 and 3;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights

under Minnesota law; and

(i) Work with administrative agencies, health facilities, *home care agencies*, and health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Sec. 8. Minnesota Statutes 1984, section 144A.53, subdivision 2, is amended to read:

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, a *home care agency*, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, the *home care agency*, and the health facility of the action taken.

Sec. 9. Minnesota Statutes 1984, section 144A.53, subdivision 3, is amended to read:

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider, a *home care agency*, or a health facility should:

- (a) Modify or cancel the actions which gave rise to the complaint;
- (b) Alter the practice, rule or decision which gave rise to the complaint;
- (c) Provide more information about the action under investigation; or
- (d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, a *home care agency*, or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Sec. 10. Minnesota Statutes 1984, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board or other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that an official or employee of an administrative agency, a *home care agency*, or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of human services, an

appropriate prosecuting authority, or other appropriate agency.

Sec. 11. Minnesota Statutes 1984, section 144A.54, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, a home care agency, or a health facility, the director shall consult with that agency, health care provider, home care agency, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, a home care agency, or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider, home care agency, or health facility in defense or explanation of the action.

Sec. 12. Minnesota Statutes 1984, section 626.557, 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 context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; a mental health program receiving funds pursuant to section 245.61; or a home health care agency certified for participation in Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq licensed by the state pursuant to section 3.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or inpatient of a facility;

(2) Who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) Who receives services from a home health care agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq licensed by the state pursuant to section 3; or

(4) Who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation under sections 609.221 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

(e) "Neglect" means:

(1) Failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision; or

(2) The absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

(f) "Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) The commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) The commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) Any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) Any agency responsible for credentialing human services occupations.

Sec. 13. [TEMPORARY PROCEDURES.]

Beginning December 1, 1985, no home care agency may provide home care services in this state without a license issued by the commissioner. The commissioner shall, in consultation with representatives of home care providers, community health service agencies, and consumers, establish temporary licensing procedures and standards under sections 14.29 to 14.36. Notwithstanding section 14.35, emergency rules adopted under this section are effective until December 31, 1986, or until permanent rules are adopted, whichever is earlier. The activities of the commissioner under this section are limited to the following:

(1) *requiring providers to obtain a license;*

(2) *collecting information from providers;*

(3) *collecting licensing fees; and*

(4) *requiring providers to disclose, to clients, information about rights and complaint procedures.*

The granting of a license under these temporary procedures does not exempt a home care agency from requirements later adopted in permanent rules.

Sec. 14. [APPROPRIATION.]

§ is appropriated from the general fund to the commissioner of health for purposes of sections 1 to 13, to be available for the biennium ending June 30, 1987.

Sec. 15. [EFFECTIVE DATE]

This act is effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to health; requiring licensure of home care agencies; providing a home care bill of rights; providing a complaint procedure for home care clients; appropriating money; amending Minnesota Statutes 1984, sections 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision 1; 626.557, subdivision 2; and proposing coding for new law in Minnesota Statutes, chapter 144A."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the term of mayor.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, before "The" insert "Notwithstanding section 412.022, or any law to the contrary,"

Page 1, after line 9, insert:

"Sec. 2. [HIBBING; CITY COUNCIL MEMBERS' TERMS.]

The council members of the city of Hibbing shall be elected at the 1986 general election for the following terms: three for two years and two for four years. At subsequent regular elections, all council members shall be elected for a term of four years."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete "term" and insert "terms"

Page 1, line 3, after "mayor" insert "and city council members"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 435: A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 241: A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1; repealing Minnesota Statutes 1984, section 80E.03, subdivision 11.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for January 28, 1985:

BOARD OF ANIMAL HEALTH
Henry L. Banal, D.V.M.
Sharon Hurley

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 287 and 435 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 241 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 16. The motion prevailed.

Mr. Lessard moved that the name of Mr. Merriam be added as a co-author to S.F. No. 93. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Jude be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Jude be added as a co-author to S.F. No. 136. The motion prevailed.

Mr. Diessner moved that the name of Mr. Solon be added as a co-author to S.F. No. 253. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Willet be added as a co-author to S.F. No. 306. The motion prevailed.

Mr. Diessner moved that the name of Mr. Jude be added as a co-author to S.F. No. 327. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 694. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Mr. Wegscheid be added as a

co-author to S.F. No. 700. The motion prevailed.

Mr. Merriam moved that the name of Ms. Berglin be added as a co-author to S.F. No. 703. The motion prevailed.

Mr. Freeman moved that S.F. No. 220 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Employment. The motion prevailed.

Mr. Dicklich moved that S.F. No. 264 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Employment. The motion prevailed.

Mr. Samuelson moved that S.F. No. 305 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Employment. The motion prevailed.

Mr. Dicklich moved that S.F. No. 425 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Employment. The motion prevailed.

Mr. Spear moved that S.F. No. 513 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Employment. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 35: A Senate resolution congratulating Linda Wolford for being elected Ms. Minnesota Wheelchair.

Referred to the Committee on Rules and Administration.

Mr. Lessard introduced—

Senate Concurrent Resolution No. 11: A Senate concurrent resolution commending Larry Ross upon his retirement after 31 years as hockey coach at International Falls High School.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. moved that S.F. No. 522 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Employment. The motion prevailed.

Mr. Schmitz moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Wegscheid be shown as chief author to S.F. No. 461. The motion prevailed.

CALENDAR

S.F. No. 42: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Nelson	Samuelson
Anderson	Frank	Kroening	Olson	Schmitz
Belanger	Frederick	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Laidig	Peterson, C.C.	Solon
Berg	Freeman	Langseth	Peterson, D.C.	Spear
Berglin	Gustafson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	
Dicklich	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 546: A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Olson	Schmitz
Anderson	Frank	Kronebusch	Pehler	Sieloff
Belanger	Frederick	Laidig	Peterson, C.C.	Solon
Benson	Frederickson	Langseth	Peterson, D.C.	Spear
Berg	Freeman	Lantry	Peterson, D.L.	Storm
Berglin	Gustafson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D. M.	Reichgott	
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

Messrs. Knutson and Waldorf voted in the negative.

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Samuelson
Anderson	Dieterich	Knutson	Nelson	Schmitz
Belanger	Frank	Kroening	Pehler	Sieloff
Benson	Frederick	Kronebusch	Peterson, C. C.	Solon
Berg	Frederickson	Laidig	Peterson, D. C.	Spear
Berglin	Freeman	Langseth	Peterson, D. L.	Storm
Bernhagen	Gustafson	Lantry	Peterson, R. W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Chmielewski	Isackson	Luther	Pogemiller	Vega
Dahl	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Davis	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
DeCramer	Jude	Merriam	Reichgott	Willet
Dicklich	Kamrath	Moe, D. M.	Renneke	

Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Samuelson
Anderson	Dieterich	Knutson	Nelson	Schmitz
Belanger	Frank	Kroening	Olson	Sieloff
Benson	Frederick	Kronebusch	Peterson, C. C.	Solon
Berg	Frederickson	Laidig	Peterson, D. C.	Spear
Berglin	Freeman	Langseth	Peterson, D. L.	Storm
Bernhagen	Gustafson	Lantry	Peterson, R. W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Chmielewski	Isackson	Luther	Pogemiller	Vega
Dahl	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Davis	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
DeCramer	Jude	Merriam	Reichgott	Willet
Dicklich	Kamrath	Moe, D. M.	Renneke	

Mr. Pehler voted in the negative.

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 604, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees

indicated.

Messrs. Pehler, Dicklich, Petty, Benson and Wegscheid introduced—

S.F. No. 754: A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

Referred to the Committee on Education.

Ms. Berglin, Messrs. Chmielewski, Stumpf, DeCramer and Peterson, R.W. introduced—

S.F. No. 755: A bill for an act relating to education; requiring school districts to provide special instruction and services for handicapped children under the age of four and their families; requiring certain agencies and political subdivisions to maintain certain services and funding levels for young handicapped children and their families until agreements are reached; appropriating money; amending Minnesota Statutes 1984, sections 120.03; 120.17, subdivisions 1, 2, 3, 3a, and by adding subdivisions; 124.17, subdivision 1; 124.223; and 124.32, by adding a subdivision.

Referred to the Committee on Education.

Mr. Solon introduced—

S.F. No. 756: A bill for an act relating to financial institutions; authorizing the department of administration to provide for the use of certain motor vehicles by the department of commerce; providing for the classification and disclosure of records; modifying the definition of financial institutions to include branches and detached facilities; regulating the closing of financial institutions; providing for the deposit of securities in lieu of bonds; simplifying the recording requirements of credit union certificates or bylaw amendments; providing for certain industrial loan and thrift loan disclosures; providing for the liquidation of safe deposit companies; eliminating a certain motor vehicle finance company assessment; modifying the licensing requirements of regulated lenders; regulating changes of business locations of regulated lenders; providing for the recovery of examination and investigation costs from motor vehicle sales finance companies; increasing the time price differentials on motor vehicle sales; regulating payments in advance on retail installment contracts; and providing for the notice and publication of, and hearings on, bank applications; amending Minnesota Statutes 1984, sections 16B.54, subdivision 2; 46.041, subdivision 1; 46.042; 46.07, subdivision 2, and by adding a subdivision; 46.131, subdivision 2; 47.015, subdivision 1; 47.0151, subdivision 3; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 53.04, by adding a subdivision; 55.095; 56.04; 56.07; 168.705; 168.72, subdivisions 1 and 2; 168.73; and 168.74; proposing coding for new law in Minnesota Statutes, chapter 47; repealing Minnesota Statutes 1984, sections 47.20, subdivisions 11 and 12; 48.19; 48.57; and

48.58.

Referred to the Committee on Economic Development and Commerce.

Mr. Frank introduced—

S.F. No. 757: A bill for an act relating to motor vehicles; prescribing confidential status of and information in motor vehicle accident reports; amending Minnesota Statutes 1984, sections 169.09, subdivisions 11 and 13; and 171.12, subdivision 2.

Referred to the Committee on Transportation. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Frank introduced—

S.F. No. 758: A bill for an act relating to liquor; including wine in the prohibition on discrimination in sales; amending Minnesota Statutes 1984, section 340.114, subdivision 4.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Olson, Messrs. Wegscheid, Knaak, Ramstad and Mrs. McQuaid introduced—

S.F. No. 759: A bill for an act relating to education; providing levy authority for intermediate school districts for energy retrofit and asbestos removal or encapsulation purposes; amending Minnesota Statutes 1984, sections 136D.27; 136D.74, subdivision 2; and 136D.87.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 760: A bill for an act relating to independent school district No. 706; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of school buildings and facilities and the levy of ad valorem taxes therefor; authorizing the transfer of certain taconite taxes to the district for payment of debt service on the bonds; appropriating money.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 761: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Schmitz; Bernhagen; Chmielewski and Taylor introduced—

S.F. No. 762: A bill for an act relating to local government; providing for fees of the county recorder and registrar of titles; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 357.18, subdivision 1, and by adding a subdivision; 386.77; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

Referred to the Committee on Local and Urban Government.

Mr. Frank introduced—

S.F. No. 763: A bill for an act relating to real property; modifying procedures for mortgage foreclosure by action; eliminating deficiency judgments following mortgagee's purchase of property at sheriff's sale; amending Minnesota Statutes 1984, sections 581.09; and 581.10.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 764: A bill for an act relating to courts; providing for interest rates on arbitration awards; amending Minnesota Statutes 1984, section 549.09, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Moe, R.D.; Freeman; Storm; Pogemiller and Johnson, D.E. introduced—

S.F. No. 765: A bill for an act relating to agriculture; providing famine relief for African people; appropriating money.

Referred to the Committee on Finance.

Messrs. Wegscheid, Willet, Renneke, Benson and Schmitz introduced—

S.F. No. 766: A bill for an act relating to retirement; authorizing municipalities to establish and finance defined contribution plans for municipal ambulance and rescue volunteers; amending Minnesota Statutes 1984, sections 356.24; and 356.25; proposing coding for new law in Minnesota Statutes, chapter 424A.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C. introduced—

S.F. No. 767: A bill for an act relating to Otter Tail county; authorizing the county board to adopt an ordinance for the control of dogs and cats.

Referred to the Committee on Local and Urban Government.

Mr. Novak introduced—

S.F. No. 768: 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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Solon, Luther, Belanger, Laidig and Dahl introduced—

S.F. No. 769: A bill for an act relating to occupations and professions; requiring registration of interior designers; amending Minnesota Statutes 1984, section 326.02, subdivision 1, and by adding a subdivision; 326.03, by adding a subdivision; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, 2a, and by adding a subdivision; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

Referred to the Committee on Economic Development and Commerce.

Mr. Chmielewski introduced—

S.F. No. 770: A bill for an act relating to courts; authorizing conciliation courts to hear civil disputes involving up to \$5,000; amending Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Nelson, Taylor, Dahl and Peterson, R.W. introduced—

S.F. No. 771: A bill for an act relating to education; providing for employment rights in certain school district supervisory and administrative positions; amending Minnesota Statutes 1984, section 125.12, subdivision 2.

Referred to the Committee on Education.

Mr. Samuelson introduced—

S.F. No. 772: A bill for an act relating to education; establishing the foundation aid formula allowance for 1986-1987; amending Minnesota Statutes 1984, section 124A.02, subdivision 9.

Referred to the Committee on Education.

Mr. Samuelson introduced—

S.F. No. 773: A bill for an act relating to taxation; motor vehicles; accelerating distribution of motor vehicle excise tax proceeds; amending Minnesota Statutes 1984, section 297B.09, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Luther, Pogemiller, Ms. Reichgott, Messrs. Petty and Ramstad introduced—

S.F. No. 774: A bill for an act relating to drivers licenses; requiring that drivers license of person be revoked who flees in motor vehicle from peace

officer; amending Minnesota Statutes 1984, section 171.17.

Referred to the Committee on Judiciary.

Mr. Benson introduced—

S.F. No. 775: A bill for an act relating to game and fish; use of crossbows to take deer; amending Minnesota Statutes 1984, section 98.48, subdivision 16.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nelson; Peterson, C.C.; Ms. Berglin, Messrs. Storm and Petty introduced—

S.F. No. 776: A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; prohibiting the free distribution of cigarettes; raising the cigarette tax; appropriating money; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 5 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 124, 144, and 145.

Referred to the Committee on Health and Human Services.

Messrs. Frederickson, Bertram, Pehler, Wegscheid and Benson introduced—

S.F. No. 777: A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, Ramstad, Dahl and Frank introduced—

S.F. No. 778: A bill for an act relating to adoption; eliminating the requirement for certain consents; amending Minnesota Statutes 1984, section 259.24, subdivisions 1 and 5.

Referred to the Committee on Judiciary.

Mrs. Lantry and Mr. Solon introduced—

S.F. No. 779: A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

Referred to the Committee on Economic Development and Commerce.

Messrs. Ramstad, Chmielewski and Mrs. Kronebusch introduced—

S.F. No. 780: A bill for an act relating to motor vehicles; requiring motor

vehicle lessors to provide information to department of public safety when lease periods are greater than two months; amending Minnesota Statutes 1984, section 168.27, subdivision 4.

Referred to the Committee on Transportation.

Ms. Peterson, D.C. and Mr. Dicklich introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Knaak, Lessard, Ramstad, Bernhagen and Laidig introduced—

S.F. No. 782: A bill for an act relating to the environment; providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances; amending Minnesota Statutes 1984, section 116.082.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, R.D. and DeCramer introduced—

S.F. No. 783: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Benson, Samuelson, Dicklich and Mrs. Lantry introduced—

S.F. No. 784: A bill for an act relating to health; providing for the approval of swing beds; amending Minnesota Statutes 1984, section 144.50, subdivision 3, and by adding a subdivision; 144.56, subdivision 1; 144A.01, subdivision 5, and by adding a subdivision; 144A.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

Referred to the Committee on Health and Human Services.

Messrs. Bertram, Jude, Chmielewski and Kamrath introduced—

S.F. No. 785: A bill for an act relating to obscenity; prohibiting obscene live performances; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Judiciary.

Mr. DeCramer introduced—

S.F. No. 786: A bill for an act relating to agriculture; appropriating money for clean-up of pseudorabies infected swine herds.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Gustafson and Solon introduced—

S.F. No. 787: A bill for an act relating to state lands; directing conveyance

of an easement over certain state lands to the city of Duluth.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski and Frederick introduced—

S.F. No. 788: A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

Referred to the Committee on Employment.

Ms. Berglin introduced—

S.F. No. 789: A bill for an act relating to human services; recovering the federal share of overpayments from medical vendors participating in medical assistance; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Johnson, D.J.; Novak and Ms. Berglin introduced—

S.F. No. 790: A bill for an act relating to taxation; simplifying the property classification system; amending Minnesota Statutes 1984, sections 124.2137, subdivision 1; 272.02, subdivision 1, and by adding a subdivision; 272.115, subdivision 4; 273.1104, subdivision 1; 273.115, subdivisions 3 and 7; 273.116, subdivisions 3 and 7; 273.118; 273.121; 273.123, subdivisions 1 and 4; 273.13, by adding subdivisions; 273.1311; 273.1313, subdivisions 1, 2, and 4; 273.1314, subdivision 6; 273.133, subdivisions 1 and 3; 273.135, subdivisions 1, 2, and 5; 273.1391, subdivisions 1, 2, and 4; 273.1392; 273.15; 273.38; 273.42, subdivision 2; 274.19, by adding a subdivision; 276.04; 279.01, subdivision 1; 290A.03, subdivisions 6, 13, and 14; 290A.04, subdivisions 2, 2a, and 2b; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 273.11, subdivision 8; 273.1105; 273.112, subdivision 9; 273.13, subdivisions 2, 2a, 3, 4, 5a, 6, 6a, 7, 7a, 7b, 7c, 7d, 8a, 9, 10, 11, 12, 14a, 15a, 16, 17, 17a, 17b, 17c, 17d, 19, 20, and 21; 273.1313, subdivision 3; and 273.1315.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Bertram; Bernhagen and Novak introduced—

S.F. No. 791: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Taylor; Moe, R.D.; Anderson; Mrs. Kronebusch and Mr. Nelson introduced—

S.F. No. 792: A bill for an act relating to public safety; appropriating money to purchase mobile communications equipment for state patrol.

Referred to the Committee on Transportation.

Ms. Berglin, Messrs. Samuelson, Dicklich, Benson and Mrs. Lantry introduced—

S.F. No. 793: A bill for an act relating to nursing homes; extending the nursing home bed moratorium; amending Minnesota Statutes 1984, section 144A.071, subdivisions 1, 2, and 3.

Referred to the Committee on Health and Human Services.

Messrs. Bertram, Jude, Chmielewski and Kamrath introduced—

S.F. No. 794: A bill for an act relating to obscenity; prohibiting distribution of sexual devices; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Judiciary.

Messrs. Lessard and Chmielewski introduced—

S.F. No. 795: A bill for an act relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes; amending Minnesota Statutes 1984, section 161.44, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Gustafson introduced—

S.F. No. 796: A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund association.

Referred to the Committee on Governmental Operations.

Ms. Berglin introduced—

S.F. No. 797: A bill for an act relating to human services; extending the nursing home moratorium to licensed beds; amending Minnesota Statutes 1984, section 144A.071, subdivisions 2, 3, and 5.

Referred to the Committee on Health and Human Services.

Messrs. Solon and Gustafson introduced—

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.

Referred to the Committee on Education.

Messrs. Dicklich, Merriam, Chmielewski, Ramstad and Benson introduced—

S.F. No. 799: A bill for an act relating to recreation; establishing study of need for motor sports facility; appropriating money.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott, Messrs. Benson, Mehrkens and Dahl introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 801: A bill for an act relating to crimes; authorizing the commissioner of revenue to request a prosecuting authority of a county to assist in criminal tax investigations; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 802: 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.

Referred to the Committee on Judiciary.

Mr. Spear introduced—

S.F. No. 803: A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

Referred to the Committee on Judiciary.

Mr. Bernhagen introduced—

S.F. No. 804: A bill for an act relating to state government; providing for a warranty for certain small business preferences and set-asides; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Spear and Frank introduced—

S.F. No. 805: A bill for an act relating to human services; regulating long-term sheltered workshop; amending Minnesota Statutes 1984, section 129A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 129A.

Referred to the Committee on Employment.

Messrs. Novak and Merriam introduced—

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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lessard and Bertram introduced—

S.F. No. 807: A bill for an act relating to alcoholic beverages; repealing mandatory liquor liability insurance; restoring the authority of municipalities to require liquor liability insurance; amending Minnesota Statutes 1984, section 340.12; repealing Minnesota Statutes 1984, sections 340.11, subdivisions 21 and 23; and 340.353, subdivision 8.

Referred to the Committee on Judiciary. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Pogemiller introduced—

S.F. No. 808: A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board; transferring the duties of the public employment relations board to the bureau of mediation services; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 16C.01, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 115A.22, subdivisions 3 and 4; 116C.41, subdivision 2; 116J.404; 116L.03; 121.82, subdivision 1; 121.83; 125.183, subdivision 1; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 9 and 11; 179A.05, subdivisions 1, 2, and 3; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Peterson, C.C. introduced—

S.F. No. 809: A bill for an act relating to natural resources; establishing a board of regents for the department of natural resources; amending Minnesota Statutes 1984, section 84.01, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam, Ms. Reichgott, Messrs. Pogemiller and Diessner introduced—

S.F. No. 810: A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, sec-

tion 609.485, subdivisions 2 and 4.

Referred to the Committee on Judiciary.

Mr. Knutson introduced—

S.F. No. 811: A bill for an act relating to marriage dissolution; eliminating the statistical report form requirement; repealing Minnesota Statutes 1984, section 518.147.

Referred to the Committee on Judiciary.

Mr. Knutson introduced—

S.F. No. 812: A bill for an act relating to marriage dissolution; clarifying the application of the child support guidelines; amending Minnesota Statutes 1984, sections 518.17, subdivision 5; and 518.551, subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Petty, Merriam, Dahl and Dieterich introduced—

S.F. No. 813: A bill for an act relating to health; authorizing statewide mosquito research; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Mr. Peterson, R.W.; Ms. Olson, Messrs. Stumpf, Peterson, D.L. and Hughes introduced—

S.F. No. 814: A bill for an act relating to education; establishing the state council on vocational technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Referred to the Committee on Education.

Messrs. Petty, Merriam, Dieterich and Dahl introduced—

S.F. No. 815: A bill for an act relating to health; restricting the use of lead in pipes and solders; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 816: A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott, Messrs. Purfeerst, Novak and Knaak introduced—

S.F. No. 817: A bill for an act relating to utilities; excepting certain public

utility pipelines from county and environmental quality board regulation; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; providing new standard for intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116L.01, subdivision 3; 216B.16, subdivisions 1a, 2, 6, 8, and 10; and 216B.50, subdivision 1.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Pogemiller introduced—

S.F. No. 818: A bill for an act relating to employment; abolishing the department of economic security; creating a new department of jobs and training; transferring responsibilities of the department of economic security to the department of jobs and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of jobs and training; providing for biennial statewide plans for jobs and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting 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 86.33, by adding subdivisions; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 129A.03; 129A.04; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.673, subdivisions 1 and 3; 268.683, subdivision 3; and 268.685; 268.82; proposing coding for new law as Minnesota Statutes, chapter 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.737; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.686; 268.80; and 268.81.

Referred to the Committee on Employment.

Messrs. Pogemiller; Samuelson; Johnson, D.J.; Dicklich and Ms. Berglin introduced—

S.F. No. 819: A bill for an act relating to state government; creating the office of full productivity, the full productivity council, and the coordinator of full productivity; setting out the duties and powers of the coordinator of full productivity; setting out the duties of the full productivity council; requiring

the cooperation of other state agencies, counties, and local governments; appropriating money; amending Minnesota Statutes 1984, sections 268.08, subdivision 1, and by adding a subdivision; 268.672, subdivision 2; 268.686; and 268.84; proposing coding for new law as Minnesota Statutes, chapter 267.

Referred to the Committee on Employment.

Messrs. Merriam and Nelson introduced—

S.F. No. 820: A bill for an act relating to education; establishing a Minnesota school for the arts and resource center; establishing aid for arts education programs in school districts; providing for the comprehensive arts planning program; appropriating money; amending Minnesota Statutes 1984, sections 129B.17; 129B.20; and 129B.21; proposing coding for new law in Minnesota Statutes, chapters 124 and 129B; repealing Minnesota Statutes 1984, sections 129B.18 and 129B.19.

Referred to the Committee on Education.

Messrs. Laidig; Peterson, R. W.; Knaak; Dahl and Petty introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Ms. Reichgott, Messrs. Pogemiller, Bernhagen and Novak introduced—

S.F. No. 822: A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.10; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Diessner, Pogemiller, Chmielewski and Vega introduced—

S.F. No. 823: A bill for an act relating to unemployment compensation; creating a training and jobs program; amending Minnesota Statutes 1984, section 268.08, by adding a subdivision.

Referred to the Committee on Employment.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Samuelson moved that the name of Mr. Bertram be stricken as a co-author to S.F. No. 318. The motion prevailed.

Mr. Samuelson moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Dieterich be added as chief author to S.F. No. 318. The motion prevailed.

Mr. Knaak moved that S.F. No. 729 be withdrawn from the Committee on

Judiciary and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 14, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 14, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Kenneth L. O'Hotto.

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

Adkins	Dicklich	Knaak	Moe, R.D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Storm
Bertram	Hughes	Lessard	Peterson, D.L.	Stumpf
Brataas	Isackson	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Vega
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Ms. Reichgott was excused from the Session of today. Mr. Waldorf was excused from the Session of today at 3:00 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 5, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Chairperson of the Transportation Regulation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Roger Laufenburger, Box 338, Lewiston, Winona County, has been ap-

pointed by me, effective March 11, 1985, for a term expiring the first Monday in January, 1991.

(Referred to the Committee on Public Utilities and State Regulated Industries.)

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that, pursuant to House Concurrent Resolution No. 3, the House of Representatives invites the Senate to meet with the House in Joint Convention in the chamber of the House of Representatives at 2:00 p.m. on Tuesday, March 19, 1985, to elect members to the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 11, 1985

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 106 and 333.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 67, 362 and 516.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 11, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 245, now on General Orders.

H.F. No. 362: A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

Referred to the Committee on Local and Urban Government.

H.F. No. 516: A bill for an act relating to counties; authorizing reimburse-

ment to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Referred to the Committee on Local and Urban Government.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 116: A bill for an act relating to labor; creating an employees social responsibility act; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [181.931] [CITATION.]

Sections 1 to 11 may be cited as the “Employee’s Social Responsibility Act of 1985.”

Sec. 2. [181.932] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] For the purposes of sections 1 to 11 the terms defined in this section have the meanings given them.

Subd. 2. [EMPLOYEE.] “Employee” means a person who receives compensation, in any form, for services rendered to an employer. Employee includes a person employed by the state or any political subdivision of the state.

Subd. 3. [EMPLOYER.] “Employer” means any person having more than one employee and includes the state and any political subdivisions of the state.

Sec. 3. [181.933] [DISCLOSURE OF INFORMATION.]

Subdivision 1. [NO RETRIBUTION.] Employees making disclosures under this section may do so without fear of any prohibited action by an employer, as set forth under section 4.

Subd. 2. [REPORT TO COUNTY ATTORNEY.] An employee having knowledge of a matter involving a violation or suspected violation of any federal or state law, local ordinance, or rules and regulations adopted pursuant to the laws or ordinances, may report or transmit all facts and information on the matter to the county attorney where the violation occurred or will occur. If the report is made by a state employee, the county attorney shall forward the information to the legislative auditor for investigation as provided under subdivision 4.

Subd. 3. [STATE EMPLOYEES.] A state employee having knowledge of any matter involving a violation or suspected violation of any federal or state law, local ordinance, or rules and regulations adopted pursuant to the laws or ordinances, may report or transmit all information on the matter to the legislative auditor.

Subd. 4. [INVESTIGATIONS.] Upon receipt of a report or information under this section, the county attorney or legislative auditor shall make an investigation as the official considers proper. If warranted, the legislative auditor shall notify the attorney general for a determination of whether to prosecute under the laws of the state. A decision to prosecute must be made within 60 days of receipt of notice by the attorney general or a report or other information by the county attorney.

Subd. 5. [DISCLOSURE OF IDENTITY.] No public officer shall disclose, or cause to disclose, the identity of any employee making a report or providing information without the employee's consent unless the officer determines that disclosure is necessary for prosecution. If the disclosure is necessary for prosecution, the employee shall be informed prior to the disclosure.

Subd. 6. [INTERMEDIARY REPORTING.] An employee may disclose on the employee's own behalf or through a person acting on behalf of the employee.

Subd. 7. [OTHER DISCLOSURES.] Subdivisions 2 and 3 are intended to direct reports of violations or suspected violations to the most appropriate public official for investigation as may be proper. Nothing in this section prohibits an employee from disclosing information to any appropriate law enforcement agency, state attorney general, county attorney or U. S. district attorney in whose jurisdiction the violation is alleged to have occurred, state or federal grand jury proceeding, or disclosing information pursuant to any subpoena issued by any person authorized to issue subpoenas, or any other lawful disclosure.

Sec. 4. [181.934] [PROHIBITED ACTIONS.]

An employer shall not discharge, discipline, threaten, or otherwise discriminate against or penalize an employee regarding the employee's compensation, terms, conditions, locations, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report a violation under section 3, is requested by a public body or office to participate in an investigation, hearing, or inquiry involving the employee's employer, or refuses to participate in any activity which violates any law or rule. This section does not apply to disclosures the employee knows are false.

Sec. 5. [181.935] [CIVIL ACTIONS.]

Subdivision 1. [TIME LIMITATION.] A person who alleges a violation of section 4 may bring a civil action for appropriate injunctive relief, or actual damages, or both within two years after the date of the employer's actions violating section 4.

Subd. 2. [VENUE.] An action commenced pursuant to subdivision 1 may be brought in the district court for the county where the alleged violation occurred, the county where the employee resides, or the county where the person against whom the civil complaint is filed resides or has their principal place of business.

Subd. 3. [BURDEN OF PROOF.] An employee has the burden of proving by clear and convincing evidence that an employer violated section 4 and that the employer's actions were caused by the disclosure made under section 3.

Subd. 4. It shall be a defense to any action brought pursuant to this section that the personnel action was predicated upon grounds other than the employee's exercise of any rights protected by section 4.

Sec. 6. [181.936] [REMEDIES.]

The district court may order reinstatement of the employee, the payment of back wages with interest, full reinstatement of fringe benefits and seniority rights, actual and compensatory damages, or any combination of these remedies for each violation of section 4. The court may also award the employee all or a portion of the costs of litigation, including reasonable attorney's fees. The court may not award punitive damages.

Sec. 7. [181.937] [PENALTIES.]

Subdivision 1. [CIVIL FINE.] An employer violating section 4 is liable for a fine of not more than \$1,000 for each violation.

Subd. 2. [FALSE DISCLOSURE.] An employee making a false disclosure under section 3 is liable for a fine of not more than \$300 and for costs of litigation, including reasonable attorney's fees, incurred by the employer.

Sec. 8. [181.938] [COLLECTIVE BARGAINING RIGHTS.]

Sections 1 to 7 do not diminish or impair the rights of a person under any collective bargaining agreement, or permit disclosures which would diminish or impair the rights of any person to the continued protection of confidentiality of communications where statute or common law provides the protection; except that, the institution of an action in accordance with section 5 constitutes a waiver of the rights and remedies available under any other contract, collective bargaining agreement, law, or rule, or under the common law.

Sec. 9. [181.939] [DEFAMATION ACTIONS.]

Nothing in sections 1 to 11 abridges any action for defamation or invasion of privacy.

Sec. 10. [181.940] [COMPENSATION.]

Sections 1 to 11 do not require an employer to compensate an employee for participation in any investigation, hearing, or inquiry held by a public body or

public officer pursuant to section 4.

Sec. 11. [181.941] [POSTED NOTICE.]

An employer shall use appropriate means to keep employees informed of their rights and obligations and the penalties for false disclosures under sections 1 to 11.

Sec. 12. [181.942] [PRIVATE ACTIONS.]

The provisions of sections 1 to 7 are in addition to the rights and causes of action of employers and employees otherwise existing and shall not be construed to diminish, limit, or in any other way impair the existing rights or causes of action of an employee or former employee, or to abridge any action for defamation, invasion of privacy, or wrongful discharge from employment, upon whatever basis now being or later pursued, or to imply, assume, or provide that an employer had any prior right to act in a manner which is now prohibited by the express provisions of sections 1 to 7, or otherwise."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, after the period, insert "*An owner of a motor vehicle propelled by compressed natural gas who does not obtain such a permit within 30 days is guilty of a petty misdemeanor.*"

Page 2, line 22, delete "\$ 60" and insert "\$ 92"

Page 2, line 23, delete "\$ 80" and insert "\$128"

Page 2, line 24, delete "\$100" and insert "\$160"

Page 2, line 25, delete "\$150" and insert "\$192"

Page 2, line 26, delete "\$300" and insert "\$240"

Page 4, line 16, delete "*as provided in section*" and insert "*to the highway user tax distribution fund.*"

Page 4, delete line 17 and insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective October 1, 1985."

And when so amended the bill do pass and be re-referred to the Committee on Energy and Housing. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 622: A bill for an act relating to traffic regulations; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after the period, insert "A school bus body manufactured before January 2, 1986, that does not bear a current inspection sticker on the effective date of this section may not be used on state highways unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 202: A bill for an act relating to agriculture; changing requirements for a soil conservation tillage program; appropriating money; amending Minnesota Statutes 1984, section 40.075.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40.075, is amended to read:

40.075 [CONSERVATION TILLAGE DEMONSTRATION PROGRAM.]

The state board ~~may shall~~ make grants to ~~one or more~~ local districts to demonstrate the effectiveness and ~~encourage~~ promote the use of conservation tillage practices. *Projects that may be funded include:*

- (1) *demonstrations of different tillage techniques;*
- (2) *fuel use and fertilizer management;*
- (3) *acquisition of conservation tillage equipment by districts for use in local demonstration programs; and*
- (4) *establishment of demonstration farms promoting the proper use and management of conservation tillage systems.* The program ~~shall~~ may be implemented in cooperation with the soil conservation service of the United States department of agriculture; *and* the agricultural extension service and agricultural experiment station of the University of Minnesota; *and* county agricultural extension committees and agents.

Districts may pay land occupiers participating in the demonstration program up to \$45 per acre for not more than 50 acres to which conservation tillage practices are applied under the program. Payment to any land occupier is limited to a single growing cycle. A land occupier is not eligible to participate in the project unless the local district has approved a conservation plan for the

land where the practices will be applied and the occupier agrees to maintain the practices for at least three years.

The board may establish guidelines for the implementation of this section. The guidelines need not be adopted as rules under chapter 14. *Any guidelines established must be provided to the house agriculture and senate agriculture and natural resources committees.*

The board shall concentrate its efforts in areas where conservation tillage practices offer significant conservation benefits. The board shall report the results of the demonstration program to the legislature together with any legislative recommendations by ~~November 1, 1984~~ *January 1, 1987.*

Sec. 2. [APPROPRIATION.]

\$800,000 is appropriated from the general fund to the commissioner of agriculture to implement section 1, to be available until June 30, 1987.

Sec. 3. [REPEALER.]

Laws 1982, chapter 512, section 18, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1985."

Amend the title as follows:

Page 1, line 5, before the period, insert “; repealing Laws 1982, chapter 512, section 18”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 101: A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivision 1; and 40.038, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 40.036, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION TO DISTRICTS.] (a) Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion or sedimentation control or water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan, an annual work plan, and an application for cost-sharing funds in the form prescribed by the state board. The comprehensive and annual work plans shall be completed as provided in section 40.07, subdivision 9. After review of the district's comprehensive plan, the state board shall approve it with any nec-

essary amendments or reject it. If the state board approves the comprehensive plan, including the most recent plan amendment, the annual work plan and the application of the district it shall determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

(b) The state board shall allocate at least 70 percent of available cost-sharing funds ~~for conservation practices to address areas with high priority erosion, sedimentation, or water quality problems. The areas must be selected based on the comprehensive and annual work plans of the districts and statewide priorities established by the board. At least 50 percent of available cost-sharing funds shall be allocated for conservation practices to control high priority erosion problems identified in district annual work plans. The allocated funds must be used for conservation practices to address high priority problems as identified in the comprehensive and annual work plans of the districts.~~

(c) The remaining cost-sharing funds may be allocated by the board ~~for administrative expenses and for grants to districts for conservation practices and technical and administrative assistance as follows:~~

(1) ~~for technical and administrative assistance not to exceed 20 percent of the available cost-sharing funds; and~~

(2) ~~for conservation practices to address lower priority erosion, sedimentation, or water quality problems.~~

Sec. 2. Minnesota Statutes 1984, section 40.036, subdivision 3, is amended to read:

Subd. 3. [COST-SHARING RULES.] The state board shall adopt rules ~~specifying prescribing:~~

(1) the procedures and criteria for allocating funds to districts for cost-sharing contracts. ~~The rules shall also include;~~

(2) the standards and guidelines ~~which the districts shall include in all for all cost-sharing contracts;~~

(3) the scope and content of comprehensive plans, plan amendments and annual work plans which local districts must submit under section 40.07, subdivision 9, to qualify for cost-sharing funds;

(4) standards and methods necessary for the planning and implementation of a priority cost-sharing program, including guidelines for identifying high priority erosion, sedimentation and water quality problems;

(5) the share of the cost of conservation practices to be paid from state cost-sharing money; and

(6) requirements for all districts to document their efforts to identify and contact land occupiers with high priority erosion problems.

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1, are repealed."

Delete the title and insert:

“A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, section 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 377: A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [92.121] [PERMANENT SCHOOL FUND LANDS.]

Subdivision 1. [EXCHANGE.] The department of natural resources shall exchange permanent school fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks or state waysides for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 2.

Subd. 2. [INVENTORY.] The department of natural resources shall inventory permanent school fund land located in state parks or state waysides not exchanged under subdivision 1 and any other permanent school fund lands whose present use is not compatible with the goal of permanent school fund lands in section 2. By January 15, 1986, the department shall report this information along with its recommendations for providing for compatibility of the land use and the goal of the permanent school fund land to the education, agriculture and natural resources, and finance committees of the senate and the education, environment and natural resources, and appropriations committees of the house.

Sec. 2. [120.85] [GOAL OF THE PERMANENT SCHOOL FUND.]

The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the state constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law.”

And when so amended the bill do pass and be re-referred to the Committee on Agriculture and Natural Resources. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 647: A bill for an act relating to education; Minnesota Education

Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, after the period, insert "*The board of directors may form wholly-owned subsidiaries. A subsidiary shall be under the management control of the MECC board of directors.*"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 568: A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "*five-member*" and insert "*15-member*"

Page 1, line 12, delete "*five*" and insert "*15*"

Page 1, line 16, delete the first "*commissioner*" and insert "*committee*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 527: A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 3.736, subdivision 1, is amended to read:

Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment or *peace officer who is not acting on behalf of a private employer and who is acting in good faith pursuant to section 629.40, subdivision 3*, under circumstances where the state, if a private person, would be liable to the claimant.

Sec. 2. Minnesota Statutes 1984, section 3.736, is amended by adding a

subdivision to read:

Subd. 9a. [PEACE OFFICER INDEMNIFICATION.] The state of Minnesota shall defend, save harmless, and indemnify a peace officer who is not acting on behalf of a private employer and who is acting in good faith pursuant to section 629.40, subdivision 3, the same as if the officer were an employee of the state.

Sec. 3. Minnesota Statutes 1984, section 629.34, subdivision 1, is amended to read:

Subdivision 1. [PEACE OFFICER OFFICERS AND CONSTABLES.] (a) A peace officer, as defined in section 626.84, subdivision 1, clause (c), or a constable, as defined in section 367.40, subdivision 3, who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant as provided under paragraph (c).

(b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (f), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40 may ~~without warrant~~, arrest a person without a warrant as provided under paragraph (c).

(c) A peace officer, constable, or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:

(1) ~~For~~ When a public offense has been committed or attempted in ~~his~~ the officer's or constable's presence;

(2) When the person arrested has committed a felony, although not in ~~his~~ the officer's or constable's presence;

(3) When a felony has in fact been committed, and ~~he~~ the officer or constable has reasonable cause for believing the person arrested to have committed it; or

(4) Upon a charge made upon reasonable cause of the commission of a felony by the person arrested.

(d) To make ~~such~~ an arrest authorized under this subdivision, the officer or constable may break open an outer or inner door or window of a dwelling house if, after notice of ~~his~~ office and purpose, ~~he shall be~~ the officer or constable is refused admittance.

Sec. 4. Minnesota Statutes 1984, section 629.40, is amended to read:

629.40 [ARRESTS, ANYWHERE IN STATE.]

Subdivision 1. [FRESH PURSUIT ARREST.] In any case wherein ~~any sheriff, deputy sheriff, police officer, marshal, constable, or peace officer~~ a person licensed under section 626.84, subdivision 1, may by law, either with or without a warrant, arrest any person for or upon a charge of any criminal offense committed within his jurisdiction, and the person to be arrested escapes from or is out of the county, city or town, the officer may pursue and apprehend the person to be arrested anywhere in this state.

Subd. 2. [DUTY OUTSIDE JURISDICTION.] When ~~any~~ sheriff, deputy

~~sheriff, police officer, marshal, constable, or peace officer shall a person licensed under section 626.84, subdivision 1, in obedience to the order of a court, or proper police authority in the course and scope of employment, or in fresh pursuit as provided in subdivision 1, be is outside of his the person's jurisdiction he, the person is serving in his the regular line of duty as fully as though he the service was within his the person's jurisdiction.~~

Subd. 3. [OFF-DUTY ARRESTS OUTSIDE JURISDICTION.] A peace officer, as defined in section 626.84, subdivision 1, clause (c), who is off duty and outside of the jurisdiction of the appointing authority but within this state may act pursuant to section 629.34 when and only when confronted with circumstances that would permit the use of deadly force under section 609.066. Nothing in this subdivision limits an officer's authority to arrest as a private person. Nothing in this subdivision shall be construed to restrict the authority of a political subdivision to limit the exercise of the power and authority conferred on its peace officers by this subdivision."

Amend the title as follows:

Page 1, line 6, delete "on" and insert "on."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "surgeon," delete "a"

Page 1, line 16, delete "a"

Page 1, line 17, delete "a nurse, or a" and insert "nurse, or"

Page 1, line 19, after "wound" and before "a" insert "that"

Page 1, line 20, delete "is either:" and insert "has been inflicted by a dangerous weapon, as defined under section 609.02, subdivision 6."

Page 1, delete lines 21 to 25

Page 2, delete lines 1 and 2

Page 2, line 10, after "report" insert "as provided under section 626.53," and delete "or powder burn"

Page 2, line 16, delete ". A report must"

Page 2, line 17, delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 19, delete “, 2,”

Page 2, line 24, after “violates” insert “*subdivision 2,*”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 198: A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 143: A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 16, 19, 21, and 23, delete “*subdivision*” and insert “*act*”

Page 2, line 1, delete “*subdivision*” and insert “*act*”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 448: A bill for an act relating to crimes; providing for assault of firefighters or emergency medical services personnel; amending Minnesota Statutes 1984, section 609.2231.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike “upon him” and delete “*or her*”

Page 1, line 14, delete “*his or her*”

Amend the title as follows:

Page 1, line 2, after "providing" insert "penalty"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 471: A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 344: A bill for an act relating to local governments; authorizing political subdivisions to enter into certain joint insurance arrangements; amending Minnesota Statutes 1984, section 471.61, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CERTAIN COUNTIES; JOINT AGREEMENTS FOR INSURANCE COVERAGE.]

The counties of Aitkin, Itasca, Koochiching and St. Louis, and political subdivisions located in those counties, except the city of Duluth, when two or more of them are acting jointly under Minnesota Statutes, section 471.61, subdivision 1, or section 471.59 for purposes of section 471.61, may act jointly for the same purposes with any nonprofit organization organized under the laws of Minnesota and which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code 1954, as amended through December 31, 1984.

Sec. 2. [EFFECTIVE DATE.]

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), local approval of this act is not required. This act is effective the day following final enactment."

Amend the title as follows:

Delete lines 2 to 5 and insert:

"relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 505: A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans;

amending Minnesota Statutes 1984, section 462.355, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 462.355, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR PLAN ADOPTION AND AMENDMENT.] The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, ~~adopt and amend recommend to the governing body the adoption and amendment~~ from time to time of a comprehensive municipal plan as its ~~recommendation to the governing body~~. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose ~~amendments to the comprehensive municipal plan and amendments to it~~ by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing. ~~The proposed plan, section of the plan, or amendment shall be transmitted to the governing body prior to the publication of the notice of hearing. Adoption and amendment of the comprehensive municipal plan or of any section thereof shall be by resolution adopted by a majority of all the members of the planning commission. A copy of the plan or of any section or amendment thereof adopted by the planning agency shall be certified to the governing body of the municipality.~~

Sec. 2. Minnesota Statutes 1984, section 462.355, subdivision 3, is amended to read:

Subd. 3. [ADOPTION BY GOVERNING BODY.] *A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation.* Unless otherwise provided by charter, the governing body may by resolution ~~of a majority by a two-thirds vote of all of its members~~ adopt and amend the comprehensive plan or portion thereof ~~so recommended~~ as the official municipal plan upon such notice and hearing as may be prescribed by ordinance. ~~Until so adopted by the governing body, the plan shall constitute only the recommendation of the planning agency.~~

Sec. 3. [EFFECTIVE DATE.]

This act is effective July 1, 1985.”

Amend the title as follows:

Page 1, line 5, delete “subdivision” and insert “subdivisions 2 and”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 194: A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 146: 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.

Reports the same back with the recommendation that the bill be 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;
- (5) have mental retardation; or
- (6) 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 545: A bill for an act relating to human services; requiring a study and report on public guardianship.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "*counties,*" insert "*the legislature,*"

Page 2, line 18, delete "*November 1, 1985*" and insert "*January 1, 1986*"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 330: A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "*with*" insert "*low voltage*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 728: A resolution memorializing the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 495: A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 20, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 40: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle drivers and passengers; amending Minnesota Statutes 1984, section 169.685, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 169.01, is amended by adding a subdivision to read:

Subd. 3a. [PASSENGER VEHICLE.] “Passenger vehicle” means a passenger automobile defined in section 168.011, subdivision 7; a pickup truck defined in section 168.011, subdivision 29; a van defined in section 168.011, subdivision 28; and a self-propelled, recreational vehicle licensed under chapter 168 to use the public streets or highways. “Passenger vehicle” does not include a motorcycle, motorized bicycle, bus, school bus, a vehicle designed to operate exclusively on railroad tracks, a farm truck defined in section 168.011, subdivision 17, or special mobile equipment defined in section 168.011, subdivision 22.

Sec. 2. [169.684] [DECLARATION OF POLICY.]

It is the policy of this state that enactment of a mandatory automobile seat

belt usage law is intended to be compatible with support for federal safety standards requiring automatic crash protection, and should not be used in any manner to rescind federal automatic crash protection system requirements for new vehicles.

Sec. 3. [169.686] [SEAT BELT USE REQUIRED; PENALTY.]

Subdivision 1. [SEAT BELT REQUIREMENT.] (a) A properly adjusted and fastened seat belt shall be worn by:

- (1) the driver of a passenger vehicle;*
- (2) a passenger under the age of 16 riding in the front seat of a passenger vehicle; and*
- (3) a passenger under the age of 11 riding in any seat of a passenger vehicle.*

A driver shall be fined \$20, including court costs, for any violation of this paragraph.

(b) A properly adjusted and fastened seat belt shall be worn by a passenger 16 years or older riding in the front seat of a passenger vehicle. Any passenger violating this paragraph shall be fined \$20, including court costs.

Subd. 2. [SEAT BELT EXEMPTIONS.] This section shall not apply to:

- (1) a person driving a passenger vehicle in reverse;*
- (2) a person riding in a seat in which all the seating positions equipped with safety belts are occupied by other persons;*
- (3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;*
- (4) a person who is actually engaged in work that requires him to alight from and reenter a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; and*
- (5) a rural mail carrier of the United States Postal Service while in the performance of his or her duties.*

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective July 1, 1985. The penalties provided by section 3 are effective on January 1, 1986. Prior to January 1, 1986, a person violating section 3 shall receive a warning."

Delete the title and insert:

"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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 365: A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 486: A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 292: A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office; amending Minnesota Statutes 1984, section 290.06, subdivision 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, delete everything after the first period

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 139: A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1984, section 201.091, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete everything after the first "year"

Page 1, line 12, delete the new language and strike "state general election"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 307: A bill for an act relating to elections; requiring that a candidate for school district office be a qualified voter; amending Minnesota Statutes 1984, section 123.32, subdivision 4.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 11, reinstate the stricken "person"

Page 1, line 12, delete "*qualified voter*" and insert "*eligible to hold office in the district*"

Page 1, line 16, strike "*qualified voter*" and insert "*person eligible to hold office*"

Amend the title as follows:

Page 1, line 3, delete "a qualified voter" and insert "eligible to hold office"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 673: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, after "*the*" insert "*state*"

Page 3, delete section 5

Page 8, delete lines 14 to 16

Page 8, line 17, before "*all*" insert "*(a)*"

Page 8, delete line 18

Page 8, line 19, before "*all*" insert "*(b)*"

Page 8, after line 20, insert:

"All soil and water conservation district supervisor offices may also be placed on the gray ballot."

Page 9, line 12, delete "*canvas*" and insert "*canvass*"

Page 9, line 35, delete "*section*" and insert "*sections*" and delete "*, is*" and insert "*; and 201.061, subdivision 2, are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "202A.11, subdivision 2;"

Page 1, line 15, delete "section" and insert "sections" and after "3" insert "; and 201.061, subdivision 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 127: A bill for an act relating to game and fish; authorizing deer bow and arrow licenses for nonresident students at resident fees; amending Minnesota Statutes 1984, section 98.45, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete everything after "or" and insert "big game"

Page 1, line 14, delete the new language

Amend the title as follows:

Page 1, line 2, delete "deer bow and"

Page 1, line 3, delete "arrow" and insert "big game"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 34 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				34	72

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 34 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 34 and insert the language after the enacting clause of S.F. No. 72, the first engrossment; further, delete the title of H.F. No. 34 and insert the title of S.F. No. 72, the first engrossment.

And when so amended H.F. No. 34 will be identical to S.F. No. 72, and further recommends that H.F. No. 34 be given its second reading and substituted for S.F. No. 72, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which were referred the following appointments as reported in the Journal for January 31, 1985:

Janna King

PUBLIC UTILITIES COMMISSION
Robert J. O'Keefe

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred the following appointment as reported in the Journal for February 7, 1985:

CABLE COMMUNICATIONS BOARD
Eugene F. Trumble

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 622, 101, 568, 527, 35, 33, 198, 143, 448, 344, 505, 146, 330, 728, 495, 40, 365, 486, 139, 307, 673 and 127 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 34 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. DeCramer moved that the name of Mr. Peterson, R.W. be added as a co-author to S.F. No. 45. The motion prevailed.

Mrs. Kronebusch moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 113. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Peterson, R.W. be added as a co-author to S.F. No. 202. The motion prevailed.

Mrs. Kronebusch moved that the name of Mr. Storm be added as a co-author to S.F. No. 285. The motion prevailed.

Mr. Diessner moved that the name of Mr. Merriam be added as a co-author to S.F. No. 327. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 569. The motion prevailed.

Mr. Frank moved that the name of Mr. Anderson be added as a co-author to S.F. No. 758. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 770. The motion prevailed.

Mr. Benson moved that the name of Mrs. Kronebusch be added as a co-

author to S.F. No. 775. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 786. The motion prevailed.

Mr. Bernhagen moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 804. The motion prevailed.

Mr. Novak moved that the names of Messrs. Jude and Dahl be added as co-authors to S.F. No. 806. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 810. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Peterson, D.L.; Pehler and Solon be added as co-authors to S.F. No. 820. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frederick be added as a co-author to S.F. No. 823. The motion prevailed.

Mr. Dieterich moved that S.F. No. 657 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Transportation. The motion prevailed.

Mr. Solon moved that S.F. No. 798 be withdrawn from the Committee on Education and re-referred to the Committee on Employment. The motion prevailed.

Mr. Moe, R.D. moved that Senate Resolution No. 21 be withdrawn from the Committee on Rules and Administration and laid on the table. The motion prevailed.

Mrs. Adkins introduced—

Senate Resolution No. 36: A Senate resolution congratulating the wrestling team from St. Michael-Albertville High School for winning fourth place in the 1985 Class A State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 37: A Senate resolution commending the Pierz chapter of the Distributive Education Clubs of America for its successful promotion of small business in America.

Referred to the Committee on Rules and Administration.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 11, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 11, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

BOARD OF ANIMAL HEALTH

Henry L. Banal, D.V.M., 520 Grove Lake, Sauk Centre, Stearns County, effective January 16, 1985, for a term expiring the first Monday in January, 1989.

Sharon Hurley, 521 S. State St., New Ulm, Brown County, effective May 3, 1984, for a term expiring the first Monday in January, 1988.

The motion prevailed. So the appointments were confirmed.

CALENDAR

S.F. No. 604: A bill for an act relating to taxation; allowing deferred payments of first half property taxes and special assessments on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Nelson	Schmitz
Anderson	Dicklich	Kronebusch	Novak	Solon
Belanger	Diessner	Laidig	Pehler	Spear
Benson	Dieterich	Langseth	Peterson, C.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.C.	Stumpf
Berglin	Freeman	Lessard	Peterson, D.L.	Taylor
Bernhagen	Hughes	Luther	Peterson, R.W.	Wegscheid
Bertram	Isackson	Mehrkens	Pogemiller	
Brataas	Johnson, D.E.	Merriam	Purfeerke	
Chmielewski	Johnson, D.J.	Moe, D. M.	Renneke	
Davis	Jude	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Dahl	Knaak	Olson	Ramstad	Waldorf
Frank	Kroening	Petty	Vega	Willet
Gustafson	McQuaid			

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

Mr. Dicklich moved to amend S.F. No. 287 as follows:

Page 1, line 7, after "Notwithstanding" insert "Minnesota Statutes," and after "any" insert "other"

The motion prevailed. So the amendment was adopted.

S.F. No. 287 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Solon
Anderson	Diessner	Kronebusch	Olson	Spear
Belanger	Dieterich	Laidig	Pehler	Storm
Benson	Frank	Langseth	Peterson, C.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.C.	Taylor
Berglin	Freeman	Lessard	Peterson, D.L.	Vega
Bernhagen	Gustafson	Luther	Peterson, R.W.	Waldorf
Bertram	Hughes	McQuaid	Petty	Wegscheid
Brataas	Isackson	Mehrkens	Pogemiller	Willet
Chmielewski	Johnson, D.J.	Merriam	Purfeerst	
Dahl	Jude	Moe, D. M.	Ramstad	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	

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

RECONSIDERATION

Mr. Pehler moved that the vote whereby S.F. No. 604 was passed by the Senate on March 14, 1985, be now reconsidered. The motion prevailed.

S.F. No. 604: A bill for an act relating to taxation; allowing deferred payments of first half property taxes and special assessments on agricultural homesteads in 1985; providing for loans of state funds to taxing districts; appropriating money.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Kronebusch	Nelson	Samuelson
Benson	Dieterich	Laidig	Novak	Schmitz
Berg	Frederickson	Langseth	Pehler	Solon
Berglin	Freeman	Lantry	Peterson, C.C.	Spear
Bernhagen	Hughes	Lessard	Peterson, D.C.	Stumpf
Bertram	Isackson	Luther	Peterson, D.L.	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Peterson, R.W.	Wegscheid
Davis	Johnson, D.J.	Merriam	Pogemiller	Willet
DeCramer	Jude	Moe, D. M.	Purfeerst	

Those who voted in the negative were:

Belanger	Frank	Knutson	Olson	Storm
Brataas	Gustafson	Kroening	Petty	Vega
Dahl	Knaak	McQuaid	Ramstad	Waldorf

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

Mr. Waldorf moved that S.F. No. 233, No. 1 on General Orders, be

stricken and returned to its author. The motion prevailed.

S.F. No. 319, which the committee recommends to pass with the following amendment offered by Mr. Moe, D.M.:

Page 4, line 26, delete "insurance" and insert "investment"

Page 5, line 36, delete "insurance" and insert "investment"

The motion prevailed. So the amendment was adopted.

H.F. No. 155, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 1, line 17, delete the new language

Page 1, line 18, delete everything before "constitutes" and insert "If a measurement is made by weight, the term "cord" or any other term used to describe freshly cut green aspen in 100 inch or pole lengths containing 133-113 cubic feet of loosely or irregularly piled wood for transportation"

The motion prevailed. So the amendment was adopted.

S.F. No. 118, which the committee recommends to pass with the following amendment offered by Mr. Nelson:

Page 1, line 14, before "When" insert "(a)"

Page 1, line 27, before "When" insert "(b)"

Page 2, line 4, after the period insert "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."

Page 6, line 5, after "and" insert a comma

Page 6, line 6, after "commence" insert a comma

Amend the title as follows:

Page 1, line 6, before "amending" insert "providing penalties;"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mses. Peterson, D.C.; Olson; Messrs. Kamrath, Dicklich and Dieterich introduced—

S.F. No. 824: A bill for an act relating to libraries; altering regional library basic system support; appropriating money; amending Minnesota Statutes

1984, section 134.35.

Referred to the Committee on Education.

Ms. Reichgott introduced—

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.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott, Messrs. Luther, Knaak, Dicklich and Freeman introduced—

S.F. No. 826: A bill for an act relating to crime victims; requiring that crime victims be notified of certain court dates and other information; requiring that the needs of victims and witnesses be considered when criminal cases are scheduled; amending Minnesota Statutes 1984, sections 609.115, subdivision 1c; and 611A.03; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Ms. Reichgott, Mr. Petty, Ms. Berglin, Messrs. Knaak and Pogemiller introduced—

S.F. No. 827: A bill for an act relating to marriage dissolution; requiring child support obligors to file address changes with the family court and the ex-spouse; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 828: A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35, subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 829: A bill for an act relating to taxation; providing for timely payment of certain income tax withholding and sales and use taxes; amending Minnesota Statutes 1984, sections 290.92, subdivision 6; 297A.26, subdivision 1; and 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.26, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 830: A bill for an act relating to courts; eliminating certain mile-

age 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.

Referred to the Committee on Judiciary.

Mr. Pehler introduced—

S.F. No. 831: A bill for an act relating to commerce; prohibiting video games of chance; amending Minnesota Statutes 1984, sections 349.30, subdivision 2; and 609.75, subdivision 4; repealing Minnesota Statutes 1984, sections 349.50 to 349.60.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Waldorf introduced—

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.

Referred to the Committee on Education.

Mr. Jude introduced—

S.F. No. 833: A bill for an act relating to transportation; specifying the method of payment for landscape contractors providing goods or services to the department of transportation; amending Minnesota Statutes 1984, section 161.32, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Chmielewski, Jude and Isackson introduced—

S.F. No. 834: A bill for an act relating to taxation; property; changing the assessment ratios for commercial and industrial property; amending Minnesota Statutes 1984, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Jude introduced—

S.F. No. 835: A bill for an act relating to crimes; requiring courts to furnish information relating to prior convictions without charge in gross misdemeanor prosecutions of the driving while under the influence of alcohol law; amending Minnesota Statutes 1984, section 169.121, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Jude introduced—

S.F. No. 836: A bill for an act relating to commerce; requiring the payment of interest on downpayments for the purchase of goods or services; prescrib-

ing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Economic Development and Commerce.

Mr. Frank and Mrs. Lantry introduced—

S.F. No. 837: A bill for an act relating to public safety; traffic regulations; requiring commercial buses to have driver seat belt; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Mr. Waldorf introduced—

S.F. No. 838: A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

Referred to the Committee on Economic Development and Commerce.

Ms. Reichgott introduced—

S.F. No. 839: A bill for an act relating to retirement; permitting the payment of certain omitted salary deductions.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski, Sieloff, Bertram, Belanger and Pehler introduced—

S.F. No. 840: A bill for an act relating to education; establishing a demonstration voucher program for pupils; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Mr. Isackson introduced—

S.F. No. 841: A bill for an act relating to insurance; requiring the return of unearned premiums upon the death of the insured; amending Minnesota Statutes 1984, section 72A.20, by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 842: A bill for an act relating to elections in the city of Minneapolis; changing the time of election of certain board members; extending certain terms; amending Laws 1959, chapter 462, section 3, subdivision 1, as amended and renumbered.

Referred to the Committee on Local and Urban Government.

Messrs. Frank; Peterson, C.C.; Peterson, D.L. and Isackson introduced—

S.F. No. 843: A bill for an act relating to utilities; defining independent

telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Peterson, D.C. introduced—

S.F. No. 844: A bill for an act relating to education; requiring a school district to disclose effects of not taking certain courses; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Dahl introduced—

S.F. No. 845: A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Willet; DeCramer; Bernhagen; Peterson, C.C. and Dicklich introduced—

S.F. No. 846: A bill for an act relating to fish and game; providing a gross misdemeanor penalty for persons who knowingly disregard certain trespass laws; revoking hunting privileges for two years for a person convicted of trespass; reducing the interval between signs that prohibit trespass in certain areas; amending Minnesota Statutes 1984, section 100.273, subdivisions 6 and 9.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Petty, Ms. Reichgott, Messrs. Bertram and Johnson, D.E. introduced—

S.F. No. 847: A bill for an act relating to crimes; allowing the testimony of the complaining victim of child abuse to be taken by closed-circuit television; proposing coding for new law in Minnesota Statutes, chapter 631.

Referred to the Committee on Judiciary.

Mr. Petty introduced—

S.F. No. 848: A bill for an act relating to highway traffic regulations; providing that use of a drug in conjunction with alcohol or a controlled substance is not a defense to a charge of violating the law prohibiting driving while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1984, section 169.121, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Petty introduced—

S.F. No. 849: A bill for an act relating to taxation; increasing the permis-

sible levy for mosquito abatement; amending Minnesota Statutes 1984, section 18.111, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Frank, Spear and Ms. Berglin introduced—

S.F. No. 850: A bill for an act relating to vocational rehabilitation; providing for hi-tech capitalization and technical assistance grants to improve sheltered worker wages, productivity, and transferable skills; appropriating money; amending Minnesota Statutes 1984, section 129A.08, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Petty introduced—

S.F. No. 851: A bill for an act relating to health; authorizing an autopsy for a suspected case of Alzheimer's disease; providing for research on the brains of Alzheimer's victims; appropriating money; amending Minnesota Statutes 1984, section 390.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Petty introduced—

S.F. No. 852: A bill for an act relating to no-fault automobile insurance; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; amending Minnesota Statutes 1984, sections 65B.47, by adding subdivisions; and 65B.49, subdivisions 3 and 4.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dahl, Frank, Stumpf and Vega introduced—

S.F. No. 853: A bill for an act relating to transportation; highways; regulating use of highway right of way; imposing a penalty; amending Minnesota Statutes 1984, section 160.27, subdivision 5.

Referred to the Committee on Transportation.

Messrs. Dahl; Johnson, D.J.; Anderson and Luther introduced—

S.F. No. 854: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frank and Dahl introduced—

S.F. No. 855: A bill for an act relating to utilities; providing that gas and

electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mrs. Kronebusch, Messrs. Ramstad; Moe, D.M.; Benson and Ms. Berglin introduced—

S.F. No. 856: A bill for an act relating to taxation; sales and use; exempting certain equipment used to allow handicapped persons access to motor vehicles; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Freeman; Spear; Sieloff; Peterson, R.W. and Merriam introduced—

S.F. No. 857: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing coding for new law in Minnesota Statutes, chapter 3C.

Referred to the Committee on Judiciary.

Messrs. Storm, Frank, Ramstad and Luther introduced—

S.F. No. 858: A bill for an act relating to school districts; authorizing a capital expenditure levy for surplus school buildings used for community purposes; amending Minnesota Statutes 1984, section 275.125, by adding a subdivision.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Kroening and Benson introduced—

S.F. No. 859: A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing coding for new law in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

Mr. Chmielewski introduced—

S.F. No. 860: A bill for an act relating to insurance; providing for a state liquor liability insurance fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 340A.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller, Ms. Peterson, D.C.; Mrs. McQuaid, Ms. Olson and Mr. Luther introduced—

S.F. No. 861: 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.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

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.

Referred to the Committee on Judiciary.

Ms. Reichgott and Mr. Ramstad introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Messrs. Storm, Waldorf, Solon and Gustafson introduced—

S.F. No. 864: A bill for an act relating to the legislature; providing for a statement of economic impact for bills and rules; amending Laws 1984, chapter 640, section 7; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

Ms. Berglin, Mrs. Lantry, Messrs. Solon and Dicklich introduced—

S.F. No. 865: A bill for an act relating to human services; establishing a grant program for community services for the elderly; changing the method of determining and paying the state share of medical assistance payments for nursing home care; establishing uniform grant standards for supplemental aid; changing eligibility criteria for supplemental aid; designating the county agency as the lead agency for services to the elderly; appropriating money; amending Minnesota Statutes 1984, sections 256B.19, subdivision 1; 256D.37, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256B and 393.

Referred to the Committee on Health and Human Services.

Messrs. Merriam, Pehler, Schmitz, Laidig and Wegscheid introduced—

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, local disposal fees, metropolitan sludge and sludge ash

facilities, and metropolitan county ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 473.153, subdivisions 5, 6b, and 7; 473.811, subdivisions 5 and 5a; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Vega introduced—

S.F. No. 867: A bill for an act relating to the city of South Saint Paul; authorizing the city to permit certain nonprofit organizations to conduct blackjack.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Lessard; Moe, R.D.; Peterson, C.C. and Bernhagen introduced—

S.F. No. 868: 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.

Referred to the Committee on Judiciary. Mr. Schmitz questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Olson, Mrs. McQuaid, Messrs. Petty and Solon introduced—

S.F. No. 869: A bill for an act relating to town powers; creating joint planning districts in unincorporated areas; providing for joint planning boards in unincorporated areas; providing for annexation of certain unincorporated property into a municipality; amending Minnesota Statutes 1984, sections 272.67, subdivision 8; 368.01, subdivisions 1, 1a, 31, and by adding a subdivision; 414.02, subdivision 2; 414.031, subdivisions 1, 4, and 5; 414.0325, subdivision 1; 414.033, subdivision 2; 462.352, by adding a subdivision; and 462.3585; repealing Minnesota Statutes 1984, section 368.015.

Referred to the Committee on Local and Urban Government.

Mr. Bertram introduced—

S.F. No. 870: A bill for an act relating to crimes; regulating the possession and use of handguns; specifying property rights of certain persons in handguns; prohibiting possession of firearms by certain felons; abolishing transferee permits; providing for licenses to purchase handguns; prohibiting transfer of handguns to unknown persons; requiring licenses to carry handguns; limiting legislation in subordinate jurisdictions; providing for disposition of stolen and confiscated firearms and edged weapons; prohibiting dis-

crimination in the issuance of licenses to purchase a handgun or licenses to carry a handgun or weapon; excepting certain persons from the purview of the law prohibiting possession of short-barreled shotguns and machine guns; requiring the department of public safety to design application forms and licenses; prohibiting altering licenses to purchase handguns or to carry handguns; recognizing use of licenses to carry handguns issued by other jurisdictions; prescribing penalties; amending Minnesota Statutes 1984, sections 609.66; 609.67, subdivisions 4 and 5; 624.712; 624.713; 624.7131; 624.714; 624.715; 624.717; and 629.361; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1984, sections 624.7132; 624.716; and 624.718.

Referred to the Committee on Judiciary.

Messrs. Pehler, Merriam and Diessner introduced—

S.F. No. 871: A bill for an act relating to health; authorizing the commissioner of health to inspect certain business premises; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Messrs. Pehler, Stumpf, Davis, Merriam and Hughes introduced—

S.F. No. 872: A bill for an act relating to education; appropriating money for the agricultural extension service and to the state board of vocational technical education for certain agricultural projects.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 873: A bill for an act relating to natural resources; providing for exemption of certain peat harvesting operations from the requirement for mining permits; amending Minnesota Statutes 1984, section 93.461.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 874: A bill for an act relating to education; mandating a maximum class size of 25 in kindergarten through grade three; directing the revisor to change a rule; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

Messrs. Dicklich; Johnson, D.J. and Lessard introduced—

S.F. No. 875: A bill for an act relating to outdoor recreation; disposition of cross county ski license fees; amending Minnesota Statutes 1984, sections 85.41, subdivision 2; and 85.43.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich and Diessner introduced—

S.F. No. 876: A bill for an act relating to the Minnesota historical society;

appropriating money for the institute for invention and innovation.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 877: A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

Referred to the Committee on Health and Human Services.

Messrs. Knaak, Mehrkens, Ramstad, Knutson and Belanger introduced—

S.F. No. 878: A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Freeman, Solon, Wegscheid, Luther and Dahl introduced—

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 116M.03, subdivisions 10, 11, 13, and by adding subdivisions; 116M.04, subdivision 1; 116M.06, subdivisions 2, 4, and 11; 116M.07, subdivisions 1, 2, 11, 12, and by adding a subdivision; 116M.08, subdivisions 11, 13, 16, 19, 20, and by adding subdivisions; 116M.10, subdivision 5; 474.01, subdivisions 6, 7b, 8, and 11; and Laws 1984, chapter 654, article 2, section 151, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

Messrs. Merriam, DeCramer, Bernhagen, Frederickson and Johnson, D.J. introduced—

S.F. No. 880: 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.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Dicklich, Benson, Samuelson and Mrs. Lantry introduced—

S.F. No. 881: A bill for an act relating to health; providing for the approval of hospital swing beds; authorizing the granting of license conditions; providing penalties; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Solon, Dahl, Petty and Luther introduced—

S.F. No. 882: A bill for an act relating to commerce; clarifying commissioner's authority to conduct regulatory investigations; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities transaction exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; providing a maximum fee for the registration of redeemable securities; simplifying an exemption from franchise registration; providing for disclosure of representation by real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80A.28, subdivisions 1 and 3; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapters 45 and 82.

Referred to the Committee on Economic Development and Commerce.

Mr. Hughes, Ms. Reichgott, Messrs. Peterson, D.L.; Pehler and Mehrkens introduced—

S.F. No. 883: A bill for an act relating to education; providing for a study of the gifted and talented education program; establishing an advisory council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Novak and Freeman introduced—

S.F. No. 884: A bill for an act relating to taxation; gasoline tax; reducing the excise tax on unleaded gasoline and raising the excise tax on leaded gasoline; amending Minnesota Statutes 1984, sections 296.01, by adding subdivisions; 296.02, subdivisions 1b, 6, 7, and 8; 296.025, subdivisions 1, 2, and 6; 296.12, subdivision 9; and 296.14, subdivision 1.

Referred to the Committee on Transportation.

Mr. Waldorf introduced—

S.F. No. 885: 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.

Referred to the Committee on Economic Development and Commerce.

Mr. Waldorf introduced—

S.F. No. 886: A bill for an act relating to transportation; directing the commissioner of transportation to arrange for studies of highway jurisdiction and to submit a state jurisdiction plan; appropriating money.

Referred to the Committee on Transportation.

Messrs. Merriam; Peterson, R.W.; Spear and Petty introduced—

S.F. No. 887: A bill for an act relating to eminent domain; providing for court determination of and payment for pollution of property subject to condemnation; proposing coding for new law in Minnesota Statutes, chapter 117.

Referred to the Committee on Judiciary.

Mr. Dieterich introduced—

S.F. No. 888: A bill for an act relating to gambling; providing an exemption from state regulation for certain lawful gambling; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Stumpf, Diessner, Schmitz, Bertram and Bernhagen introduced—

S.F. No. 889: A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 473.844, subdivision 5; 477A.011, subdivision 3, and by adding subdivisions; 477A.013, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1984, sections 477A.011, subdivisions 3a, 4, 5, 6, 7, 7a, and 10; 477A.013, subdivision 3; and 477A.0131.

Referred to the Committee on Taxes and Tax Laws. Mr. Schmitz questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Dahl introduced—

S.F. No. 890: A bill for an act relating to local government; establishing a grant program for the planning and provision of joint municipal services by local governmental units; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Messrs. Hughes, Ramstad, Anderson, Dahl and Langseth introduced—

S.F. No. 891: A bill for an act relating to education; private business, trade, and correspondence schools, authorizing certain fees; limiting certain charges; correcting a citation; amending Minnesota Statutes 1984, sections 141.25, subdivisions 8, 10, and by adding a subdivision; 141.26, subdivi-

sions 2 and 5; and 141.271, subdivisions 4 and 5.

Referred to the Committee on Education.

Messrs. Waldorf, Taylor, Pehler, Ms. Olson and Mr. Nelson introduced—

S.F. No. 892: A bill for an act relating to post-secondary education; changing student financial assistance; amending Minnesota Statutes 1984, sections 136A.09; 136A.095; 136A.101; 136A.121; 136A.132, subdivisions 3, 5, and 6; and 136A.162; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14.

Referred to the Committee on Education.

Messrs. Peterson, C.C. and Johnson, D.J. introduced—

S.F. No. 893: A bill for an act relating to local government; changing the administration and disbursement of certain property tax credits; modifying the process for determining mill rates; changing the levies authorized for certain taxing districts; changing the method for payment of local government aids and certain school aids; amending Minnesota Statutes 1984, sections 121.904, by adding a subdivision; 124.155, subdivision 1; 124.2131, subdivision 1; 124A.02, subdivisions 6 and 8; 124A.03, subdivision 2; 273.13, subdivisions 6 and 7; 273.138, subdivision 5; 275.14; 276.04; 290A.03, subdivisions 13 and 14; 290A.04, subdivisions 2, 2a, and 2b; 477A.011, subdivision 10; 477A.012; and 477A.015; proposing coding for new law in Minnesota Statutes, chapters 124 and 275; repealing Minnesota Statutes 1984, sections 124.2131, subdivisions 2, 3, and 4; 124.2137; 124A.02, subdivisions 5, 11, 12, and 13; 124A.03, subdivisions 1, 3, and 6; 124A.035, subdivision 1; 124A.037; 273.13, subdivision 15a; 273.115; 273.116; 273.138, subdivisions 3 and 6; 273.1391; 273.1392; 275.11; 275.15; 275.16; 275.50; 275.51; 275.54; 275.55; 275.56; 275.561; and 275.58.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, Luther, Kroening, Dahl and Gustafson introduced—

S.F. No. 894: A bill for an act relating to state government; requiring selected state agencies to undergo a periodic zero-based budget review; creating a legislative committee to select an independent evaluator; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz, Knutson, Wegscheid and Purfeerst introduced—

S.F. No. 895: A bill for an act relating to courts; providing for additional county court judgeships in the first judicial district; appropriating money; amending Minnesota Statutes 1984, section 487.01, subdivision 5.

Referred to the Committee on Judiciary.

Mr. Willet introduced—

S.F. No. 896: A bill for an act relating to energy; providing for the method

of calculating the payback of certain energy conservation investments; amending Minnesota Statutes 1984, section 116J.37, subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Petty, Spear, Ms. Olson, Messrs. Jude and Sieloff introduced—

S.F. No. 897: A bill for an act relating to taxation; modifying homestead property tax assessment ratios; amending Minnesota Statutes 1984, section 273.13, subdivisions 6 and 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Spear, Jude and Sieloff introduced—

S.F. No. 898: A bill for an act relating to taxation; modifying the homestead credit computation; amending Minnesota Statutes 1984, section 273.13, subdivisions 6, 7, and 14a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty, Ms. Reichgott, Messrs. Spear; Johnson, D.E. and Ramstad introduced—

S.F. No. 899: A bill for an act relating to crimes; providing that a person convicted of criminal sexual conduct who has a familial relationship to the complainant may receive a stay of imposition or execution of sentence in certain circumstances; requiring the sentencing guidelines commission to develop departure criteria in criminal sexual conduct cases involving familial relationships; providing penalties; repealing the crimes on intrafamilial sexual abuse; amending Minnesota Statutes 1984, sections 609.341, by adding a subdivision; 609.342; 609.343; 609.344; and 609.345; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644.

Referred to the Committee on Judiciary.

Messrs. Spear, Petty, Jude and Sieloff introduced—

S.F. No. 900: A bill for an act relating to taxation; limiting the property tax on homesteads; providing for state reimbursement to local governments for revenue lost due to the limitation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Davis, Spear, Mrs. Lantry and Mr. Johnson, D.E. introduced—

S.F. No. 901: A bill for an act relating to human services; increasing incentives for enforcing and collecting child support; amending Minnesota Statutes 1984, sections 256.74, subdivision 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.551, subdivision 7; 518.611, subdivisions 2, 4, and 6; and 518.645; repealing Minnesota Statutes 1984, section 518.611, subdivision 3.

Referred to the Committee on Health and Human Services.

Mr. Pehler, Ms. Peterson, D.C.; Messrs. Ramstad; Peterson, D.L. and Stumpf introduced—

S.F. No. 902: A bill for an act relating to education; consolidating the regulation of private post-secondary schools under the higher education coordinating board; amending Minnesota Statutes 1984, sections 136A.61; 136A.62, subdivision 3; 136A.64, by adding a subdivision; and 136A.66; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, sections 136A.653, subdivision 1; 141.21; 141.22; 141.23; 141.25; 141.26; 141.271; 141.28; 141.29; 141.30; 141.31; 141.32; 141.35; and 141.36.

Referred to the Committee on Education.

Ms. Berglin, Mrs. Lantry, Messrs. Dicklich and Samuelson introduced—

S.F. No. 903: A bill for an act relating to human services; making certain changes in the reimbursement procedures for nursing homes; providing for an interim payment rate for newly constructed or expanded nursing homes; requiring medicare certification; creating an appeals board for appraised value disputes; amending Minnesota Statutes 1984, sections 256B.431, subdivisions 2b, 3, and 4; and 256B.50.

Referred to the Committee on Health and Human Services.

Mr. Mehrkens introduced—

S.F. No. 904: A bill for an act relating to the city of Red Wing; permitting the establishment of a port authority.

Referred to the Committee on Local and Urban Government.

Messrs. Jude, Petty, Mrs. Brataas and Mr. Solon introduced—

S.F. No. 905: 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.

Referred to the Committee on Economic Development and Commerce.

Messrs. Johnson, D.J.; Peterson, C.C.; Dahl and Dicklich introduced—

S.F. No. 906: A bill for an act relating to consumer protection; requiring motor vehicle manufacturers to supply a temporary replacement vehicle or to reimburse vehicle owners for rental car expenses under certain circumstances; providing an expedited civil remedy; amending Minnesota Statutes 1984, section 325F.665, subdivisions 2, 5, and 6.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty; Johnson, D.J.; Dahl and Dicklich introduced—

S.F. No. 907: A bill for an act relating to insurance; accident and health;

prohibiting discrimination between mental health service providers; amending Minnesota Statutes 1984, section 62A.15, subdivisions 1, 4, and by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin, Mrs. Lantry and Mr. Dicklich introduced—

S.F. No. 908: 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.

Referred to the Committee on Health and Human Services.

Messrs. Merriam and Nelson introduced—

S.F. No. 909: A bill for an act relating to education; establishing aid and levy for programs for handicapped adults under community education; appropriating money; amending Minnesota Statutes 1984, sections 121.88; 124.195, subdivision 9; 124.271, by adding a subdivision; and 275.125, subdivision 8; repealing Minnesota Statutes 1984, section 129B.03.

Referred to the Committee on Education.

Mr. DeCramer, Mrs. Adkins, Messrs. Stumpf, Renneke and Frederickson introduced—

S.F. No. 910: A bill for an act relating to flood plain management; establishing a state flood hazard mitigation program to mitigate the damaging effects of floods on public and private properties; authorizing grants-in-aid to local government units for flood damage mitigation; appropriating money; amending Minnesota Statutes 1984, section 104.02; proposing coding for new law in Minnesota Statutes, chapter 104.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 911: A bill for an act relating to human services; increasing the medical assistance income limits for certain pregnant women and families with children; appropriating money; amending Minnesota Statutes 1984, section 256B.06, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Willet, Solon and Chmielewski introduced—

S.F. No. 912: 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.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Diessner, Petty and Waldorf introduced—

S.F. No. 913: 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.

Referred to the Committee on Judiciary.

Ms. Berglin, Mrs. Lantry and Mr. Petty introduced—

S.F. No. 914: 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.

Referred to the Committee on Health and Human Services.

Mr. Dicklich, Ms. Peterson, D.C.; Messrs. Spear and Solon introduced—

S.F. No. 915: A bill for an act relating to economic development and job training; creating the office of economic adjustment; providing for the duties of the office in the assistance of economic adjustment and economic conversion; creating a task force to assist the office of economic adjustment; requiring the reporting of certain economic information; providing a penalty; appropriating money; amending Minnesota Statutes 1984, section 116J.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Employment. Mr. Solon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin, Mr. Diessner, Mrs. Lantry and Mr. Petty introduced—

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.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Luther, Petty and Spear introduced—

S.F. No. 917: A bill for an act relating to children and families; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; 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; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 260.011, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 631.

Referred to the Committee on Judiciary.

Mr. Moe, D.M. introduced—

S.F. No. 918: A bill for an act relating to transportation; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, section 222.025, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Wegscheid introduced—

S.F. No. 919: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dahl and Novak introduced—

S.F. No. 920: A bill for an act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

Referred to the Committee on Public Utilities and State Regulated Industries.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m.,

Monday, March 18, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SIXTH DAY

St. Paul, Minnesota, Monday, March 18, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Jane Hanger Seeley.

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

Adkins	Dicklich	Kamrath	Moe, D.M.	Reichgott
Anderson	Diessner	Knaak	Moe, R.D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Schmitz
Benson	Frank	Kroening	Novak	Sieloff
Berg	Frederick	Kronebusch	Olson	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, D.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R.W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Peterson, C.C. and Samuelson were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 42: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

Senate File No. 42 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1985

Mr. Langseth moved that the Senate do not concur in the amendments by the House to S.F. No. 42, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 78, 151, 282, 268, 267, 329, 428 and 511.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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.

Referred to the Committee on Judiciary.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 117, now on General Orders.

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.

Referred to the Committee on Education.

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.

Referred to the Committee on Judiciary.

H.F. No. 267: A bill for an act relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 344, now on General Orders.

H.F. No. 329: A bill for an act relating to peace officers; requiring a person

seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 424, now on General Orders.

H.F. No. 428: A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

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

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 119: A bill for an act relating to state government; creating the Council on Asian-Pacific Minnesotans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, delete the first comma and insert "or" and delete ", or order"

Page 4, after line 15, insert:

"Sec. 3. [REPEALER.]

Section 1 is repealed June 30, 1988."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 589: A bill for an act relating to public health; prohibiting the use of lead in solder in certain instances; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 123.36, is amended by adding a subdivision to read:

Subd. 4a. [WATER PIPES.] The board shall require that all schools in the district which have lead solder pipe joints, shall flush their pipes and faucets to ensure that any potable water which may contain lead which exceeds the safe drinking water levels, as established by the state health department, be flushed out of the school's potable water system. Until the state department of health determines guidelines for frequency of flushing under this subdivision, at a minimum, each school with lead solder pipe joints shall flush its pipes carrying potable water at least once each year immediately prior to the commencement of the regular school year, or after any period in excess of two weeks during which the school building is not in use.

Sec. 2. [326.371] [BAN ON LEAD IN PLUMBING.]

Lead pipe, solders, and flux containing more than 0.2 percent lead shall not be used in any plumbing installation which conveys a potable water supply. No solder containing more than 0.2 percent lead shall be sold in Minnesota, 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.”

Sec. 3. [DEPARTMENT OF HEALTH GUIDELINES.]

By July 1, 1986, the state department of health shall determine guidelines for the necessity and frequency of flushing lead solder pipes carrying potable water under section 2.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 555: A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds to special projects; amending Minnesota Statutes 1984, sections 145.882; 145.884; 145.885; and 145.886.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 145.882, is amended to read:

145.882 [MATERNAL AND CHILD HEALTH BLOCK GRANT DISTRIBUTION.]

Subdivision 1. [CONTINUATION OF 1983 PROJECTS.] Recipients of maternal and child health grants for special projects in state fiscal year 1983 shall continue to be funded at the same level as in state fiscal year 1983 until ~~September 30, 1985~~ *December 31, 1986* if they comply with the provisions of sections 145.881, and 145.882 to 145.888. *Beginning January 1, 1987, recipients of maternal and child health special project grants awarded in state fiscal year 1983 must receive:*

(1) for calendar year 1987, no less than 90 percent of the amount awarded in state fiscal year 1983;

(2) for calendar year 1988, no less than 80 percent of the amount awarded in state fiscal year 1983; and

(3) for calendar year 1989, no less than 70 percent of the amount awarded in state fiscal year 1983.

The amount of grants awarded under this subdivision must be deducted from the allocation due to the community health services area within which the grantee is located. If the community health services area includes more than one local board of health, the amount of the grant must be deducted only from the allocation due to the area served by the local board of health within which the grantee is located. The remaining areas served by local boards of health within that community health services area which do not include a grantee under this subdivision must be treated as a separate community health services area for purposes of the formula in subdivision 3. In order to receive money under this subdivision, grantees must continue to comply with the provisions of sections 145.881, and 145.882 to 145.888. These recipients are also eligible to apply for state grants under sections 145.883 to 145.888. Any decrease in the amount of federal funding to the state for the maternal and child health block grant shall be apportioned to reflect a proportional decrease for each recipient until ~~September 30, 1985~~. Any increase in the amount of federal funding to the state shall be distributed for services to ~~children with handicaps and to special projects as provided in sections 145.883 to 145.888~~, except that an amount not to exceed ten percent may be retained by the commissioner of health to address cost of living increases and increases in supplies and services according to the formula in subdivision 3 of this section.

After ~~September 30, 1985~~, The advisory task force shall review and recommend the proportion of maternal and child health block grant funds to be expended for indirect costs, direct services and special projects. The proportion of funds expended in direct services through special projects shall be maintained at not less than the level expended in state fiscal year 1984.

Subd. 2. [ALLOCATION TO THE DEPARTMENT OF HEALTH.] *Beginning January 1, 1986, up to one-third of the total maternal and child health block grant money may be retained by the commissioner of health for administrative and technical assistance services, projects of regional or statewide significance, direct services to children with handicaps, and other activities of the department.*

Subd. 3. [DISTRIBUTION FORMULA.] *The maternal and child health block grant money remaining after distributions made under subdivisions 1*

and 2 shall be allocated to community health services area for distribution by local boards of health to qualified programs that provide essential services within the community health services area. For purposes of this section, "community health services area" means a city, county, or multi-county area which is organized as a local board of health under section 145.913 and for which a state subsidy is received pursuant to sections 145.911 to 145.922. The amount of funds available for each community health services area shall be determined according to the following formula:

(a) Each community health services area shall be allocated an amount based on the following three variables:

(1) proportion of resident mothers within the city, county or counties who are under 20 years of age or over 35 years of age, as determined by averaging the data available for the three most current years;

(2) proportion of resident infants within the city, county or counties whose weight at birth is less than 2,500 grams, as determined by averaging the data available for the three most current years; and

(3) proportion of resident children within the city, county or counties under the age of 19 who are on general assistance or medicaid and the proportion of resident women within the city, county or counties aged 19 to 49 who are on general assistance or medicaid, as determined by using the data available for the most current year.

(b) Each variable must be expressed as a city or county score consisting of the city or county frequency of each variable divided by the statewide frequency of the variable.

(c) A total score for each city or county jurisdiction shall be computed by totalling the scores of the foregoing three factors and dividing the score obtained by three.

(d) Each community health services area must be allocated an amount equal to the score obtained above for the city, county, or counties in its area multiplied by the amount of funds determined to be available for special projects of local significance.

If no approvable applications are received for a community health services area, the commissioner may reallocate the funds available for that area to other community health service areas for which approvable applications have been received.

This formula also applies to any city or county that is not participating in the community health services subsidy in order to determine the amount of funds available for purposes of this subdivision. The commissioner shall convene a meeting of public and private nonprofit agencies in cities or counties who have expressed an intent to submit an application for funding. The meeting shall be used for purposes of attempting to develop a single coordinated grant application for each city or county. All applications, whether consolidated into a single application or as individual applications, shall be submitted according to section 145.885. If no approvable applications are received, the commissioner may reallocate the funds to community health service areas for which applications have been received.

Subd. 4. [USE OF BLOCK GRANT MONEY.] Maternal and child health

block grant money received by a local board of health or community health services area under this section must be used for qualified programs for high risk and low income individuals. Block grant money must be used for programs that:

(1) specifically address the highest risk populations, particularly low income and minority groups with a high rate of infant mortality and low birth weight children, by providing services calculated to produce measurable decreases in infant mortality rates and instances of low birth weight children and medical complications associated with pregnancy and childbirth;

(2) specifically target pregnant women whose age, medical condition, or maternal history substantially increases the likelihood of complications associated with pregnancy and childbirth, or the birth of a child with an illness, disability, or special medical needs;

(3) specifically address the health needs of young children who have, or are likely to have, a chronic disease or disability or special medical needs;
or

(4) provide family planning and preventive medical care for specifically identified target populations, such as minority and low income teenagers, in a manner calculated to decrease the occurrence of inappropriate pregnancy and minimize the risk of complications associated with pregnancy and childbirth.

Maternal and child health block grant money may be used for purposes other than the purposes listed in this subdivision only if the local board of health or community health services area can demonstrate that existing programs fully address the needs of the highest risk target populations described in this subdivision.

Subd. 5. [REPORT.] The commissioner shall prepare, with the advice of the advisory task force, an annual report to the legislature which details the distribution of maternal and child health block grant funds, including the amounts to be expended for indirect costs, direct services, and ~~special projects~~ local grants. The report shall also identify the statewide needs of low income and high risk populations and the department of health's plans and local board plans for meeting their needs. The legislature must receive the report no later than January of each year.

Sec. 2. Minnesota Statutes 1984, section 145.883, subdivision 8, is amended to read:

Subd. 8. [MATERNAL AND CHILD HEALTH BLOCK GRANT MONEY.] "Maternal and child health block grant money" means the money received by the state from the federal maternal and child health block grant. The commissioner shall carry forward from state fiscal year 1985, and succeeding years, only sufficient funds for qualified programs approved through the federal ~~fiscal year~~ award period.

Sec. 3. Minnesota Statutes 1984, section 145.884, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The commissioner shall, in the name of the state and within the limit of the federal maternal and child health block grant appropriation, make grants to ~~public and private nonprofit agencies administering~~ under sections 145.881 to 145.888 for qualified programs of maternal and

child health care services. The commissioner shall promulgate rules for the administration of grants ~~authorized by this subdivision~~. The rules shall establish and contain as a minimum:

- (a) procedures for grant applications;
- (b) conditions and procedures for the administration of grants;
- (c) criteria of eligibility for grants; and
- (d) other matters the commissioner finds necessary for the proper administration of the grant program.

Sec. 4. Minnesota Statutes 1984, section 145.885, is amended to read:

145.885 [APPLICATION FOR A GRANT.]

An application for a grant shall be submitted to the commissioner at a time and in a form and manner as the commissioner prescribes. Department of health technical staff shall be available to provide technical assistance in development of grant applications. The application must contain:

- (a) A complete description of the program and the manner in which the applicant intends to conduct the program;
- (b) *A description of the manner in which the program responds to needs and priorities for services identified by the maternal and child health task force pursuant to section 145.881, subdivision 2, and rules adopted by the commissioner. The rationale for any differences must be explained in detail;*
- (c) A budget and justification for the amount of grant funds requested;
- ~~(d)~~ (d) A description of the target population served by the qualified program and estimates of the number of low income or high risk patients the program is expected to serve;
- ~~(e)~~ (e) The name or names of the person or persons who shall have primary responsibility for the administration and delivery of services of the qualified program; and
- ~~(f)~~ (f) The reporting and accounting procedures to be followed by the qualified agency to enable the commissioner to evaluate the activities of the qualified program.

Applications by local boards under section 145.882, subdivision 3, must also contain a summary of the process used to develop the local program, including evidence that the local board notified local public and private providers of the availability of funding through the local board for maternal and child health services, a list of all public and private agency requests for grants submitted to the local board indicating which requests were included in the grant application, and an explanation of how priorities were established for selecting the requests to be included in the grant application. The local board shall include, with grant application materials, a written statement of the criteria to be applied to public and private agency requests for funding.

Sec. 5. Minnesota Statutes 1984, section 145.886, is amended to read:

145.886 [GRANT REVIEW PROCESS.]

Primary review of all grant applications shall be conducted by the depart-

ment of health technical staff. All technically completed applications will be forwarded for secondary review to a grants review panel established by the commissioner. A majority of the grants review panel must be professionals with expertise in maternal and child health care. No member of the panel may be an employee of a public or private nonprofit agency receiving or applying for maternal and child health block grant money. The advisory task force shall review the recommendations of the grants review panel for comment to the commissioner the advisory task force. The commissioner shall award grants under section 145.885 and this section only after receiving the comments and recommendation of the grants review panel and the advisory task force on completed grant applications.

Sec. 6. [APPROPRIATION.]

If a public health fund or similar fund is established with revenues from a cigarette tax or similar tax, \$_____ is appropriated from the fund to the commissioner of health for purposes of maintaining, at the 1984 level, all programs and services of the department of health formerly financed by maternal and child health block grant money which can no longer be financed out of block grant funds because of the restrictions in section 1, subdivision 2. If a public health fund or similar fund is not established, this appropriation is from the general fund.

Sec. 7. [REPEALER.]

Minnesota Statutes 1984, section 145.884, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds; appropriating money; amending Minnesota Statutes 1984, sections 145.882; 145.883, subdivision 8; 145.884, subdivision 1; 145.885; and 145.886; repealing Minnesota Statutes 1984, section 145.884, subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 813: A bill for an act relating to health; authorizing statewide mosquito research; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, lines 8 and 12, delete "acquire" and insert "lease"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 600: A bill for an act relating to human services; establishing a

family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes 1984, section 252.32; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, delete "emergency and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 631: A bill for an act relating to hazardous substances; requiring hazardous substance notification report forms to be filed with a fire department by every employer; providing for duties of fire departments and duties of the commissioner of public safety; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, after line 5, insert:

"Subd. 4. \$115,820 is appropriated from the general fund to the state university board for the creation of a hazardous materials incident response training center at St. Cloud state university. The state university board shall supervise, and the appropriation may be expended for, the creation of necessary facilities, research, purchase of equipment, employment of personnel, and other necessary costs involved in the creation of a program to instruct firefighters and other emergency response personnel how to respond to and control accidents involving the transportation and storage of flammable, toxic, corrosive, explosive, or other dangerous materials. The state university board shall seek, and may accept, donations, grants, or gifts for purposes of this subdivision. Money received is appropriated to the state university board."

Renumber the subdivisions in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 490: A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivision 1; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1984, section 168.72, subdivision 4, is

amended to read:

Subd. 4. A sale of a manufactured home made after July 31, 1983, is governed by the provisions of subdivision 1 for purposes of determining the lawful time price differential rate, *except that the maximum time differential for a class 1 manufactured home may not exceed \$8 per \$100 per year*. A retail installment sale of a manufactured home that imposes a time price differential rate that is greater than the rate permitted by this subdivision is lawful and enforceable in accordance with its terms until the indebtedness is fully satisfied if the rate was lawful when the sale was made."

Page 2, line 23, delete "*Sections 1 and 2 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing a time price differential rate for certain classes of manufactured homes;"

Page 1, line 4, delete "subdivision" and insert "subdivisions"

Page 1, line 5, after "1" insert "and 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 231: A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 4 and 31, after "The" insert "*voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the*" and reinstate the stricken language

Page 2, lines 5 to 9 and 32 to 34, reinstate the stricken language

Page 2, lines 9 to 13 and 34 to 36, delete the new language

Page 3, line 1, delete the new language

Page 3, line 15, after "his" insert "*or her*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 823: A bill for an act relating to unemployment compensation; creating a training and jobs program; amending Minnesota Statutes 1984, section 268.08, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 359: A bill for an act relating to the city of Roseville; authorizing the city council to set off-sale intoxicating liquor license fees.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 340.11; subdivision 14, is amended to read:

Subd. 14. [LICENSE FEES.] The license fees to be paid before the issuance of licenses shall be as provided in clauses (a), (b), (c), (d).

(a) Except as provided in clauses (b), (c), and (d), any manufacturer shall pay to the state annually a license fee of \$7,500, and a fee of \$3,000 for each duplicate thereof.

(b) Any manufacturer of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$500.

(c) Except as provided in clauses (a), (b), (d), any wholesaler shall pay to the state annually a license fee of \$7,500, and a fee of \$3,000 for each duplicate thereof.

(d) Any wholesaler of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$750.

(e) The maximum license fee for an “off-sale” license in the cities of the first class over 10,000 population shall be the sum of which, together with any occupation tax that may be imposed by a municipality issuing said “off-sale” license, will not exceed the sum of \$1,000 annually; ~~in all cities of over 10,000 population, except cities of the first class, the maximum license fee for an “off-sale” license shall be \$200; in all cities with a population between 5,000 and 10,000 the maximum license fee shall be \$150~~ \$300; in all cities of 5,000 population or less, the maximum license fee shall be ~~\$100~~ \$200. All such license fees for “off-sale” licenses shall be payable to the municipalities issuing the license. Where such licenses shall be issued for less than one year, a fee may be a pro rata share of the annual license fee.”

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert “relating to intoxicating liquor; increasing the maximum license fee for off-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, subdivision 14.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 239: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [ST. LOUIS COUNTY; COUNTY FAIR HORSE RACING.]

The Minnesota racing commission may assign no more than 20 racing days to a county agricultural society or association licensed under Minnesota Statutes, section 240.09, to conduct horse racing in St. Louis county. The assigned racing days must be:

(1) those racing days, not to exceed ten racing days, that coincide with the days on which the licensee's county fair is running; and

(2) additional racing days, not to exceed ten racing days, immediately before or after the days on which the licensee's county fair is running.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon approval by the county board of the county of St. Louis and compliance with Minnesota Statutes, section 645.021.”

Amend the title as follows:

Page 1, line 3, delete “, amending Minnesota Statutes 1984,” and insert “in St. Louis county.”

Page 1, delete line 4

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 360: A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 437: A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 14, delete “12” and insert “21”

Page 15, line 7, delete “in any form” and insert “on an individual or nongroup basis”

Page 15, line 33, delete everything after the period

Page 15, delete lines 34 to 36

Page 16, delete line 1

Page 16, delete lines 33 to 36

Page 17, delete lines 1 to 3, and insert:

"Except as provided in chapter 256B, the money or other benefits, charity, relief, or aid to be paid, provided, or rendered by any society authorized to do business under this chapter shall, neither before nor after being paid, be liable to attachment, garnishment, or other process and shall not be ceased, taken, appropriated, or applied by any legal or equitable process or operation of laws to pay any debt or liability of a certificate holder or of any beneficiary named in the certificate, or of any person who may have any right thereunder."

Page 19, line 26, delete "261.27;"

Page 22, line 7, delete "61A.42, 61A.43, and"

Page 22, delete lines 11 to 15, and insert:

"Fraternal benefit societies are declared to be charitable institutions, and the property held and used for lodge purposes, and the funds of these societies shall be exempt from taxation under the general tax or revenue laws of this state, except that the real estate of the society shall be taxable."

Page 25, lines 29 and 30, delete "[INJUNCTION; LIQUIDATION; RECEIVERSHIP OF DOMESTIC SOCIETY.]" and insert "[DOMESTIC ASSOCIATIONS; EXAMINATION; REHABILITATION; DISSOLUTION.]"

Page 25, delete lines 31 to 36

Page 26, delete lines 1 to 36

Page 27, delete lines 1 to 19, and insert:

"Subdivision 1. [VISITATION AND EXAMINATION.] The commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic association. The commissioner shall conduct an examination at least once in every three years. He may:

(1) Employ assistance for the purposes of examination and he, or any person he may appoint, shall have free access to any books, papers, and documents that relate to the business of the association; and

(2) Summon and qualify as witnesses, under oath, and examine its officers, agents, and employees, or other persons, in relation to the affairs, transactions, and condition of the association.

Subd. 2. [CONDITIONS.] Wherever the commissioner is satisfied that any of the conditions exist as stated in chapter 60B, he may proceed as provided therein."

Page 30, delete lines 4 to 9

Page 30, line 10, delete "REPRESENTATIONS.]" and insert "(1)"

Page 30, line 16, delete "(1)" and insert "(2)"

Page 30, line 26, delete "(2)" and insert "(3)"

Page 30, line 31, after "a" insert "petty" and delete everything after the semicolon

Page 30, delete line 32

Page 30, line 33, delete "(3)" and insert "(4)"

Page 34, after line 1, insert:

"Sec. 40. Minnesota Statutes 1984, section 61B.02, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] Sections 61B.01 to 61B.16 apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies or annuity contracts, issued by persons authorized at any time to transact insurance in this state. Sections 61B.01 to 61B.16 do not apply to:

(a) Any policy or contract or part thereof under which the risk is borne by the policyholder;

(b) Any policy or contract or part thereof assumed by an impaired insurer under a contract of reinsurance other than reinsurance for which assumption certificates have been issued;

(c) Any policy or contract issued by an assessment benefit association operating under chapter 63, or a fraternal beneficiary association operating under chapter 64A 64B;

(d) Any subscriber contract issued by a nonprofit health service plan corporation operating under chapter 62C; or

(e) Any health insurance policies issued by a person other than a person authorized to write life insurance in this state or other than a person whose corporate charter would permit the writing of life insurance but who is authorized to write only health insurance in this state.

Sec. 41. [INSTRUCTIONS TO REVISOR.]

The revisor of statutes is directed to change any reference to chapter 64A to chapter 64B in Minnesota Statutes 1986 and any subsequent editions, and to make any necessary cross reference changes consistent with the renumbering."

Page 34, line 2, delete "40" and insert "42"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1984, section 61B.02, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 50: A bill for an act relating to the Moose Lake-Windemere sewer district; appropriating money for certain costs.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 429: A bill for an act relating to industrial development bonds; requiring the refund of application deposits to the city of Fergus Falls.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 12, insert:

“Sec. 2. [APPROPRIATION.]

A sum sufficient to pay the return to the city of Fergus Falls of any application deposit received during calendar year 1984 from the city of Fergus Falls that is still retained by the department of energy and economic development is appropriated to the department from the general fund.”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after “Falls” insert “; appropriating money for the refund”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 430: A bill for an act relating to industrial development bonds; requiring the refund of certain 1984 application deposits.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

“Sec. 2. [APPROPRIATION.]

A sum sufficient to pay the return or refund of application deposits deposited during calendar year 1984 and retained by the department of energy and economic development is appropriated to the department from the general fund.”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, after “deposits” insert “; appropriating money for these refunds”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 282: A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 580: A bill for an act relating to the city of Lakeville; appropriating money to return a forfeiture.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 137: A bill for an act relating to waters and watercraft safety; requiring liability insurance on all licensed watercraft in the state; amending Minnesota Statutes 1984, section 361.03, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 361.03, is amended by adding a subdivision to read:

Subd. 1a. [INSURANCE REQUIRED.] Except as provided in subdivision 1b, every owner of watercraft that is required to be registered or licensed in this state shall maintain a liability insurance policy during the period of its contemplated use or operation. The policy must contain limits of not less than \$25,000 because of bodily injury to, or the death of, one person in an accident, and subject to this limit, \$50,000 because of bodily injury to, or the death of, two or more persons in an accident. The policy must also contain limits of not less than \$10,000 because of injury to, or the destruction of, property of others in an accident. Failure to maintain the required insurance is grounds for revocation of a watercraft license.

Sec. 2. Minnesota Statutes 1984, section 361.03, is amended by adding a subdivision to read:

Subd. 1b. [INSURANCE NOT REQUIRED FOR CERTAIN WATERCRAFT.] Subdivision 1a does not apply to:

- (1) outboard motor boats of 25 horsepower or less;*
- (2) sailboats 26 feet or less in length; and*
- (3) non-powered watercraft including but not limited to canoes, rafts, or rowboats.*

Sec. 3. Minnesota Statutes 1984, section 361.03, is amended by adding a subdivision to read:

Subd. 2a. [PROOF OF INSURANCE.] Every owner of watercraft in this

state, when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the watercraft is covered by an insurance policy as required under subdivision 1a or that the watercraft is exempt from the insurance requirement. No license may be issued or renewed unless the information required under this subdivision is provided to the commissioner. The commissioner may adopt rules necessary to implement this subdivision."

Amend the title as follows:

Page 1, line 3, delete "all"

Page 1, line 5, delete "a subdivision" and insert "subdivisions"

And when so amended the bill be re-referred to the Committee on Economic Development and Commerce without recommendation. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 818: A bill for an act relating to employment; abolishing the department of economic security; creating a new department of jobs and training; transferring responsibilities of the department of economic security to the department of jobs and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of jobs and training; providing for biennial statewide plans for jobs and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting 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 86.33, by adding subdivisions; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 129A.03; 129A.04; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.673, subdivisions 1 and 3; 268.683, subdivision 3; and 268.685; 268.82; proposing coding for new law as Minnesota Statutes, chapter 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.737; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.686; 268.80; and 268.81.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 37, insert:

"Section 1. [PURPOSE.]

The legislature finds that profound changes in the state economy and in the availability and nature of federal support have created new needs among the

people of this state for assistance in their quest for jobs, for training to fill those jobs, for income maintenance programs, and for a wide array of other human services. At the same time, those changes have altered the role of state government in the planning, development, and delivery of all human services; creating a need for coordinating all the agencies that share responsibilities for those services. Accordingly, the legislature finds that in order to maximize productivity of human resources and economic opportunity within the state of Minnesota, it is necessary to streamline and coordinate the state's employment, training, and public assistance programs and to set new priorities so that state government might better meet its duty to help its citizens realize the dignity of a paycheck and achieve economic independence. Further, the legislature finds it necessary to act swiftly and decisively to achieve the dual goal of lowering the unemployment rate among the people of this state and decreasing the welfare caseload that is at once a reflection of the difficulties challenging some and a burden that must be borne by all."

Page 2, line 2, delete "commissioner of jobs and training" and insert "full productivity and opportunity coordinator"

Page 2, lines 13 and 14, delete "commissioner of jobs and training" and insert "full productivity and opportunity coordinator"

Page 2, lines 15, 19, 26, and 30, delete "jobs" and insert "employment"

Page 2, line 19, after "space" insert "and administrative services"

Page 2, line 20, strike "within the capitol area complex"

Page 2, line 24, delete "shall" and insert "must"

Page 2, lines 24 and 25, delete "commissioner of jobs and training" and insert "full productivity and opportunity coordinator"

Page 5, after line 8, insert:

"Sec. 8. Minnesota Statutes 1984, section 129A.04, is amended to read:

129A.04 [DISABILITY DETERMINATIONS; PRIVILEGED INFORMATION.]

No communication or statement furnished by a physician or other professional person to the department of human services or any other agency of the state for use in connection with an agreement or contractual relationship as contemplated in section 129A.03, clause (d), shall be made the subject of any slander, libel or defamation action."

Page 5, line 12, delete the second "and" and insert "shall consult with" and delete "commissioner of jobs and training" and insert "full productivity and opportunity coordinator and"

Page 5, delete section 8

Page 6, line 9, delete "JOBS" and insert "EMPLOYMENT"

Page 6, lines 12, 20, 26, and 35, delete "jobs" and insert "employment"

Page 6, line 18, after the period, insert "In furtherance of this duty, the commissioner shall create a division within the department of employment and training to provide and coordinate the services to the blind described in this section."

Page 7, lines 13, 22, and 35, delete "jobs" and insert "employment"

Page 8, lines 17 and 28, delete "jobs" and insert "employment"

Page 9, line 28, delete "jobs" and insert "employment"

Page 10, lines 2, 10, and 24, delete "jobs" and insert "employment"

Page 11, line 24, delete "JOBS" and insert "EMPLOYMENT"

Page 11, lines 26 and 29, delete "jobs" and insert "employment"

Page 12, line 10, delete "jobs" and insert "employment"

Page 14, line 2, delete "JOBS" and insert "EMPLOYMENT"

Page 14, lines 3, 10, 14, 16, 20, 30, and 35, delete "jobs" and insert "employment"

Page 15, lines 10 and 35, strike "a work incentive" and insert "an employment and training"

Page 15, line 34, delete "jobs" and insert "employment"

Page 16, lines 5, 11, 16, and 21, delete "jobs" and insert "employment"

Page 16, line 29, strike "a work incentive" and insert "an employment and training"

Page 17, line 21, strike "WORK INCENTIVE" and insert "EMPLOYMENT AND TRAINING"

Page 17, lines 23 and 32, delete "jobs" and insert "employment"

Page 18, line 10, delete "jobs" and insert "employment"

Page 18, line 11, delete "shall" and insert "must"

Page 19, line 8, delete "jobs" and insert "employment"

Page 20, lines 10 and 25, delete "jobs" and insert "employment"

Page 20, line 12, delete "34" and insert "39" and delete "(12)" and insert "(9)"

Page 20, line 22, delete the new language

Page 20, delete line 23

Page 20, line 24, delete "section 37, or other"

Page 20, line 25, after "training" insert ". "Suitable employment" does not mean employment in a community investment program under section 42"

Page 20, line 33, delete "50" and insert "60" and after "wages" insert "and employment expenses"

Page 21, line 1, delete "37" and insert "42"

Page 21, lines 24, 28, and 35, delete "jobs" and insert "employment"

Page 22, line 27, delete "shall be referred for suitable" and insert "must be advised of the option to receive"

Page 22, line 28, delete "37" and insert "42"

Page 22, line 30, delete "shall" and insert "must"

Page 22, line 32, delete "and for a sufficient number of"

Page 22, delete line 33

Page 22, line 34, delete "family's needs,"

Page 22, line 36, delete "shall"

Page 23, line 1, delete "continue" and insert "continues"

Page 23, line 5, strike "economic security" and insert "employment and training"

Page 24, after line 28, insert:

"Sec. 23. Minnesota Statutes 1984, section 268.08, is amended by adding a subdivision to read:

Subd. 10. [APPROVED TRAINING.] (a) [CREATION.] There is created a training program for structurally unemployed workers in Minnesota under which individuals may be enrolled in an on-the-job training program, and an additional 1,000 individuals may be enrolled in classroom training in accordance with the provisions of this subdivision. Nothing in this subdivision shall be considered to limit or adversely affect the approved training provisions applicable to an individual under section 268.08, subdivision 1, clause (3). An individual approved under this subdivision shall be eligible for tuition aid under the provisions of chapter 136A. The commissioner shall report to the legislature annually regarding the status of the training program under this subdivision.

(b) [APPROVAL OF TRAINING.] An individual's enrollment in a training course shall be approved for the purposes of this subdivision if the commissioner finds that:

(1) the individual is not unemployed due to the seasonal nature of the work or a temporary work shortage;

(2) the individual's separation from most recent employment was caused by job obsolescence, plant shutdown, regional decline in the individual's customary occupation, or industry slowdown;

(3) the individual has received a notice of layoff and is unlikely to return to work for that employer or in that occupation within the 12-month period immediately following the separation;

(4) reasonable and suitable work opportunities for which the individual is fitted by training, experience, and physical capabilities do not exist within the local labor market;

(5) the training course is designed to provide preparation for available employment within the local labor market or in an area to which the individual is willing to relocate;

(6) the training is conducted by an agency, education institution, or employing unit which has been approved by the department of education or state board for vocational technical education or higher education coordinating board to conduct training programs; except that any agency, education institution, or employing unit which is not subject to regulation and approval by

one of the above agencies may be approved by the commissioner if it is determined that the curriculum, facilities, staff, and other essentials are adequate to achieve the training objective:

(7) the training consists of a full course load, as defined by the institution, necessary to achieve the approved training objective, and the individual is making satisfactory progress in the course. The department may require the training institution to periodically certify to the individual's attendance and progress.

(c) [ON-THE-JOB TRAINING.] An individual who meets the criteria set forth under paragraph (b) shall be eligible for participation in a full-time on-the-job training program provided that:

(1) the on-the-job training position is in an occupation for which the commissioner has determined a demand exists or will exist. In making this determination, the commissioner shall consider labor market information as contained in state and national occupational outlook publications, as well as other generally accepted authoritative sources with verifiable validity;

(2) the employer pays an hourly wage during training of at least the state minimum wage;

(3) the employer guarantees to provide at least 12 months of employment to the trainee after the completion of training at the prevailing area labor market wage for a trained individual in that occupation;

(4) the employer will not terminate the trainee during the period of training or guaranteed employment except for misconduct or demonstrated substandard performance;

(5) the employer has not in any way created an on-the-job training position through a reduction in work force within the preceding six months.

(d) [TRAINING ALLOWANCE.] During participation in an approved on-the-job training program, the trainee shall maintain both satisfactory progress and attendance. During the period of training specified in the agreement between the commissioner and the employer, individuals participating in an approved on-the-job training program shall be paid with respect to each week claimed during the benefit year and prior to exhaustion a benefit in an amount equal to the weekly benefit amount, less that part of the earnings, including holiday pay, which is in excess of \$100. The benefit shall be computed by rounding down to the nearest dollar amount. Notwithstanding any other provision, an individual participating in on-the-job training on a full-time basis shall not be considered employed for purposes of benefit eligibility.

(e) [EMPLOYER PENALTY.] An employer who enters into an on-the-job training agreement with the department and terminates the trainee in a manner other than provided in this subdivision shall repay 70 percent of the amount of unemployment insurance benefits paid to the individual while in the training program with that employer if terminated during the training period. If terminated during the 12-month period of guaranteed employment, the employer shall receive a proportional reduction in the amount it must repay.

(f) [FUNDING.] In arranging for training, existing federal and state fi-

nanced job training service deliverers and Wagner-Peyser mechanisms and funds shall be utilized in the most efficient and effective manner."

Page 24, line 33, delete "jobs" and insert "employment"

Page 25, line 4, delete "in" and insert "with"

Page 25, line 5, delete "37" and insert "42"

Page 25, lines 22 and 29, delete "jobs" and insert "employment"

Page 26, line 7, delete "jobs" and insert "employment"

Pages 27 and 28, delete sections 28 to 32 and insert:

"Sec. 30. 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, For the purposes of this subdivision, 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 to be unemployed under this subdivision.~~

Sec. 31. Minnesota Statutes 1984, section 268.686, is amended to read:

268.686 [SUNSET SUSPENSION.]

Laws 1983, chapter 312, article 7, sections 1 to 18 are ~~repealed~~ suspended January 1, 1986.

Sec. 32. [267.01] [PURPOSE.]

The legislature finds that profound changes in the state economy and the structure of federal support have altered the role of state government in the planning, development, and delivery of employment, job training, job creation, income maintenance, and human service programs; that the proliferation of these programs, coupled with the rapidly changing characteristics and requirements of people who seek public assistance, has produced a need for the state to coordinate the delivery of services and programs; that there exists no office of sufficient interagency and intergovernmental focus to develop a plan to achieve full economic productivity and opportunity in Minnesota and effectively coordinate the delivery of services and programs for the purpose of reducing unemployment rates and welfare caseloads.

Sec. 33. [267.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 33 to 37, the following terms have the meanings given them.

Subd. 2. [BIENNIAL PLAN.] "Biennial plan" means the plan submitted by the coordinator to the governor in accordance with section 267.03, subdivision 5.

Subd. 3. [COORDINATOR.] "Coordinator" means the full productivity

and opportunity coordinator.

Subd. 4. [EMPLOYMENT PROGRAMS.] "Employment programs" means programs related to job training, job placement, job creation, and job-related counseling, including but not limited to job service programs, job training partnership act programs, wage subsidy programs, work incentive programs, community work experience programs, displaced homemaker programs, disadvantaged job training programs, grant diversion, youth employment programs, conservation corps, apprenticeship programs, community investment programs.

Subd. 5. [INCOME MAINTENANCE AND SUPPORT SERVICES.] "Income maintenance and support services" means programs through which the state or its subdivisions provide direct financial or in-kind support to unemployed or underemployed persons, including but not limited to aid to families with dependent children, general assistance, food stamps, energy assistance, and child care; but not including medical assistance; aging, blind, and deaf services; social service support; community social services; mental health services; or services for the emotionally disturbed, the mentally retarded, or residents of nursing homes.

Subd. 6. [SERVICE DELIVERY AREA.] "Service delivery area" means an area so designated by the coordinator.

Subd. 7. [SERVICE PROVIDERS.] "Service providers" means public, private, or nonprofit agencies that are capable of providing one or more of the services or administering one or more of the programs for which the full productivity and opportunity coordinator has responsibility.

Subd. 8. [WAGE SUBSIDY PROGRAMS.] "Wage subsidy programs" means programs developed by the coordinator for the purpose of subsidizing wages and fringe benefits for eligible employees. All wage subsidy programs are subject to the restrictions in sections 268.672; 268.677, clause (a); 268.68; and 268.681, subdivision 1, clauses (c), (d), and (f), and subdivision 2.

Sec. 34. [267.03] [OFFICE OF FULL PRODUCTIVITY AND OPPORTUNITY; COORDINATOR.]

Subdivision 1. [OFFICE OF FULL PRODUCTIVITY AND OPPORTUNITY.] The office of full productivity and opportunity is created in the executive branch.

Subd. 2. [FULL PRODUCTIVITY AND OPPORTUNITY COORDINATOR.] The governor shall appoint a full productivity and opportunity coordinator to serve at the pleasure of the governor in the unclassified service. The salary of the coordinator is set under section 15A.081 and shall be in the first range. The coordinator is head of the office of full productivity and opportunity and chairs the full productivity and opportunity council. The coordinator shall administer the provisions of sections 32 to 35.

Subd. 3. [POWERS.] The coordinator of full productivity and opportunity is authorized to:

(1) appoint a deputy and a confidential secretary, who shall serve at the coordinator's pleasure in the unclassified service;

(2) appoint other employees under chapter 43A;

(3) issue, revoke, and amend rules under the administrative procedure act;

(4) where it would further the purposes of the biennial plan, recommend to the governor interdepartmental transfer of programs included in section 33, subdivisions 4, 5, and 8, which the commissioner of administration, if so ordered by the governor, shall carry out as provided in section 16B.37, subdivisions 1, 2, and 3, and implement so as not to lead to a reduction of federal funds to the state or its political subdivisions;

(5) where it would further the purposes of the biennial plan, recommend to the governor transfer of one or more programs included in section 33, subdivisions 4 and 8, to a service provider other than a state agency;

(6) where federal and state laws allow, establish criteria for the receipt of state funds designated for programs included in section 33, subdivisions 4, 5, and 8;

(7) enter into contracts with one or more service providers;

(8) develop and implement wage subsidy programs;

(9) require the department of economic security, the department of human services, the department of energy and economic development, and the state planning agency to furnish such assistance as the coordinator may deem necessary to fulfill the duties of his or her office; and

(10) veto any rule promulgated by the commissioner of human services and commissioner of employment and training, either separately or jointly, that relates to employment and training; for service providers who do not meet the performance standards established by the coordinator for the reduction unemployment rates and welfare caseloads, the coordinator may increase or decrease the county share of payments for general assistance, under section 256D.03, subdivision 2, by as much as five percent; aid to families with dependent children, under section 256.82, subdivision 1, by as much as three percent; and state reimbursements, under section 256D.22, by as much as ten percent as an incentive to comply with state requirements.

Sec. 35. [267.04]

Subdivision 1. [DUTIES.] The coordinator of full productivity and opportunity shall:

(1) coordinate the delivery of income maintenance and support services under the laws of the state;

(2) coordinate the delivery of employment programs under the laws of the state;

(3) review the operating performance, effectiveness, and degree of integration of income maintenance and employment programs;

(4) consult with the governor on the subjects of income maintenance and employment, provide assistance to the governor related to income maintenance and employment, and recommend to the governor improvements in delivery of employment and income maintenance services;

(5) confer with, advise, and give necessary instructions and directions to county and local authorities that are responsible for income maintenance and employment programs;

(6) ensure coordination and cooperation among state and federal agencies, county and local government, and private service providers serving on a contract basis;

(7) prepare and implement the biennial plan;

(8) provide criteria for institutions that receive state employment and income maintenance funds;

(9) review the operating performance of the service providers and employment administrators in each service delivery area;

(10) report to the legislature regarding changes needed to more adequately serve the needs of those who are unemployed, underemployed, untrained, and needy;

(11) oversee and monitor the development of an information and referral system;

(12) oversee and monitor the coordination of programs and the sharing of responsibility for employment and training by the department of employment and training and the department of human services;

(13) review and make recommendations concerning plans of the department of employment and training and the department of human services for federally sponsored programs and demonstration projects;

(14) develop rules governing the contents and submission of biennial plans by state agencies, local governments, and service providers; and

(15) establish county by county performance criteria based upon the biennial plans submitted by service providers within each county.

Subd. 2. [BIENNIAL PLAN.] The coordinator shall submit a biennial plan to the governor by October 15, 1985, and thereafter by October 15 of each even-numbered year. Upon approval by the governor, the plan governs the administration and delivery of all employment programs and income maintenance and support services.

The plan must provide at least the following:

(1) a strategy for achieving full productivity and opportunity in Minnesota that specifies priorities among employment, human services, and economic development programs;

(2) unemployment reduction goals for each service delivery area;

(3) welfare caseload reduction goals for each service delivery area;

(4) a strategy for efficient integration of federal, state, local, and private resources;

(5) a strategy to encourage local and private involvement in the full productivity and opportunity program; and

(6) suggestions to maximize the effectiveness of appropriated funds.

Subd. 3. [INTAKE, INVENTORY, AND REFERRAL SYSTEM.] Within 30 days of appointment, the coordinator shall develop a plan and timetable for the development of an intake, inventory, and referral system. The system must have localized, single-point client intake with direct access

to a statewide database. The system must include all available public and private programs for employment and income maintenance. The system must emphasize methods to match client needs with employment opportunities, appropriate services, programs, providers, funding sources, and other sources of assistance. The system must be coordinated with other state databases. Access to the system must be available in each public assistance office. Employees in public assistance offices shall actively use the system to assist clients.

Subd. 4. [DUTIES WITH RESPECT TO COMMUNITY INVESTMENT PROGRAMS.] The coordinator shall:

(1) confer with the commissioners of energy and economic development, human services, education, agriculture, public safety, natural resources, and health, and representatives of local governments to determine the type of activities valuable to the state and local communities;

(2) adopt temporary and permanent rules governing plan content, criteria for approval, and administrative standards;

(3) refer community investment program administrators to the appropriate state agency for technical assistance to aid in development and administering community investment programs;

(4) develop monitoring and evaluation criteria and institute ongoing methods for overseeing the administration and results of community investment programs;

(5) establish the method by which community investment programs will be approved or disapproved by the state and approve or disapprove county plans, which have been submitted on a timely basis, by November 1 of each even-numbered year;

(6) report to the governor and legislature, semiannually, on the operation and performance of the community investment programs; and

(7) inform the commissioners of human services and employment and training of those counties which do not have an approved plan.

Subd. 5. [DUTIES RELATING TO WAGE SUBSIDY PROGRAMS.] (a) The coordinator shall monitor local and statewide unemployment rates. If the coordinator determines that an economic emergency exists in one or more localities, he may recommend to the governor to increase the wage subsidy funding received by service providers for the affected area or areas. For the purposes of this paragraph, the governor shall designate that these funds come from either the general fund or the budget reserve account established in section 16A.15, subdivision 6.

(b) When the unemployment rate for the state of Minnesota equals or exceeds nine percent, the coordinator shall recommend to the governor to increase statewide wage subsidy funding. For the purposes of this paragraph, the governor may designate that these funds come from the budget reserve account established in section 16A.15, subdivision 6.

These funds shall be pooled and distributed to service providers in service delivery areas in a proportion equal to the number of unemployed people in each service delivery area divided by the total number of unemployed people

in the state.

Sec. 36. [267.05] [FULL PRODUCTIVITY AND OPPORTUNITY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] The full productivity and opportunity council consists of the following members: the commissioners of education, economic security, finance, energy and economic development, and human services, the president of the board for community colleges, the directors of the state planning agency, the job skills partnership, and the vocational technical education system, and a representative of the University of Minnesota.

Subd. 2. [DUTIES.] The council shall advise the coordinator in the preparation of the biennial plan.

Sec. 37. [267.06] [COOPERATION OF STATE AGENCIES AND COUNTY AND LOCAL GOVERNMENTS.]

All state agencies, counties, and units of local government are ordered to cooperate fully with the plans and directives of the full productivity and opportunity coordinator."

Page 28, line 33, delete "jobs" and insert "employment"

Page 29, line 10, delete "The commissioner"

Page 29, delete line 11

Page 29, line 12, delete "regard to political affiliations."

Page 29, line 32, delete "jobs" and insert "employment"

Page 30, lines 1 and 7, delete "jobs" and insert "employment"

Page 30, delete lines 12 to 14

Page 30, line 21, delete "and" and insert a comma

Page 30, line 22, after "administration" insert ", and to establish administrative standards and payment conditions and limitations for providers of employment and training services"

Page 30, delete lines 29 to 31

Page 31, line 2, delete "the following conditions" and insert "approved by the legislative advisory commission."

Page 31, delete lines 3 to 15

Renumber the clauses in sequence

Page 32, delete lines 8 to 20

Page 32, line 21, delete "governor" and insert "coordinator"

Page 32, line 23, delete everything after "biennium" and insert a semicolon

Page 32, delete lines 24 to 36

Page 33, delete lines 1 to 7

Page 33, line 8, after "governor," insert "the coordinator,"

Page 33, line 10, delete "*semi-annual*" and insert "*semiannual*"

Page 33, line 21, delete everything after "*the*" and insert "*wage subsidy, community investment, and grant diversion programs.*"

Page 33, delete lines 22 and 23

Page 33, line 27, delete the second "*and*"

Page 33, line 28, before "*prescribe*" insert "*with the advice and consultation of the coordinator*"

Page 33, line 29, delete the period and insert " ; *and*"

Page 33, after line 29, insert:

"(12) *under the plan and timetable issued by the coordinator, develop and maintain the intake, inventory, and referral system required under section 35, subdivision 3.*"

Renumber the clauses in sequence

Page 34, line 20, after "*private*" insert "*or nonprofit*"

Page 34, line 33, delete "*are required to*"

Page 35, line 25, delete "*268.68 to*" and insert "*268.681, subdivision 3, and*"

Page 35, line 26, before "*The*" insert "*Under the direction of the coordinator,*" and delete "*administer*" and insert "*supervise the counties in the administration of*"

Page 35, line 36, delete everything after the period

Page 36, delete lines 1 to 9

Page 36, delete lines 18 to 30

Page 36, line 31, delete "*shall have*" and insert "*has*"

Page 37, line 21, delete "*each*"

Page 37, line 22, delete "*county to establish a*" and insert "*the establishment of*"

Page 37, line 22, delete "*program*" and insert "*programs*"

Page 38, line 7, delete "*each county*" and insert "*counties*" and delete "*its*" and insert "*their*"

Page 38, line 8, delete "*plan*" and insert "*plans,*"

Page 38, line 19, delete everything after "*act,*"

Page 38, line 20, delete "*act,*"

Page 39, line 2, delete "*county*" and after "*work*" insert "*in that locality*"

Page 39, line 5, delete "*his or*"

Page 39, delete line 6

Page 39, line 7, delete "*in accordance with*"

Page 39, delete lines 23 to 36 .

Page 40, delete lines 1 to 9

Page 40, line 29, delete everything after "recipients" and insert a semicolon

Page 40, delete line 30

Page 40, line 32, delete "the commissioner of jobs and training by"

Page 41, line 7, before "In" insert "The plan must be" and delete "commissioner, the" and insert "coordinator."

Page 41, delete lines 8 to 13

Page 41, line 20, after "counties" insert "by the commissioner of employment and training"

Page 41, line 21, delete "by the commissioner of jobs and training" and insert "by the coordinator"

Renumber the subdivisions in sequence

Page 42, line 10, delete "which" and insert "that"

Page 42, lines 13 and 15, delete "jobs" and insert "employment"

Page 42, line 21, delete "ENTERPRISES" and insert "ENTERPRISE"

Page 43, lines 6, 26, and 32, delete "jobs" and insert "employment"

Pages 44 to 46, delete section 41 and insert:

"Sec. 46. [268A.040] [CHILD CARE SLIDING FEE PROGRAM.]

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

(a) "Child care services" means family day care homes, group day care homes, nursery schools, day nurseries, child day care centers, play groups, head start, parent cooperatives, and in-home child care as defined in the Minnesota plan for social services to families and children.

(b) "Child" means any person 14 years of age or younger.

(c) "Commissioner" means the commissioner of employment and training.

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner shall develop standards for county welfare agencies and human services boards regarding the provision of child care services to enable eligible families to participate in employment or training programs. The commissioner shall establish a program to allocate available appropriations to counties for the purpose of reducing the costs of child care for eligible families. The commissioner shall adopt rules to govern the program in accordance with this section. The rules must establish a sliding schedule of fees for parents receiving child care services. The commissioner shall require counties to collect and report data that the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing participants' dependence on public assistance and in providing other benefits, including improvement in the care provided to children. The commissioner shall report

to the full productivity and opportunity coordinator no later than January 15 of each odd-numbered year on the effectiveness of the program.

Subd. 3. [ALLOCATION.] No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation procedures for the sliding fee program. No later than June 1 of each odd-numbered year, each county shall inform the commissioner of the number of persons estimated to need child care services and to use the program, and the expected cost for the following two state fiscal years. No later than July 1 of that year the commissioner shall allocate to each county its proportionate share of the appropriation for that year and the next fiscal year. In making the allocation the commissioner shall take into account the county's determination of need and the needs of counties relative to one another based on comparable data. If the appropriation is insufficient to meet the needs in all counties, the amount must be prorated among the counties. If a county does not expend its allocation during a fiscal year, any unused money must be returned to the commissioner for reallocation among counties whose needs have not been met.

Subd. 4. [FINANCIAL ELIGIBILITY.] (a) The county board shall make child care services available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

(1) receive aid to families with dependent children under sections 256.72 to 256.87; or

(2) have household income below the eligibility levels for aid to dependent families; or

(3) have household income within a range established by the county board.

(b) Child care services for the families receiving aid to families with dependent children must be made available as in-kind services, to cover any difference between the actual cost and the amount disregarded under the aid to families with dependent children program.

(c) Child care services to families with incomes in the board's established range must be made available on a sliding fee basis. The lower limit of the board's range must be the eligibility limit for aid to families with dependent children. The upper limit of the range must not be less than 70 percent, and must not be more than 90 percent, of the state median income for a family of four, adjusted for family size.

Subd. 5. [FUNDING PRIORITIES.] The county may establish priorities of service among the categories of families designated in subdivision 4, paragraph (a). At least 20 percent of the money allocated to the county under this section must be used for each category unless a county can demonstrate that the need in a category can be met with less than 20 percent of the money.

Subd. 6. [EMPLOYMENT OR TRAINING ELIGIBILITY.] Persons who are seeking employment and who are eligible for assistance under this section shall receive the equivalent of one month of child care. To be eligible for child care assistance, employed persons must work at least 20 hours a week and receive at least the minimum wage for all hours worked.

Persons eligible under this section for child care assistance for education

or training shall receive assistance for the length of the program or 24 months, whichever is shorter. Any education or training program approved by the department of education and accredited by the appropriate agency is an eligible program, including but not limited to high school or an equivalent program, an English competency program, technical or vocational training, or a four-year or associate degree program. The commissioner shall develop a training and employment program for each applicant to ensure that the applicant will enter the labor force.

Subd. 7. [COUNTY CONTRIBUTION.] In addition to payments from parents, the program must be funded by county contributions. Counties shall contribute five percent of the cost of the program in the first year and 15 percent in the second and subsequent years that the county provides services under this section.

Subd. 8. [SLIDING FEE SCALE.] In setting the sliding fee schedule, the commissioner shall exclude from the amount of income used to determine eligibility under the board's established range, an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The fee schedule must be designed to use any available tax credits and to progress smoothly from appropriated assistance to tax-related assistance.

Subd. 9. [LIMITS ON USE OF STATE FUNDS.] When the county charges parents a fee that is less than the sliding fee set by the commissioner for the same service, the state's payment is limited to the difference between the fee set by the commissioner and the provider's charge for care. When the provider of child care services charges more than 125 percent of the median charge for similar care arrangements in the geographic area defined by the commissioner for the purpose of ascertaining the median charge, the state's payment is limited to the difference between 125 percent of the median charge for similar care arrangements in the geographic area and the parents' fee.

Subd. 10. [EXTENSION OF WORK INCENTIVE OPPORTUNITIES.] The county board shall ensure that child care services available to county residents are well advertised and that everyone who receives or applies for aid to families with dependent children is informed of training and employment opportunities and programs, including child care services. The county board may accept gifts, grants, bequests, devises, or offers of inclusion of services or employee fringe benefits for use in providing child care services under this section. The county board is encouraged to develop public-private partnerships for child care services.

Subd. 11. [ADMINISTRATIVE EXPENSES.] A county must not use more than ten percent of the first \$200,000 and seven percent of the balance of any allocation for its administrative expenses under this section."

Page 46, line 34, delete "jobs" and insert "employment"

Page 46, line 36, delete "41" and insert "46"

Page 47, lines 6 and 31, delete "jobs" and insert "employment"

Page 47, line 7, delete "41" and insert "46"

Page 49, after line 19, insert:

“Sec. 51. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the office of full productivity and opportunity for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. The unencumbered balance remaining in the first year does not cancel but is available for the second year.

	1986	1987
(a) For administration	\$ _____	\$ _____
(b) For an information and referral system	_____	_____
(c) For staff training	_____	_____
(d) For wage subsidy programs	_____	_____
(e) For general assistance	_____	_____
(f) For aid to families with dependent children	_____	_____
(g) For day care programs	_____	_____
(h) For day care sliding fee programs	_____	_____
(i) For employment and training programs	_____	_____
(j) For job service programs	_____	_____
(k) For job skills partnership programs	_____	_____
(l) For heating assistance grants	_____	_____
(m) For training and community programs	_____	_____
(n) For job training partnership act matching funds	_____	_____

Page 49, line 27, delete “42” and insert “47”

Page 49, line 28, delete “32” and insert “31” and delete “9” and insert “10” and delete “13” and insert “14”

Page 49, line 29, delete “41” and insert “46”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after “employment” insert “and economic opportunity”

Page 1, line 2, before “abolishing” insert “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;”

Page 1, lines 3, 6, 9, and 11, delete “jobs” and insert “employment”

Page 1, line 18, after “act;” insert “appropriating money;”

Page 1, line 26, after “2;” insert “268.08, by adding a subdivision;”

Page 1, line 27, delete “268.673, subdivisions” and insert “268.672, subdivision 6; and 268.686;”

Page 1, delete line 28

Page 1, line 30, delete "chapter" and insert "chapters 267 and"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 67 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
67	245				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 67 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 67 and insert the language after the enacting clause of S.F. No. 245, the first engrossment; further, delete the title of H.F. No. 67 and insert the title of S.F. No. 245, the first engrossment.

And when so amended H.F. No. 67 will be identical to S.F. No. 245, and further recommends that H.F. No. 67 be given its second reading and substituted for S.F. No. 245, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which were referred the following appointments as reported in the Journal for January 31, 1985:

STATE ETHICAL PRACTICES BOARD

Martin J. McGowan
Ellen G. Sampson

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 11, 1985:

MINNESOTA WATER RESOURCES BOARD

Erika Sitz

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the

table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 28, 1985:

MINNESOTA WATER RESOURCES BOARD
Marlin A. Rieppel

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Solon from the Committee on Economic Development and Commerce, to which were re-referred the following appointments as reported in the Journal for February 26, 1985:

WORLD TRADE CENTER BOARD
Bjorn Bjornstad
Ronald M. Bosrock
Willis R. Eken
Martha R. Firling
Thomas A. Foster
Richard M. Nolan
Pete R. Petrafeso
Irving M. Stern
Paul Rexford Thatcher

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 569: A bill for an act relating to natural resources; granting conservation officers the authority of peace officers; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 84.028, subdivision 3, is amended to read:

Subd. 3. ~~The operation of the game warden service in the division of game and fish as constituted before July 1, 1967 is under the direct control and supervision of the commissioner. The name of the personnel in such game warden service is changed to conservation officers. Conservation officers shall continue to have the powers and duties of game wardens as they existed before~~

July 1, 1967 and may be assigned to public relations, conservation instructional activities, and the enforcement of laws relating to resources management which the commissioner shall direct. (a) The commissioner shall create a separate division entitled with the title, the division of enforcement and field service, to be composed of conservation officers and shall appoint a director of the division. The commissioner may place the director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a.

(b) The operation of the enforcement division is under the direct control and supervision of the commissioner. The enforcement personnel in the enforcement division are conservation officers. The commissioner may assign conservation officers to public relations, conservation instructional activities, and the enforcement of laws relating to resources management.

Sec. 2. Minnesota Statutes 1984, section 97.50, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, ~~97 to 102, 105 and 106~~ 84A, 85, 86A, 88 to 106, 361, and sections 18.341 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7), and section 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

On or before the return day, the officer shall return the notice or summons to the court before whom it is returnable. If the person summoned fails to appear on the return day, the court shall issue a warrant for his arrest. Upon his or her arrest, proceedings shall be had as in other cases.

Sec. 3. Minnesota Statutes 1984, section 97.50, is amended by adding a subdivision to read:

Subd. 1a. [CERTAIN CONDITIONS UNDER WHICH CONSERVATION OFFICERS MAY ACT AS PEACE OFFICERS.] A conservation officer has the power and authority of a peace officer while performing the duties of a conservation officer to make an arrest for an offense committed in the conservation officer's presence. A conservation officer that arrests a person for violation of a law not stated in subdivision 1 must release the custody of the arrested person to the appropriate law enforcement officials as soon as possible.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; granting conservation officers the authority of peace officers under certain circumstances; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1, and by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 474: A bill for an act relating to labor and employment; establishing a youth conservation corps to promote employment of youths and young adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 84C.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [84C.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 6.

Subd. 2. [SPECIALIST.] "Specialist" means a corps member that serves in a leadership or training capacity, or provides specialized services. Specialists include summer youth camp directors, crew leaders, assistant crew leaders, educational and work coordinators, and cooks. Specialist does not include a camp director in the young adult program that is on the director's staff.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.

Subd. 4. [CORPS.] "Corps" means the Minnesota conservation corps established under section 3.

Subd. 5. [CORPS MEMBER.] "Corps member" means an individual enrolled in the corps under section 3.

Subd. 6. [DIRECTOR.] "Director" means the administrator of the bureau.

Subd. 7. [DIRECTOR'S STAFF.] "Director's staff" means the full-time management employees.

Subd. 8. [BUREAU.] "Bureau" means the bureau of conservation corps programs of the department of natural resources.

Subd. 9. [PUBLIC LANDS.] "Public lands" means any lands or waters owned or administered by the state or a political subdivision.

Subd. 10. [YOUNG ADULT PROGRAM.] "Young adult program" means the program employing individuals age 18 to 26.

Subd. 11. [YOUTH PROGRAM.] "Youth program" means the summer program employing individuals age 16 to 18.

Sec. 2. [84C.03] [MINNESOTA CONSERVATION CORPS PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a Minnesota conservation corps program within the department of natural resources. The corps shall direct and administer a program for conservation, rehabilitation, and improvement of public lands. The commissioner shall appoint a director to administer the corps program.

Subd. 2. [COMMISSIONER'S DUTIES AND AUTHORITY.] The commissioner may adopt rules to administer the corps program. The commissioner may:

- (1) employ staff, specialists, and corps members;*
- (2) adopt criteria for the selection of corps members that includes the department of natural resources affirmative action plan;*
- (3) contract for corps employment;*
- (4) contract with federal agencies, state agencies, political subdivisions, and nonprofit organizations to furnish the services of the corps;*
- (5) contract with private entities to furnish the services of the corps if the services are compensated for and it serves a public purpose;*
- (6) contract for necessary services, equipment, materials, and property;*
- (7) cooperate with other state agencies and political subdivisions; and*
- (8) apply for and accept grants and contributions.*

Subd. 3. [PROJECTS INCLUDED.] The corps may perform the following projects:

- (1) forestry and nursery operations;*
- (2) prairie land conservation, rehabilitation, and improvement;*
- (3) wildlife habitat conservation, rehabilitation, and improvement;*
- (4) urban revitalization;*
- (5) historical and cultural site identification, preservation, and maintenance;*

(6) recreational area development, maintenance, improvement, and beautification;

(7) road and trail maintenance and improvement;

(8) soil conservation work;

(9) flood, drought, and storm damage assistance and relief;

(10) stream, lake, waterfront harbor, and port, improvement and pollution control;

(11) fish habitat maintenance and improvement;

(12) insect, disease, rodent, and other pestilence control;

(13) improvement of abandoned railroad rights-of-way;

(14) land reclamation and improvement, landscaping, and tree planting;

(15) energy conservation;

(16) emergency disaster assistance; and

(17) other conservation, rehabilitation, and improvement of public lands.

Subd. 4. [PROJECT PRIORITIES.] *The commissioner shall give preference to projects that:*

(1) provide long-term public benefit;

(2) provide productive work experience to corps members;

(3) are labor-intensive; and

(4) are effective.

Subd. 5. [RESIDENTIAL CAMPS.] *The commissioner may establish residential camps for corps members.*

Subd. 6. [CORPS MEMBERS MAY NOT DISPLACE OTHER WORKERS.] *The commissioner may not assign corps members to projects that will displace currently employed workers or result in the failure to recall an employee that is on lay-off from the same or equivalent job. An assignment may not partially displace workers by reducing hours of nonovertime work, wages, or other employment benefits. Agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee to use a corps member or use a corps member to replace an employee that is on lay-off from the same or equivalent job.*

Sec. 3. [84C.04] [ELIGIBILITY FOR ENROLLMENT IN THE CORPS.]

Subdivision 1. [PERSONAL QUALIFICATIONS.] *Except for specialists, an individual may enroll in the corps only if the individual is:*

(1) a resident of the state;

(2) unemployed;

(3) at least age 16, but not older than age 26;

(4) capable of adjusting to the standards, discipline, and requirements of the corps; and

(5) for the young adult program, a holder of a high school diploma or its

equivalent, or agrees to work towards a graduation equivalency diploma while enrolled in the corps.

Subd. 2. [SELECTION CRITERIA.] In the selection of corps members, preference must be given to individuals residing in areas where substantial unemployment exists. Special efforts must be made to recruit individuals who are economically, socially, physically, or educationally disadvantaged. The commissioner shall follow the department of natural resources affirmative action plan.

Sec. 4. [84C.05] [TERMS AND CONDITIONS OF SERVICE.]

The following terms and conditions of service apply to corps members:

(1) corps members must be paid the federal minimum wage, but specialists may be paid up to 2-1/2 times the federal minimum wage;

(2) corps members may not serve more than 24 months in the young adult program;

(3) corps members may not receive state retirement, unemployment compensation, or other benefits, except workers' compensation; and

(4) corps members living in a residential camp must pay a reasonable portion of their room and board costs.

Sec. 5. [EDUCATION AND TRAINING.] *(a) The commissioner must enhance educational opportunities for corps members in the young adult program by:*

(1) providing training and reference materials;

(2) attempting to develop agreements with educational institutions to award academic credit for programs; and

(3) encouraging corps members to continue studies to complete high school graduation equivalency diploma courses and post-secondary courses for job skills training.

(b) The commissioner shall use services available from the University of Minnesota, the state universities, community colleges, area vocational technical institutes, and school districts. The commissioner may cooperate with the department of economic security to enhance training opportunities.

Sec. 6. [EDUCATIONAL VOUCHERS.]

The commissioner shall prescribe standards to reward a corps member that satisfactorily serves for at least one year with a one-time incentive payment of \$250 or an education voucher worth \$750 upon completion of service. The education voucher must be valid for three years after the date it is issued and must provide for the payment of tuition and fees at any post-secondary institution. The commissioner may authorize a partial incentive payment or education voucher to a corps member in the young adult program that serves for less than one year if the commissioner determines that service was terminated because of special circumstances.

Sec. 7. [APPROPRIATION.]

\$_____ is appropriated to the commissioner of natural resources from the general fund for establishing and operating the Minnesota

conservation corps under this act, to be available until June 30, 1987.

Sec. 8. [EFFECTIVE DATE.]

This act is effective July 1, 1985, and is repealed effective June 30, 1989."

And when so amended the bill do pass and be re-referred to the Committee on Employment. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 540: A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, after the first "animals" insert "are domestic animals"

Page 2, line 14, after "shall" insert " , if requested,"

Page 2, delete section 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 589, 490, 231, 823, 359, 239, 360, 437 and 540 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 67 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that the name of Mr. Bertram be added as a co-author to S.F. No. 438. The motion prevailed.

Mr. Stumpf moved that the name of Ms. Olson be added as a co-author to S.F. No. 563. The motion prevailed.

Mr. Pogemiller moved that the names of Messrs. Moe, R.D.; Samuelson; Freeman and Dicklich be added as co-authors to S.F. No. 818. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 832. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Davis and Dahl be added as co-authors to S.F. No. 834. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Ms. Berglin be added as a co-author to S.F. No. 844. The motion prevailed.

Mr. Petty moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 847. The motion prevailed.

Mr. Petty moved that the name of Mr. Freeman be added as a co-author to S.F. No. 848. The motion prevailed.

Mr. Petty moved that the name of Mrs. Brataas be added as a co-author to S.F. No. 850. The motion prevailed.

Mr. Petty moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 851. The motion prevailed.

Mr. Storm moved that the name of Mr. Belanger be added as a co-author to S.F. No. 864. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Dahl and Nelson be added as co-authors to S.F. No. 874. The motion prevailed.

Mr. Novak moved that the names of Messrs. Dahl and Storm be added as co-authors to S.F. No. 884. The motion prevailed.

Mr. Wegscheid moved that the names of Messrs. DeCramer, Nelson and Benson be added as co-authors to S.F. No. 919. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 646 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Transportation. The motion prevailed.

Mr. Anderson introduced—

Senate Resolution No. 38: A Senate resolution congratulating the wrestling team from Staples High School for winning the 1985 Class A State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Ms. Olson introduced—

Senate Resolution No. 39: A Senate resolution congratulating the Skippers hockey team from Minnetonka High School for winning the sportsmanship award in the 1985 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Messrs. Solon; Moe, R.D.; Taylor; Gustafson and Diessner introduced—

Senate Concurrent Resolution No. 12: A Senate concurrent resolution extending an invitation to General Motors Corporation to visit Minnesota, and offering the cooperation of the legislature in siting of the Saturn auto complex.

Referred to the Committee on Rules and Administration.

Mr. Chmielewski moved that his name be stricken as a co-author to S.F. No. 799. The motion prevailed.

CALENDAR

H.F. No. 34: A bill for an act relating to liquor; allowing an exemption

from requirement for use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, D. M.	Reichgott
Anderson	Diessner	Knaak	Moe, R. D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Schmitz
Benson	Frank	Kroening	Novak	Stieff
Berg	Frederick	Kronebusch	Olson	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, D.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R.W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Schmitz
Anderson	Dieterich	Knutson	Novak	Stieff
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D. M.	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D.L.	Stumpf
Bertram	Gustafson	Lessard	Peterson, R.W.	Taylor
Brataas	Hughes	Luther	Petty	Vega
Chmielewski	Isackson	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Merriam	Ramstad	Willet
DeCramer	Jude	Moe, D. M.	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 118: A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Nelson	Schmitz
Belanger	Dieterich	Knutson	Novak	Sieloff
Benson	Frank	Kronebusch	Olson	Solon
Berg	Frederick	Laidig	Pehler	Spear
Berglin	Frederickson	Langseth	Peterson, D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D.L.	Stumpf
Bertram	Gustafson	Lessard	Peterson, R.W.	Taylor
Brataas	Hughes	Luther	Petty	Vega
Chmielewski	Isackson	McQuaid	Pogemiller	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 198: A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, D. M.	Reichgott
Anderson	Diessner	Knaak	Moe, R. D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Schmitz
Benson	Frank	Kroening	Novak	Sieloff
Berg	Frederick	Kronebusch	Olson	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, D. C.	Storm
Bertram	Gustafson	Lantry	Peterson, D. L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R. W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

S.F. No. 143: A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Nelson	Schmitz
Belanger	Dieterich	Kroening	Novak	Sieloff
Benson	Frank	Kronebusch	Olson	Solon
Berg	Frederick	Laidig	Pehler	Spear
Berglin	Frederickson	Langseth	Peterson, D. C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D. L.	Stumpf
Bertram	Gustafson	Lessard	Peterson, R. W.	Taylor
Brataas	Hughes	Luther	Petty	Vega
Chmielewski	Isackson	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Merriam	Ramstad	Willet
DeCramer	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, D. M.	Reichgott
Anderson	Diessner	Knaak	Moe, R. D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Schmitz
Benson	Frank	Kroening	Novak	Sieloff
Berg	Frederick	Kronebusch	Olson	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, D.C.	Storm
Bertram	Gustafson	Lantry	Peterson, D.L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R.W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 228, 89, 19, 43 and 230, which the committee recommends to pass.

S.F. No. 483, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "approving a capital loan;"

Page 1, line 3, delete "grant a capital" and insert "issue bonds to make the"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

RECESS

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Samuelson; Solon; Moe, R.D.; Taylor and Kroening introduced—

S.F. No. 921: A bill for an act relating to consumer protection; regulating prepayments of certain funeral and burial goods and services; amending Minnesota Statutes 1984, section 149.11.

Referred to the Committee on Economic Development and Commerce.

Mr. Spear introduced—

S.F. No. 922: A bill for an act relating to crimes; repealing the requirement that the department of public safety must keep a record of all first convictions for the crime of possessing a small amount of marijuana; amending Minnesota Statutes 1984, section 152.15, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Spear introduced—

S.F. No. 923: A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; and 152.02, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C. and Mr. Spear introduced—

S.F. No. 924: A bill for an act relating to cities of the first class; authorizing the cities to regulate taxicabs.

Referred to the Committee on Transportation.

Messrs. Pogemiller; Moe, R.D. and Taylor introduced—

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; 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.

Referred to the Committee on Local and Urban Government.

Mr. Schmitz introduced—

S.F. No. 926: A bill for an act relating to environment; amending the authority of the metropolitan waste control commission with regard to the siting and operation of sewage sludge disposal facilities; amending Minnesota Statutes 1984, section 473.153, subdivisions 1, 2, and 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 927: A bill for an act relating to watercraft; exempting certain boats from watercraft licensing requirements; amending Minnesota Statutes 1984, section 361.03, subdivision 12.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegscheid; Solon; Laidig; Moe, R.D. and Benson introduced—

S.F. No. 928: A bill for an act relating to occupations and professions;

establishing a state board of hearing instrument dispensing; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; providing penalties; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty and Moe, R.D. introduced—

S.F. No. 929: A bill for an act relating to human services; authorizing the state planning agency to establish a program to help disabled individuals acquire needed technological devices; appropriating money; amending Minnesota Statutes 1984, section 116K.04, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Purfeerst, Schmitz and Mehrkens introduced—

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; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.21; 171.321, subdivision 2; and 297B.12.

Referred to the Committee on Transportation.

Mr. Peterson, R.W. introduced—

S.F. No. 931: A bill for an act relating to human services; authorizing a court to order release of certain confidential information; amending Minnesota Statutes 1984, section 254A.09.

Referred to the Committee on Judiciary.

Messrs. Dicklich, Renneke, Ms. Peterson, D.C. and Mr. Frederickson introduced—

S.F. No. 932: A bill for an act relating to state government; including sheltered workshops and work activity programs in the definition of socially and economically disadvantaged persons for purposes of small business procurement set-asides; amending Minnesota Statutes 1984, sections 16B.19, subdivision 9; and 645.445.

Referred to the Committee on Governmental Operations.

Mmes. Lantry, Brataas, Messrs. Knutson and Solon introduced—

S.F. No. 933: A bill for an act relating to employment; providing for a study relating to employment of developmentally disabled persons; appropriating money.

Referred to the Committee on Employment.

Messrs. Luther, Hughes, Merriam, Willet and Storm introduced—

S.F. No. 934: A bill for an act relating to elections; authorizing absentee voting by electronic voting system; amending Minnesota Statutes 1984, section 203B.08, subdivision 1a.

Referred to the Committee on Elections and Ethics.

Messrs. Spear, Renneke, Knutson, Luther and Moe, R.D. introduced—

S.F. No. 935: A bill for an act relating to the department of economic security; funding specific services for sheltered workshop and work activity programs; appropriating money.

Referred to the Committee on Employment.

Messrs. Novak; Johnson, D.J. and Peterson, C.C. introduced—

S.F. No. 936: A bill for an act relating to taxation; reducing sales and use tax rate applied to use of coin-operated amusement devices; amending Minnesota Statutes 1984, sections 297A.02, by adding a subdivision; and 297A.14.

Referred to the Committee on Taxes and Tax Laws.

Mr. Taylor, Ms. Olson, Messrs. Peterson, D.L.; Pehler and Nelson introduced—

S.F. No. 937: A bill for an act relating to education; requiring adoption of standards to measure the mastery of basic skills by pupils; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 938: A bill for an act relating to energy; increasing the amount of the loans for design and construction costs of district heating and qualified energy improvements available to certain counties; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

Referred to the Committee on Energy and Housing.

Messrs. Merriam, Mehrkens and Chmielewski introduced—

S.F. No. 939: A bill for an act proposing an amendment to the Minnesota Constitution, providing for a unicameral legislature, changing article IV, sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, and 26; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing by statute for a unicameral legislature to consist of 135 members; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Belanger and Bertram introduced—

S.F. No. 940: A bill for an act relating to labor; regulating the tip credit for minimum wage purposes; amending Minnesota Statutes 1984, sections 177.24, subdivision 2; 177.28, subdivision 4; repealing Minnesota Statutes 1984, section 177.295.

Referred to the Committee on Employment.

Mr. Hughes, Mrs. Lantry, Messrs. Wegscheid, Jude and Knaak introduced—

S.F. No. 941: A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.04.

Referred to the Committee on Governmental Operations.

Messrs. Hughes; Solon; Moe, D.M.; Knutson and Mrs. Lantry introduced—

S.F. No. 942: A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Referred to the Committee on Health and Human Services.

Messrs. Hughes, Nelson, Pehler, Renneke and Waldorf introduced—

S.F. No. 943: A bill for an act relating to education; providing various activities to study and improve teacher education; appropriating money; amending Minnesota Statutes 1984, sections 124.19, subdivision 1; 125.05, subdivision 1; and 125.185, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 944: A bill for an act relating to the state university board; au-

thorizing it to sell and maintain computers and related products; amending Minnesota Statutes 1984, section 136.24.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 945: A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1984, section 135A.07, subdivision 2.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 946: A bill for an act relating to higher education; allowing systems to spend appropriations for scholarships; authorizing the collection and setoff of debts to the state university system; authorizing state universities to make and enforce parking rules on their property; permitting payroll deductions in the state university system for a certain nonprofit university foundation; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

Referred to the Committee on Education.

Messrs. Novak, Vega, Purfeerst, Laidig and Mrs. Lantry introduced—

S.F. No. 947: A bill for an act relating to motor vehicles; providing that certain license plates be issued every six years; amending Minnesota Statutes 1984, section 168.12, subdivisions 1 and 5.

Referred to the Committee on Transportation.

Messrs. Pehler; Merriam; Moe, R.D.; Mrs. Brataas and Mr. Bernhagen introduced—

S.F. No. 948: A bill for an act relating to solid waste management; extending and making changes in the state program for providing capital assistance to local governments for processing facilities; authorizing bonds; appropriating bond funds; amending Minnesota Statutes 1984, sections 115A.49; 115A.52; 115A.54, by adding a subdivision; and 115A.59.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, DeCramer, Berg and Johnson, D.E. introduced—

S.F. No. 949: A bill for an act relating to state government; transportation; reorganizing certain motor carrier regulation and enforcement responsibilities in state agencies.

Referred to the Committee on Transportation.

Messrs. Chmielewski; Dicklich; Renneke; Johnson, D.E. and Schmitz introduced—

S.F. No. 950: A bill for an act relating to towns; providing funds for the preparation of a handbook of town laws; appropriating money.

Referred to the Committee on Local and Urban Government.

Mr. Dicklich introduced—

S.F. No. 951: A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; and 5.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, DeCramer, Berg and Storm introduced—

S.F. No. 952: A bill for an act relating to occupations and professions; requiring registration with the commissioner of commerce for those who lay out, install, or maintain alarm and communication systems; providing requirements for registration; imposing certain duties upon the commissioner of commerce; providing a penalty; exempting registrants from regulation by other agencies or political subdivisions of the state; providing for the continuance of business for those presently engaged in laying out, installing, or maintaining alarm and communications systems; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Veterans and General Legislation.

Mses. Peterson, D.C.; Berglin and Mr. Samuelson introduced—

S.F. No. 953: A bill for an act relating to economic security; providing funding for the displaced homemaker program; amending Minnesota Statutes 1984, section 517.08, subdivisions 1b and 1c.

Referred to the Committee on Health and Human Services.

Messrs. Jude, Lessard, Ms. Olson, Messrs. DeCramer and Schmitz introduced—

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.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C. and Mr. Moe, D.M. introduced—

S.F. No. 955: A bill for an act relating to state purchasing; establishing a certification process for set-aside programming in the department of human rights; establishing a small business procurement advisory council; appropriating money; providing penalties; amending Minnesota Statutes 1984, sections 16B.19, subdivision 6, and by adding a subdivision; 16B.22; 137.31, subdivision 3; 161.321, subdivisions 3 and 6; 473.129, subdivision 3 and by adding a subdivision; 473.406, subdivision 6; 473.523, by adding a

subdivision; and 473.652, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 363; repealing Minnesota Statutes 1984, sections 16B.20 and 16B.21.

Referred to the Committee on Governmental Operations.

Mr. Benson introduced—

S.F. No. 956: A bill for an act relating to education; authorizing a one-time excess capital levy for independent school district No. 533, Dover-Eyota.

Referred to the Committee on Education.

Messrs. Samuelson, Stumpf and Bertram introduced—

S.F. No. 957: A bill for an act relating to education; establishing a program to require school districts to provide milk to all elementary and secondary pupils in public and nonpublic schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Dahl; Frank; Solon; Peterson, C.C. and Davis introduced—

S.F. No. 958: A bill for an act relating to commerce; requiring disclosures in used motor vehicle transactions; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Economic Development and Commerce.

Messrs. Knaak, Ramstad, Storm, Ms. Reichgott and Mrs. Brataas introduced—

S.F. No. 959: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Mr. Belanger introduced—

S.F. No. 960: A bill for an act relating to watercraft; requiring a specified clearance distance for persons being towed; amending Minnesota Statutes 1984, section 361.09, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad, Lessard, Schmitz, Taylor and Benson introduced—

S.F. No. 961: A bill for an act relating to taxation; income; providing an exclusion for military pension payments; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl and Frank introduced—

S.F. No. 962: A bill for an act relating to energy; extending certain resi-

dential energy credits; providing an energy investment tax credit for businesses; authorizing rules; amending Minnesota Statutes 1984, section 290.06, subdivision 14, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Energy and Housing.

Mr. Anderson introduced—

S.F. No. 963: A bill for an act relating to the city of New York Mills; authorizing the city of New York Mills to open New York Mills hospital as an intermediate care facility.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Pehler, Waldorf, Benson and Kroening introduced—

S.F. No. 964: A bill for an act relating to human services; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of human services to the board; appropriating money; amending Minnesota Statutes 1984, section 160.28, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 248; repealing Minnesota Statutes 1984, sections 248.07; and 248.08.

Referred to the Committee on Health and Human Services.

Messrs. Benson, Langseth, DeCramer, Schmitz and Purfeerst introduced—

S.F. No. 965: A bill for an act relating to taxation; property taxation; modifying the method of determining certain adjusted assessed value; modifying the method of determining agricultural market value for property tax purposes; amending Minnesota Statutes 1984, sections 124.2131, subdivision 1; and 273.11, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 966: A bill for an act relating to human services; requiring the commissioner of human services to establish services for the care of brain damaged adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 252B.

Referred to the Committee on Health and Human Services.

Messrs. Ramstad and Pehler introduced—

S.F. No. 967: A bill for an act relating to retirement; resumption of service by retired teachers; amending Minnesota Statutes 1984, section 354.44, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Davis introduced—

S.F. No. 968: A bill for an act relating to the town of Santiago; authorizing

the establishment of a detached banking facility.

Referred to the Committee on Economic Development and Commerce.

Mrs. McQuaid introduced—

S.F. No. 969: A bill for an act relating to retirement; St. Louis Park fire-fighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Wegscheid, Mrs. Lantry, Messrs. Johnson, D.J.; Benson and Mrs. McQuaid introduced—

S.F. No. 970: A bill for an act relating to state government; requiring state agencies to calculate interest due on late payments of bills; amending Minnesota Statutes 1984, section 16A.124, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Davis introduced—

S.F. No. 971: A bill for an act relating to education; authorizing a permanent fund transfer by independent school district No. 477, Princeton.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Mr. Pogemiller, Ms. Berglin, Messrs. Petty and Spear introduced—

S.F. No. 972: A resolution memorializing the United States Congress to again propose an amendment to the United States Constitution providing for equal rights for women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Luther, Jude and Ramstad introduced—

S.F. No. 973: A bill for an act relating to taxation; property; providing an exemption for certain housing facilities for the elderly; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty, Ms. Berglin, Mr. Spear and Ms. Reichgott introduced—

S.F. No. 974: A bill for an act relating to health; requiring the department of health to regulate persons who treat victims of child abuse; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Mr. Petty, Ms. Berglin, Mr. Spear and Ms. Reichgott introduced—

S.F. No. 975: A bill for an act relating to children; requiring those who treat child abuse to register with the department of health; requiring persons who

treat victims of child abuse to maintain malpractice insurance; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Knaak, Knutson and Storm introduced—

S.F. No. 976: A bill for an act relating to communications; abolishing rights of access by cable communications companies; repealing Minnesota Statutes 1984, sections 238.22 to 238.35.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Peterson, D.C. introduced—

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; and 206.83.

Referred to the Committee on Elections and Ethics.

Messrs. Benson and Solon introduced—

S.F. No. 978: A bill for an act relating to insurance; accident and health; requiring an assessment of the social and financial impacts of legislative proposals that would mandate certain coverages; requiring reports to the appropriate standing committees of the legislature; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Luther; Pogemiller; Spear; Peterson, R.W. and Ramstad introduced—

S.F. No. 979: A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494.

Referred to the Committee on Judiciary.

Mr. Benson introduced—

S.F. No. 980: A bill for an act relating to independent school district No. 233, Preston-Fountain; authorizing a permanent fund transfer.

Referred to the Committee on Education.

Messrs. Freeman and Merriam introduced—

S.F. No. 981: A bill for an act relating to consumer protection; requiring certain information relating to loan and residential real estate closing costs to be provided to buyers; governing the application of hazard insurance proceeds to a mortgage loan, and clarifying liability for failure to pay premiums; establishing rates for title and mortgage insurance; proposing coding for new law in Minnesota Statutes, chapters 68A, 70A, and 325G.

Referred to the Committee on Economic Development and Commerce.

Messrs. Wegscheid and DeCramer introduced—

S.F. No. 982: A bill for an act relating to agriculture; appropriating money for livestock scale maintenance inspections and enforcement of Minnesota Statutes, chapter 17A.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 983: A bill for an act relating to human services; allowing the commissioner of human services to participate in a pilot health care program for the uninsured poor; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 984: A bill for an act relating to human services; changing eligibility standards under certain conditions and for certain programs for recipients of general assistance who share a residence with a responsible relative; amending Minnesota Statutes 1984, section 256D.01, subdivision 1a.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 985: A bill for an act relating to administrative procedures; clarifying provisions relating to emergency rules; amending Minnesota Statutes 1984, section 14.29, subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski and Diessner introduced—

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 79.22, subdivision 2; 176.081, subdivision 4; and 176.134.

Referred to the Committee on Employment.

Mr. Hughes, Ms. Peterson, D.C.; Messrs. Willet, Samuelson and Johnson, D.E. introduced—

S.F. No. 987: A bill for an act relating to elections; providing for town mail elections; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Elections and Ethics.

Mr. Johnson, D.E. introduced—

S.F. No. 988: A bill for an act relating to independent school district No. 347, Willmar; authorizing AVTI construction projects subject to certain conditions.

Referred to the Committee on Finance.

Messrs. Petty, Solon, Ms. Berglin and Mrs. Lantry introduced—

S.F. No. 989: A bill for an act relating to health; fixing liability of counties for the cost of care provided in a state hospital for mentally ill patients; amending Minnesota Statutes 1984, section 246.54.

Referred to the Committee on Health and Human Services.

Mr. Petty and Ms. Berglin introduced—

S.F. No. 990: A bill for an act relating to human services; establishing prepaid health plans; extending hospital rate limitations; adding items and services under medical assistance program competitive bidding provisions; authorizing the commissioner to select vendors for general assistance medical care; reducing ratable reductions in general assistance medical care; authorizing competitive bidding of certain general assistance medical care services; appropriating money; amending Minnesota Statutes 1984, sections 256.045, subdivisions 2 and 3; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.19, subdivision 1; 256D.03; subdivisions 4 and 6; and 256D.04; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1984, section 256.966, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Petty; Diessner; Peterson R.W.; Johnson, D.E. and Mrs. Brataas introduced—

S.F. No. 991: A bill for an act relating to civil actions; providing for calculation of the damage award in personal injury actions; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Messrs. Vega, Frederick, Anderson, Davis and Moe, D.M. introduced—

S.F. No. 992: A bill for an act relating to taxation; property; exempting certain real property owned by certain fraternal organizations; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, R.W. introduced—

S.F. No. 993: 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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nelson introduced—

S.F. No. 994: A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Messrs. Moe, R.D.; Dahl; Mehrkens; Peterson, D.L. and Ms. Reichgott introduced—

S.F. No. 995: A bill for an act relating to education; establishing a scholarship program for certain secondary pupils to attend summer academic programs sponsored by certain post-secondary institutions; providing for certain duties for the state board of education and the higher education coordinating board; establishing an advisory council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Davis, Chmielewski and Peterson, R.W. introduced—

S.F. No. 996: A bill for an act relating to local government; permitting the establishment of commercial service districts; providing taxing and other financial authority; proposing coding for new law as Minnesota Statutes, chapter 429A.

Referred to the Committee on Local and Urban Government.

Ms. Berglin, Messrs. Petty, Diessner and Mrs. Lantry introduced—

S.F. No. 997: A bill for an act relating to health; requiring a biennial report concerning health care markets; appropriating money; amending Minnesota Statutes 1984, sections 144.695; 144.70; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; and 62E.17.

Referred to the Committee on Health and Human Services.

Messrs. Petty; Benson; Merriam; Moe, R.D. and Ms. Berglin introduced—

S.F. No. 998: A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon; Gustafson; Kroening; Johnson, D.J. and Dicklich introduced—

S.F. No. 999: A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

Referred to the Committee on Economic Development and Commerce.

Messrs. Stumpf, Pehler, Langseth, Taylor and Mrs. Kronebusch introduced—

S.F. No. 1000: A bill for an act relating to the state university system; declaring its mission; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1001: A bill for an act relating to gambling; allowing casino nights under certain circumstances; amending Minnesota Statutes 1984, sections 349.31, by adding a subdivision; and 609.761; proposing coding for new law in Minnesota Statutes, chapter 349.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Hughes, DeCramer and Renneke introduced—

S.F. No. 1002: A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C. introduced—

S.F. No. 1003: 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.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C. introduced—

S.F. No. 1004: 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.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1005: A bill for an act relating to mental health; prohibiting sexual exploitation of psychotherapy patients; establishing requirements for occupations, professions, agencies, and facilities that provide psychotherapy; amending Minnesota Statutes 1984, sections 144.56, by adding a subdivision; and 241.021, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 214 and 245; repealing Minnesota Statutes 1984, sections 147.025 and 148.951.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1006: A bill for an act relating to mental health; establishing a legislative commission to study the need for regulation of psychotherapists.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1007: A bill for an act relating to insurance; health and accident; requiring coverage for scalp hair prostheses in certain circumstances; amending Minnesota Statutes 1984, section 62E.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 1008: A bill for an act relating to human rights; providing for the confidentiality of the investigatory data of the department of human rights; providing for the legal effect of a subpoena issued by the commissioner of human rights; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.05, subdivision 2; and 363.06, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 363.

Referred to the Committee on Judiciary.

Messrs. Merriam and Moe, D.M. introduced—

S.F. No. 1009: A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivisions 1, 2, and 5; 116.18, subdivisions 1, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Willet introduced—

S.F. No. 1010: A bill for an act relating to Cass county; providing authority for tourism and agriculture promotion; permitting a property tax levy.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Taylor and Willet introduced—

S.F. No. 1011: 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.

Referred to the Committee on Education.

Mr. Peterson, C.C. introduced—

S.F. No. 1012: A bill for an act relating to agriculture; providing for the establishment of a program of partial guaranties for loans made to restructure existing family farm debt; appropriating money and authorizing state bonds; proposing coding for new law in Minnesota Statutes, chapter 41A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W.; Merriam; Freeman and Sieloff introduced—

S.F. No. 1013: 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, and classifications of inactive investigative data; refining provisions of the data practices act; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding a subdivision; 13.32, subdivision 1; 13.37, subdivision 2; 13.39, by adding a subdivision; 13.46, subdivisions 3 and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, by adding subdivisions; 13.84, subdivisions 1 and 6; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

Referred to the Committee on Judiciary.

Messrs. Petty; Johnson, D.E.; Kamrath; Freeman and Pogemiller introduced—

S.F. No. 1014: A bill for an act relating to crimes; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; prohibiting diversion of corporate property; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; changing the crimes of "intrafamilial sexual abuse" to the crimes of "criminal sexual abuse"; eliminating the requirement that a defendant receive a copy of a confession that is to be introduced into evidence; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 593.01, subdivision 2; 609.364; 609.3641,

subdivision 1; 609.3642, subdivision 1; 609.3643, subdivision 1; 609.3644, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1984, section 611.033.

Referred to the Committee on Judiciary.

Mr. Bernhagen introduced—

S.F. No. 1015: A bill for an act relating to education; authorizing independent school district No. 465, Litchfield, to make a special levy for two years for certain special assessments.

Referred to the Committee on Education.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the names of Mr. Bertram and Mrs. Brataas be added as co-authors to S.F. No. 788. The motion prevailed.

APPOINTMENTS

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

S.F. No. 42: Messrs. Langseth; Johnson, D.J. and Benson.

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:45 p.m., Tuesday, March 19, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, March 19, 1985

The Senate met at 1:45 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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

Adkins	Dicklich	Kamrath	Moe, R.D.	Renneke
Anderson	Diessner	Knaak	Nelson	Solon
Belanger	Dieterich	Knutson	Novak	Spear
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Kronebusch	Pehler	Stumpf
Berglin	Frederickson	Laidig	Peterson, D.C.	Taylor
Bernhagen	Freeman	Langseth	Peterson, D.L.	Vega
Bertram	Gustafson	Lantry	Peterson, R.W.	Waldorf
Brataas	Hughes	Lessard	Petty	Wegscheid
Chmielewski	Isackson	Luther	Pogemiller	Willet
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D.M.	Reichgott	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. McQuaid, Messrs. Peterson, C.C.; Samuelson; Schmitz and Sieloff were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Council on Quality Education are

hereby respectfully submitted to the Senate for confirmation as required by law:

Mary E. Berg, Box 608, Stewartville, Olmsted County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1989.

Sherry Roed Munyon, 756 Winslow Ave., St. Paul, Ramsey County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1989.

Moira Boyne Rummel, 4105 Linden Hills Blvd., Minneapolis, Hennepin County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1988.

Daren Gislason, 110 E. Lyon, Minneota, Lyon County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Education.)

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 412.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1985

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 42: A bill for an act relating to taxation; sales; including replacement parts in the definition of farm machinery; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

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

Fjoslien, Schreiber and Brinkman.

Senate File No. 42 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 221, 335, 509 and 657.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 18, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 221: A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

H.F. No. 335: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Referred to the Committee on Judiciary.

H.F. No. 509: A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 435, now on General Orders.

H.F. No. 657: A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 518: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 26, delete "*corporation and*"

Page 5, line 5, after "*teacher*" insert "*, as defined in section 125.12,*

subdivision 1."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 648: A bill for an act relating to state government; requiring the adoption of rules governing the 700 hours program; requiring the preparation of agency affirmative action plans; providing for incentives; appropriating money; amending Minnesota Statutes 1984, sections 43A.04, subdivision 3; 43A.10, subdivision 8; and 43A.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1984, section 43A.19, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 32, delete "*director*" and insert "*commissioner*"

Page 4, line 7, delete "*state director of equal employment opportunity*" and insert "*commissioner*"

Page 4, line 10, delete "*director*" and insert "*commissioner*"

Page 5, line 15, delete "*annual*" and insert "*interim*"

Page 5, line 33, delete "*and*" and insert "*, trainee, or*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 432: A bill for an act relating to public safety; requiring the commissioner of public safety to administer an automated fingerprint identification network system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, delete "*and*" and insert "*or*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 247: A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 284: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 267 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
267	344				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 267 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 267 and insert the language after the enacting clause of S.F. No. 344, the first engrossment; further, delete the title of H.F. No. 267 and insert the title of S.F. No. 344, the first engrossment.

And when so amended H.F. No. 267 will be identical to S.F. No. 344, and further recommends that H.F. No. 267 be given its second reading and substituted for S.F. No. 344, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 151 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
151	117				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 151 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 151 and insert

the language after the enacting clause of S.F. No. 117, the first engrossment; further, delete the title of H.F. No. 151 and insert the title of S.F. No. 117, the first engrossment.

And when so amended H.F. No. 151 will be identical to S.F. No. 117, and further recommends that H.F. No. 151 be given its second reading and substituted for S.F. No. 117, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 329 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
329	424				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 247 and 284 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 267, 151 and 329 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Frederickson moved that his name be stricken as a co-author to S.F. No. 423. The motion prevailed.

Mr. Benson moved that the names of Mr. Schmitz and Mrs. Adkins be added as co-authors to S.F. No. 423. The motion prevailed.

Mr. Stumpf moved that his name be stricken as a co-author to S.F. No. 454. The motion prevailed.

Ms. Reichgott moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 454. The motion prevailed.

Mr. Spear moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 648. The motion prevailed.

Mr. Schmitz moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 730. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author

to S.F. No. 851. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 852. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Merriam be added as a co-author to S.F. No. 932. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Freeman be added as a co-author to S.F. No. 977. The motion prevailed.

Mr. Benson moved that the name of Mr. Belanger be added as a co-author to S.F. No. 978. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 993. The motion prevailed.

Mr. Nelson moved that the name of Mr. Belanger be added as a co-author to S.F. No. 994. The motion prevailed.

Mr. Pehler moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1001. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Mr. Petty and Ms. Berglin be added as co-authors to S.F. No. 1003. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Mr. Petty and Ms. Berglin be added as co-authors to S.F. No. 1004. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Mr. Petty and Ms. Berglin be added as co-authors to S.F. No. 1005. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Mr. Petty and Ms. Berglin be added as co-authors to S.F. No. 1006. The motion prevailed.

Mr. Anderson moved that the name of Mr. Frank be added as a co-author to Senate Resolution No. 38. The motion prevailed.

Mr. Davis introduced—

Senate Resolution No. 40: A Senate resolution proclaiming March 20, 1985, to be "Agriculture Day" in Minnesota.

WHEREAS, Minnesota is among the nation's leading producers of agricultural crops, livestock, and commodities; and,

WHEREAS, Minnesota's 105,000 farms over nearly 51 million acres last year provided approximately 40 percent of the state's gross economic product; and,

WHEREAS, farming and farm-related industries provided nearly one-third of the total employment opportunities in Minnesota; and,

WHEREAS, last year, the average farmer in Minnesota had the productive ability to feed 78 people for an entire year; and,

WHEREAS, the future strength and vitality of Minnesota's overall economy depends in large part on the strength and vitality of the state's agricultural economy; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that March 20

is proclaimed to be state "Agriculture Day" to recognize the overwhelming contribution made by agriculture and agriculture-related industries to a high quality standard of living in Minnesota. The tremendous problems facing state farmers today are recognized and their commitment to preserving the family farm tradition in this state is commended.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee, and that it be presented to the proper representatives of Minnesota's agricultural producers and related industries.

Mr. Davis moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 21, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, March 21, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Edmund C. Goldbach.

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

Adkins	Diessner	Knaak	Moe, R.D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Sieloff
Berglin	Frederickson	Laidig	Pehler	Solon
Bernhagen	Freeman	Langseth	Peterson, C.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.C.	Storm
Brataas	Hughes	Lessard	Peterson, D.L.	Stumpf
Chmielewski	Isackson	Luther	Peterson, R.W.	Taylor
Dahl	Johnson, D.E.	McQuaid	Petty	Vega
Davis	Johnson, D.J.	Mehrrens	Pogemiller	Waldorf
DeCramer	Jude	Merriam	Purfeerst	Wegscheid
Dicklich	Kamrath	Moe, D.M.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Berg and Samuelson were excused from the Session of today. Mr. Dahl was excused from the Session of today at 3:10 p.m. Mr. Frederickson was excused from the Session of today at 2:30 p.m. Mr. Solon was excused from the Session of today at 2:45 p.m. Mr. Willet was excused from the Session of today at 2:30 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 8, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 252.

Sincerely,
Rudy Perpich, Governor

March 8, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
252		5	March 8	March 8

Sincerely,
Joan Anderson Growe
Secretary of State

March 18, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 412.

Sincerely,
Rudy Perpich, Governor

March 18, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
412		6	March 18	March 18

Sincerely,
Joan Anderson Growe
Secretary of State

CERTIFICATION

March 19, 1985

To the Governor
State of Minnesota
To the Senate
State of Minnesota
To The House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Tuesday, March 19, 1985, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1985:

Charles H. Casey, First Congressional District, six years

Mary T. Schertler, Fourth Congressional District, six years

Wendell R. Anderson, Sixth Congressional District, six years

Stanley D. Sahlstrom, Seventh Congressional District, six years

Jerome M. Hughes
President of the Senate

David M. Jennings
Speaker of the
House of Representatives

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 99 and reports pertaining to appointments. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 235: A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, after the period, insert "*As nearly as possible, one-sixth of the terms of the voting board members shall expire each year.*"

Page 2, line 2, strike "terms of membership,"

Page 2, line 4, before the period, insert ", subdivisions 3, 4, and 5"

Page 2, line 13, delete "and"

Page 2, line 15, before the period, insert "*and a student who is enrolled in a private vocational school registered under this chapter, to be appointed by the Minnesota association of private post-secondary schools*" and after the period insert "*A member may be represented by a designee.*"

Page 2, delete line 16

Page 2, line 18, delete "matters" and insert "matter"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring, as nearly as possible, one-sixth of the terms of voting members of the higher education coordinating board to expire each year;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 547: A bill for an act relating to motor vehicles; regulating motor vehicle auctions; prescribing licensing and bonding requirements for motor vehicle dealers; amending Minnesota Statutes 1984, section 168.27, subdivisions 7, 11, 12, and 24.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Page 3, line 18, delete "(14)."

Page 5, line 3, delete the second "to" and insert ", (13), and"

Page 5, line 5, delete "No" and insert "A"

Page 5, line 6, before the period, insert "*within 30 days following the suspension or revocation, if a hearing is requested by the licensee*"

Page 5, after line 27, insert:

"Sec. 4. Minnesota Statutes 1984, section 168A.02, subdivision 2, is amended to read:

Subd. 2. The department shall not register or renew the registration of a vehicle for which a certificate of title is required, ~~except in the name of a dealer~~, unless a certificate of title has been issued to the owner or an application therefor has been delivered to and approved by the department."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to motor vehicles; 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 11, 12, and 24; and 168A.02, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 2 and insert:

“Sec. 2. [160.232] [MOWING DITCHES OUTSIDE CITIES.]

Road authorities may not mow the right-of-way of a highway located outside of a home rule charter or statutory city except as allowed in this section and section 160.23.

(a) On any highway, the first eight feet away from the road surface, or shoulder if one exists, may be mowed at any time.

(b) An entire right-of-way may be mowed after July 31. From August 31 to the following July 31, the entire right-of-way may only be mowed if necessary for safety reasons, and may not be mowed to a height of less than 12 inches.

(c) A right-of-way may be mowed as necessary to maintain sight distance for safety and may be mowed at other times under rules of the commissioner, or by resolution of a local road authority.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 406: A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1984, section 168.011, subdivision 25, is amended to read:

Subd. 25. [RECREATIONAL EQUIPMENT.] (a) “Recreational equipment” means house trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, and converted buses and converted vans.

(1) House trailers, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses and converted vans that are units designed and used for temporary human living quarters and meeting the following qualifications:

(a) (1) are not used as the residence of the owner or occupant;

(b) (2) are used for temporary living quarters by the owner or occupant

while engaged in recreational or vacation activities; and

(e) (3) ~~The~~ are self propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

(b) For the purposes of this subdivision, a motor home ~~includes means~~ a unit designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self propelled motor vehicle chassis or van ~~that contains a~~. A motor home must contain permanently installed independent life support ~~system~~ systems which meet the American National Standards Institute standard number A119.2 for recreational vehicles and ~~provides provide~~ at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) cooking facility with liquid propane gas supply, (2) ~~refrigeration or ice box~~ refrigerator, (3) self contained toilet or a toilet connected to a plumbing system with connection for external water disposal, (4) heating or air conditioning separate from the vehicle engine, (5) a potable water supply system including a ~~faucet and~~ sink with faucet either self contained or with connections for an external source, and (6) separate 110-125 volt electrical power supply, ~~or a liquid propane gas supply~~. For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

The units Motor homes include, but are not limited to, the following:

(i) (1) Type A Motor Home — a raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters as defined in this paragraph;

(ii) (2) Type B Motor Home — a ~~completed~~ van-type vehicle that has been altered to provide temporary living quarters that conforms to the motor home definition in this paragraph and has been completed or altered and certified as a motor home by the final stage manufacturer; and

(iii) (3) Type C Motor Home — an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined ~~above~~ in this paragraph.

(2) (c) Slip in campers are mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle must be registered as a passenger automobile."

Page 3, line 4, delete "who" and insert "which"

Page 3, line 12, delete "vehicle dealers" and insert "vehicles"

Page 3, line 19, after "a" and before "motor" insert "type A, B, or C"

Page 3, line 24, after "modifying" insert ", completing"

Page 3, line 25, before the period, insert "as defined in subdivision 25 of this section"

Page 4, line 5, after "in" insert "(1)" and after "bodies" insert "; or (2) type A, B, or C motor homes as defined in section 168.011, subdivision 25,"

Page 4, line 6, after "with" insert "*either the first-stage manufacturer of the motor home or*"

Page 4, line 10, after "*home*" delete "*is*" and insert "*does*"

Page 4, line 11, delete "*considered to*"

Page 4, line 16, after "*vehicles*" insert "*which he owns*"

Page 4, line 36, before the semicolon, insert "*, or (3) in effect with the final stage manufacturer of the new type A, B or C motor homes which he proposes to sell, broker, wholesale, or auction*"

Page 6, after line 11, insert:

"Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

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; amending Minnesota Statutes 1984, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1984, section 171.29, subdivision 2, is amended to read:

Subd. 2. ~~Any~~ (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated. (b) A person whose drivers license has been revoked as provided in subdivision 1 under ~~section~~ sections 169.121 or 169.123 shall pay a ~~\$100~~ \$150 fee before his drivers license is reinstated; ~~75~~ 50 percent of this fee shall be credited to the trunk highway fund and ~~25~~ 50 percent shall be credited to the general fund.

Sixty-seven percent of the amount credited to the general fund under clause (b) shall be set aside and credited to a separate account to be known as the alcohol safety program account. Funds in the account are annually appropriated as follows:

(1) 50 percent to commissioner of public safety for distribution as grants to cities and counties for the establishment and operation of programs for the prevention of alcohol-impaired driving by young drivers. The commissioner of public safety, in consultation with the commissioner of education, shall adopt rules for the distribution of grants under this clause governing:

(a) applications for grants;

(b) criteria to be used in evaluating grant applications;

(c) guidelines for local programs; and

(d) criteria for continuing evaluation of local programs; and

(2) 50 percent to the commissioner of education for grants to school districts for the development of curriculum relating to, and programs for education in elementary and secondary schools, on avoidable health risks, with particular emphasis on risks related to alcohol and drugs. The commissioner of education shall adopt rules, with the same scope as rules under clause (1) above, for the distribution of grants under this clause."

Page 1, line 17, strike "have attained the age of" and delete "21" and strike "years" and insert "are not minors,"

Page 2, line 7, insert a colon after "means" and before "an" insert:

"(1) with respect to the period preceding October 1, 1988,"

Page 2, line 8, delete the semicolon and insert a comma

Page 2, line 8, delete everything after "that" and insert "if Public Law Number 98-363 is repealed by the Congress of the United States, if its enforcement is stayed by order of a United States court of appeals, or if it is held unconstitutional by a United States court of appeals, the term shall have the meaning given it under clause (2); or

(2) with respect to the period subsequent to September 30, 1988, an individual who has not attained the age of 19."

Page 2, delete line 9

Page 3, line 8, delete "21" and strike "years of age or over," and insert "who is not a minor and"

Page 6, line 7, delete "This act is" and insert "Section 1 is effective July 1, 1985. Sections 2 to 12 are" and delete "July 1, 1985" and insert "September 30, 1986; except that, if prior to that date, Public Law Number 98-363 is repealed by the Congress of the United States or held unconstitutional by a United States court of appeals, or in the event that any state bordering Minnesota has not raised its minimum drinking age for both intoxicating liquor and nonintoxicating malt liquor to 21 by September 30, 1986, sections 2 to 12 shall not become effective"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "temporarily"

Page 1, line 4, after the semicolon, insert "establishing programs for the prevention of alcohol-impaired driving among young drivers and for education on avoidable health risks; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money;"

Page 1, line 5, after "sections" insert "171.29, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred:

S.F. No. 131: A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after the second comma, insert "subdivision 1,"

Page 1, delete line 9

Page 2, delete lines 6 to 22

Page 2, line 24, before the period, insert "*but does not apply to account balances outstanding on that date. The finance charges on these account balances may not exceed the rates permitted under Minnesota Statutes 1984, section 334.16*"

Amend the title as follows:

Page 1, line 4, before the period, insert ", subdivision 1"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 469: A bill for an act relating to the city of Ely; authorizing the city to operate a casino gaming facility regulated by the charitable gambling control board.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, delete the comma and insert a period

Page 2, delete lines 28 and 29

Pages 3 and 4, delete subdivision 10 and insert:

"Subd. 10. [USE OF PROFITS.] Gross receipts collected by the city of Ely from the operation of the gaming facility less sums necessarily and actually expended for gaming supplies and equipment, prizes, rent, utilities, maintenance of gaming equipment or the facility, taxes imposed by this section, repayment of bonds or mortgage, insurance, compensation or wages paid for conducting or managing the operation, and advertising shall be transferred to the iron range resources and rehabilitation board account in the special revenue fund and the commissioner of energy and economic development as required by this subdivision. The city of Ely must transfer two-thirds of the profits from the operation of the gaming facility to the iron range resources and rehabilitation board and one-third of the profits to the commissioner of energy and economic development. One-half of the moneys transferred to the iron range resources and rehabilitation board under this subdivision shall be used for economic development loans or grants to local governments located within the Ely, Babbitt, or Tower school district, or to

the town of Fall Lake, the remainder of any moneys must be used for economic development loans or grants to local governments located within the taconite tax relief area as defined under Minnesota Statutes, section 273.134. Moneys transferred to the commissioner of energy and economic development must be used for economic development grants or loans to Indian tribes in Minnesota.

In distributing any moneys under this subdivision the iron range resources and rehabilitation board and the commissioner of energy and economic development must give priority to the following:

(1) projects and programs that are designed to create and maintain productive, permanent, skilled employment, including employment in technologically innovative businesses;

(2) projects and programs to encourage diversification of the economy and to promote the development of tourism, small business, forestry, alternative energy sources utilizing indigenous fuels, and minerals; and

(3) projects and programs for which technological and economic feasibility have been demonstrated."

Page 4, after line 20, insert:

"Sec. 3. [ELY LIQUOR LICENSES.]

Notwithstanding any law to the contrary, the city of Ely may issue two on-sale intoxicating liquor licenses in addition to those authorized by law. The licenses authorized to be issued under this subdivision must be issued to a hotel, motel, or restaurant. The licenses are subject to all other provisions of Minnesota Statutes, chapter 340."

Page 4, line 25, delete "each" and insert "the"

Page 4, delete lines 26 to 28 and insert "governing bodies of the Minnesota Chippewa Tribe, Red Lake Band of Chippewas, Lower Sioux, Upper Sioux, Prairie Island Sioux, and the Shakopee Mdewakanton Sioux entering into an agreement with the state not to conduct casino gambling within their reservations."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; authorizing the city to issue additional on-sale intoxicating liquor licenses"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 561: A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.08, subdivision 2; 136C.26; 136C.28, subdivisions 1 and 2; 136C.31; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in

Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.27, subdivision 1; 136C.28, subdivisions 3, 4, 5, 6, and 7; and 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 16, insert:

“Section 1. 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.”

Page 1, line 24, after the second comma, insert “subdivision 4,”

Page 1, delete lines 26 to 30

Page 2, delete lines 1 to 4

Page 2, after line 11, insert:

“Sec. 4. Minnesota Statutes 1984, section 136C.26, subdivision 5, is amended to read:”

Page 2, delete lines 17 to 36

Page 3, delete lines 1 to 13

Pages 4 and 5, delete section 5

Page 5, line 28, delete “136C.27, subdivision 1;”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “some” and insert “certain” and delete the first comma and insert “and” and delete “, aid, and grant”

Page 1, line 7, before the second semicolon, insert “, subdivisions 4 and 5”

Page 1, line 7, after “sections” insert “136C.04, subdivision 15;”

Page 1, line 8, delete “subdivisions 1 and” and insert “subdivision” and delete “136C.31;”

Page 1, line 12, delete “136C.27, subdivision 1;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 805: A bill for an act relating to human services; regulating long-

term sheltered workshop; amending Minnesota Statutes 1984, section 129A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 129A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 26, insert:

“Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1985. Section 2 is effective retroactively to October 1, 1984.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 99: A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter 288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the period, insert “*The boundaries of the park reserve commissioners’ districts shall be the same as the Hennepin county commissioners’ districts.*”

And when so amended the bill do pass. Ms. Peterson, D.C. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 33, delete "not more than three miles" and insert "a reasonable distance" and after "town" insert ", as determined by the town board"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

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 50.14, subdivision 2; 475.66, by adding a subdivision; and 501.125, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 48.61, is amended by adding a subdivision to read:

Subd. 5. In the absence of an express provision to the contrary, whenever any statute, regulation, charter, trust indenture, authorizing resolution, or other instrument governing the investment of funds of a banking institution, as defined in section 48.01, subdivision 2, directs, requires, authorizes, or permits investment in obligations of the United States or obligations, the payment of the principal of and interest on which is unconditionally guaranteed by the United States, investment in these obligations may be made either directly or in the form of securities of, or other interests in, an investment company (1) registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and (2) whose investments are limited to these obligations and repurchase agreements fully collateralized by these obligations, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks.

Sec. 2. 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 in-

strumentality of the United States,

(b) in shares of an investment company (1) registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and (2) whose only investments are in securities described in the preceding clause *and repurchase agreements fully collateralized by those securities, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks,*

(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.

Sec. 3. Minnesota Statutes 1984, section 501.125, is amended by adding a subdivision to read:

Subd. 6. [INVESTMENT COMPANIES.] In the absence of an express prohibition in the trust instrument, whenever the instrument directs, requires, authorizes, or permits investment in obligations of the United States or obligations, the payment of the principal of and interest on which is unconditionally guaranteed by the United States, the trustee may invest in and hold those obligations either directly or in the form of securities of, or other interests in, an investment company (1) registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and (2) whose investments are limited to these obligations and repurchase agreements fully collateralized by these obligations, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks.

Nothing in this subdivision shall be construed to alter the degree of care and judgment required of trustees by subdivision 1.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete everything after "sections"

Page 1, delete lines 6 to 8 and insert "48.61, by adding a subdivision;

475.66, subdivision 3; and 501.125, by adding a subdivision.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 776: A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; prohibiting the free distribution of cigarettes; raising the cigarette tax; appropriating money; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 5 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 124, 144, and 145.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Education. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 901: A bill for an act relating to human services; increasing incentives for enforcing and collecting child support; amending Minnesota Statutes 1984, sections 256.74, subdivision 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.551, subdivision 7; 518.611, subdivisions 2, 4, and 6; and 518.645; repealing Minnesota Statutes 1984, section 518.611, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 7, delete “\$25” and insert “\$5”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 62: A bill for an act relating to public welfare; providing for state payment of the entire nonfederal share of the cost of certain assistance programs for members of the White Earth Indian Reservation; amending Minnesota Statutes 1984, section 256.965.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 691: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 34, delete "7" and insert "8"

Page 4, line 27, before "The" insert "At all stages of their involvement with an Indian child," and after "shall" insert ", upon request,"

Page 4, line 29, delete "if the tribal social service agency"

Page 4, line 30, delete "so requests"

Page 5, line 5, delete the comma

Page 6, line 3, delete "a" and insert "any"

Page 6, line 15, delete "7" and insert "8"

Page 6, delete lines 26 to 33, and insert:

"The commissioner of human services shall publish annually an inventory of all Indian children in residential facilities. The inventory shall include, by county and statewide, information on legal status, living arrangement, age, sex, tribe in which the child is a member or eligible for membership, accumulated length of time in foster care, and other demographic information deemed appropriate concerning all Indian children in residential facilities. The report must also state the extent to which authorized child placing agencies comply with the order of preference described in United States Code, title 25, section 1901, et seq."

Page 7, lines 15 and 16, delete "child" and insert "person"

Page 7, line 17, after "disclose" insert ", to the Indian person's tribe,"

Page 7, lines 18 and 19, delete "child" and insert "person"

Page 7, line 21, delete "Where" and insert "When" and delete "such child" and insert "the person"

Page 7, line 23, delete everything after the comma

Page 7, delete lines 24 to 26, and insert "the agency must use the procedures described in United States Code, title 25, section 1951."

Page 7, line 28, after "commissioner" insert "of human services"

Page 7, line 28, delete "part"

Page 7, line 29, delete "9545.0780" and insert "parts 9545.0210 and 9545.0790"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 543: A bill for an act relating to health; requiring a study of the feasibility of home equity conversion to finance long-term health care and long-term health care insurance; appropriating money.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 10, delete "*director*" and insert "*commissioner*" and delete "*the*"

Page 1, line 11, delete "*housing finance agency*" and insert "*human services*"

Page 1, line 11, delete "*commissioners*" and insert "*commissioner*"

Page 1, line 12, delete "*human services and the director of*" and insert "*the directors of the housing finance agency and*"

Page 2, line 19, delete "*director of the housing finance agency*" and insert "*commissioner of human services*"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 552: A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1965, chapter 326, section 1, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes 1964, section 282.08, clause (4) (3), as amended by Laws 1963, Chapter 519, the county board of Itasca county out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota Statutes 1964, section 282.08, clauses (1); and (2), and (3) may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the following purposes.

Sec. 2. Laws 1965, chapter 326, section 1, subdivision 4, is amended to read:

Subd. 4. Acquisition and maintenance of county parks or recreational areas as defined in Minnesota Statutes 1964, sections 398.31 through 398.36.

Sec. 3. Laws 1965, chapter 326, section 1, subdivision 5, as amended by Laws 1975, chapter 110, section 1, is amended to read:

Subd. 5. ~~ITASCA COUNTY;~~ Promotion of tourist, agricultural and industrial ~~DEVELOPMENTS~~ *development.* The amount to be spent annually for the purposes of this subdivision shall not exceed 40 cents \$1 per capita of the county's population.

Sec. 4. Laws 1965, chapter 326, section 1, subdivision 7, is amended to

read:

Subd. 7. Any balance shall be apportioned as follows: ~~state, 40 percent;~~ county, ~~30~~ 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca county.

Delete the title and insert:

“A bill for an act relating to Itasca county; changing the permissible expenditure on tourist, agricultural, and industrial promotion; changing allocation of proceeds for tax-forfeited land; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 556: A bill for an act relating to agriculture; increasing the number of deputy commissioners of agriculture; establishing a trade office; appropriating money; amending Minnesota Statutes 1984, section 17.01; proposing coding for new law in Minnesota Statutes, chapter 17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [13.76] [MINNESOTA TRADE OFFICE DATA.]

If the data are received or prepared to develop trade or investments, the following data maintained by the Minnesota trade office are private data on individuals or nonpublic data:

- (1) *business and individual financial information;*
- (2) *price lists;*
- (3) *marketing plans;*
- (4) *customer lists;*
- (5) *sales lists; and*
- (6) *data on competitive products.*

Sec. 2. Minnesota Statutes 1984, section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; ~~DEPUTY DEPUTIES.~~]

There is created a department of agriculture, which shall be in the charge of

a commissioner of agriculture, in this chapter called the commissioner. He shall be appointed by the governor under the provisions of section 15.06. Before entering upon the duties of his office, he shall take the oath required of state officials. He may appoint a two deputy commissioner commissioners.

Sec. 3. [17.108] [MINNESOTA TRADE OFFICE.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota trade office is established in the department of agriculture to promote, develop, and facilitate international and domestic trade and foreign investment in Minnesota. The commissioner shall appoint a deputy commissioner to direct the Minnesota trade office. The deputy commissioner shall organize the office and employ no more than six directors in the unclassified service necessary to perform the duties of the office.

Subd. 2. [DUTIES.] The deputy commissioner shall:

(1) locate, develop, and promote markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with potential international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at national and international trade shows;

(4) host foreign trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(5) develop contacts with Minnesota businesses and gather and provide information to assist the businesses to locate and communicate with foreign trading or joint venture counterparts;

(6) inform, educate, and counsel Minnesota businesses about the economic, commercial, legal, and cultural contexts of international trade;

(7) provide Minnesota businesses with leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom-brokering;

(8) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(9) provide foreign businesses and investors desiring to locate facilities in Minnesota with information regarding sources of governmental, legal, real estate, financial, and business services;

(10) enter into contracts and arrangements with agents or representatives abroad to promote international trade and attract investment from foreign countries to Minnesota; and

(11) perform other activities that will promote international trade.

Subd. 3. [PROMOTIONAL EXPENDITURES.] Expenditures of the Minnesota trade office for food, lodging, and travel to promote and develop international trade are exempt from the travel rules of the commissioner of

employee relations to the extent those expenditures are approved by the commissioner of agriculture as necessary and reasonable.

Subd. 4. [PUBLICATIONS AND SEMINARS.] (a) The commissioner may sponsor and conduct seminars and may produce, publish, and disseminate reports, publications, and advertisements or other forms of information relating to the promotion of Minnesota in international trade and the attraction of foreign investment. The commissioner may enter into contracts or agreements with other governmental agencies and private parties for the production, publication, and dissemination of these promotional materials and seminars. The contracts and agreements under this subdivision are not subject to the requirements of chapter 16B if the commissioner determines that special needs or circumstances exist.

(b) The commissioner may prescribe a schedule of fees for the promotional materials, seminars, and missions according to section 16A.128. The commissioner may consider the distribution objectives of the Minnesota trade office and the cost of furnishing the materials or services in prescribing the fees.

(c) Minnesota trade office publications may contain advertising, and the Minnesota trade office may receive advertising revenue from public and private advertisers. The commissioner shall set advertising rates. In setting the rates, the commissioner shall consider the services rendered and distribution objectives. The rates may not generate revenue greater than the cost of preparation, printing, and distribution of the publications.

(d) The fees for publications, seminars, and advertising are exempt from the rulemaking requirements of chapter 14.

(e) All fees for promotional materials, seminars, and advertising must be deposited in the state treasury and credited to the promotional fund under subdivision 5.

Subd. 5. [PROMOTIONAL FUND.] The Minnesota trade office fund is established as an account in the state treasury. The commissioner may request, accept, and spend money for the promotion of international trade and foreign investments under this section. Money received by the commissioner under this subdivision and subdivision 4 must be deposited in the state treasury and credited to the Minnesota trade office fund. Money in the fund, including interest earned, is annually appropriated to the commissioner for the purposes that the money has been received. The appropriation does not cancel and is available until expended.'

Amend the title as follows:

Page 1, line 6, delete "chapter" and insert "chapters 13 and"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 343: A bill for an act relating to game and fish; prohibiting harassment of hunters and anglers; providing penalties; proposing coding for

new law in Minnesota Statutes, chapter 97.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97.861] [HUNTER AND ANGLER HARASSMENT PROHIBITED.]

Subdivision 1. [INTERFERENCE WITH TAKING WILD ANIMALS PROHIBITED.] A person may not intentionally disrupt or interfere with another person who is lawfully taking a wild animal, or preparing to take a wild animal, with the intent of preventing the taking of the animal. Under this section, preparing to take a wild animal includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take a wild animal.

Subd. 2. [DISTURBING WILD ANIMALS PROHIBITED.] A person may not disturb wild animals with the intent to prevent the animals from being taken.

Subd. 3. [USE OF LAND WITHOUT PERMISSION FOR HARASSMENT PROHIBITED.] A person may not enter or remain on private lands without permission of the owner with the intent to violate this section.

Subd. 4. [DAMAGES.] A court may award damages to a person adversely affected by a violation of this section, which may include punitive damages. The special damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment, and supplies, to the extent that the expenditures were not able to be used as intended because of the prevention of taking a wild animal."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 675: A bill for an act relating to transportation; authorizing designation of minimum-maintenance roads by resolution of local road authorities; exempting road authorities from liability for damages arising from reduced maintenance standards on minimum-maintenance roads; providing penalties; amending Minnesota Statutes 1984, sections 160.01, subdivision 1; 160.02, subdivisions 7 and 9; 160.04; 160.07; 160.09; 160.10, subdivisions 1, 2, and 8; 160.11, subdivision 2; 160.13; 160.16, by adding a subdivision; 160.17; 160.18, subdivision 3; 160.20; 160.201, subdivision 1; 160.21; 160.215; 160.22, subdivision 1; 160.23; 160.24; 160.25, subdivisions 1 and 3; 160.26; 160.27; 160.29, subdivision 1; 160.292, subdivisions 5 and 9; 161.16, subdivisions 1, 4, and 5; 161.18; 161.19; 161.202, subdivision 1; 161.24; 161.25; 162.02, subdivisions 6, 7, and 10; 162.08, subdivisions 3 and 4; 162.081, subdivision 4; 162.09, subdivisions 8 and 9; 163.02; 163.03; 163.035; 163.04, subdivisions 1 and 2; 163.11; 163.111; 163.13, subdivision 1; 163.14; 163.16; 164.02; 164.03, subdivisions 1, 2, and 4; 164.04; 164.041; 164.05, subdivisions 1 and 2; 164.06; 164.07; 164.08, subdivision 2; 164.09, subdivision 1; 164.11; 164.12; 164.13, subdivision 1;

164.14; 164.15; 164.151; and 164.155; proposing coding for new law in Minnesota Statutes, chapter 160.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 8, after the first comma, insert "*including roads designated as minimum-maintenance roads,*"

Page 2, line 10, delete everything after the period

Page 2, delete line 11

Pages 2 to 54, delete sections 3 to 74 and insert:

"Sec. 2. Minnesota Statutes 1984, section 169.06, subdivision 1, is amended to read:

Subdivision 1. [UNIFORM SYSTEM.] The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. *The manual and specifications must include the design and wording of minimum-maintenance road signs.* The adoption of the manual and specifications by the commissioner as herein provided is specifically exempted from the provisions and requirements of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62 and acts amendatory thereto.

Sec. 3. [160.091] [DESIGNATION OF MINIMUM-MAINTENANCE ROADS.]

Subdivision 1. [RESOLUTION.] A road authority, other than the commissioner, may by resolution designate a road under its jurisdiction as a minimum-maintenance road if it determines that the road or road segment is used only occasionally or intermittently for passenger and commercial travel. The resolution must identify the beginning and end points of the road being designated. After adopting the resolution, the road authority must post signs on the road to notify the motoring public that it is a minimum-maintenance road and that the public travels on the road at its own risk. A road authority must notify the road authorities of adjoining jurisdictions of designations under this section.

If an affected road or road segment runs along a county or town line, the designation applies only to that part of the road that is under the jurisdiction of the road authority adopting the resolution.

Subd. 2. [SIGNS.] Designation of a minimum-maintenance road is effective on the erection of the signs required under this section. The signs shall be posted at entry points to and at regular intervals along a minimum-maintenance road. Signs posted must conform to the commissioner's manual of uniform traffic devices. Properly posted signs are prima facie evidence that adequate notice of a minimum-maintenance road has been given to the motoring public.

Subd. 3. [LIMITATIONS.] A trunk highway may not be designated as a

minimum-maintenance road. A road may not be designated a minimum-maintenance road if federal-state aid to Minnesota will be reduced as a result. A road authority may not acquire additional right-of-way or easement by eminent domain or otherwise without the consent of the landowner, for the purpose of constructing or designating a minimum-maintenance road, except where necessary for drainage or public safety.

Subd. 4. [LIABILITY.] A minimum-maintenance road may be maintained at a level less than the minimum maintenance standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve the occasional or intermittent traffic. Where a road has been designated by resolution as a minimum-maintenance road and signs have been posted under subdivision 2, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the minimum-maintenance road and related to its maintenance or condition. Nothing in this section shall exempt a road authority from its duty to maintain bridges under chapter 165 or other applicable law."

Renumber the sections in sequence

Delete the title and insert:

"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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 730: A bill for an act relating to transportation; establishing conflict of interest requirements for court-appointed commissioners in condemnation; providing for relocation and disposal of historically significant buildings or structures; denying certain contracts to persons convicted of contract crimes; creating new, state-surveying coordinate system; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 505.18; 505.19; 505.20; 505.22; 505.23; and 505.24; proposing coding for new law in Minnesota Statutes, chapters 161 and 505.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 23, delete "*material*" and after "*supplier*" insert "*of materials, services, or equipment*"

Page 6, line 1, delete "*material*" and after "*supplier*" insert "*of materials, services, or equipment*"

Page 6, line 7, after "*materials*" insert "*, services,*"

Page 6, line 12, delete "*material*"

Page 6, line 13, after "*supplier*" insert "*of materials, services, or equipment*"

Page 6, line 26, after the semicolon, insert "*or*"

Page 6, line 28, delete "*; or*" and insert a period

Page 6, delete lines 29 and 30

Page 6, line 36, delete "*preexisting*" and after "*contract*" insert "*awarded before the debarment or suspension, except as provided under rules of the commissioner of Administration.*"

Page 7, line 6, delete "*sucessors*" and insert "*successors*"

Page 8, line 23, strike "to be"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

Senate Concurrent Resolution No. 12: A Senate concurrent resolution extending an invitation to General Motors Corporation to visit Minnesota, and offering the cooperation of the legislature in siting of the Saturn auto complex.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

Senate Concurrent Resolution No. 10: A Senate concurrent resolution expressing the sense of the Senate and House of Representatives in support of the concentration of small business assistance programs within the Small Business Administration.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 64: A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for March 5, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Taxes and Tax Laws". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 711, 757, 807, 868, 889 and 915 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 711 to the Committee on Energy and Housing.

S.F. No. 757 to the Committee on Judiciary.

S.F. No. 807 to the Committee on Public Utilities and State Regulated Industries.

S.F. Nos. 868 and 889 to the Committee on Local and Urban Government.

S.F. No. 915 to the Committee on Economic Development and Commerce.

Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 509 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
509	435				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 28, 1985:

WASTE MANAGEMENT BOARD
Mary A. Robinson

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 235, 547, 219, 406, 131, 805, 798, 542, 676, 581, 552, 675 and 730 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 509 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Bertram be added as a co-

author to S.F. No. 369. The motion prevailed.

Mr. Merriam moved that the name of Mr. Frederick be added as a co-author to S.F. No. 438. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Belanger be added as a co-author to S.F. No. 596. The motion prevailed.

Mr. Knaak moved that his name be stricken as a co-author to S.F. No. 711. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 800. The motion prevailed.

Mr. Waldorf moved that the names of Messrs. Pogemiller and Ramstad be added as co-authors to S.F. No. 832. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 863. The motion prevailed.

Mr. Chmielewski moved that his name be stricken as a co-author to S.F. No. 912. The motion prevailed.

Mr. Chmielewski moved that the name of Mrs. Brataas be added as a co-author to S.F. No. 986. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Johnson, D.E. and Renneke be added as co-authors to S.F. No. 1009. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 1 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 41: A Senate resolution congratulating the Wildcats girls basketball team from New London-Spicer High School for winning the consolation championship at the 1985 State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Anderson introduced—

Senate Resolution No. 42: A Senate resolution congratulating Dick Grewe of Wadena for his election into the Minnesota Amateur Baseball Hall of Fame.

Referred to the Committee on Rules and Administration.

Mr. Anderson introduced—

Senate Resolution No. 43: A Senate resolution congratulating Wendelin Koep, Sr. of Urbank, Minnesota, upon his election to the Minnesota Amateur Baseball Hall of Fame.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved the adoption of Senate Concurrent Resolution No. 10, as reported from the Committee on Rules and Administration, adopted March 21, 1985.

Senate Concurrent Resolution No. 10: A Senate concurrent resolution expressing the sense of the Senate and House of Representatives in support of the concentration of small business assistance programs within the Small Business Administration.

WHEREAS, the Small Business Administration's Financial Assistance Division has provided over \$53,000,000 in guaranteed loans to Minnesota small businesses resulting in over 6,000 jobs created or retained in 1984; and

WHEREAS, the Senate and House of Representatives support the principle that all direct loans should originate in the private financial markets; and

WHEREAS, the Small Business Administration's Management Assistance Division has provided individual counseling and training assistance to over 18,000 current and potential small business owners directly and through the management of resources including SCORE/ACE, community colleges and area Vocational Technical Institutes, and through financial and technical assistance to the Minnesota Small Business Development Center program which resulted in individual counseling and training assistance to over 11,000 Minnesota small businesses, and through technical assistance and program participation with state agencies, other federal agencies, chambers of commerce, and private sector organizations which resulted in counseling and training assistance to thousands of other Minnesota small businesses in 1984; and

WHEREAS, the Small Business Administration's Procurement Assistance has resulted in \$155,000,000 in federal contracts awarded to small businesses in 1984, \$5,000,000 in awards to Minnesota's socially and economically disadvantaged small businesses, and \$29,000,000 in Surety Bond Guarantees; and

WHEREAS, the Small Business Administration's Advocacy program has provided Minnesota's small business community with support in many areas of importance to its future well being and continued growth, as one of the agencies most effective programs and has resulted in legislative accomplishments on a state and federal level; and

WHEREAS, the Small Business Administration and all government agencies must evaluate in cooperation with Congress, the effectiveness of their program delivery and make those changes necessary to improve their cost effectiveness; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that it supports the concentration of small business assistance programs within the Small Business Administration.

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 12 be laid on the table. The motion prevailed.

CALENDAR

S.F. No. 89: A resolution memorializing the President and Congress of the United States to adopt legislation requiring that all milk sold in the United

States contain a higher minimum level of nonfat milk solids.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Solon
Anderson	Dieterich	Kroening	Olson	Spear
Belanger	Frank	Kronebusch	Pehler	Storm
Benson	Frederick	Laidig	Peterson, C. C.	Stumpf
Berglin	Frederickson	Langseth	Peterson, D. C.	Taylor
Bernhagen	Freeman	Lantry	Peterson, D. L.	Vega
Bertram	Gustafson	Lessard	Peterson, R. W.	Waldorf
Brataas	Isackson	Luther	Petty	Wegscheid
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Willet
Dahl	Johnson, D. J.	Mehrkens	Ramstad	
Davis	Jude	Merriam	Reichgott	
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Schmitz	

So the resolution passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kamrath	Nelson	Solon
Anderson	Frederickson	Kronebusch	Novak	Storm
Belanger	Freeman	Laidig	Olson	Stumpf
Bertram	Gustafson	Langseth	Pehler	Wegscheid
Chmielewski	Hughes	Lessard	Peterson, C. C.	Willet
Dahl	Isackson	Luther	Peterson, R. W.	
DeCramer	Johnson, D. E.	McQuaid	Ramstad	
Dicklich	Johnson, D. J.	Mehrkens	Reichgott	
Diessner	Jude	Moe, R. D.	Schmitz	

Those who voted in the negative were:

Benson	Dieterich	Lantry	Pogemiller	Vega
Berglin	Frederick	Merriam	Purfeerst	Waldorf
Bernhagen	Knaak	Peterson, D. C.	Renneke	
Brataas	Knutson	Peterson, D. L.	Spear	
Davis	Kroening	Petty	Taylor	

So the bill passed and its title was agreed to.

S.F. No. 483: A bill for an act relating to education; approving a capital loan; directing the commissioner to issue bonds to make the loan to independent school district No. 690, Warroad.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Renneke
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berglin	Frederickson	Langseth	Peterson, C. C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D. C.	Stumpf
Bertram	Gustafson	Lessard	Peterson, D. L.	Taylor
Brataas	Hughes	Luther	Peterson, R. W.	Vega
Chmielewski	Isackson	McQuaid	Petty	Waldorf
Dahl	Johnson, D. E.	Mehrkens	Pogemiller	Wegscheid
Davis	Johnson, D. J.	Merriam	Purfeerst	Willet
DeCramer	Jude	Moe, D. M.	Ramstad	
Dicklich	Kamrath	Moe, R. D.	Reichgott	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Schmitz
Anderson	Diessner	Knutson	Nelson	Solon
Belanger	Dieterich	Kronebusch	Novak	Spear
Benson	Frank	Laidig	Olson	Storm
Berglin	Frederick	Langseth	Pehler	Stumpf
Bernhagen	Freeman	Lantry	Peterson, C. C.	Taylor
Bertram	Gustafson	Lessard	Peterson, D. C.	Waldorf
Brataas	Hughes	Luther	Peterson, R. W.	Wegscheid
Chmielewski	Isackson	McQuaid	Petty	Willet
Dahl	Johnson, D. E.	Mehrkens	Pogemiller	
Davis	Johnson, D. J.	Merriam	Purfeerst	
DeCramer	Jude	Moe, D. M.	Reichgott	

Those who voted in the negative were:

Frederickson	Kroening	Peterson, D. L.	Ramstad	Renneke
Kamrath				

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Reichgott
Anderson	Dieterich	Knudson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Solon
Berglin	Frederickson	Laidig	Pehler	Spear
Bernhagen	Freeman	Langseth	Peterson, C. C.	Storm
Bertram	Gustafson	Lantry	Peterson, D. C.	Taylor
Brataas	Hughes	Lessard	Peterson, D. L.	Vega
Chmielewski	Isackson	Luther	Peterson, R. W.	Waldorf
Dahl	Johnson, D. E.	McQuaid	Petty	Wegscheid
Davis	Johnson, D. J.	Mehrkens	Pogemiller	Willet
DeCramer	Jude	Merriam	Purfeerst	
Dicklich	Kamrath	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Renneke
Anderson	Dieterich	Knutson	Nelson	Schmitz
Belanger	Frank	Kroening	Novak	Solon
Benson	Frederick	Kronebusch	Pehler	Spear
Berglin	Frederickson	Laidig	Peterson, C. C.	Storm
Bernhagen	Freeman	Langseth	Peterson, D. C.	Stumpf
Bertram	Gustafson	Lantry	Peterson, D. L.	Taylor
Brataas	Hughes	Lessard	Peterson, R. W.	Vega
Chmielewski	Isackson	Luther	Petty	Waldorf
Dahl	Johnson, D. E.	McQuaid	Pogemiller	Wegscheid
Davis	Johnson, D. J.	Mehrkens	Purfeerst	Willet
DeCramer	Jude	Merriam	Ramstad	
Dicklich	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 247: A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Renneke
Anderson	Dieterich	Knutson	Nelson	Schmitz
Belanger	Frank	Kroening	Novak	Sieloff
Benson	Frederick	Kronebusch	Pehler	Solon
Berglin	Frederickson	Laidig	Peterson, C. C.	Spear
Bernhagen	Freeman	Langseth	Peterson, D. C.	Storm
Bertram	Gustafson	Lantry	Peterson, D. L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R. W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet
Dicklich	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Solon moved that Senate Concurrent Resolution No. 12 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 12: A Senate concurrent resolution extending an invitation to General Motors Corporation to visit Minnesota, and offering the cooperation of the legislature in siting of the Saturn auto complex.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

(1) The Senate and the House of Representatives extend an official invita-

tion to General Motors Corporation and its Saturn Corporation affiliate to visit Minnesota and learn firsthand of the quality workforce, quality educational systems, and quality of life available here.

(2) The Senate and the House of Representatives offer their full cooperation in reviewing sites and making services of state government available to the Saturn Corporation.

(3) The Senate and the House of Representatives assert that Minnesota would be a hospitable site for this state-of-the-art plant, would provide a living environment that is safe, comfortable, and fulfilling for workers, and would insure a level of productivity unmatched anywhere in the United States.

Mr. Solon moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 356: A bill for an act relating to education; providing for an alcohol fuel pilot project; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [TRAINING OF FARMERS FOR ALCOHOL FUEL PLANT AND GREENHOUSE MANAGEMENT.]

The state board of vocational technical education may offer a program to help farmers find alternative profitable uses for grain, to train farmers and students to manage and operate an alcohol fuel plant, to train farmers and students to use a greenhouse heated by the fuel plant, to educate farmers to use and manage grain mash and sweetwater to feed livestock, to find efficient ways to manufacture alcohol fuel in Minnesota, and to educate farmers about alcohol fuel plants and greenhouses to determine their business possibilities.

Sec. 2. [APPROPRIATION.]

§_____ is appropriated from the general fund to the state board of vocational technical education for the purposes of section 1.”

Amend the title as follows:

Page 1, line 2, delete “an” and insert “a program to educate farmers in certain methods relating to”

Page 1, line 3, delete “pilot project”

And when so amended the bill do pass and be re-referred to the Committee

on Energy and Housing.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Petty moved that S.F. No. 998 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Health and Human Services. The motion prevailed.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 40, which the committee recommends to pass after the following motion:

The question was taken on the recommendation to pass S.F. No. 40.

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Berglin	Frederick	Laidig	Nelson	Sieloff
Brataas	Freeman	Langseth	Novak	Spear
Dahl	Gustafson	Lantry	Olson	Storm
Davis	Hughes	Luther	Pehler	Vega
DeCramer	Johnson, D.J.	McQuaid	Peterson, D.C.	Waldorf
Dicklich	Knaak	Mehrkens	Peterson, R.W.	Wegscheid
Diessner	Knutson	Merriam	Petty	
Frank	Kroening	Moe, D. M.	Pogemiller	

Those who voted in the negative were:

Adkins	Bertram	Jude	Peterson, C.C.	Renneke
Anderson	Chmielewski	Kamrath	Peterson, D.L.	Schmitz
Belanger	Dieterich	Kronebusch	Purfeerst	Stumpf
Benson	Isackson	Lessard	Ramstad	Taylor
Bernhagen	Johnson, D.E.	Moe, R. D.	Reichgott	

The motion prevailed. So S.F. No. 40 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Hughes, Davis and Pehler introduced—

S.F. No. 1016: A bill for an act relating to education; modifying the defi-

nitions of teachers and of supervisory and support personnel for the purpose of licensure; modifying the kinds of personnel licensed by the board of teaching and the state board of education; increasing the size of the board of teaching; adding two vocational teachers to the board of teaching; requiring the board of teaching to consider vocational education teacher licensure requirements adopted by the state board of vocational technical education; requiring that rules adopted by the board of teaching do not affect the validity of licenses of certain vocational personnel or the rights and privileges of the holders; amending Minnesota Statutes 1984, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; 125.183, subdivisions 1 and 3; 125.185, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Ms. Peterson, D.C. and Mr. Dicklich introduced—

S.F. No. 1017: A bill for an act relating to education; prohibiting use of professional strikebreakers during a teacher strike; establishing certain actions by a school board as unfair labor practices; amending Minnesota Statutes 1984, sections 179A.03, by adding a subdivision; and 179A.13, subdivision 2.

Referred to the Committee on Employment.

Mr. Bertram introduced—

S.F. No. 1018: A bill for an act relating to taxation; adopting federal taxable income for individual income tax purposes; reducing the tax rate; amending Minnesota Statutes 1984, sections 41.55; 290.01, subdivisions 19, 20, 20a, 20b, and 20d; 290.012, subdivision 2; 290.06, subdivisions 2c, 2d, 3f, and 11; 290.068, subdivisions 1, 3, and 4; 290.069, subdivisions 4b, 5, 6, and 7; 290.08, subdivision 1; 290.09, subdivisions 1, 2, and 29; 290.091; 290.095, subdivisions 7, 9, and 11; 290.10; 290.101, subdivision 1; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.23, subdivisions 3 and 5; 290.311, subdivision 1; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivisions 1a and 2; 290.46; 290.49, subdivision 10; 290.92, subdivisions 2a, 5, and 21; 290.93, subdivision 10; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 290.01, subdivisions 20c, 20f, and 26; 290.06, subdivisions 3e, 14, 16, 17, 18, and 19; 290.069, subdivisions 4 and 4a; 290.077, subdivision 4; 290.08, subdivisions 23 and 24; 290.088; 290.089; 290.17, subdivision 1a; 290.18, subdivision 2; 290.41, subdivision 5; and 290.9726, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Novak and Mrs. Adkins introduced—

S.F. No. 1019: A bill for an act relating to public employment; providing that criminal offenders applying for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

Referred to the Committee on Governmental Operations.

Messrs. Purfeerst, Solon, Nelson, Mrs. Olson and Mr. Mehrkens introduced—

S.F. No. 1020: A bill for an act relating to education; creating a legislative commission to study the Minnesota schools for the deaf and blind.

Referred to the Committee on Education.

Messrs. Petty; Johnson, D.E.; Spear; Kamrath and Ms. Reichgott introduced—

S.F. No. 1021: A bill for an act relating to the competency of witnesses; redefining the marital privilege; amending Minnesota Statutes 1984, section 595.02, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 1022: A bill for an act relating to agriculture; authorizing a label for Minnesota raised pork; providing a penalty; amending Minnesota Statutes 1984, section 31.632.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Bertram introduced—

S.F. No. 1023: A bill for an act relating to advertising devices; providing for specific service signs relating to ski areas to be displayed along highways; amending Minnesota Statutes 1984, sections 160.292, subdivisions 2, 10, and by adding a subdivision; 160.293, subdivisions 1 and 3; 173.02, subdivision 6; 173.08, subdivision 1; 173.081; and 173.13, subdivision 4.

Referred to the Committee on Transportation.

Mr. Bertram introduced—

S.F. No. 1024: A resolution memorializing the President and Secretary of Agriculture of the United States to insist to the government of Canada on fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Mr. Benson, Mmes. Brataas, Lantry and Mr. Knutson introduced—

S.F. No. 1025: A bill for an act relating to human services; establishing demonstration projects for services to the mentally ill and chemically dependent; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Spear and Ramstad introduced—

S.F. No. 1026: A bill for an act relating to crimes; clarifying mandatory testing of a driver suspected of driving under the influence of alcohol;

amending Minnesota Statutes 1984, section 169.123, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Spear, Ramstad, Pogemiller, Freeman and Luther introduced—

S.F. No. 1027: A bill for an act relating to crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language; amending Minnesota Statutes 1984, sections 169.02, subdivision 1; and 169.121, subdivision 1; repealing Minnesota Statutes 1984, section 169.13, subdivision 3.

Referred to the Committee on Judiciary.

Mrs. Adkins, Messrs. Chmielewski, Waldorf, Knutson and Sieloff introduced—

S.F. No. 1028: A bill for an act relating to human services; expanding time of eligibility for aid for unborn children; authorizing prenatal care payments; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

Referred to the Committee on Health and Human Services.

Mr. Spear introduced—

S.F. No. 1029: A bill for an act relating to drivers licenses; providing for access to drivers license photographic negatives; amending Minnesota Statutes 1984, section 171.07, subdivision 1a.

Referred to the Committee on Transportation.

Mr. Moe, R.D.; Mrs. McQuaid, Messrs. Taylor, Stumpf and Pehler introduced—

S.F. No. 1030: A bill for an act relating to taxation; providing an income tax credit for gifts to certain post-secondary educational institutions in Minnesota; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad introduced—

S.F. No. 1031: A bill for an act relating to game and fish; providing a split season opener for the walleyed pike season; amending Minnesota Statutes 1984, section 98.48, subdivision 23.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, Taylor, Purfeerst, Merriam and Mrs. Adkins introduced—

S.F. No. 1032: A bill for an act relating to agriculture; changing the agricultural land preservation pilot county program; amending Minnesota Statutes 1984, sections 40A.03, subdivisions 1 and 2; 40A.15, subdivisions 2 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, DeCramer and Merriam introduced—

S.F. No. 1033: A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding a subdivision; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 1034: A bill for an act relating to education; authorizing the collection and setoff of debts to the University of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Education.

Ms. Reichgott, Mr. Schmitz and Mrs. McQuaid introduced—

S.F. No. 1035: A bill for an act relating to the legislature; establishing a commission to review metropolitan government; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott, Messrs. Spear, Merriam, Petty and Ramstad introduced—

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.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Ramstad, Luther and Novak introduced—

S.F. No. 1037: 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.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 1038: A bill for an act relating to the financing of state government; authorizing the issuance of bonds by independent school district No. 701; allowing a credit against certain taxes paid by taconite producers; amending Minnesota Statutes 1984, section 298.24, subdivision 3.

Referred to the Committee on Education.

Mr. Knaak introduced—

S.F. No. 1039: A bill for an act relating to unemployment insurance; in-

creasing the time and earnings needed to requalify for benefits after disqualification for voluntary quit, misconduct, or failure to apply for or accept suitable work; amending Minnesota Statutes 1984, section 268.09, subdivisions 1 and 2.

Referred to the Committee on Employment.

Messrs. Bertram, Frederick, Anderson, Benson and Nelson introduced—

S.F. No. 1040: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; DeCramer; Langseth; Peterson, D.L. and Davis introduced—

S.F. No. 1041: A bill for an act relating to post-secondary education; excluding the value of a family farm and its equipment from consideration for student financial assistance in certain cases; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Messrs. Nelson, Merriam, Ms. Olson, Messrs. Mehrkens and Pehler introduced—

S.F. No. 1042: A bill for an act relating to education; authorizing a second chance educational program for certain children and pupils; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Frank introduced—

S.F. No. 1043: A bill for an act relating to cooperative associations; providing for the election of the board of directors of certain associations; proposing coding for new law in Minnesota Statutes, chapter 308.

Referred to the Committee on Judiciary.

Messrs. Frederick; Taylor; Moe, R.D.; Luther and Renneke introduced—

S.F. No. 1044: A bill for an act relating to the operation of state government; creating an office of protocol services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Kroening, Willet, Solon and Freeman introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1046: A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mrs. Lantry, Ms. Berglin and Mr. Luther introduced—

S.F. No. 1047: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection program; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2, 3, 7, and by adding a subdivision; 62E.53, subdivisions 1, 2, 3, and 4; and 62E.531, subdivisions 1 and 3.

Referred to the Committee on Health and Human Services.

Mr. Benson introduced—

S.F. No. 1048: A bill for an act relating to human services; authorizing an optional county work program for general assistance recipients; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

Messrs. Spear, Wegscheid, Ms. Reichgott, Messrs. Johnson, D.E. and Petty introduced—

S.F. No. 1049: A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions and records provisions; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 5, 8, 9, 10, 11, 12, 15, 17, and 19, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Willet, Johnson, D.E.; Mrs. Lantry and Mr. Petty introduced—

S.F. No. 1050: A bill for an act relating to health; providing that the county coroner may conduct certain autopsies under certain circumstances; amending Minnesota Statutes 1984, section 390.11, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Willet, Laidig, Solon, Dahl and Mrs. Adkins introduced—

S.F. No. 1051: A bill for an act relating to auto insurance; increasing the maximum benefit for funeral expenses; amending Minnesota Statutes 1984, section 65B.44, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Messrs. Merriam, Davis, Frederick, Pogemiller and DeCramer introduced—

S.F. No. 1052: A bill for an act relating to water pollution; establishing a program of reimbursement to municipalities that provide or contract for waste water treatment meeting state and federal water quality standards; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Willet introduced—

S.F. No. 1053: A bill for an act relating to Hubbard county; authorizing county appropriations to the county agricultural society and an annual levy for that purpose; requiring a reverse referendum under certain circumstances.

Referred to the Committee on Local and Urban Government.

Messrs. Samuelson; Johnson, D.E. and Merriam introduced—

S.F. No. 1054: A bill for an act relating to human services; authorizing the department to enter into shared service agreements; amending Minnesota Statutes 1984, section 246.57, subdivisions 1 and 2; repealing Minnesota Statutes 1984, section 246.57, subdivision 3.

Referred to the Committee on Health and Human Services.

Mr. Pogemiller introduced—

S.F. No. 1055: A bill for an act relating to nursing homes; requiring the installation of automatic sprinkler system; providing for depreciation and interest expense; authorizing loans; allocating bond funds; amending Minnesota Statutes 1984, sections 144A.08, by adding a subdivision; 256B.431, subdivision 3; and 462A.05, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Pogemiller introduced—

S.F. No. 1056: A bill for an act relating to taxation; income; providing time limits for certification for purposes of the small business investment credits; amending Minnesota Statutes 1984, section 290.069, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, R.W.; Benson; Johnson, D.J.; Peterson, C.C. and Ms. Olson introduced—

S.F. No. 1057: 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.

Referred to the Committee on Veterans and General Legislation.

Mr. Stumpf introduced—

S.F. No. 1058: A bill for an act relating to wild animals; directing removal and confinement of an elk herd in northwestern Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Langseth and Peterson, D.L. introduced—

S.F. No. 1059: A bill for an act relating to civil procedure; repealing the dram shop act; repealing Minnesota Statutes 1984, sections 340.95; and 340.951.

Referred to the Committee on Judiciary.

Messrs. Stumpf, Langseth, Peterson, D.L. and Davis introduced—

S.F. No. 1060: A bill for an act relating to counties; permitting the use of a broker to sell county property under certain conditions; amending Minnesota Statutes 1984, section 373.01.

Referred to the Committee on Local and Urban Government.

Mr. Schmitz introduced—

S.F. No. 1061: A bill for an act relating to taxation; property; clarifying the definition of real property; amending Minnesota Statutes 1984, section 272.03, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Willet introduced—

S.F. No. 1062: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, D.M. and Nelson introduced—

S.F. No. 1063: A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 1064: 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.

Referred to the Committee on Local and Urban Government.

Messrs. Peterson, R.W.; Bernhagen; Johnson, D.J. and Laidig introduced—

S.F. No. 1065: A bill for an act relating to recreational vehicles; regulating

three-wheel off-road vehicles; amending Minnesota Statutes 1984, sections 84.922, subdivisions 5 and 8, and by adding subdivisions; 84.927, subdivision 2; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dahl introduced—

S.F. No. 1066: A bill for an act relating to solid waste; prohibiting the operation, construction, and expansion of a waste facility in the city of Ramsey; providing for local approval.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W.; Merriam; Freeman; Johnson, D.E. and Benson introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Wegscheid introduced—

S.F. No. 1068: A bill for an act relating to agriculture; regulating milk handling equipment installers; requiring a license; setting a fee; appropriating money; amending Minnesota Statutes 1984, section 32.394, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Schmitz and Renneke introduced—

S.F. No. 1069: A bill for an act relating to environment; prohibiting the burial of hazardous wastes in a manner that may contaminate potable water; amending Minnesota Statutes 1984, sections 115A.075; and 115A.20.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst introduced—

S.F. No. 1070: A bill for an act relating to environment; providing for state grants for the construction of collector sewers in totally unsewered cities; amending Minnesota Statutes 1984, section 116.16, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty; Peterson, R.W.; Ramstad; Knaak and Luther introduced—

S.F. No. 1071: A bill for an act relating to corporations; providing for access by shareholders to certain corporate records; protecting the privacy of individuals; clarifying legislative intent; amending Minnesota Statutes 1984, section 302A.461, subdivision 5, and by adding subdivisions; repealing Minnesota Statutes 1984, section 302A.461, subdivision 4.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 1072: A bill for an act relating to education; allowing school districts to place handicapped pupils under certain circumstances; amending Minnesota Statutes 1984, section 120.17, by adding a subdivision.

Referred to the Committee on Education.

Mr. Schmitz introduced—

S.F. No. 1073: A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Ms. Olson, Messrs. Anderson, Ramstad, Mrs. McQuaid and Mr. Storm introduced—

S.F. No. 1074: A bill for an act relating to taxation; reducing individual income taxes; amending Minnesota Statutes 1984, section 290.06, subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knaak introduced—

S.F. No. 1075: A bill for an act relating to local government; permitting land transfer between Ramsey county and town of White Bear.

Referred to the Committee on Local and Urban Government.

Messrs. Kroening, Laidig, Anderson and Ramstad introduced—

S.F. No. 1076: A bill for an act relating to game and fish; rescinding authority to purchase the walleye quotas of Lake of the Woods and Rainy Lake commercial fishermen; amending Minnesota Statutes 1984, section 97.86, subdivision 1; repealing Minnesota Statutes 1984, section 102.26, subdivisions 3a, 3b, 3c, and 3d.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pogemiller introduced—

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.

Referred to the Committee on Judiciary.

Mrs. Kronebusch and Mr. Benson introduced—

S.F. No. 1078: A bill for an act relating to Winona county; authorizing the sale of certain property.

Referred to the Committee on Local and Urban Government.

Mr. Mehrkens introduced—

S.F. No. 1079: A bill for an act relating to intoxicating liquor; authorizing the town of Cannon Falls to issue an off-sale license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Chmielewski, Merriam, Petty and Pogemiller introduced—

S.F. No. 1080: A bill for an act relating to animals; prohibiting transfer of certain animals for use in research or experimentation; providing a penalty; amending Minnesota Statutes 1984, section 35.71.

Referred to the Committee on Veterans and General Legislation.

Messrs. Renneke and DeCramer introduced—

S.F. No. 1081: A bill for an act relating to education; appropriating money for a grant to the Arlington/Gaylord/Gibbon/Winthrop cable communications commission.

Referred to the Committee on Education.

Mr. Petty, Ms. Berglin, Mrs. Lantry and Mr. Benson introduced—

S.F. No. 1082: A bill for an act relating to insurance; accident and health; requiring coverage for home health care and care in skilled or intermediate care facilities; regulating long-term nursing care policies; amending Minnesota Statutes 1984, section 62A.31; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Mr. Merriam introduced—

S.F. No. 1083: A bill for an act relating to collection and dissemination of data; classifying mental health data; providing that an agency of the welfare system may not require release of mental health data as a condition for receiving services; amending Minnesota Statutes 1984, section 13.46, subdivisions 1, 2, 7, and 10.

Referred to the Committee on Judiciary.

Mr. Petty introduced—

S.F. No. 1084: A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minnesota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

Referred to the Committee on Transportation.

Mr. Petty and Ms. Berglin introduced—

S.F. No. 1085: A bill for an act relating to human services; changing and

making permanent the grant program for chronically mentally ill persons; amending Minnesota Statutes 1984, section 256E.12.

Referred to the Committee on Health and Human Services.

Messrs. Hughes, Knutson and Vega introduced—

S.F. No. 1086: A bill for an act relating to local government; providing for the arbitration of water price disputes between the city of St. Paul and the cities of Maplewood and Mendota Heights.

Referred to the Committee on Local and Urban Government.

Mr. Frederick introduced—

S.F. No. 1087: A bill for an act relating to drainage; authorizing the construction of roads rather than crossings in certain instances; proposing coding for new law in Minnesota Statutes, chapter 106.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C. introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin and Mr. Dicklich introduced—

S.F. No. 1089: A bill for an act relating to human services; raising the standards of assistance for families in the general assistance program; limiting monthly payments for facilities with negotiated rates; granting rule-making authority; appropriating money; amending Minnesota Statutes 1984, section 256D.01, subdivisions 1a and 1b.

Referred to the Committee on Health and Human Services.

Messrs. Dieterich, Novak, Langseth, Freeman and Ms. Olson introduced—

S.F. No. 1090: A bill for an act relating to education; providing for decline pupil units in certain school districts; appropriating money; amending Minnesota Statutes 1984, sections 124.17, by adding a subdivision; 124A.02, subdivision 6, and by adding a subdivision; and 124A.03, subdivision 3.

Referred to the Committee on Education.

Messrs. Willet, Stumpf, Lessard, Johnson, D.J. and Bernhagen introduced—

S.F. No. 1091: A bill for an act relating to natural resources; providing for performance bonds or equivalent security for forestry development projects; amending Minnesota Statutes 1984, section 574.26; proposing coding for

new law in Minnesota Statutes, chapter 574.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry and Ms. Berglin introduced—

S.F. No. 1092: A bill for an act relating to human services; establishing a new administration system for certain programs; providing for distribution of system costs; establishing a county services revolving account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Merriam; Moe, D.M. and Frederickson introduced—

S.F. No. 1093: 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; providing for emergency preparedness to nuclear incidents; amending Minnesota Statutes 1984, sections 116C.71, by adding subdivisions; and 116C.731.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 1094: A bill for an act relating to human services; changing county social service allocations; amending Minnesota Statutes 1984, sections 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; and 256E.09, subdivision 1; repealing Minnesota Statutes 1984, sections 256E.06, subdivision 7; and 256E.08.

Referred to the Committee on Health and Human Services.

Mr. Renneke introduced—

S.F. No. 1095: A bill for an act relating to public employees; regulating teacher labor relations; prohibiting the hiring of certain substitute teachers; providing for special state aid reduction in teacher strikes; regulating the school year; amending Minnesota Statutes 1984, sections 179A.13, by adding a subdivision; 179A.14, subdivision 1, and by adding a subdivision; 179A.15; 179A.18, subdivisions 2, 3, and by adding a subdivision; and 179A.20, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Employment.

Mr. Gustafson introduced—

S.F. No. 1096: A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Merriam and Laidig introduced—

S.F. No. 1097: A bill for an act relating to parks, open space and recre-

ation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreational open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid, Mmes. McQuaid and Lantry introduced—

S.F. No. 1098: A bill for an act relating to ethics in government; enlarging the definition of lobbyist; amending Minnesota Statutes 1984, section 10A.01, subdivisions 11 and 18.

Referred to the Committee on Elections and Ethics.

Mr. Jude, Ms. Berglin, Messrs. Moe, D.M.; Kroening and Kamrath introduced—

S.F. No. 1099: A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

Referred to the Committee on Judiciary.

Mr. Purfeerst introduced—

S.F. No. 1100: A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.099; 329.14; and 329.15.

Referred to the Committee on Economic Development and Commerce.

Messrs. DeCramer, Schmitz, Bertram and Mrs. McQuaid introduced—

S.F. No. 1101: A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid and Schmitz introduced—

S.F. No. 1102: A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mr. Dieterich introduced—

S.F. No. 1103: A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; amending Laws 1984, chapter 626, section

6.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott, Messrs. Johnson, D.J. and Merriam introduced—

S.F. No. 1104: 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.

Referred to the Committee on Taxes and Tax Laws.

Mr. Laidig introduced—

S.F. No. 1105: A bill for an act relating to taxation; sales and use; exempting new farm machinery; amending Minnesota Statutes 1984, sections 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Laidig introduced—

S.F. No. 1106: A bill for an act relating to the legislature; reducing its size; amending Minnesota Statutes 1984, sections 2.021 and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Laidig introduced—

S.F. No. 1107: A bill for an act relating to taxation; sales and use; exempting capital equipment and special tooling; amending Minnesota Statutes 1984, sections 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1; repealing Minnesota Statutes 1984, section 297A.15, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laidig; Peterson, R.W. and Merriam introduced—

S.F. No. 1108: A bill for an act relating to game and fish; affording protection to the coyote; authorizing a season thereon; amending Minnesota Statutes 1984, sections 100.26, subdivision 1; and 100.27, subdivisions 3 and 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laidig introduced—

S.F. No. 1109: A bill for an act relating to labor; providing a credit for

tipped employees with respect to minimum wages; amending Minnesota Statutes 1984, sections 177.24, subdivision 2; and 177.28, subdivision 4; repealing Minnesota Statutes 1984, section 177.295.

Referred to the Committee on Employment.

Mr. Wegscheid introduced—

S.F. No. 1110: A bill for an act relating to agriculture; prohibiting leases of agricultural production for fixed amounts; restricting ownership of farm land by financial institutions; requiring lenders and farmers to review financial status before foreclosure; amending Minnesota Statutes 1984, sections 500.24, subdivisions 2, 3, 4, and 5; 580.02; proposing coding for new law in Minnesota Statutes, chapters 47, 500, 581, and 582.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laidig introduced—

S.F. No. 1111: A bill for an act relating to metropolitan government; providing an independent review board to consider certain disputed matters; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Local and Urban Government.

Mr. Spear introduced—

S.F. No. 1112: A bill for an act relating to mental health; extending the demonstration project for treatment of compulsive gamblers; appropriating money; amending Laws 1984, chapter 616, section 1.

Referred to the Committee on Finance.

Messrs. Luther, Freeman, Solon and Dahl introduced—

S.F. No. 1113: A bill for an act relating to insurance; requiring provision of certain information by insurers; regulating certain provisions of surplus lines insurance; regulating the conditions of certain insurance policies; providing for the organization of certain insurance-related associations; prohibiting certain practices; amending Minnesota Statutes 1984, sections 60A.10; 60A.131, subdivision 1; 60A.17, subdivision 1a; 60A.1701, subdivisions 5 and 10; 60A.197; 60C.08, subdivision 1; 61B.05, subdivision 1; 62A.10, by adding a subdivision; 62A.146; 62A.17, subdivision 6; 62B.05; 62D.19; 62E.10, subdivision 2; 62E.12; 62E.16; 65A.32; 65A.33; 65A.34, subdivision 1; 65A.35, subdivisions 1 and 2; 65A.37; 65A.40; 65A.41; 65B.03; 65B.63, subdivision 1; 65B.44, subdivision 1; 67A.25, subdivision 1; 72A.20, subdivision 15; 79.252, subdivision 4; and 79.62; proposing coding for new law in Minnesota Statutes, chapters 61A; 62A; and 65B; repealing Minnesota Statutes 1984, sections 60A.15, subdivision 14; and 62A.025.

Referred to the Committee on Economic Development and Commerce.

Messrs. Luther; Moe, R.D.; Taylor; Solon and Freeman introduced—

S.F. No. 1114: A bill for an act relating to economic development; creating a comprehensive economic development strategy commission to review state

economic development efforts, to develop a strategy for state investment in economic development, and to report to the governor and the legislature; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin, Messrs. Petty and Knutson introduced—

S.F. No. 1115: A bill for an act relating to human services; changing provisions of the aid to families with dependent children program; redefining human services assistance terms; clarifying assistance provisions; excluding certain property and income for assistance purposes; establishing a procedure for collection of overpayments; excluding certain women from work registration; changing medical assistance length of eligibility; allowing a \$50 disregard for child support; clarifies assistance application and issuance procedures; clarifying the county of responsibility; amending Minnesota Statutes 1984, sections 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; and 256.871, subdivision 3.

Referred to the Committee on Health and Human Services.

Mr. Petty introduced—

S.F. No. 1116: A bill for an act relating to human services; clarifying the subsidy program requirements for families with mentally retarded children; authorizing the commissioner to adopt rules to govern the program; amending Minnesota Statutes 1984, sections 252.291, subdivisions 2 and 3; 252.32; 256B.092, subdivisions 2, 3, 7, and by adding a subdivision; 256B.19, by adding a subdivision; and 256B.501, subdivision 8; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Knutson and Petty introduced—

S.F. No. 1117: A resolution memorializing the President and Congress of the United States to amend the Social Security Act to reverse overly-restrictive administrative interpretation of that act.

Referred to the Committee on Health and Human Services.

Mr. DeCramer introduced—

S.F. No. 1118: A bill for an act relating to agriculture; requiring reason for lender's refusal to respond with letter of commitment; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 25, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-NINTH DAY

St. Paul, Minnesota, Monday, March 25, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. George Weinman.

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

Adkins	Diessner	Knaak	Moe, R.D.	Renneke
Anderson	Dieterich	Knutson	Novak	Samuelson
Benson	Frank	Kroening	Olson	Schmitz
Berg	Frederick	Kronebusch	Pehler	Sieloff
Berglin	Frederickson	Laidig	Peterson, C.C.	Solon
Bernhagen	Freeman	Langseth	Peterson, D.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.L.	Storm
Brataas	Hughes	Lessard	Peterson, R.W.	Stumpf
Chmielewski	Isackson	Luther	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vega
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
DeCramer	Jude	Merriam	Rainstad	Wegscheid
Dicklich	Kamrath	Moe, D.M.	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Belanger and Nelson were excused from the Session of today. Mr. Dahl was excused from the Session of today until 2:30 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

March 19, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board on Judicial Standards is hereby respectfully submitted to the Senate for confirmation as required by law:

Miriam Lee, 4721 Killarney Dr., Golden Valley, Hennepin County, has been appointed by me, effective February 20, 1985, for a term expiring the

first Monday in January, 1989.

(Referred to the Committee on Judiciary.)

Sincerely,
Rudy Perpich, Governor

March 21, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 102, 106 and 333.

Sincerely,
Rudy Perpich, Governor

March 21, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
106		7	March 21	March 21
333		8	March 21	March 21
102		9	March 21	March 21
	68	10	March 21	March 21

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 35, 242, 316, 320, 204, 247, 266, 468, 513, 530, 538, 157, 183, 602 and 603.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees

indicated.

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.

Referred to the Committee on Taxes and Tax Laws.

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.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 316: A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 495, now on General Orders.

H.F. No. 320: A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 360, now on General Orders.

H.F. No. 204: A bill for an act relating to higher education; creating a student advisory council to the higher education coordinating board; amending Minnesota Statutes 1984, section 136A.02, subdivisions 1 and 1a, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 235, now on General Orders.

H.F. No. 247: A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivisions 2 and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 505, now on General Orders.

H.F. No. 266: A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 527, now on General Orders.

H.F. No. 468: A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Governmental Operations.

H.F. No. 530: A bill for an act relating to commerce; regulating transient merchants; amending Minnesota Statutes 1984, sections 329.14; and 329.15.

Referred to the Committee on Economic Development and Commerce.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 665.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 307, now on General Orders.

H.F. No. 183: A bill for an act relating to commerce; modifying the finance charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 131, now on General Orders.

H.F. No. 602: A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

Referred to the Committee on Public Utilities and State Regulated Industries.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, delete everything after "*fund*"

Page 2, delete line 17

Page 2, line 18, delete everything before "*to*" and insert "*shall be used*"

Page 2, line 19, delete "*from 50*" and insert "*up*"

Page 2, line 20, after the period, insert "*Any portion of the annual appropriation that is not used for this purpose shall become part of the permanent university fund.*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted: Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 468: A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 814: A bill for an act relating to education; establishing the state council on vocational technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete everything after the period

Page 1, delete line 22

Page 2, line 26, after the period, insert "*The council may contract with*

professional, technical, and clerical consultants and interns needed to carry out its functions."

Page 2, delete lines 27 to 29

Page 2, line 34, delete "1986 edition of" and insert "supplements to" and before the period insert "1984"

Pages 2 and 3, delete section 3

Amend the title as follows:

Page 1, lines 3 and 4, delete "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 126: A bill for an act relating to education; requiring post-secondary governing boards to develop procedures to facilitate the transfer of credit between institutions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after the first period, insert "[136.622]"

Page 1, line 14, delete "insure" and insert "ensure"

Page 1, line 21, after "2." insert "[135A.08]"

Page 1, line 23, delete "and" and after the last comma, insert "and the state board for vocational technical education."

Page 2, line 1, after the period, insert "Course equivalency guides shall not be required for vocational technical programs that have not been divided into identifiable courses."

Page 2, line 6, after "3." insert "[135A.09]"

Amend the title as follows:

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapters 135A and 136"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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 Money-Judgments Act; proposing coding for new law in Minnesota Statutes, chapter 548.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete the first comma

Page 1, line 13, delete "*thereof*" and insert "*of the United States*"

Page 1, line 16, before "*taxes*" insert "*(a)*" and after the first comma, insert "*or (b)*"

Page 1, lines 16 and 17, delete "*a judgment for support*" and insert "*(c)*"

Page 1, line 20, delete "*therefrom*"

Page 2, line 2, delete "*a sister*" and insert "*another*"

Page 2, line 11, delete "*jurisdiction*" and insert "*jurisdiction*"

Page 2, line 16, delete "*enable him to defend*" and insert "*prepare a defense*"

Page 3, line 1, delete "*him*" and insert "*the defendant*"

Page 3, line 15, delete "*such*" and insert "*the*"

Page 3, line 16, delete "*other*" and insert "*additional*"

Page 3, line 19, delete "*he*" and insert "*the defendant*"

Page 3, line 21, after "*proceedings*" insert "*, with or without bond at the court's discretion,*"

Page 3, line 28, after "*Foreign*" insert "*Country*"

Amend the title as follows:

Page 1, line 4, after "*Foreign*" insert "*Country*" and before "*Act*" insert "*Recognition*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 281: A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes, 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, after the period, insert "*Any compensation paid under this section shall be only as reimbursement for medical expenses and compensation for permanent total or partial disability or death.*"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing limitations on the payment of claims;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 803: A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, reinstate the stricken "a treaty is" and delete "treaties are"

Page 2, line 2, reinstate the stricken "treaty" and delete "treaties"

Page 2, line 4, delete "does" and insert "shall"

Page 2, line 5, delete "he or she" and insert "the offender"

Page 2, line 6, delete "The extradition"

Page 2, delete lines 7 to 10 and insert "The sentence shall continue to run during the time that the offender is in the custody of the appropriate officials of the United States or the foreign country to which extradited. The offender shall not be subject to return to the territory of the United States and to the custody of the commissioner of corrections pursuant to this section unless there remains an unserved portion of the Minnesota sentence."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 563: A bill for an act relating to education; vocational; removing a restriction for awarding associate degrees; amending Minnesota Statutes 1984, section 136C.042, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 123.33, subdivision 14, is amended to read:

Subd. 14. ~~The~~ A school board of any school district of this state, including a school board as defined in section 136C.02, subdivision 8, by a two-thirds vote may become a member of an association of a vocational schools association and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid.

Sec. 2. Minnesota Statutes 1984, section 125.031, is amended to read:

125.031 [LICENSURE, AREA VOCATIONAL TECHNICAL SCHOOL EXEMPTION FOR AVTI INSTRUCTORS TEACHING LESS THAN 61 HOURS A FISCAL YEAR.]

Notwithstanding section 125.03, subdivision 1, a person who teaches in an adult extension a part-time vocational technical education program not more than 61 hours per fiscal year is exempt from a license requirement.

Sec. 3. Minnesota Statutes 1984, section 136C.04, subdivision 9, is amended to read:

Subd. 9. [LICENSURE.] The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. *The state board may adopt emergency licensure rules, according to sections 14.29 to 14.36, when necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist.*

Sec. 4. Minnesota Statutes 1984, section 136C.04, subdivision 12, is amended to read:

Subd. 12. [PROGRAMS.] The state board shall approve, disapprove, and coordinate programs. *The state board shall adopt policies that include at least minimum class sizes and placement ratios.* After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs:

(a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and

(b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Sec. 5. Minnesota Statutes 1984, section 136C.042, subdivision 1, is amended to read:

Subdivision 1. [BOARD APPROVAL.] The state board may approve, disapprove, or modify a plan for awarding associate degrees at an area vocational technical institute. *The state board shall approve a plan only when an associate degree is required by a licensing authority and is offered in shall include cooperation with a collegiate institution unless cooperation is not practicable. The state board may approve an area vocational technical institute plan for awarding an associate degree which is not offered in cooperation with a collegiate institution only if cooperation is not practicable.* All associate degree plans approved by the state board shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

Sec. 6. Minnesota Statutes 1984, section 136C.26, subdivision 1, is

amended to read:

Subdivision 1. [APPLICABILITY.] ~~For the 1983-1984 and 1984-1985 school years,~~ For the purposes of sections 136C.26 to 136C.37, and 136C.41, the following terms have the meanings given them.

Sec. 7. Minnesota Statutes 1984, section 136C.28, subdivision 1, is amended to read:

Subdivision 1. [BUDGET SUBMISSION.] Before January 1, 1984, each AVTI shall submit an instructional aid budget for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS.

Sec. 8. Minnesota Statutes 1984, section 136C.31, is amended to read:

136C.31 [DISTRIBUTION OF MONEY.]

Subdivision 1. [ALLOCATE BY LAW.] All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to districts in accordance with law.

Subd. 2. [NO CONTRACT APPROVAL.] State and federal aids and discretionary or entitlement grants distributed by the state board are not subject to chapter 16B or to the contract approval procedures of the commissioner of administration. The state board shall adopt internal procedures to administer and monitor aids and grants.

Sec. 9. [REVISOR REQUEST.]

The revisor of statutes is requested to change the heading of Minnesota Statutes, section 136C.26, to read "[VOCATIONAL AID DEFINITIONS]."

Sec. 10. [REPEALER.]

Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1, are repealed.

Sec. 11. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Delete the title and insert:

"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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, 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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 77: A bill for an act relating to real property; providing that the mortgage and contract for deed moratorium become permanent law; applying moratorium to holders of any mortgage or contract for deed to homestead property; abolishing exclusionary provision; allowing mortgagor to petition for postponement of foreclosure sale for up to 12 months; abolishing sunset provision; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; and Laws 1983, chapter 215, section 16, as amended.

Reports the same back with the recommendation that the bill be 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, to which the provisions of chapter 583 apply 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 chapter 583.

Sec. 2. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. ~~[TEMPORARY MINIMUM NOTICE.]~~ Notwithstanding the provisions of any other law to the contrary, no contract for conveyance of homestead property, as defined in section 583.02, to which the provisions of chapter 583 apply 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 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 termination under sections 583.01 to 583.12 chapter 583. This section does not apply to earnest money contracts, purchase agreements or exercised options.

Sec. 3. Minnesota Statutes 1984, section 580.031, is amended to read:

580.031 [TEMPORARY MINIMUM NOTICE.]

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 to which the provisions of chapter 583 apply. The notice must contain the information specified in section 580.04. 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. 4. 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. 5. Minnesota Statutes 1984, section 583.03, is amended to read:

583.03 [APPLICATION.]

Subdivision 1. [PROPERTY COVERED.] The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 apply to first mortgages secured by and contracts for deed conveying, homesteads within the meaning of section 583.02, including: (1) mortgages held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors or assigns; and (2) mortgages held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 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, and before May 1, 1985, nor to mortgages or contracts for deed made before May 24, 1983, which are renewed or extended after May 24, 1983, and before May 1, 1985, for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made made before May 1, 1985, if a second or subsequent mortgage is made against the property after May 24, 1983.

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.

Subd. 3. [GENERAL APPLICATION.] For mortgages or contracts for deed made before May 24, 1983, that are not excluded under subdivision 2, sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12, apply until July 1, 1986, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court. Sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12, apply to all first mortgages or contracts for deed on homestead property made on or after May 1, 1985.

Sec. 6. 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 court's order for a stay may be issued ex parte. If the court orders a postponement of the foreclosure sale after the hearing, the party serving the verified complaint petition 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 provided in section 580.30. As a condition precedent to delay If the court orders a postponement 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 as provided in section 559.21. If The court may order that the costs and fees be paid as a precondition to entry of the order postponing the sale or termination or that the costs and fees be prorated and combined with the payments ordered pursuant to section 583.08. If the court orders that the costs and fees be paid as a precondition to entry of the order for postponement and the payment is made by other than cash or certified check, the order postponing the sale or termination for postponement is not final until after the check or other negotiable instrument has been paid.

Sec. 7. 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 postpone-

ment 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. 8. 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 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. 9. 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. 10. [REPEALER.]

Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, is repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective May 1, 1985."

Delete the title and insert:

"A bill for an act relating to real property; extending the provisions authorizing courts to approve postponements of mortgage foreclosure and contract for deed terminations and making them permanent law in certain cases; abolishing certain exclusionary provisions; clarifying certain provisions; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Laws 1983, chapter 215, section 16, as amended."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 882: A bill for an act relating to commerce; clarifying commissioner's authority to conduct regulatory investigations; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities transaction exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; providing a maximum fee for the registration of redeemable securities; simplifying an exemption

from franchise registration; providing for disclosure of representation by real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80A.28, subdivisions 1 and 3; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapters 45 and 82.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Pages 10 and 11, delete sections 6 and 7

Page 19, line 24, delete "14 to 16" and insert "11 to 13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 10

Page 1, line 11, delete everything before "simplifying"

Page 1, line 27, delete "80A.28, subdivisions 1 and 3;"

Page 1, line 32, delete "chapters 45 and" and insert "chapter"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 519: A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, after the period, insert "*No funding agreement shall be issued in an amount less than \$1,000,000.*"

Page 2, line 24, after the period, insert "*Notwithstanding the provision of section 61A.275, subdivision 1, a separate account for funding agreement proceeds may include funds from any source authorized to purchase a funding agreement pursuant to this section.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 271: A bill for an act relating to the regulation of securities; modifying fees payable on certain security registrations; amending Minnesota Statutes 1984, section 80A.28, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 665: A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, after the comma insert "as amended by Laws 1985, chapter 2, section 1,"

Page 3, line 32, delete the underscoring from "*The provisions of*" and after "of" insert a stricken "section."

Page 3, line 36, delete the underscoring from "*611(a)*"

Page 4, line 3, delete the underscoring from "*of the Deficit*"

Page 4, line 4, delete the underscoring from everything before "*and*"

Page 4, line 5, delete the underscoring from everything after "*98-611*"

Page 4, line 6, delete the underscoring

Page 4, line 9, after "*1984*" insert "*, except that the provisions of section 179, (B) (1) (C) of the Deficit Reduction Act of 1984 shall not be adopted*"

Page 11, line 20, strike "*and*"

Page 11, line 29, after "*(6)*" insert "*; and*

(18) *To the extent included in federal adjusted gross income, the amount of any statutory reimbursement paid pursuant to the provisions of section 299D.03, subdivision 2, for a day when the member of the state patrol is on duty and on patrol on the highways of the state. If any individual received a reimbursement to which this subdivision applies, no deduction shall be allowed under any other provision of chapter 290 for expenses for which the member of the state patrol has received reimbursement, except to the extent that the expenses exceed the amount excludable under this subdivision and the excess is otherwise allowable as a deduction under chapter 290.*

Page 52, lines 12 to 16 and 25 to 27, delete the new language and reinstate the stricken language

Page 52, line 28, delete "*military or*."

Page 52, line 31, delete "*military or*"

Page 53, line 2, delete "*and (3)*"

Page 53, line 4, delete "*and the treatment of multinational forces*"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing an income tax exemption for certain payments to members of the state highway patrol;"

Page 1, line 5, after "20," insert "as amended,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 822: A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.10; 290.37, subdivision 1; 290.391; 290.42; and 290.931, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 6 to 8, delete the new language and insert:

"(c) *Mutual insurance companies or associations, including interinsurers and reciprocal underwriters, that are exempt as provided in the Revenue Act of 1936*"

Pages 2 to 5, delete sections 2 and 3

Page 5, line 29, after the period, insert "*The filing of the original return starts the running of the statute of limitations provided in section 290.49.*"

Page 7, lines 7 and 8, delete the new language

Page 7, line 8, after the comma, insert "*except as provided for corporations and*"

Page 7, lines 18 to 26, delete the new language and insert "*The commissioner may grant an extension of up to seven months for filing the return of a*

corporation subject to tax under this chapter if the corporation files a tentative return at the time fixed for filing the regularly required return and pays the tax on the basis of the tentative return in accordance with this section and section 290.45"

Page 8, delete section 6

Page 8, delete lines 13 to 16 and insert:

"Section 1 is effective for taxable years beginning after December 31, 1981. Section 2 is effective the day after final enactment. Section 3 is effective for taxable years beginning after December 31, 1984."

Amend the title as follows:

Page 1, line 5, delete "290.10; 290.37, subdivision 1;" and after "290.391;" insert "and"

Page 1, line 5, delete "; and" and insert a period

Page 1, delete line 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 194: A bill for an act relating to taxation; increasing the amount statutory cities and towns may levy for a public cemetery; amending Minnesota Statutes 1984, section 471.24.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 471: A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 70: A bill for an act relating to real property; local and metropoli-

tan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 303: A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts in the city and providing taxing and other authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "11" and insert "10"

Page 4, lines 22 and 24, delete "11" and insert "10"

Page 4, line 31, delete "a" and insert "the" and after "enlarged" insert "within the area described in section 2"

Page 7, lines 22 and 28, delete "11" and insert "10"

Pages 7 and 8, delete section 10

Page 8, line 26, delete "11" and insert "10"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 643: A bill for an act relating to game and fish; closing of lakes to taking of fish by angling and spearing; prohibiting spearing in muskellunge lakes; amending Minnesota Statutes 1984, sections 97.48, subdivision 1; 101.41, subdivision 4; and 101.475, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 97.55, is amended by adding a subdivision to read:

Subd. 17. [MISDEMEANOR FOR SPEARING MUSKELLUNGE.] A person that takes a muskellunge with a spear is guilty of a misdemeanor and is subject to a fine up to \$1,000.

Sec. 2. Minnesota Statutes 1984, section 101.475, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION OF MUSKELLUNGE WATERS.] The

commissioner of natural resources, after notice and hearing, may designate not more than 40 lakes in the state, each of which is known to be the habitat of muskellunge, and provide special rules and regulations applicable only to these lakes for the management of fishing therein. Such special rules and regulations may include among other things prohibition of dark house spearing or angling or both in any one or more of these designated lakes, but must be designed and promulgated solely to further experiments, research and management of muskellunge in the state. (a) The commissioner may, after notice and hearing, designate waters with muskellunge as muskellunge waters.

(b) The commissioner may prescribe rules for each designated muskellunge waters that:

- (1) restrict spearing from a darkhouse;
- (2) restrict angling from a darkhouse;
- (3) limit the open season to take fish;
- (4) limit the size of fish that may be kept; and
- (5) limit the number of each species of fish that may be kept.

(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules are effective for a specified period of time and may only be extended upon a showing by the commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, section 101.475, subdivision 2, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Delete the title and insert:

"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 spears 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 678: A bill for an act relating to horseracing; authorizing the commission to adopt certain drug rules; amending Minnesota Statutes 1984, section 240.24.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 240.24, is amended to read:

240.24 [MEDICATION.]

Subdivision 1. The commission shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks. The rules must provide that no medication, as the commission defines that term by rule, may be administered to a horse within 48 hours of a race it runs at a licensed racetrack *except as provided in subdivision 2.* The commission shall by rule establish the qualifications for laboratories used by it as testing laboratories to enforce its rules under this section.

Subd. 2. *The commission by rule may allow the use of: (1) topical external applications that do not contain anesthetics or steroids; (2) food additives; (3) pulmonary hemostatic agents; and (4) nonsteroidal anti-inflammatory drugs. The commission may adopt emergency rules to implement the provisions of this subdivision.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment, provided that section 1, subdivision 2, is repealed effective December 31, 1987.”

Amend the title as follows:

Page 1, line 3, delete “drug” and insert “medication”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 473.153, subdivisions 5, 6b, and 7; 473.811, subdivisions 5 and 5a; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, before the period, insert “*that relate to matters required in a designation ordinance under section 115A.86, subdivision 1*”

Page 3, delete lines 6 to 8 and insert:

“*Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this section, and sections 115A.919 and 115A.921.*”

Page 4, after line 14, insert:

"Sec. 6. 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 in relation to the solid waste management purpose under the joint powers agreement.*"

Page 5, after line 31, insert:

"Sec. 10. 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 21 the terms defined in this section have the meanings given them."

Page 7, delete section 11 and insert:

"Sec. 13. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility or capacity shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need *that conform to the certification standards stated in this subdivision.* The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d; the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the *provisions of any master plans of counties adopted pursuant to section 473.803, subdivision 1b and that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule.* The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3."

Pages 8 and 9, delete subdivision 2 and insert:

"Subd. 2. [USE OF PROCEEDS.] (a) The proceeds of bonds issued under subdivision 1 shall be used by the council; ~~for the purposes provided in sub-~~

division 4 and:

(1) to provide funds for the environmental analysis of solid waste disposal sites;

(2) to make grants to metropolitan counties to pay the cost of the environmental review of sites;

(3) 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

(4) 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

(5) for the acquisition and improvement of resource recovery facilities.

(b) 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."

Page 11, line 16, after the period, insert "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."

Page 11, after line 28, insert:

"Sec. 23. [ANOKA COUNTY; RESOURCE RECOVERY.]

Subdivision 1. [NON-METROPOLITAN COUNTY POWERS.] Anoka county may exercise the powers of a county under Minnesota Statutes, section 400.08, in addition to the powers that Anoka county may exercise under other law. The county may expend funds for resource recovery purposes under sections 473.801 to 473.845.

Subd. 2. [ACQUISITION, CONSTRUCTION, AND OPERATION OF PROPERTY AND FACILITIES.] (a) Anoka county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, operate, lease, or sell any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes.

(b) Notwithstanding any other law to the contrary, the county may purchase and lease materials, equipment, machinery and other personal property necessary for solid waste management purposes on terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements.

(c) If a county contract is let by negotiation, without advertising for bids, the county shall conduct the negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705.

(d) If a county contract is to be awarded by bid, the county may, after notice

to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids.

(e) The county may employ necessary personnel for the care, maintenance and operation of the solid waste property and facilities.

(f) The county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities if the facilities are adequate and available, and are cost competitive with other means of providing the same service."

Page 12, line 21, delete "16 to 19" and insert "7 to 21"

Page 12, after line 22, insert:

"Sec. 26. [REPEALER.]

Laws 1984, chapter 644, section 83, is repealed.

Sec. 27. [EFFECTIVE DATE.]

Section 23 is effective the day after the county board complies with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

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 counties and the metropolitan council; changing provisions relating to designation plans, 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; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 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 and 473; repealing Laws 1984, chapter 644, section 83."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 381: A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivision 4; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, after "*misdemeanor*" insert "*punishable by a term of imprisonment of more than 90 days*"

Page 2, after line 20, insert:

"Sec. 4. 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 3, line 21, after "*days*" insert "*of notification*"

Page 3, line 24, delete "[CORRECTION ORDERS.]" and insert "[SUSPENSION OF ADMISSIONS.]"

Page 3, line 25, delete "*correction order for*" and insert "*penalty assessment or if the nursing home has a repeated*"

Page 3, line 25, after "*of*" insert "*that portion of*"

Page 3, line 26, after the comma, insert "*subdivision 2, establishing minimum nursing personnel requirements,*"

Page 3, line 28, after the period, insert "*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.*"

Page 3, delete lines 31 to 36

Page 4, delete line 1 and insert:

"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."

Page 4, line 5, after "days" insert "of notification"

Page 4, line 22, after "misdemeanor" insert "punishable by a term of imprisonment of more than 90 days"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivision 4" and insert "subdivisions 4 and 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 356: A bill for an act relating to education; providing for a program to educate farmers in certain methods relating to alcohol fuel; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Education. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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, section 609.531.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 152.19, subdivision 5, is amended to read:

Subd. 5. Property shall be forfeited after a conviction deemed to be a felony according to the following procedure:

(1) A separate complaint shall be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use.

(2) If the person arrested is acquitted, the court shall dismiss the complaint against any property seized pursuant to the preceding subdivisions and order the property returned to the persons legally entitled to it.

(3) If after conviction the court finds that the property, or any part thereof, was used in any violation as specified in the complaint, it shall order that the property unlawfully used be sold, destroyed, or disposed of by the appropriate agency in the following manner:

(a) The appropriate agency and prosecuting agency that handled the forfeiture may retain the property for official use but shall not use any motor vehicle required to be registered pursuant to chapter 168A until title is properly transferred pursuant to chapter 168A;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the federal drug enforcement administration.

Any property retained pursuant to clause (3)(a) of this subdivision shall be used only in the performance of official duties of the appropriate agency, and shall not be used for any other purpose. All proceeds from property retained under clause (3)(a) of this subdivision which is later sold shall be disbursed as provided in clause (4) of this subdivision.

(4) One-third of the proceeds from the sale of forfeited property, after payment of seizure, storage, and sale expenses and satisfaction of valid liens against the property, shall be forwarded to the state drug abuse authority for distribution among licensed hospitals and licensed drug treatment facilities of this state for the care and treatment of patients with drug related physical and psychological disorders, and licensed drug analysis centers. The remaining two-thirds of net proceeds shall be shared equally between the agencies prosecuting the forfeiture proceeding and prosecuting agency with jurisdiction over the criminal offense or the agency handling the forfeiture proceeding at the request of the prosecuting agency, and the agency investigating the offense involved in the forfeiture, except that if the forfeiture proceeding was prosecuted by a county attorney whose position is not full time as provided in section 388.21, the prosecutor's share of net proceeds shall be forwarded to the county board."

Page 2, lines 20 and 26, delete "*or information*."

Page 2, lines 21 and 22, delete "*but is not limited to*"

Page 2, lines 23 and 29, delete "*which*" and insert "*that*"

Page 2, line 31, delete "*component*" and insert "*components*"

Page 6, line 6, after "(ii)" insert "*sell*"

Page 6, line 9, strike "*may be sold*"

Page 6, line 12, after "*agency*" insert "*with jurisdiction over the criminal offense or the agency*"

Page 6, line 13, after "*proceedings*" insert "*at the request of the prosecuting agency*"

Page 6, line 19, delete "*(iii)*" and insert "*(3) property which has been forfeited pursuant to this subdivision and which consists of*"

Page 6, line 19, delete "which are"

Page 6, line 20, after "applied" insert "first, to payment of seizure, storage and sale expenses and to satisfy valid liens against the property, and second,"

Page 6, line 20, delete "claims" and insert "court-ordered"

Page 6, line 21, delete the first "of"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 152.19, subdivision 5; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, strike "him" and delete "or her" and insert "the spouse"

Page 1, line 21, before "a" strike "during" and insert ", but not limited to,"

Page 1, line 23, strike "support himself" and delete "or herself" and insert "provide adequate self support"

Page 1, line 24, delete "adequately"

Page 2, line 25, delete "homemaker"

Page 2, line 26, delete everything before the semicolon and insert "spouse seeking spousal maintenance"

Page 3, line 14, after "apply" insert ", in addition to all other relevant factors,"

Page 3, delete section 3

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 221: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, after "*public*" insert "*of*"

Page 2, line 6, delete "*foods*" and insert "*food*"

Page 2, line 6, delete "*are*" and insert "*is*" and delete "*in*" and insert "*for*"

Page 2, line 7, delete the comma and insert "*. A need exists*" and delete everything after "*protect*"

Page 2, line 8, delete everything before "*to*" and insert "*the revenue source for the state and its political subdivisions and*"

Page 2, line 10, delete the comma and insert "*as well as*"

Page 2, line 14, delete "*and parity*"

Page 2, line 16, delete the comma and insert "*. That inability also*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 865: A bill for an act relating to human services; establishing a grant program for community services for the elderly; changing the method of determining and paying the state share of medical assistance payments for nursing home care; establishing uniform grant standards for supplemental aid; changing eligibility criteria for supplemental aid; designating the county agency as the lead agency for services to the elderly; appropriating money; amending Minnesota Statutes 1984, sections 256B.19, subdivision 1; 256D.37, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 256B and 393.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, delete "*256B.0911*" and insert "*256B.091*"

Pages 6 to 8, delete sections 4 and 5 and insert:

"Sec. 4. [256D.44] [CITATION.]

Sections 4 to 31 may be cited as the Minnesota supplemental aid act.

Sec. 5. [256D.45] [POLICY.]

The purpose of sections 4 to 31 is to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; and to provide an integrated public assistance program for all Minnesota state residents who are recipients of supplemental security income or to persons who, except for excess income or resources, would be receiving supplemental security income, who are found to have maintenance needs as determined by application of state standards of assistance, or who have need of a clothing and personal needs allowance while residing in a state hospital, nursing home, or facility with a negotiated rate.

Sec. 6. [256D.46] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms defined in sections 4 to 31 have the meanings given them unless otherwise provided or indicated within the contents of these sections.

Subd. 2. [AGED.] "Aged" means a person who has reached age 65 or one who shall reach the age of 65 during the month of application.

Subd. 3. [APPLICANT.] "Applicant" means a person who has filed a Minnesota supplemental aid application or for whom an application has been filed and whose application has neither been acted upon nor voluntarily withdrawn.

Subd. 4. [BLIND.] "Blind" means the condition of a person who has no vision or who, even with the help of glasses or other device, does not have sufficient ocular power for ordinary affairs of life. A person without sufficient ocular vision is a person whose vision is 20/200 or less in the better eye with the Standard Snellen Chart and whose vision cannot be remedied or improved. If the vision in the better eye is more than 20/200 but is accompanied by a contraction of the peripheral field to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees, it is considered as coming within the definition. The definition shall also include persons with an aphacic eye with a vision of 20/70 in the better eye.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of human services or the commissioner's designee.

Subd. 6. [COUNTABLE INCOME.] "Countable income" means net earned and unearned income that is not exempt or disregarded under section 16 and which is actually available to the recipient.

Subd. 7. [DEPARTMENT.] "Department" means the department of human services.

Subd. 8. [DISABILITY.] "Disability" means the inability to engage in a self-supporting occupation by reason of a permanent and total physical or mental impairment.

Subd. 9. [EARNED INCOME.] "Earned income" means wages, salary, commission, or benefits received by a person as monetary compensation from employment or self-employment.

Subd. 10. [EMERGENCY.] "Emergency" means a set of circumstances which involve a lack or loss of a maintenance need, which demands immediate action, and which, if unresolved, will threaten the health or safety of the individual.

Subd. 11. [EXCLUDED TIME FACILITY.] "Excluded time facility" means any facility listed in section 256B.02, subdivision 2.

Subd. 12. [GROSS INCOME.] "Gross income" means all earned and unearned income before any deduction, disregard, or exclusion.

Subd. 13. [HOMESTEAD.] "Homestead" means a house owned and occupied by the applicant or recipient as his or her dwelling place together with the land upon which it is situated. This area may be no greater than two

contiguous lots in a platted or laid out city or town or 80 contiguous acres in areas which are rural in nature. Real estate not used as a home shall have its value counted under section 14, subdivision 2 unless it produces countable income applicable to the family's needs; the family is making a continuing effort to sell the property at a fair and reasonable price; sale of the real estate would not result in countable income equal to or exceeding the family's monthly needs; or sale of the real estate would cause undue hardship.

Subd. 14. [INCOME.] "Income" means generally any benefit with a cash value received by and available to an applicant or recipient as earnings or otherwise.

Subd. 15. [LOCAL AGENCY.] "Local agency" means the agency designated by the county board of commissioners, human services boards, county welfare boards in the several counties of the state or multi-county welfare boards or departments where those have been established in accordance with law to administer public assistance programs.

Subd. 16. [NEGOTIATED RATE FACILITY.] "Negotiated rate facility" means a nonmedical facility for which the local or state agency determines per diem or monthly standards of payments.

Subd. 17. [OTHER MAINTENANCE BENEFITS.] "Other maintenance benefits" means maintenance benefits provided under law or rule pertaining to workers' compensation, unemployment compensation, railroad retirement, veteran's disability benefits, supplemental security income, social security disability insurance, or other maintenance benefits identified by the local agency for which the applicant or recipient is potentially eligible.

Subd. 18. [PERMANENT.] "Permanent" means the impairment will persist throughout a person's life.

Subd. 19. [REAL PROPERTY.] "Real property" means land, and all buildings, structures, and improvements or other fixtures on it, all rights and privileges belonging or appertaining to it, all manufactured homes attached to it on permanent foundations and all mines, minerals, quarries, fossils, and trees on or under it.

Subd. 20. [RECIPIENT.] "Recipient" means a person who is receiving assistance under the Minnesota supplemental aid program, except that a person who returns an uncashed monthly payment and withdraws from the program shall not be considered a recipient. A person who receives and cashes the monthly payment and is subsequently determined ineligible for assistance for that period of time shall remain a recipient, whether or not the assistance is repaid.

Subd. 21. [SUPPLEMENTAL SECURITY INCOME.] "Supplemental security income" means benefits paid under the federal program of supplemental security income for the aged, blind, and disabled under Title XVI of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972.

Subd. 22. [TOTAL.] "Total" relates to the degree of the disability. Totality involves consideration of age, training, skills, and work experience.

Subd. 23. [UNDUE HARDSHIP.] "Undue hardship" means a situation when Minnesota supplemental aid eligibility is prevented because the appli-

cant or recipient owns more property than the limit in section 14 and the property is for sale at a reasonable price but has not been sold; or the property is essential to the applicant or recipient for other reasons as determined by the local agency.

Subd. 24. [UNEARNED INCOME.] "Unearned income" means any benefit received by the applicant or recipient which does not directly result from that person's labor.

Sec. 7. [256D.47] [CLIENT RIGHTS AND RESPONSIBILITIES.]

Subdivision 1. [INFORMATION.] The local agency shall provide, to each person inquiring about Minnesota supplemental aid, any information germane to a determination of eligibility.

Subd. 2. [ELIGIBILITY AND PROGRAM REQUIREMENTS.] Upon receiving a request for assistance, the local agency shall promptly advise the inquirer, applicant, or recipient of the eligibility criteria or other program information that bears upon eligibility or monthly payment amounts. The local agency shall offer informational brochures to prospective applicants, and shall inform them that eligibility cannot be officially determined and that the right to appeal the agency's decision does not exist without making a formal application.

Subd. 3. [INFORMATION ABOUT OTHER PROGRAMS.] The local agency shall inform applicants and recipients of the availability of other programs which, from its knowledge of the person's situation, could be of interest to the applicant or recipient.

Subd. 4. [RIGHT TO APPLY.] All persons making inquiry regarding the program shall be informed by the local agency of the right to apply and the manner in which formal application can be made.

Subd. 5. [RIGHT TO NOTICE.] No grant of Minnesota supplemental aid, except one made pursuant to section 19, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to action by the local agency. Nothing herein shall deprive a recipient of the right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 subsequent to any action taken by a local agency after a prior hearing.

Subd. 6. [RIGHT TO REPRESENTATION.] Applicants and recipients have the right to have someone act in their behalf to ensure that their legal, civil, and human rights are upheld, and to have someone assist or represent them in the application, eligibility review, or fair hearing process, and in any other contacts with the local or state agency. An applicant who wishes to be represented by an individual of his or her own choosing may do so only by specifying this intent, in writing, to the local agency.

Subd. 7. [RIGHT TO REVIEW RECORDS.] An applicant or recipient shall be allowed to review records held by the local agency which are related to his or her eligibility for or the amount of benefits he or she receives from Minnesota supplemental aid, except for those records classified under the Minnesota data practices act as "confidential."

Subd. 8. [CLIENT RESPONSIBILITIES.] Any applicant or recipient who is otherwise eligible for Minnesota supplemental aid and possibly eligible for

maintenance benefits from any other source shall:

(1) make application for those benefits within 30 days of the local agency's determination of potential eligibility for those benefits; and

(2) execute an interim assistance authorization agreement on a form prescribed by the commissioner.

If found eligible for benefits from other sources, and a payment received from another source relates to the period during which Minnesota supplemental aid was also being received, the recipient shall be liable to reimburse the local agency for the interim assistance paid, including amounts issued as emergency assistance. Reimbursement shall not exceed the amount of Minnesota supplemental aid paid during the time period to which the other maintenance benefits apply. The commissioner shall adopt rules authorizing local agencies to retain from the amount recovered under an interim assistance agreement 25 percent plus actual reasonable fees, costs, and disbursements of appeals and litigation, of providing advocacy assistance to the recipient in processing the recipient's claim for maintenance benefits from another source. The money retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons to provide the advocacy assistance. The rules adopted by the commissioner shall include the methods by which local agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled.

Sec. 8. [256D.48] [RESIDENCE.]

To be eligible for Minnesota supplemental aid a person must be a resident of Minnesota. Minnesota residence is not lost unless the individual so intends and residence is established elsewhere. If a Minnesota supplemental aid recipient moves out of Minnesota with the intent to establish a home elsewhere, Minnesota supplemental aid must be terminated immediately, subject to the timely notice provisions of section 23. If the recipient returns to Minnesota after having established residence in another state and if monthly payments have been discontinued, the county of financial responsibility must be determined on county residence after returning. United States citizenship or permanent residence status is not a requirement for eligibility.

Sec. 9. [256D.49] [RESPONSIBILITY TO PROVIDE MINNESOTA SUPPLEMENTAL AID.]

Each local agency shall provide Minnesota supplemental aid to persons residing within its jurisdiction who meet the eligibility requirements of sections 14 and 15. Minnesota supplemental aid shall be administered by the local agency according to law and rules promulgated by the commissioner pursuant to the Minnesota administrative procedure act.

Sec. 10. [256D.50] [APPLICATION FOR ASSISTANCE.]

Subdivision 1. [FILING OF APPLICATION.] Any person requesting Minnesota supplemental aid shall be permitted by the local agency to make an application for assistance on the date that assistance is first requested. The application shall be in writing and upon the form prescribed by the commissioner and shall contain the following declaration which shall be signed by the applicant or his or her authorized representative: "I declare that this ap-

plication has been examined by me and is a true and correct statement of every material point.' On the date that Minnesota supplemental aid is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 19. A person in need of emergency assistance shall be granted this assistance immediately upon determination of need, and necessary assistance shall continue until either the person is determined to be ineligible for Minnesota supplemental aid or the first grant of Minnesota supplemental aid is paid to the person. A determination of an applicant's eligibility for Minnesota supplemental aid shall be made by the local agency as soon as the required verifications are received by the local agency and in no event later than that time period provided under section 12. Any verifications required of the applicant shall be reasonable. Minnesota supplemental aid shall be granted to an eligible applicant without the necessity of first securing action by the board of the local agency. The amount of the first grant of Minnesota supplemental aid awarded to an applicant shall be computed to cover the time period starting with the first day of the month in which the application was filed, or the first day of the month in which all eligibility factors were met, whichever is later.

Sec. 11. [256D.51] [VERIFICATION.]

The local agency must verify information provided by the applicant or recipient regarding his or her identity; social security number; categorical basis for eligibility; the applicant's or recipient's income and the income of persons for whom the applicant or recipient has relative responsibility or who have relative responsibility for the applicant or recipient; and other relevant factors, provided the local agency has reason to question the accuracy of information provided by the applicant or recipient. If the applicant or recipient refuses to cooperate with the local agency in its attempt to verify the information, the local agency shall deny or terminate assistance.

Sec. 12. [256D.52] [DISPOSAL OF APPLICATION BY THE AGENCY.]

Upon receiving an application, the local agency must promptly determine if the applicant is eligible for assistance, must formally act to approve or deny the application, must inform the applicant of its decision, and must issue assistance if the applicant is found eligible. If the local agency is unable to determine the applicant's eligibility or ineligibility within 30 days or within 60 days if the basis of eligibility is disability, it shall inform the applicant, in writing, of the reason.

Sec. 13. [256D.53] [RESIDENCE; COUNTY OF FINANCIAL RESPONSIBILITY.]

The applicant shall make application for Minnesota supplemental aid in the county within which he or she is living at the time of application. Financial responsibility shall be the same as that prescribed in section 256B.02, subdivision 3. When the applicant resides in an excluded time facility, the county of financial responsibility shall be the county in which the applicant resided immediately prior to beginning uninterrupted excluded time residence. If upon investigation the local agency decides that the application was not filed in the county of financial responsibility as provided herein and that

the applicant is otherwise eligible for assistance, it shall, while providing assistance to the applicant, transmit a copy of the application together with the record of any investigation made by it and a copy of its decision to the state agency and to the county which it has decided is the county of financial responsibility. The state agency shall promptly determine financial responsibility and make an order referring the application to the responsible county for further action. Such action shall include reimbursement by the county of financial responsibility for any assistance which another county has provided to the applicant in accordance with this section. The order of the state agency shall be binding upon the county of financial responsibility and the applicant or recipient unless reversed on appeal as provided in section 256.045 and shall be complied with pending any such appeal.

Sec. 14. [256D.54] [ELIGIBILITY CRITERIA.]

Subdivision 1. [ENTITLED TO RECEIVE AID.] Each person who is a resident of Minnesota, and who is aged, blind, or disabled, and whose income and resources are less than the standard of assistance and limits applicable to that person, shall be eligible for and entitled to Minnesota supplemental aid. Persons who are found eligible by the social security administration on the basis of age, blindness, or disability shall be deemed to have met the requirements.

Subd. 2. [RESOURCES.] To be eligible for Minnesota supplemental aid, the applicant or recipient must not own or have an interest in personal property which exceeds the limits of the supplemental security income program.

Subd. 3. [EXCLUDED RESOURCES.] A local agency shall exclude from the determination of the resources of an applicant or recipient the following items and goods:

- (1) one motor vehicle;*
- (2) proceeds from reverse mortgages;*
- (3) a homestead or mobile home used as a home; and*
- (4) other property, goods, items, and materials necessary for day-to-day living.*

Subd. 4. [JOINTLY HELD PROPERTY.] When real or personal property is held jointly among two or more persons, the local agency shall assume that each person owns an equal share unless the local agency or any of the persons can demonstrate that the share is greater or less. If so, the local agency shall use the greater or lesser share to determine the value held by an applicant or recipient. An owner of property as a tenant in common owns a pro rata share of the property's value. All other types of ownership must be evaluated according to law. Jointly owned property shall be considered available unless the person does not have the legal capacity to liquidate the property without the signature of the other owners. The applicant must provide information to the local agency to assist it in making a determination regarding the property's availability. If the property is unavailable, the applicant must, as a condition of continued eligibility, take reasonable actions requested by the local agency to make the property available.

Subd. 5. [TRANSFERS OF PROPERTY.] In determining the resources of an individual and an eligible spouse there shall be included any resource or

interest which exceeds the limits set out in subdivisions 2 and 3 and which was given away or sold for less than fair market value within the 12 months preceding application for Minnesota supplemental aid or during the period of eligibility.

Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.

For purposes of this subdivision, the value of a resource or interest shall be the fair market value at the time it was sold or given away, less the amount of compensation received. In any case where the transferred property exceeds the monthly standard of assistance applicable to the applicant or recipient, the recipient shall be determined ineligible for Minnesota supplemental aid. The number of months of ineligibility shall be determined by dividing the uncompensated value of the transferred property by the monthly standard of assistance applicable to the applicant or recipient.

Subd. 6. [BUILD-UP OF ASSETS.] A recipient who does not have allowable cash assets at the time of application may create such assets or may build those funds up to the maximum by legal means, provided that all of the recipient's income has been reported and fully accounted for in determining the recipient's need or the amount of assistance.

Subd. 7. [RIGHT TO REDUCE EXCESS PROPERTY OR RESOURCES.] The local agency shall allow a recipient who has property or resources in excess of the standards stated herein to reduce the value of property by transferring the excess to a type of property not exceeding limits, using the excess to meet all needs up to three months, or in any other way except one which results in a reduction of available resources without adequate compensation.

If a recipient possesses property which exceeds the standards in all areas stated herein, eligibility shall continue if the recipient observes his or her responsibility for reporting and takes the steps to reduce such property within 15 days of notice by the agency. If a recipient fails to utilize the excess property or resource in a manner described herein, his or her eligibility shall be terminated.

Subd. 8. [CONVERSION OF PROPERTY.] When a client's real or personal property, regardless of whether it had been excluded, has been sold and converted to cash, the cash is considered as a resource except that proceeds from the sale of a homestead may be held up to 90 days in an escrow account when the proceeds are to be used for the purchase of another home.

Subd. 9. [WAIVER OF EXCESS PROPERTY.] The local agency shall waive excess real and nonliquid personal property more than the limits of subdivisions 2 and 3, when the local agency determines that: the property produces a reasonable market return and it is being used for the support of the applicant or recipient; when a grant of emergency assistance under the Minnesota supplemental aid program is required and the property cannot be

liquidated in time to meet the need; or when an undue hardship would be imposed upon the applicant or recipient by the forced disposal of the property.

Sec. 15. [256D.55] [INCOME.]

Subdivision 1. [SUBTRACTION.] All of an applicant's or recipient's countable earned and unearned income which is actually available must be subtracted from the applicable standard of assistance when determining eligibility for and monthly payment amounts under Minnesota supplemental aid. Income must be considered income in the month of receipt and a resource thereafter.

Subd. 2. [INCOME EXCLUSIONS.] Countable income must not include: food stamps; home-produced food used by the household; Indian claim payments made by the United States Congress to compensate members of Indian tribes for the taking of tribal lands by the federal government; cash payments to displaced persons who face relocation as a result of the Housing Act of 1965, the Housing and Urban Development Act of 1965, or the Uniform Relocation Act of 1970; displaced homemaker payments; reimbursement received for maintenance costs of providing foster care to adults or children; benefits under Title IV and Title VII of the Older Americans Act of 1965; Minnesota renter homeowner property tax refunds; infrequent, inconsequential gifts of money which do not total more than \$30 in a month; reimbursement payments received from the VISTA program; all reverse mortgage loan proceeds received including interest or earnings; in-kind income; payments received for providing volunteer services under Title I, Title II, and Title III of the Domestic Service Act of 1973; loans which have to be repaid; federal low income heating assistance program payments; and any other type of funds excluded as income by state law.

Subd. 3. [SELF SUPPORT PLANS.] The county agency shall, for a period not in excess of 36 months, disregard the additional amounts of other income and resources in the case of an individual who has a plan for achieving self-support approved by the state agency as may be necessary for the fulfillment of the plan, but only with respect to the part or parts of the period during substantially all of which he or she is actually undergoing vocational rehabilitation.

Subd. 4. [APPLICATION FOR FEDERALLY FUNDED BENEFITS.] Persons for whom the applicant or recipient has financial responsibility and who have unmet needs must apply for and if eligible accept AFDC and other federally funded benefits prior to allocation of earned and unearned income from the applicant or recipient to meet the needs of such persons. If the persons are determined eligible for these benefits, the applicant or recipient may not allocate earned or unearned income to those persons.

Subd. 5. [ALLOCATION OF INCOME.] In determining the eligibility of and the monthly payment for an applicant or recipient, countable earned and unearned income may first be allocated, except as conditioned in subdivision 4, to cover the unmet needs of persons for whom the applicant or recipient

has financial responsibility, and who share a residence with the applicant or recipient, at the rate for each of one-half the individual supplemental security income standard of assistance. If the applicant or recipient shares a residence with another person who has financial responsibility for the applicant or recipient, the income of the responsible relative shall be considered available to the applicant or recipient after allowing the disregards and deductions in subdivisions 6, 7, 8, and 9 of this section; the amount of actual payments made to individuals who reside outside of the home who are or could be claimed as dependents for purposes of income tax filing; and an amount equal to one-half of the individual supplemental security income standard of assistance for each additional person who resides in the home and for whom he or she is financially responsible.

Subd. 6. [EARNED INCOME DISREGARDS.] From the applicant's or recipient's gross earned income, the local agency shall disregard the first \$85 plus one-half of the remaining income.

Subd. 7. [EARNED INCOME DEDUCTIONS.] From the applicant's or recipient's gross earned income, the local agency shall subtract the following work expenses: transportation costs at the rate of 22 cents per mile or actual cost; meal allowances at the rate of \$3 per work day; amounts paid for uniforms required for work, tools, and equipment; health and other employer required insurance payments; union and professional association dues when paid; mandatory retirement fund contributions; FICA and supplementary medical insurance costs; state and federal income taxes; child 0077 care; and other reasonable expenses which are necessary for work.

Subd. 8. [SELF-EMPLOYMENT EARNINGS.] The amount of gross earned income from self-employment enterprises must be the amount remaining when reasonable, necessary business costs are subtracted from gross receipts. Capital expenditures and depreciation may not be allowed as business costs. Material stocks and goods used in producing income, inventory if it is a part of the operating stock, and loans received for business purposes may not be counted in determining gross earned income of the applicant or recipient.

(a) Income from rental property must be considered self-employment earnings for each month labor is expended by the owner of the property. Actual, reasonable costs of upkeep and repairs shall be allowed as a business expense. Additional deductions shall be allowed for real estate taxes, insurance, utilities, and the interest on principal payments. If the applicant or recipient lives on the property, these expenses must be apportioned according to the number of rooms rented against the number occupied by the assistance unit. When no labor is expended, income from rental property shall be considered as unearned income except that an additional deduction shall be allowed for actual, reasonable, and necessary labor costs for upkeep and repair.

(b) To arrive at net income available for support from farm operations, the local agency must deduct operating expenses from gross receipts. Farm income includes all proceeds from sales of livestock, livestock products or crops sold or held for later disposition and income from land rented on a share or cash basis; and soil conservation payments. Operating expenses include costs of raising crops and animals, machinery repairs, hired labor, rent, and

property costs. Capital expenditures and depreciation are not allowable as business costs. In no case may a loss from farming operations be deducted from other income such as wages or other self-employment enterprises.

(c) To arrive at net income from roomers and boarders, monthly expenses of \$84 shall be deducted from gross income for boarders, \$69 for roomers, and \$153 for roomers or boarders.

Subd. 9. [UNEARNED INCOME DISREGARD.] From the applicant's or recipient's income from the retirement, survivors and disability insurance program, the local agency shall disregard \$20. All other unearned income is considered as available to meet the needs of the applicants and recipients and as such are deducted from the established Minnesota supplemental aid standard of need. Unearned income includes but is not limited to benefits and retirement pension, income from trusts, and military service person's contributions. The \$20 disregard must not be allowed to persons referred to in section 18, subdivision 4.

Subd. 10. [LUMP SUMS.] Lump sum payments and windfalls must be considered income in the month received and a resource thereafter.

Sec. 16. [256D.56] [STANDARDS OF ASSISTANCE.]

Subdivision 1. [USE OF STANDARDS; INCREASES.] The state standards of assistance for shelter, basic needs, and special need items establish the total amount of maintenance need for an applicant for or recipient of Minnesota supplemental aid, must be used to determine the applicant's or recipient's eligibility for Minnesota supplemental aid and the minimum monthly payment amount, and must be used to establish the amount of state aid for such payments. The state standards of assistance shall increase by an amount equal to the dollar value of any cost of living increases in the supplemental security income program, except that the commissioner may take other actions as necessary, from an examination of current expenditures under Minnesota supplemental aid, to prevent loss of federal funds as provided in Public Law Number 94-585; if this authority is invoked, the commissioner shall provide a report to the Minnesota legislature regarding the circumstances and the need for the action.

Subd. 2. [STANDARD OF ASSISTANCE FOR SHELTER.] The state standard of assistance for shelter provides for the recipient's shelter, heating, cooking, electrical, water, sewer, and garbage removal needs. Except as provided in section 17, the monthly state standard of assistance for shelter must be determined as follows:

(a) If the recipient does not reside with a spouse who receives Minnesota supplemental aid, the state standard of assistance is the actual costs for shelter items or \$151, whichever is less.

(b) If the recipient resides with a spouse who also receives Minnesota supplemental aid, the state standard of assistance for the married couple is the actual costs for shelter items or \$227, whichever is less.

(c) The actual shelter costs for married and unmarried recipients must be determined by dividing the sum of the total monthly shelter costs by the number of persons who share the residence, except when the recipient can justify a greater or lesser share.

Subd. 3. [STANDARD OF ASSISTANCE FOR BASIC NEEDS.] The state standard of assistance for basic needs provides for the recipient's food, clothing and personal needs, reading material, laundry, household supply items, transportation, and other personal needs. Except as provided in section 17, the following establishes the monthly state standard of assistance for basic needs:

(a) For an individual who does not share a residence with another person, the state standard of assistance is \$234.

(b) For an individual who shares a residence with another person or persons the state assistance standard is \$184.

Subd. 4. [STANDARD OF ASSISTANCE FOR A RECIPIENT RESIDING IN A STATE HOSPITAL OR DWELLING WITH A NEGOTIATED RATE.] When a recipient is a resident of a state hospital or a dwelling with a negotiated rate, the recipient shall not be eligible for a shelter standard, a basic needs standard, or for special needs pursuant to subdivisions 2, 3, and 6. The recipient's needs for those items are included in the negotiated rate paid for the person pursuant to subdivision 5. Except as provided in section 17, the state standard of assistance for those persons shall be the clothing and personal needs allowance that has been established for medical assistance recipients under section 256B.35.

Subd. 5. [NEGOTIATED RATES.] Minnesota supplemental aid may be paid for rates negotiated by the local agency for board facility or a licensed facility for the purpose of receiving physical, mental health, or rehabilitative care, provided the local agency agrees that this care is needed by the person. When Minnesota supplemental aid is used to pay a negotiated rate, the rate payable to the facility must not exceed the rate paid by an individual not receiving Minnesota supplemental aid. Except as provided in section 17, the maximum rate permissible for room and board or a licensed facility must not exceed \$800. To receive payment for a negotiated rate, the dwelling must comply with applicable laws and rules establishing standards necessary for health, safety, and licensure. The negotiated rate shall be adjusted by the annual percentage change in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the previous two Octobers, new series index (1967-100).

Subd. 6. [SPECIAL NEEDS.] Notwithstanding subdivisions 1, 2, 3, and 4, payments shall be allowed for the following special needs of recipients of Minnesota supplemental aid:

(a) Medically prescribed diets. The local agency shall pay an allowance monthly for certain medically prescribed diets when they are prescribed by a physician and if the cost of those additional dietary needs is not being met through some other program. Following the initial determination of need for the diet, the propriety of continuing payments shall be reviewed no less frequently than at the time of each redetermination of eligibility. No requirement shall be made to provide verification of actual expenditures for additional dietary need items. The amount of this supplementary payment is determined in relation to the thrifty food plan for one person established by the Food and Nutrition Service of the United States Department of Agriculture. Except as provided in section 17, payment shall be determined for the following special diets at the levels described below, except that the com-

missioner may provide for additional dietary need upon nutritional documentation:

- | | |
|--|----------------------------------|
| (1) High protein diet
(at least 80 grams daily) | 25 percent of thrifty food plan |
| (2) Controlled protein diet
(40-60 grams and requires special
products such as Controlyte, Paygel,
Aproten, Cal-Power, and Citrotein) | 100 percent of thrifty food plan |
| (3) Controlled protein diet
(less than 40 grams and requires special
products described in in clause (2)
above) | 125 percent of thrifty food plan |
| (4) Low cholestrol diet | 25 percent of thrifty food plan |
| (5) High residue diet | 20 percent of thrifty food plan |
| (6) Pregnancy & lactation diet | 35 percent of thrifty food plan |
| (7) Gluten free diet | 25 percent of thrifty food plan |
| (8) Lactose free diet | 25 percent of thrifty food plan |
| (9) Anti-dumping diet | 15 percent of thrifty food plan |
| (10) Hypoglycemic diet | 15 percent of thrifty food plan |
| (11) Ketogenic diet | 25 percent of thrifty food plan |

(b) Payment for nonrecurring special needs must be allowed for necessary repairs or replacement of household furniture and appliances.

(c) Except in an emergency, the recipient shall obtain prior authorization for special need items if payment is to be made by the local agency. The local welfare board shall designate a person or persons who shall be authorized to approve repairs and replacements prior to formal board action.

Sec. 17. [256D.57] [LOCAL AGENCY STANDARDS OF ASSISTANCE.]

The local agency may establish standards of assistance for shelter, basic needs, special needs, clothing and personal needs, and negotiated rates in excess of the corresponding state standards of assistance. State aid shall not be available for the excess costs of higher standards.

Sec. 18. [256D.58] [MONTHLY PAYMENT AMOUNTS.]

Subdivision 1. [PAYMENT PERIOD.] A calendar month shall constitute the payment period for Minnesota supplemental aid. The monthly payment to a recipient must be determined pursuant to this section.

Subd. 2. [PROSPECTIVE BUDGETING.] During the first two months of applicant eligibility and during a month and the following month, in which a change of at least \$50 has occurred, the local agency shall subtract the amount of countable income anticipated for the payment period from the state standards of assistance applicable to the applicant or recipient during that payment period:

- (a) shelter and basic needs; or

(b) clothing and personal needs; or

(c) higher local agency standards established under section 17.

In the event that the amount of anticipated income is less than the amount of income actually received during the payment period, the local agency shall issue a supplemental payment for the difference.

Subd. 3. [RETROSPECTIVE BUDGETING.] *Following the first two months of payment eligibility determined by provisions of subdivision 2, the local agency shall subtract the amount of countable income actually received during the payment period two months earlier from the following state standards of assistance applicable to the recipient during the current payment period:*

(a) shelter and basic needs; or

(b) clothing and personal needs; or

(c) higher local agency standards established under section 17.

In the event that the amount of income actually received for the current payment period is less than the amount of income received during the payment period two months earlier, the local agency shall issue a supplemental payment for the difference. If the amount of income actually received for the current payment period exceeds the amount of income received for the payment period two months earlier, the recipient shall be considered overpaid. When the local agency is informed that income will no longer be received from a particular source, the local agency shall initiate a two-month prospective budgeting period pursuant to subdivision 2.

0266

Subd. 4. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING INDEPENDENTLY.] *The monthly payment for a recipient who resides independently must be the difference between the countable income and the applicable standards of assistance as determined in subdivisions 2 and 3.*

Subd. 5. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING IN STATE HOSPITAL OR DWELLING WITH NEGOTIATED RATE.] *The monthly payment for a recipient who resides in a state hospital or a dwelling with a negotiated rate must be the difference between the countable income and sum of the standard of assistance as determined in subdivision 2 or 3 and the negotiated rate, if any.*

Sec. 19. [256D.59] [EMERGENCY ASSISTANCE.]

Subdivision 1. [ELIGIBILITY FOR EMERGENCY ASSISTANCE.] *Emergency assistance must be granted if the applicant or recipient has income and resources less than the limits of sections 14 and 15 and a situation exists which, if not resolved, will threaten the health or safety of an applicant or recipient. To be eligible for emergency assistance, the applicant or recipient must be without resources adequate to resolve the situation.*

Subd. 2. [INCOME AND RESOURCE TEST.] *All income and resources available to the applicant or recipient during the month that the need for emergency assistance arose must be considered in determining the applicant's or recipient's ability to meet the emergency need. Liquid personal property and income which is normally disregarded or excluded under the Minnesota supplemental assistance program must be considered available to*

meet the emergency need.

Subd. 3. [EMERGENCY ASSISTANCE USAGES.] Emergency assistance may be used to replace lost or stolen Minnesota supplemental aid grant money, or when an applicant or recipient lacks food or shelter, has received a notice of eviction, has received a residential utility shut-off notice, requires damage deposits, utility connection, initial rent or moving expenses, has other expenses related to establishing a new residence, or requires assistance for necessary home repairs.

Subd. 4. [PAYMENT AMOUNT.] The amount of assistance granted under Minnesota supplemental aid emergency assistance shall be based on the current Minnesota supplemental aid need standards. If the standards are insufficient to meet the emergency need, the Minnesota supplemental aid emergency assistance payment must be based on the amount necessary to resolve the emergency.

Subd. 5. [RELATIONSHIP TO REGULAR MONTHLY PAYMENTS.] When a portion of the Minnesota supplemental aid emergency assistance grant is issued to a Minnesota supplemental aid recipient for his or her current needs, the amount of the Minnesota supplemental aid emergency assistance intended to cover current needs must be subtracted from the amount of the regular Minnesota supplemental aid grant issued for the same time period. However, if a regular grant has already been issued for the same period in which the emergency arises, the local agency shall not deduct the amount issued from a grant for a subsequent month.

Subd. 6. [LOST OR STOLEN MONEY.] Minnesota supplemental aid emergency assistance must be a resource when a significant portion of the money a recipient had after cashing his or her assistance check is lost or stolen. The recipient must be without funds to pay for food, shelter, or utilities for the remainder of the month. The conditions for replacing lost or stolen money are:

(1) Only lost money from the Minnesota supplemental aid assistance check may be replaced.

(2) Loss by theft must have been reported to law enforcement officials.

(3) A written report of the event must be submitted to the local agency by the recipient in the form of an affidavit.

(4) The contents of the law enforcement report and the recipient's affidavit must be reasonably consistent as to the amount lost and the circumstances surrounding the loss.

Subd. 7. [PROTECTIVE PAYMENTS TO AVOID RECURRING NEED.] When payment is issued for emergency assistance on more than one occasion in a 12-month period, this shall constitute cause for establishing protective payments of regular Minnesota supplemental aid benefits. If the person receives benefits from the Social Security Administration, the local agency shall also petition that agency to establish a representative payee for those benefits.

Sec. 20. [256D.60] [PAYMENT METHODS.]

Minnesota supplemental aid grants must be issued by the local agency to

the recipient, a protective payee or a conservator or guardian of his or her estate in the form of county warrants immediately redeemable in cash. Minnesota supplemental aid warrants must be issued regularly on the first day of the month and the payment must be made only to the address at which the recipient resides, unless another address has been approved in advance by the local agency, except that at the request of the recipient and if the local welfare agency has arranged for direct depositing, the agency may forward Minnesota supplemental aid warrants or allowance amounts directly to banks, savings and loan associations, or credit unions with which the recipient has made arrangements for direct deposit. Vendor payments must not be made by the local agency except for nonrecurring emergency need payments, replacement or repair of household appliances, and home repairs.

Sec. 21. [256D.61] [PROTECTIVE PAYMENTS.]

Subdivision 1. [NEED FOR PROTECTIVE PAYEE.] The local agency shall determine whether a recipient has need of a protective payee by reason of a physical or mental condition and an inability to manage funds so that making payment to him or her would be contrary to his or her welfare. The determination must include medical or psychological evaluations or other reports of physical or mental conditions including observation of conditions such as extensive paralysis, serious mental retardation, continued disorientation, or severe memory loss. The determination of representative payment by the Social Security Administration for the recipient is deemed sufficient reason for protective payment of Minnesota supplemental aid payments. Protective payments must be issued where there is evidence of continued inability to plan the use of income to meet necessary expenditures; continued observation that dependents are not properly fed or clothed; continued failure to meet obligations for rent, utilities, food, and other essentials; evictions or a repeated incurrence of debts; or lost or stolen checks. If an assistance check is lost, stolen, or destroyed, a duplicate check shall be issued if the recipient files an affidavit with the county agency attesting to the loss, theft, or destruction of the original. The duplicate check must correspond in number, date, and amount with the original check and shall have endorsed on its face the term "duplicate."

Subd. 2. [ESTABLISHING PROTECTIVE PAYMENT.] When the local agency determines that the recipient has need of a protective payee, the local agency shall appoint a payee as follows:

(1) when the Social Security Administration has established a representative payee for the recipient, the local agency shall appoint that representative payee as the protective payee for Minnesota supplemental aid payments, when possible; or

(2) when a representative payee has not already been established, the local agency shall consider the recipient's preference of protective payee. The protective payee shall have an interest in or concern for the welfare of the recipient and must be capable of and willing to provide the required assistance. The local agency director, members of the county welfare board, and vendors of goods or services, including the recipient's landlord, may not serve as protective payee.

(3) the local agency shall make appropriate termination of protective payments when an individual is considered able to manage funds in his or her

best interest. When a judicial appointment of a guardian or other legal representative appears to serve the best interest of the individual, such appointment shall be sought by the local agency.

Subd. 3. [FAIR HEARING.] Opportunity for a fair hearing must be given to any individual claiming assistance in relation to the determination that a protective payment must be made or continued, and in relation to the payee selected.

Sec. 22. [256D.62] [PAYMENT CORRECTION.]

Subdivision 1. [WHEN.] When the local agency finds that the recipient has received less than or more than the correct payment of Minnesota supplemental aid benefits, the local agency shall issue a corrective payment or seek recoupment, respectively.

Subd. 2. [UNDERPAYMENT OF MONTHLY GRANTS.] When the local agency determines that an underpayment of the recipient's monthly payment has occurred, it shall, during that same month, issue a corrective payment. The payment must be one payment for the total number of months for which underpayment was made, except that if the underpayment would result in a corrective payment of less than \$10, no corrective payment must be made. Corrective payments may be made only for the 12-month period immediately preceding the month in which the underpayment is discovered and must be excluded when determining the applicant's or recipient's income and resources.

Subd. 3. [OVERPAYMENT OF MONTHLY GRANTS.] When the local agency determines that an overpayment of the recipient's monthly payment has occurred, it shall issue a notice of overpayment to the recipient within 12 months of the identification of the overpayment. If the person's case is no longer open, the local agency may request voluntary repayment or pursue civil recovery. If the recipient's case is open, the local agency shall recover the overpayment by withholding an amount up to one-half of the monthly disregarded income.

Sec. 23. [256D.63] [NOTICE.]

Subdivision 1. [TEN-DAY NOTICE.] The local agency shall give the recipient ten days' advance written notice when the agency intends to terminate, suspend, or reduce a grant. The ten-day notice must be in writing on a form prescribed by the commissioner; mailed or given to the recipient not later than ten days before the effective date of the action; and clearly state what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

Subd. 2. [FIVE-DAY NOTICE.] Five days are sufficient for advance notice when the agency has verified and documented that the case facts require termination, suspension, or reduction of the grant and the action is required because of probable fraud by the recipient.

Subd. 3. [ADEQUATE NOTICE.] Notice given no later than the effective date of the action is sufficient when: (1) the agency has factual information confirming the death of a person in the grant; (2) the agency receives a clear written statement, signed by the recipient, that he or she no longer wishes

assistance; (3) the agency receives a clear statement, signed by the recipient, reporting information which the recipient understands will require termination or a reduction in the grant; (4) the recipient has been placed in a skilled nursing home, intermediate care, or long-term hospitalization facility; (5) the recipient has been admitted to or committed to an institution; (6) the recipient has been accepted for assistance in a new county; or (7) the recipient's whereabouts are unknown and the agency mail directed to her or him has been returned by the post office indicating no forwarding address.

Sec. 24. [256D.64] [APPEALS.]

Subdivision 1. [RIGHT TO APPEAL.] Applicants and recipients have a right to a fair hearing if they are aggrieved by an action or by inaction of the local agency. Appealable issues include the following: (1) denial of the right to apply for assistance; (2) failure on the part of the local agency to act upon the application promptly or timely; (3) denial of an application for assistance; (4) suspension, reduction, or termination of assistance; (5) grant calculations, including the calculated amounts of overpayments and calculated levels of recoupments due to those overpayments; (6) the determination of periods of ineligibility and the applicability of those periods to various members of the family resulting from receipt of a lump sum; (7) the availability and calculation of corrective payments; (8) use of protective or vendor payments; (9) recoupment of overpayments limited to those issues which led to the alleged overpayment; and (10) other issues related to eligibility for an amount of Minnesota supplemental aid, as required by state law and rule as they currently exist, or as subsequently amended.

Subd. 2. [COSTS RELATED TO APPEALS.] Reasonable and necessary expenses, as determined by the local agency, which are related to the applicant's or recipient's attendance at the hearing, must be reimbursed by the local agency. Reasonable and necessary costs of attendance by witnesses must be reimbursed only if the appellant prevails in the appeal.

Subd. 3. [RIGHT TO APPEAL.] No grant of Minnesota supplemental aid, except one made pursuant to section 19, shall be reduced, terminated, or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the local agency. Nothing in this section shall deprive a recipient of his or her right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 subsequent to any action taken by a local agency after a prior hearing.

Subd. 4. [CONTINUATION OF PAYMENT PENDING APPEAL DECISION.] When assistance is reduced, suspended, or terminated, the grant must be continued pending an appeal decision if the appellant files the appeal within ten days of the notice or prior to the effective date of the proposed action, whichever is later.

Sec. 25. [256D.65] [REPORTING REQUIREMENTS.]

All recipients of Minnesota supplemental aid shall have their eligibility redetermined at least once every 12 months. Applicants and recipients shall provide, report, and verify all information necessary to determine initial and ongoing eligibility. This requirement must include information requested at the time of application and at the time a redetermination or report form is due.

This responsibility also includes a report within eight days of any change in income and household circumstances which affect eligibility. The report form must be completed monthly when the recipient has earned income and quarterly when the recipient does not. Failure without good cause to complete and return the household report prior to the last ten days of a month shall result in the withholding of the subsequent month's grant until the report is provided.

Sec. 26. [256D.66] [FRAUD.]

Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or by the intentional withholding or concealment of a material fact, or by impersonation, or other fraudulent device assistance to which he or she is not entitled or assistance greater than that to which he or she is reasonably entitled shall be considered to have violated section 256.98; and shall be subject to both the criminal and civil penalties provided in that section.

Sec. 27. [256D.67] [RELATIVE'S RESPONSIBILITY.]

The financial responsibility of a relative for an applicant for or recipient of Minnesota supplemental aid shall not extend beyond the relationship of a spouse or a parent of a minor child.

Sec. 28. [256D.68] [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall supervise the administration of Minnesota supplemental aid by local agencies as provided in sections 4 to 31; adopt uniform rules consistent with law for carrying out and enforcing the provisions of sections 4 to 31, to the end that Minnesota supplemental aid may be administered as uniformly as possible throughout the state; immediately upon adoption furnish rules to all local agencies and other interested persons; comply with the provisions of the Minnesota administrative procedure act when adopting rules; allocate money appropriated for Minnesota supplemental aid to local agencies as provided in section 31; accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for Minnesota supplemental aid; cooperate with other agencies including any agency of the United States or another state in all matters concerning the powers and duties of the commissioner provided hereunder; and cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services.

Sec. 29. [256D.69] [MINNESOTA SUPPLEMENTAL AID TO BE ALLOWED AS CLAIM IN PROBATE COURT.]

On the death of any person who received Minnesota supplemental aid under sections 4 to 31, or on the death of the survivor of a married couple, either or both of whom received Minnesota supplemental aid, the total amount paid as Minnesota supplemental aid to either or both, without interest, shall be allowed as a claim against the estate of the person or persons by the court having jurisdiction to probate the estate.

Sec. 30. [256D.70] [DATA PROCESSING PROCEDURES.]

The local agency shall, to the extent permitted by federal law or regulation, in addition to any other necessary records and procedures, provide for the

inclusion of all Minnesota supplemental aid records in any data processing system established for the medical assistance program, according to procedures established by the commissioner.

Sec. 31. [256D.71] [STATE AID.]

After December 31, 1985, state aid shall be paid to local agencies for 85 percent of all Minnesota supplemental aid grants up to the payment levels specified in section 18 and according to procedures established by the commissioner."

Page 8, line 17, delete "welfare"

Page 8, after line 26, insert:

"Sec. 33. [STUDY.]

The commissioner of human services shall study the rates paid under the general assistance and supplemental aid programs to negotiated rate facilities, and the costs of these facilities, and provide a report and recommendations to the legislature by February 15, 1986, concerning economical and effective reimbursement methods that will encourage rates that are equitable and consistent throughout the state. The commissioner may collect information from local agencies and facilities as required to complete the study."

Page 8, delete lines 28 and 29

Page 8, line 30, delete "available until June 30, 1987" and insert "Seventy percent of the appropriation for alternative care grants under Minnesota Statutes, section 256B.091, subdivision 8, is transferred to the community care incentive fund for purposes of section 1, to be available until June 30, 1987"

Page 8, line 36, after the period, insert "\$2,862,000 is appropriated from the general fund to the commissioner of human services for grants under Minnesota Statutes, section 245.73. This appropriation is available for the biennium ending June 30, 1987. This appropriation is in addition to the appropriation to continue services currently funded under section 245.73; the commissioner of human services shall use this supplement to assure continuation of appropriate care and services for mentally ill residents of facilities affected by the limits in section 16, subdivision 5."

Page 9, after line 2, insert:

"Sec. 35. [REPEALER.]

Minnesota Statutes 1984, sections 256D.36; 256D.37; 256D.38; 256D.39; 256D.41; 256D.42; and 256D.43, are repealed on January 1, 1986.

Sec. 36. [EFFECTIVE DATE.]

Sections 4 to 31 are effective on January 1, 1986."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "requiring a study of rates paid to negotiated rate facilities; creating the Minnesota supplemental aid act;"

Page 1, line 11, delete "256D.37, subdivisions 1 and 2;"

Page 1, line 13, before "and" insert ", 256D,"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 903: A bill for an act relating to human services; making certain changes in the reimbursement procedures for nursing homes; providing for an interim payment rate for newly constructed or expanded nursing homes; requiring medicare certification; creating an appeals board for appraised value disputes; amending Minnesota Statutes 1984, sections 256B.431, subdivisions 2b, 3, and 4; and 256B.50.

Reports the same back with the recommendation that the bill be amended as follows:

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 re-

sulting 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(t).

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, (2) it is located in a rural area as defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, and (3) it agrees to utilize no more than four hospital beds as swing beds at any one time.

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 condi-*

tions 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 eligibility, 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 resident'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 eligibility, 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 10 days prior to the end of the maximum length of stay.*

(d) *The hospital must agree, in writing, to limit admission to a swing bed only to patients who have been hospitalized and not yet discharged from the facility.*

(e) *The hospital must agree, in writing, that there will be at least a 60-day period between a specific patient's discharge from a facility out of a swing bed, and that patient's readmission to a swing bed.*

(f) *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. [RATE.] *No hospital may charge any person receiving nursing care in a swing bed at a rate greater than the rate paid by the secretary of human services for similar services under section 1883 of the Social Security Act for the comparable time period. A violation of this subdivision shall be considered a violation of section 256B.48, subdivision 1, clause (a).*

Subd. 6. [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. 7. [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. 8. [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 less than five swing beds 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 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.~~

(d) 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 has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and 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 xray services;

(11) The following if prescribed by a licensed practitioner: drugs, eye-glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four

of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; or any other over the counter drug identified by the commissioner, in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the Administrative Procedure Act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the Administrative Procedure Act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the Administrative Procedure Act;

(12) Diagnostic, screening, and preventive services;

(13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act;

(14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by nonambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be 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 assistance within 180 days of nursing home or boarding care home admission will be paid by state, federal, and county funds. Other persons will be assessed by a screening team upon payment of a fee based upon a sliding fee scale approved by the commissioner.

Sec. 12. Minnesota Statutes 1984, section 256B.091, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Appeals from the screening team's ~~determination recommendation~~ shall be made pursuant to the procedures set forth in section 256.045, subdivisions 2 and 3. An appeal shall be automatic if the individual's physician does not agree with the recommendation of the screening team.

Sec. 13. Minnesota Statutes 1984, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within 180 days of admission to a nursing home; ~~and~~ (3) who need services that are not available at that time in the county through other public assistance; and (4) who are age 65 or older.

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance. The sliding fee schedule is not subject to chapter 14 but the commissioner shall publish the schedule and any later changes in the State Register and allow a period of 20 working days from the publication date for interested

persons to comment before adopting the sliding fee schedule in final forms.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the nonfederal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The nonfederal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay ten percent of the costs.

The commissioner shall promulgate emergency rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 14. Minnesota Statutes 1984, section 256B.431, subdivision 2b, is amended to read:

Subd. 2b. [OPERATING COSTS, AFTER JULY 1, 1985.] (a) For rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.

(b) The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate.

(c) The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, age, size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per 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 for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e).

Sec. 15. Minnesota Statutes 1984, section 256B.431, subdivision 3, is amended to read:

Subd. 3. [PROPERTY-RELATED COSTS, 1983-1985.] (a) For rate years beginning July 1, 1983 and July 1, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs recognized in the final rate for that cost report, adjusted for rate limitations in effect before the effective date of this section. Property-related costs include: depreciation, interest, earnings or investment allowance, lease, or rental payments. No adjustments shall be made as a result of sales or reorganizations of provider entities.

(b) Adjustments for the cost of repairs, replacements, renewals, betterments, or improvements to existing buildings, and building service equipment shall be allowed if:

- (1) The cost incurred is reasonable, necessary, and ordinary;
- (2) The net cost is greater than \$5,000. "Net cost" means the actual cost, minus proceeds from insurance, salvage, or disposal;
- (3) The nursing home's property-related costs per diem is equal to or less than the average property-related costs per diem within its group; and
- (4) The adjustment is shown in depreciation schedules submitted to and approved by the commissioner.

(c) Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's licensed capacity days for nursing homes with more than 60 beds and 94 percent of the nursing home's licensed capacity days for nursing homes with 60 or fewer beds. For a nursing home whose residents' average length of stay is 180 days or less, the commissioner may waive the 96 or 94 percent factor and divide the nursing home's property-related costs by the actual resident days to compute the nursing home's annual property-related per diem. The commissioner shall promulgate emergency and permanent rules to recapture excess depreciation upon sale of a nursing home.

(d) *Subd. 3a. [PROPERTY-RELATED COSTS AFTER JULY 1, 1985.]*
(a) For rate years beginning on or after July 1, 1985, the commissioner, by permanent rule, shall reimburse nursing home providers that are vendors in the medical assistance program for the rental use of their property. ~~The "rent" is the amount of periodic payment which a renter might expect to pay for the right to the agreed use of the real estate and the depreciable equipment as it exists real estate and depreciable equipment.~~ "Real estate" means land improvements, buildings, and attached fixtures used directly for resident care. "Depreciable equipment" means the standard moveable resident care equipment and support service equipment generally used in long-term care facilities.

(e) (b) In developing the method for determining payment rates for the rental use of nursing homes, the commissioner shall consider factors designed to:

- (1) simplify the administrative procedures for determining payment rates for property-related costs;
- (2) minimize discretionary or appealable decisions;
- (3) eliminate any incentives to sell nursing homes;
- (4) recognize legitimate costs of preserving and replacing property;
- (5) recognize the existing costs of outstanding indebtedness allowable under the statutes and rules in effect on May 1, 1983;
- (6) address the current value of, if used directly for patient care, land improvements, buildings, attached fixtures, and equipment;
- (7) establish an investment per bed limitation;
- (8) reward efficient management of capital assets;

- (9) provide equitable treatment of facilities;
- (10) consider a variable rate; and
- (11) phase in implementation of the rental reimbursement method.

(F) (c) No later than January 1, 1984, the commissioner shall report to the legislature on any further action necessary or desirable in order to implement the purposes and provisions of this subdivision.

Sec. 16. Minnesota Statutes 1984, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) *For the rate years beginning July 1, 1983 and July 1, 1984, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by emergency and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. Until procedures determining operating cost payment rates according to mix of resident needs are established, the commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.*

(b) For the rate years beginning on or after July 1, 1985, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property related costs, operating costs, and real estate taxes and special assessments calculated pursuant to rules promulgated by the commissioner.

(c) *For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR 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. 17. 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. 18. 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. 19. Minnesota Statutes 1984, section 256B.504, subdivision 1, is amended to read:

Subdivision 1. A legislative ~~study~~ commission is created

(a) to monitor the inspection and regulation activities, including rule developments, of the departments of health and human services with the ~~goal~~ goals of improving quality of care and controlling health care costs;

(b) to study and report on alternative long-term care services, including respite care services, day care services, and hospice services; ~~and~~

(c) to study and report on alternatives to medical assistance funding for providing long-term health care services to the citizens of Minnesota; ~~and~~

(d) to monitor the delivery of health care in Minnesota and to study and

report on strategies to contain health care costs.

The study commission shall consider the use of such alternatives as private insurance, private annuities, health maintenance organizations, preferred provider organizations, medicare, and such other alternatives as the commission may deem worthy of study.

Sec. 20. [256B.72] [RECOVERY OF THE FEDERAL SHARE.]

Notwithstanding any laws or rules to the contrary and regardless of whether any appeal has been filed, when it has been determined that an overpayment has been made by the state to any medical assistance vendor and that the federal share of the overpayment amount is due and owing to the federal government pursuant to federal law and regulations, the state shall recover from the medical assistance vendor the federal share of the determined overpayment amount using the same schedule of payments required by the federal government.

Sec. 21. 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. 22. 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 con-*

sistent 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. 23. [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 and the directors of the housing finance agency and the state planning agency, shall study and report to the legislature concerning the feasibility of a home equity conversion program to finance long-term health care and long-term health care insurance. The study must examine and provide recommendations concerning:

(1) methods of encouraging participation, including public subsidy mechanisms;

(2) the characteristics of target populations;

(3) federal and state legislative and regulatory barriers;

(4) the role of the medical assistance program, insurance carriers and other forms of health care coverage, lending institutions, employers, investors, consumer organizations, and other programs and interests;

(5) estimates of demand and participation;

(6) estimates of cost;

(7) methods of addressing adverse selection; and

(8) other considerations affecting the desirability and feasibility of home equity conversion to finance long-term health care and long-term health care insurance.

Subd. 2. [REPORT.] By February 15, 1986, the commissioner of the human services 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. 24. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the commissioner of human services to conduct a feasibility study of home equity conversion for long-term health care.

Sec. 25. [EFFECTIVE DATE.]

Sections 1 to 8, 14 to 16, and 18 to 22 are effective the day following final enactment. Sections 9 to 13, 17, 23, and 24 are effective July 1, 1985.

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; 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; 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.431, subdivisions 2b, 3, and 4; 256B.48, by adding a subdivision; 256B.50; 256B.504, subdivision 1; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 571: A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115B.051] [PROOF OF CAUSATION; LEGAL PRINCIPLES APPLICABLE.]

In any action brought under section 115B.05, or under any other law, to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance:

(a) the enactment and subsequent repeal of section 115B.07, relating to proof of causation, shall not be construed in any way as a determination of legislative policy regarding the legal principles applicable to the proof of the causal connection between the release and the death, injury, or disease; and

(b) the legal principles applicable to the proof of causation shall be determined solely on the basis of applicable statutory and common law.

Sec. 2. [115B.25] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The terms used in sections 3 to 14 have the definitions given them in section 115B.02 and this section.

Subd. 2. [BOARD.] "Board" means the hazardous substance injury compensation board established in section 4.

Subd. 3. [ELIGIBLE PROPERTY.] "Eligible property" means property damage that is eligible for compensation under section 6.

Subd. 4. [ELIGIBLE PERSONAL INJURY.] "Eligible personal injury" means personal injury that is eligible for compensation under section 6.

Subd. 5. [COMPENSABLE LOSS.] "Compensable loss" means a loss that is compensable under section 10.

Subd. 6. [FUND.] "Fund" means the hazardous substance injury compensation fund established in section 3.

Sec. 3. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 14 and 15. The state treasurer shall invest fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [APPROPRIATION.] The amount necessary to pay claims of compensation granted by the board under sections 3 to 14 is appropriated to the board from the hazardous substance injury compensation fund.

Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] If the amount of the claims granted exceeds the amount in the fund, the board shall request a transfer from the general contingency fund to the hazardous substance injury compensation fund as provided in section 3.30. If no transfer is approved, the board shall pay the claims in the order granted only to the extent of the money remaining in the fund. The board may summarily pay the remaining claims after additional money is appropriated to or deposited in the fund.

Sec. 4. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board consists of three members appointed by the governor subject to the advice and consent of the senate. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be ap-

pointed to terms as follows:

- (1) the first member appointed for six years;
- (2) the second member appointed for four years;
- (3) the third member appointed for two years.

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.

Sec. 5. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 3 to 14 or in other law, the board shall:

(1) adopt rules, including emergency rules, as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;

(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;

(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and

(4) prepare and transmit to the governor and the legislature a biennial report to include (a) a summary of board activity under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; and (c) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 3 to 14 or in other law, the board may:

(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;

(2) contract for consultant or other services necessary to carry out the board's duties under sections 3 to 14;

(3) grant compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made.

Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The

board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide for the administrative needs of the board as provided in this subdivision. The commissioner shall make available by separate budget to the board the staff services, funds for operation, and office space necessary to administer its functions. Upon request by the board, the commissioner shall hire or make available necessary employees and technical services. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 3 to 14.

Sec. 6. [ELIGIBLE INJURY AND PROPERTY DAMAGE.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) the injury is one that is compensable under the workers compensation law, chapter 176;

(3) the injury arises out of the ordinary use of a consumer product; or

(4) it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.

Subd. 2. [ELIGIBLE PROPERTY DAMAGE.] Damage to real property owned by the claimant is eligible for compensation from the fund if the damage results from the presence in or on the property of a hazardous substance released from a site where the substance was deposited. Damage to property is not eligible for compensation from the fund if it results from the release of a hazardous substance for which the claimant is a responsible person.

Subd. 3. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.

(a) A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.

(b) A claim for compensation for property damage must be filed within two years after the damage occurred.

Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.

Sec. 7. [115B.30] [OTHER ACTIONS.]

Subdivision 1. [BY CLAIMANT.] Except as provided in subdivision 4, a claimant who receives compensation from the fund may bring a personal injury, wrongful death, or other action in court for damages not compensated by the fund. In any case where the final judgment does not exceed 25 percent of the amount previously recovered from the fund, the court may assess costs and fees, not including attorney fees, against the claimant. A decision by the board to grant or deny compensation is inadmissible as evidence in any court action brought by the claimant to recover for additional injury or damage, except that if a verdict or decision is rendered for the claimant, the court shall take judicial notice of any board decision granting compensation in determining whether or not fees must be assessed as provided in this subdivision, and in entering judgment shall reduce the total damages to the extent already compensated by the fund.

Subd. 2. [SUBROGATION BY STATE.] The state is subrogated to all the claimant's rights to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the claimant. Money recovered by the state under this subdivision must be deposited in the fund.

Subd. 3. [JOINDER OF ACTIONS.] Nothing in subdivision 1 or 2 precludes joinder of actions brought by the state and a claimant or intervention in an action by any party.

Subd. 4. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 6 or the statute of limitations for any civil action

is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.

Sec. 8. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.

Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence of the claimant's exposure to a named hazardous substance;

(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 9, subdivision 3;

(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;

(5) evidence of any property damage eligible for compensation and the amount of compensable losses resulting from the damage;

(6) information regarding any collateral sources of compensation; and

(7) other information required by the rules of the board.

Subd. 3. [DEATH CLAIMS.] In any case in which death is claimed as a compensable injury, the claim may be brought on behalf of the claimant by the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.

Sec. 9. [115B.32] [DETERMINATION OF CLAIM.]

Subdivision 1. [STANDARD FOR PERSONAL INJURY.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;

(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and

(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 2. [STANDARD FOR PROPERTY DAMAGE.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant has suffered property damage that is eligible for compensation and that has resulted in compensable loss; and

(2) the presence of the hazardous substance in or on the property could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 3. [EFFECT OF PRIOR DECISION; EXCEPTION.]

(a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.

(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.

Sec. 10. [115B.33] [COMPENSABLE LOSSES.]

Subdivision 1. [PERSONAL INJURY LOSSES.] Losses compensable by the fund for personal injury are limited to:

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents as follows:

(1) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum computed by two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum computed by three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse,

an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

Subd. 2. [PROPERTY DAMAGE LOSSES.] Losses compensable by the fund for property damage are limited to the following loss caused by damage to the principal residence of the claimant: the reasonable cost of replacing or decontaminating the primary source of drinking water for the property to the extent actually expended by the claimant or assessed by a local taxing authority, if the department of health has determined that the water is contaminated or has included the property in a well advisory area and has certified that the replacement or decontamination of the source of drinking water effectively has or will eliminate the contamination, up to a maximum of \$25,000.

Sec. 11. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.

Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.

Subd. 4. [CHALLENGES.] If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The

board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.

Subd. 5. [RECORD.] Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.

Subd. 6. [APPEAL.] A final decision of the board made pursuant to this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the board.

Sec. 12. [115B.35] [AMOUNT AND FORM OF PAYMENT.]

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 13. [115B.36] [ATTORNEY FEES.]

The board may by rule limit the fee charged by any attorney for representing a claimant before the board.

Sec. 14. [115B.37] [PARTIAL RECOUPMENT.]

At the end of each fiscal year, the board shall certify to the commissioner of revenue the amount expended from the fund to compensate persons injured by hazardous substances less amounts recovered under subrogation claims under section 7. The commissioner of revenue shall compute a surtax to be added to the hazardous waste generator tax in section 115B.22 which collected over the next calendar year will recoup 50 percent of the expenditures made from the fund during the previous fiscal year in excess of the subrogation claims recovered. Surtaxes collected under this section must be deposited in the fund.

Sec. 15. [APPROPRIATION.]

Subdivision 1. [GENERAL.] \$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended.

Subd. 2. [ADMINISTRATIVE EXPENSES.] \$_____ is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by positions which may be in the unclassified service.

Sec. 16. [REPEALER.]

Minnesota Statutes 1984, section 115B.07, is repealed."

Amend the title as follows:

Page 1, line 8, after "generators;" insert "removing statutory provision for causation for personal injury;"

Page 1, line 9, before the period, insert "; repealing Minnesota Statutes 1984, section 115B.07"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 598: A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 325F.665, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 325F.665, subdivision 1, is amended to read:

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

(a) "agricultural vehicle" means:

(1) a farm truck as defined in section 168.011, subdivision 17;

(2) a farm tractor as defined in section 169.01, subdivision 8; and

(3) an implement of husbandry, as defined in section 169.01, subdivision 55, that is self-propelled.

~~(a)~~ (b) "consumer" means the purchaser, other than for purposes of resale, of a new motor vehicle used for personal, family, or household, or agricultural purposes at least 40 percent of the time, a person to whom the new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the motor vehicle, and any other person entitled by the terms of the warranty to enforce the obligations of the warranty;

~~(b)~~ (c) "manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least ten new motor vehicles;

~~(e)~~ (d) "manufacturer's express warranty" and "warranty" mean the written warranty of the manufacturer of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty; and

~~(d)~~ (e) "motor vehicle" means (1) a passenger automobile as defined in section 168.011, subdivision 7, including pickup trucks and vans, and (2) the self-propelled motor vehicle chassis or van portion of recreational equipment

as defined in section 168.011, subdivision 25, and (3) an agricultural vehicle, which is sold to a consumer in this state.

Sec. 2. Minnesota Statutes 1984, section 325F.665, subdivision 3, is amended to read:

Subd. 3. [MANUFACTURER'S DUTY TO REFUND OR REPLACE.]
(a) If the manufacturer, its agents, or its authorized dealers are unable to conform the new motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use or market value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall, at the consumer's option, either replace the new motor vehicle with a comparable motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price, including the cost of any options or other modifications arranged, installed, or made by the manufacturer, its agent, or its authorized dealer within 30 days after the date of original delivery, and all other charges including, but not limited to, sales tax, license fees and registration fees, if applicable, less a reasonable allowance for the consumer's use of the vehicle not exceeding ten cents per mile driven or ten percent of the purchase price of the vehicle, whichever is less, or for an agricultural vehicle that does not have an odometer, \$10 per hour of engine time or the market lease value, whichever is less. Refunds must be made to the consumer, and lienholder, if any, as their interests appear on the records of the registrar of motor vehicles, or the county recorder of the debtor's residence. A reasonable allowance for use is that amount directly attributable to use by the consumer and any previous consumer prior to his or her first report of the nonconformity to the manufacturer, agent, or dealer and during any subsequent period when the vehicle is not out of service by reason of repair. It is an affirmative defense to any claim under this section (1) that an alleged nonconformity does not substantially impair the use or market value, or (2) that a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by anyone other than the manufacturer, its agent or its authorized dealer.

(b) It is presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle to the applicable express warranties, if (1) the same nonconformity has been subject to repair four or more times by the manufacturer, its agents, or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, but the nonconformity continues to exist, or (2) the vehicle is out of service by reason of repair for a cumulative total of 30 or more business days during the term or during the period, whichever is the earlier date.

(c) If the nonconformity results in a complete failure of the braking or steering system of the new motor vehicle and is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the conformity has been subject to repair at least once by the manufacturer, its agents, or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.

(d) The term of an express warranty, the one-year period and the 30-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, or fire, flood, or other natural disaster.

(e) The presumption contained in paragraph (b) applies against a manufacturer only if the manufacturer, its agent, or its authorized dealer has received prior written notification from or on behalf of the consumer at least once and an opportunity to cure the defect alleged. If the notification is received by the manufacturer's agent or authorized dealer, the agent or dealer must forward it to the manufacturer by certified mail, return receipt requested.

(f) At the time of purchase the manufacturer, either directly or through its agent or its authorized dealer, must provide the consumer a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACEMENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE."

Sec. 3. Minnesota Statutes 1984, section 325F.665, subdivision 4, is amended to read:

Subd. 4. [RESALE OF RETURNED MOTOR VEHICLE.] (a) If a motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state, it may not be resold in this state unless:

(1) the manufacturer provides the same express warranty it provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier, *or for an agricultural vehicle that does not have an odometer, 600 hours or 12 months, whichever is earlier;* and

(2) the manufacturer provides the consumer with a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S EXPRESS WARRANTY AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY MINNESOTA LAW."

The provisions of this section apply to the resold motor vehicle for full term of the warranty required under this subdivision.

(b) Notwithstanding the provisions of paragraph (a), if a new motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state because of a nonconformity resulting in a complete failure of the braking or steering system of the motor vehicle likely to cause death or serious bodily injury if the vehicle was driven, the motor vehicle may not be resold in this state."

Amend the title as follows:

Page 1, line 5, delete "subdivision 1" and insert "subdivisions 1, 3, and 4"

And when so amended the bill do pass and be re-referred to the Committee on Economic Development and Commerce. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 601: A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; amending Minnesota Statutes 1984, section 9.36; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116J.951] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 3.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of energy and economic development.

Subd. 3. [COUNCIL.] "Council" means the governor's rural development council.

Subd. 4. [MEMBER.] "Member" means a member of the council.

Sec. 2. [116J.955] [RURAL REHABILITATION REVOLVING FUND.]

Subdivision 1. [ESTABLISHMENT.] The rural rehabilitation revolving fund is established as an account in the state treasury. The money transferred to the state as a result of liquidating the rural rehabilitation corporation trust, and money derived from transfer of the trust to the state, must be credited to the rural rehabilitation revolving fund. The principal amount of the rural rehabilitation revolving fund, \$9.3 million, may not be spent and must be invested by the state investment board. The income attributable to investment of the principal is appropriated to the commissioner for the activities of the rural development council.

Subd. 2. [EXPENDITURE OF INVESTMENT INCOME.] The commissioner may only use the income from the investment of the rural rehabilitation revolving fund for the purposes that are allowed under the Minnesota rural rehabilitation corporation's charter and agreement with the United States secretary of agriculture as provided in Public Law 499, 81st Congress, enacted May 3, 1950 and as allowed under section 3, subdivision 8. Not more than three percent of the book value of the Minnesota rural rehabilitation corporation's assets may be used for administrative purposes in a year without approval of the United States secretary of agriculture.

Subd. 3. [TRANSFER OF AUTHORIZED RECORDS TO COMMISSIONER.] The authority, assets, books, and records held by the Minnesota rural rehabilitation corporation and later by the state executive council under

Public Law 499, 81st Congress, May 3, 1950, is transferred to the commissioner.

Sec. 3. [116J.961] [GOVERNOR'S RURAL DEVELOPMENT COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] The governor's rural development council is established in the department of energy and economic development. The council shall consist of one representative from each of the state's development regions, including the seven-county metropolitan area, and the commissioner.

Subd. 2. [SELECTION OF MEMBERS.] Members representing the state's development regions must be selected by a majority vote of the regional development commissions, where they exist, and the metropolitan council. In regions that have dissolved their development commissions, members must be selected by a majority vote of the chairs of the respective county boards of commissioners in the region. Members must reside within the region they represent. The county boards of commissioners and the regional development commissions selecting members are encouraged to give preference to persons that hold an elected office. The county boards of commissioners and the regional development commissions must give public notice of vacancies on the council and make a selection of a member from applications received for the positions. The terms, compensation, and expiration of the council and its members are as provided in section 15.059, except that existing members of the council shall serve until January 1, 1987. A member may not serve more than two consecutive terms.

Subd. 3. [OFFICERS.] The council may elect a chairperson, vice chairperson, and other officers as is necessary from its members.

Subd. 4. [ADVISORY TASK FORCES.] The council may form advisory task forces to advise or assist the council to identify and work with rural development issues. The council shall appoint persons to the task forces. The persons on the task force may not receive per diem but may be reimbursed for expenses.

Subd. 5. [COUNCIL STAFF.] (a) The commissioner shall employ, with the concurrence of the council, an executive director experienced in public administration and rural development issues. The executive director is not a member of the council, but shall perform duties the council may require in carrying out its responsibilities. The executive director's position is in the unclassified service.

(b) The commissioner shall employ professional staff, clerical help, and other necessary employees upon the recommendation of the council and the executive director. Support staff shall serve in the classified civil service. The commissioner shall also provide materials and administrative help necessary for the council's activities including personnel, budget, payroll, and contract administration.

Subd. 6. [EXPENSES OF COUNCIL.] The commissioner shall pay for the expenses of the council, the council staff, and the council's programs from the appropriation under section 2, subdivision 1.

Subd. 7. [IDENTIFICATION OF RURAL DEVELOPMENT POLICY.]

The council shall advise the governor and the legislature on matters of public policy relating to rural development. The council shall identify prominent rural issues and formulate and advocate policies that serve the needs of the rural population of the state.

Subd. 8. [ADMINISTRATION OF ANNUAL INVESTMENT INCOME FROM THE RURAL REHABILITATION REVOLVING FUND.] (a) The council shall administer the annual investment income from the rural rehabilitation revolving fund by:

(1) administering a rural development grant program including the establishment of grant eligibility criteria, solicitation and review of grant applications, and determination of projects to be funded;

(2) developing priorities for state projects and activities related to rural development;

(3) providing technical help and rural development information services to state agencies, regional agencies, special districts, local governments, and interested citizens;

(4) preparing an annual budget and work program, and a biennial budget;

(5) preparing an annual report for the state office of the farmers home administration, United States department of agriculture, outlining program activities and expenditures from the trust fund; and

(6) reporting to the house agriculture and senate agriculture and natural resources committee by January 31 of each year on the grants, projects, and activities of the council.

(b) The commissioner shall make agreements or contracts to distribute grant funds to projects selected by the council.

Subd. 9. [RULES.] The commissioner shall, with the concurrence of the council, adopt rules for the administration of a rural development grant program.

Subd. 10. [BUDGET.] The commissioner shall review and approve a biennial budget prepared by the council and submit it to the governor and the legislature for approval as part of the biennial budget process.

Sec. 4. [116J.965] [INTERAGENCY COOPERATION.]

State departments and agencies shall cooperate with and assist the council in its work.

Sec. 5. [REPEALER.]

Minnesota Statutes 1984, section 9.36, is repealed."

Amend the title as follows:

Page 1, lines 7 and 8, delete "amending Minnesota Statutes 1984, section 9.36;"

Page 1, line 9, before the period, insert "; repealing Minnesota Statutes 1984, section 9.36"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 363: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; and article XI, sections 7 and 8; eliminating the office of state treasurer; giving the treasurer's powers and duties to another officer provided by law.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted article IV, section 23, will read:

Sec. 23. Every bill passed in conformity to the rules of each house and the joint rules of the two houses shall be presented to the governor. If he approves a bill, he shall sign it, deposit it in the office of the ~~secretary of state comptroller~~ and notify the house in which it originated of that fact. If he vetoes a bill, he shall return it with his objections to the house in which it originated. His objections shall be entered in the journal. If, after reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the governor's objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the ~~secretary of state comptroller~~. In such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal of each house. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature by adjournment within that time prevents its return. Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the ~~secretary of state comptroller~~ within 14 days after the adjournment of the legislature. Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.

If a bill presented to the governor contains several items of appropriation of money, he may veto one or more of the items while approving the bill. At the time he signs the bill the governor shall append to it a statement of the items he vetoes and the vetoed items shall not take effect. If the legislature is in session, he shall transmit to the house in which the bill originated a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item is approved by two-thirds of the members elected to each house, it is a part of the law notwithstanding the objections of the governor.

Article V, section 1, will read:

Section 1. The executive department consists of a governor, lieutenant governor, ~~secretary of state, auditor, treasurer comptroller~~, and attorney gen-

eral, who shall be chosen by the electors of the state. The governor and lieutenant governor shall be chosen jointly by a single vote applying to both offices in a manner prescribed by law.

Article V, section 3, will read:

Sec. 3. The governor shall communicate by message to each session of the legislature information touching the state and country. He is commander-in-chief of the military and naval forces and may call them out to execute the laws, suppress insurrection and repel invasion. He may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to his duties. With the advice and consent of the senate he may appoint notaries public and other officers provided by law. He may appoint commissioners to take the acknowledgment of deeds or other instruments in writing to be used in the state. He shall take care that the laws be faithfully executed. He shall fill any vacancy that may occur in the offices of ~~secretary of state, treasurer, auditor comptroller~~, attorney general and the other state and district offices hereafter created by law until the end of the term for which the person who had vacated the office was elected or the first Monday in January following the next general election, whichever is sooner, and until a successor is chosen and qualified.

Article V, section 4, will read:

Sec. 4. The term of office of the ~~secretary of state, treasurer,~~ attorney general and ~~state auditor comptroller~~ is four years and until a successor is chosen and qualified. The duties and salaries of the executive officers shall be prescribed by law.

Article VII, section 8, will read:

Sec. 8. The returns of every election for officeholders elected statewide shall be made to the ~~secretary of state comptroller~~ who shall call to his assistance two or more of the judges of the supreme court and two disinterested judges of the district courts. They shall constitute a board of canvassers to canvass the returns and declare the result within three days after the canvass.

Article VIII, section 2, will read:

Sec. 2. The governor, ~~secretary of state, treasurer, auditor comptroller,~~ attorney general and the judges of the supreme court, court of appeals and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted shall also be subject to indictment, trial, judgment and punishment according to law.

Article XI, section 6, will read:

Sec. 6. As authorized by law certificates of indebtedness may be issued during a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, in anticipation of the collection of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.

No certificates shall be issued in an amount which with interest thereon to maturity, added to the then outstanding certificates against a fund and interest

thereon to maturity, will exceed the then unexpended balance of all money which will be credited to that fund during the biennium under existing laws. The maturities of certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which the certificates were issued. If money on hand in any fund is not sufficient to pay all non-refunding certificates of indebtedness issued on a fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of the biennium, the ~~state auditor~~ *comptroller* shall levy upon all taxable property in the state a tax collectible in the ensuing year sufficient to pay the same on or before December 1 of the ensuing year with interest to the date or dates of payment.

Article XI, section 7, will read:

Sec. 7. Public debt other than certificates of indebtedness authorized in section 6 shall be evidenced by the issuance of bonds of the state. All bonds issued under the provisions of this section shall mature not more than 20 years from their respective dates of issue and each law authorizing the issuance of bonds shall distinctly specify the purposes thereof and the maximum amount of the proceeds authorized to be expended for each purpose. The ~~state treasurer~~ *comptroller* shall maintain a separate and special state bond fund on his official books and records. When the full faith and credit of the state has been pledged for the payment of bonds, the ~~state auditor~~ *comptroller* shall levy each year on all taxable property within the state a tax sufficient with the balance then on hand in the fund to pay all principal and interest on bonds issued under this section due and to become due within the ensuing year and to and including July 1 in the second ensuing year. The legislature by law may appropriate funds from any source to the state bond fund. The amount of money actually received and on hand pursuant to appropriations prior to the levy of the tax in any year shall be used to reduce the amount of tax otherwise required to be levied.

Article XI, section 8, will read:

Sec. 8. The permanent school fund of the state consists of (a) the proceeds of lands granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, (c) all cash and investments credited to the permanent school fund and to the swamp land fund, and (d) all cash and investments credited to the internal improvement land fund and the lands therein. No portion of these lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of the lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, the fund shall be invested to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The principal of the permanent school fund shall be perpetual and inviolate forever. This does not prevent the sale of investments at less than the cost to the fund; however, all losses not offset by gains shall be repaid to the fund from the interest and dividends earned thereafter. The net interest and dividends arising from the fund shall be distributed to the different school districts of the state in a manner prescribed by law.

A board of investment consisting of the governor, the ~~state auditor~~, the ~~state~~

~~treasurer, the secretary of state comptroller, and the attorney general is hereby~~ constituted for the purpose of administering and directing the investment of all state funds. The board shall not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

Article XI, section 10, will read:

Sec. 10. As the legislature may provide, any of the public lands of the state, including lands held in trust for any purpose, may be exchanged for any publicly or privately held lands with the unanimous approval of the governor, the attorney general and the ~~state auditor comptroller~~. Lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The state shall reserve all mineral and water power rights in lands transferred by the state.

and Article XIII, section 11, will read:

Sec. 11. A seal of the state shall be kept by the ~~secretary of state comptroller~~ and be used by him officially. It shall be called the great seal of the state of Minnesota.

Sec. 2. [TRANSITION.]

If the proposed amendment is adopted, the first comptroller will be elected in the 1990 election.

Sec. 3. [SCHEDULE AND QUESTION.]

The proposed amendment shall be submitted at the 1986 general election. If approved, the first comptroller will be elected in 1990. The question proposed shall be:

"Shall the Minnesota Constitution be amended to consolidate the offices of state treasurer, state auditor, and secretary of state into one office of comptroller?"

Yes _____
No _____

Sec. 4. [POWERS AND DUTIES TRANSFERRED.]

All the powers, duties, and responsibilities assigned by statute to the state auditor, the secretary of state, and the state treasurer are transferred to the state comptroller.

Sec. 5. [FINANCIAL AUDITS TRANSFERRED.]

The staff of the financial audits division of the legislative audit commission established under section 3.97, and all powers, duties, and responsibilities of the legislative auditor relating to financial audits, described in or assigned in accordance with sections 3.97, subdivision 6; 3.971; 3.972; 3.973; 3.974; 3.9741; and 3.9745, are transferred to the state comptroller.

Sec. 6. [LEGISLATIVE AUDIT COMMISSION RENAMED.]

The legislative audit commission established under section 3.97, subdivision 2, is renamed the legislative research commission. The legislative research commission retains all powers, duties, and responsibilities assigned by statute to the legislative audit commission, except those transferred to the

state comptroller by section 5.

Sec. 7. [EFFECTIVE DATE.]

Sections 4, 5, and 6 are effective January 1, 1991, if by then the amendment proposed under section 3 has been adopted in accordance with the Minnesota Constitution, article IX, section 1."

Delete the title and insert:

"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; transferring the financial audits division of the legislative audit commission and its powers, duties, and responsibilities to the state comptroller; renaming the legislative audit commission."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was re-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; 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 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; appropriating money; amending Minnesota Statutes 1984, sections 86.33, by adding subdivisions; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 129A.03; 129A.04; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.672, subdivision 6; and 268.686; 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; 256.737; 256D.02, subdivision 8a; 256D.111,

subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.686; 268.80; and 268.81.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, after line 10, insert:

“Sec. 9. Minnesota Statutes 1984, section 136.63, is amended by adding a subdivision to read:

Subd. 1b. Before prescribing any program involving training in semi-professional and technical fields or adult education, the board shall consult with the full productivity and opportunity coordinator and shall develop a biennial plan.

Sec. 10. Minnesota Statutes 1984, section 136C.06, is amended to read:

136C.06 [SOLE STATE AGENCY.]

The state board of vocational technical education is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The state board shall develop and submit the state plan for vocational technical education. The state board shall develop the state plan according to terms of agreement with the state board of education. *Before developing and submitting the state plan, the state board shall consult with the full productivity and opportunity coordinator and shall develop a biennial plan.*”

Page 7, line 13, before “*division*” insert “*distinct*” and after “*division*” insert “*with a separate budget*”

Page 7, lines 14 and 15, delete “*described in this section*”

Page 12, line 1, strike the colon and insert “*appeal that action in the manner provided for contested cases in chapter 14.*”

Page 12, strike lines 2 to 18

Page 15, line 21, after “*including*” insert “*supported work programs and other*”

Page 17, line 13, delete “*applicants for or*”

Page 19, line 6, delete “*day*” and insert “*child*”

Page 19, after line 19, insert:

“*Subd. 10. [LONG-TERM WELFARE RECIPIENT PROGRAM.] The commissioner of employment and training shall establish a supported work program for recipients of aid to families with dependent children who have received public assistance for more than three years and who are residents of counties that have had more than three percent of their aid to families with dependent children recipients on such assistance for three years or longer.*

The goals of the supported work program must be made a part of the biennial plan of the commissioner.”

Page 21, line 15, delete “39” and insert “44”

Page 21, line 28, delete “42” and insert “48”

Page 22, line 4, delete "42" and insert "48"

Page 23, line 3, after "administer" insert "and deliver"

Page 23, line 4, strike "delegate administration" and insert "contract for the delivery"

Page 23, line 5, strike "to" and insert "with" and after "government" insert " , public, or nonprofit agency"

Page 23, line 31, delete "42" and insert "48"

Page 23, line 33, delete "provided" and insert "offered" and delete "suitable" and insert "community investment program"

Page 25, after line 30, insert:

"Sec. 25. [268.041] [BOARD FOR THE BLIND.]

Subdivision 1. [MEMBERSHIP.] There is created the Minnesota board for the blind within the department of employment and training. The board consists of seven members appointed by the governor. At least four of the board members shall be blind or visually handicapped. Board members are appointed for four-year terms, except for the members first appointed, of whom three are appointed for a term ending December 31, 1990, three for terms ending December 31, 1989, and three for terms ending December 31, 1988.

Subd. 1a. [REMOVAL; VACANCIES.] The compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 2. [DUTIES.] The board shall:

(1) advise the commissioner on the qualifications for the director of the division of services for the blind;

(2) advise the commissioner regarding the development of policies, programs, services affecting the blind and visually impaired, and on the use of appropriate federal funds;

(3) advise the commissioner regarding policies relating to eligibility determinations;

(4) create a public awareness of the special needs and potentialities of blind and visually impaired persons; and

(5) provide the commissioner with a review of ongoing services, programs, and proposed legislation affecting the blind and visually impaired."

Page 28, line 17, after the period, insert "The commissioner shall use any funds collected by him under this paragraph for job search and relocation expenses of structurally unemployed workers participating in the training program."

Page 28, line 28, after "years" insert ". The commissioner shall allocate 80 percent of available funds to youths"

Page 28, line 30, after "budget" insert "and 20 percent of available funds to youths from families with household incomes no greater than 150 percent of the federal poverty guidelines"

Page 28, line 34, delete "42" and insert "48" and strike "other"

Page 31, after line 8, insert:

"Sec. 34. Minnesota Statutes 1984, section 268.676, subdivision 1, is amended to read:

Subdivision 1. [AMONG JOB APPLICANTS.] Allocation of funds among eligible job applicants within a service delivery area shall be determined by the employment administrator in each service delivery area. The employment administrator shall give priority to:

- (1) applicants living in households with no other income source; and
- (2) applicants who would otherwise be eligible to receive general assistance;
- (3) applicants who are eligible for aid to families with dependent children; and
- (4) applicants who live in a farm household who demonstrate severe household financial need.

In service delivery areas where the unemployment rate for the 12-month period ending the most recent March 31 is below the statewide unemployment rate at that time, the employment administrator shall give higher priority to applicants described in clause (2) than to those described in clause (1)."

Page 31, line 31, delete "33 to 37" and insert "37 to 41"

Page 31, line 34, delete "5" and insert "6"

Page 32, line 21, delete everything after "Subd. 6." and insert "[LOCAL SERVICE UNIT.] "Local service unit.""

Page 32, line 22, delete everything after "means" and insert "a county, joint power agreement, city of the first class, or service delivery area."

Page 32, line 27, before the period, insert "under the scope of this section"

Page 32, line 32, before the first semicolon, insert ", subdivisions 1 to 10" and after the first semicolon, insert "268.676, subdivision 1;" and delete "and"

Page 32, line 33, delete the second "subdivision" and insert "subdivisions" and before the period, insert ", 3, and 4; and 268.682"

Page 33, line 11, delete "32 to 35" and insert "36 to 39"

Page 33, line 20, after "(4)" insert "enter into contracts; (5)"

Page 33, lines 22, 30, and 34, delete "33" and insert "37"

Page 33, line 28, delete "(5)" and insert "(6)"

Page 33, line 32, delete "(6)" and insert "(7)"

Page 33, delete line 35 and insert:

"(8) where federal and state laws allow, identify, define, and prescribe the services and standards used for all employment and training services;"

Page 33, line 36, delete "(8) develop" and insert "(9) initiate" and delete "implement" and insert "oversee"

Page 34, line 1, delete "(9)" and insert "(10)" and delete "economic security" and insert "employment and training"

Page 34, line 5, delete "and"

Page 34, line 6, delete "(10)" and insert "(11)"

Page 34, line 9, before "for" insert:
"(12)"

Page 34, line 9, delete "service providers who" and insert "local service units that"

Page 34, line 17, delete the period and insert a semicolon

Page 34, after line 17, insert:

"(13) certify competent service providers and decertify service providers that fail to comply with performance criteria developed by the coordinator; and

(14) if the coordinator finds that a local service unit over the period of two years consistently fails to provide service of sufficient quantity and quality to satisfy criteria established for the receipt of state funds, the coordinator has the authority to assume responsibility for employment and training programs in that local service unit."

Page 34, line 18, after "[267.04]" insert "[DUTIES AND RESPONSIBILITIES.]"

Page 34, line 33, after "with" delete the comma and insert "and"

Page 34, lines 33 and 34, delete ", and give necessary instructions and directions to county and local authorities" and insert "local service units"

Page 35, line 3, delete "implement" and insert "oversee the implementation of"

Page 35, line 6, delete "operating" and delete "the service"

Page 35, delete lines 7 and 8, and insert "local service units and obtain from them the reports necessary to monitor and evaluate the success of their employment and training programs;"

Page 35, line 11, delete the first comma and insert "or" and after "un-trained" delete ", and needy"

Page 35, line 22, delete "and" and insert a comma and after "submission" insert ", and updating"

Page 35, line 23, delete the first comma and insert "and" and after "local" delete "governments, and"

Page 35, line 24, delete "providers" and insert "units"

Page 35, line 25, delete "county by county"

Page 35, line 25, delete "criteria based"

Page 35, delete lines 26 and 27 and insert "objectives for individual local service units that include the simultaneous reduction of unemployment rates and welfare case loads."

Page 35, lines 29 and 30, delete "October 15, 1985, and thereafter by

October 15" and insert "July 1"

Page 36, lines 2 and 3, delete "for each service delivery area"

Page 36, lines 4 and 5, delete "for each service delivery area"

Page 36, after line 5, insert:

"(4) a review and comment on the vocational programs administered by the vocational technical education system and the community colleges;"

ReNUMBER the clauses in sequence

Page 36, line 13, delete "a plan" and insert "guidelines"

Page 36, line 13, after "and" insert "a"

Page 36, line 15, before "must" insert "may consist of one or more separate operations, but it" and delete "have" and insert "provide"

Page 36, line 23, after "system" insert ", within federal and state data practices provisions,"

Page 36, line 28, after "of" insert "employment and training,"

Page 36, line 32, before the semicolon, insert "and the type of jobs that would provide valuable training, skills, and work experience to part-time program employees"

Page 36, line 33, delete "temporary" and insert "emergency"

Page 37, line 1, delete "development" and insert "developing"

Page 37, after line 14 insert:

"Subd. 5. [ALLOCATION OF WAGE SUBSIDY FUNDS.] The coordinator shall allocate wage subsidy funds in the following manner: Seventy percent of the funds available for allocation to local service units for wage subsidy programs must be allocated among local service units as follows: the proportion of the wage subsidy funds available to each service delivery unit shall be calculated by giving equal weight to the number of unemployed persons in the local service unit divided by the total number of unemployed persons in the state for the 12-month period ending the most recent March 31 and the number of public assistance recipients in the local service unit divided by the total number of public assistance recipients in the state for the 12-month period ending the most recent March 31; 30 percent of the funds allocated to local service units under the program must be allocated at the discretion of the coordinator."

Page 37, line 15, delete "5" and insert "6" and delete "DUTIES RELATING TO" and insert "SPECIAL"

Page 37, line 18, delete "localities" and insert "local service units"

Page 37, line 30, delete "pooled and"

Page 37, line 30, after "to" insert "local"

Page 37, line 31, delete "providers in service delivery areas" and insert "units"

Page 37, line 32, after "each" insert "local" and delete "delivery area"

and insert "unit"

Page 37, line 33, before the period, insert "at the end of the most recent quarter"

Page 38, line 8, after "shall" insert "provide information and"

Page 38, after line 14, insert:

"Sec. 42. [267.07] [AUDIT.]

The legislative auditor shall perform two program audits of the office of full productivity and opportunity. The first program audit shall be submitted to the legislature by January 1, 1988; the second shall be submitted to the legislature by January 1, 1990."

Pages 39 and 40, delete clauses (3) to (5)

Renumber the clauses in sequence

Page 40, line 14, delete everything after the period

Page 40, delete lines 15 and 16

Page 40, after line 24, insert:

"(3) administer wage subsidy programs;"

Page 41, delete clause (7)

Renumber the clauses in sequence

Page 42, after line 1, insert:

"Sec. 45. [SERVICE PRIORITIES FOR EMPLOYMENT AND TRAINING PROGRAMS.]

Subdivision 1. To the extent that the state has the authority to establish priority groups to be served under these programs, greatest consideration must be given to client groups identified as experiencing the most severe disadvantages to employment. Individuals volunteering for employment, regardless of whether or not they are required to register, must also be given preference to avoid the effects of long-term dependence on public assistance.

Subd. 2. (a) The priority for services to be provided is:

(1) permanent, unsubsidized, full-time private or nonprofit sector employment;

(2) permanent, subsidized, full-time private sector employment;

(3) permanent, subsidized, full-time nonprofit sector employment;

(4) training or relocation; and

(5) part-time, subsidized, nonprofit, or public employment with continued employment assistance.

(b) Individuals receiving any of the priority services in paragraph (a) must be provided day care, transportation, or other support services as appropriate and available."

Page 42, lines 7 and 8, delete "applicants for and"

Page 42, line 11, delete "applicants and"

Page 42, delete lines 19 to 36

Page 43, delete lines 1 to 3

Page 43, delete lines 9 to 11

Page 43, line 16, delete "day" and insert "child"

Page 43, line 35, delete "supervise" and insert "assist"

Page 44, line 6, delete "prepare" and insert "assure that a client's employment status is appraised within 30 days and that"

Page 44, line 7, after "plan" insert "is prepared"

Page 44, line 8, delete "30" and insert "90"

Page 44, after line 17, insert:

"(c) If either the recipient or the local agency disagrees with the determination that the individual is lacking work skills or training, the individual or the county may appeal the decision to the commissioner."

Renumber the subdivisions in sequence

Page 44, line 31, delete "commissioner's" and insert "coordinator's"

Page 45, lines 14 and 15, delete "which provide jobs or job training"

Page 45, line 16, before the period, insert "and must provide program employees with training and work experience"

Page 45, line 31, delete "eligible for and"

Page 45, line 34, delete "and" and insert a comma

Page 45, line 36, before the period, insert ", and who volunteer for the employment"

Page 46, line 4, after the second comma, insert "and"

Page 46, line 5, delete ", and the county emergency jobs program"

Page 46, line 22, after "paid" insert "a wage"

Page 46, line 31, after "hours" insert "or four days"

Page 46, line 34, after "the" insert "voluntary"

Page 47, line 2, delete everything after the comma

Page 47, line 3, delete "required,"

Page 48, after line 22, insert:

"Subd. 8. [VOLUNTARY PARTICIPATION.] Participation in the community investment program by any recipient of aid to families with dependent children shall be voluntary."

Page 48, line 29, after "and" insert ", unless the county already operates the job training partnership act program,"

Page 49, line 4, delete "out-stationed" and insert "co-located"

Page 51, line 15, delete "demonstrate" and insert "evaluate"

Page 51, line 21, delete everything after "[ALLOCATION.]" and insert

“(a) No later than August 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation and the procedures used for the sliding fee program. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties.

(b) For the purposes of this section, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for statewide administrative costs. The commissioner shall allocate 50 percent of the funds among counties on the basis of the number of families below poverty, as determined from the most recent special census and 50 percent on the basis of caseloads of aid to families with dependent children for the preceding fiscal year as determined by the commissioner of human services.”

Page 51, delete lines 22 to 36

Page 52, delete lines 1 and 2

Page 52, line 10, delete “dependent” and after “families” insert “with dependent children” and delete “or”

Page 52, line 12, delete “county board” and insert “commissioner”

Page 52, line 19, delete “board’s” and insert “commissioner’s”

Page 52, delete lines 25 to 31

Page 52, line 32, before “Persons” insert “(a)”

Page 52, line 34, delete “shall” and insert “are eligible to”

Page 52, line 35, delete everything after the period

Page 52, delete line 36, and insert:

“(b) Employed persons who work at least ten hours per week and receive at least minimum wage for all hours worked are eligible for child care assistance.”

Page 53, delete line 1

Page 53, line 10, delete everything after the period

Page 53, delete lines 11 and 12

Page 53, line 16, before “first” insert “program’s”

Page 53, line 17, delete everything after “years”

Page 53, line 18, delete “section”

Page 53, line 21, delete “under the board’s”

Page 53, line 22, delete “established range”

Page 53, line 28, delete “When the county”

Page 53, delete line 29

Page 53, line 30, delete “the commissioner for the same service,”

Page 53, line 35, before “for” insert “of human services”

Page 54, line 9, delete "*The county board may*"

Page 54, delete lines 10 to 14

Page 54, line 16, delete "*ten percent of the first \$200,000 and*"

Page 54, line 17, delete "*the balance of any*" and insert "*its*"

Renumber the subdivisions in sequence

Page 54, lines 24 and 31, delete "*46*" and insert "*52*"

Pages 54 and 55, delete section 49

Page 58, line 5, delete "*268.686;*"

Page 58, line 7, delete "*47*" and insert "*53*"

Page 58, line 8, delete "*31*" and insert "*35*" and delete "*10*" and insert "*12*" and delete "*14*" and insert "*16*"

Page 58, line 9, delete "*46*" and insert "*52*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "creating the board for the blind;"

Page 1, line 19, after the semicolon, insert "providing for audits of the program;"

Page 1, line 27, after the second semicolon, insert "136.63, by adding a subdivision; 136C.06;"

Page 1, line 34, before "and" insert "268.676, subdivision 1;"

Page 1, line 35, after "law" insert "in Minnesota Statutes, chapter 268; proposing coding for new law"

Page 1, line 41, delete "*268.686;*"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 468, 126, 566, 281, 803, 563, 77, 882, 519, 665, 822, 597, 194, 471, 70, 643, 678, 381, 709, 693, 623 and 221 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Solon be added as a co-author to S.F. No. 10. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Benson be added as a co-author to S.F. No. 633. The motion prevailed.

Mr. Solon moved that his name be stricken as a co-author to S.F. No. 912. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Wegscheid be added as a co-au-

thor to S.F. No. 933. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 944. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 949. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 953. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 955. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 957. The motion prevailed.

Mr. Solon moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 966. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 974. The motion prevailed.

Mr. Petty moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 975. The motion prevailed.

Mr. Merriam moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 985. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1003. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1004. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1005. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1017. The motion prevailed.

Mr. Bertram moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 1022. The motion prevailed.

Mr. Bertram moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 1023. The motion prevailed.

Mr. Bertram moved that the names of Messrs. DeCramer and Stumpf be added as co-authors to S.F. No. 1024. The motion prevailed.

Mr. Davis moved that the name of Mr. Purfeerst be added as a co-author to S.F. No. 1033. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 1058. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1069. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Schmitz be added as a co-author to S.F. No. 1070. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Pogemiller be added as a

co-author to S.F. No. 1088. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1093. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Jude be added as a co-author to S.F. No. 1098. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Davis be added as a co-author to S.F. No. 1101. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Davis be added as a co-author to S.F. No. 1102. The motion prevailed.

Mr. Lessard moved that S.F. No. 868 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Knutson introduced—

Senate Resolution No. 44: A Senate resolution congratulating the hockey team from Burnsville High School for winning the State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Mr. Knutson introduced—

Senate Resolution No. 45: A Senate resolution congratulating the swimming and diving team from Burnsville High School for winning the State High School Swimming and Diving Championship.

Referred to the Committee on Rules and Administration.

Mrs. McQuaid introduced—

Senate Resolution No. 46: A Senate resolution congratulating the girls basketball team from St. Louis Park High School for winning the 1985 Class AA Girls State High School Consolation Championship.

Referred to the Committee on Rules and Administration.

Mr. Kamrath and Mrs. Adkins introduced—

Senate Resolution No. 47: A Senate resolution congratulating the Spartans girls basketball team from Milroy High School for winning second place in the 1985 Class A Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Samuelson introduced—

Senate Resolution No. 48: A Senate resolution congratulating the Flyers girls basketball team from Little Falls High School for winning the 1985 Class AA Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Anderson introduced—

Senate Resolution No. 49: A Senate resolution congratulating the Cardi-

nals girls basketball team from Staples High School for winning the 1985 Class A Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mrs. Kronebusch introduced—

Senate Resolution No. 50: A Senate resolution commending Bonnie Gregorson for saving a life.

Referred to the Committee on Rules and Administration.

Ms. Berglin and Mr. Spear introduced—

Senate Concurrent Resolution No. 13: A Senate concurrent resolution expressing the sense of the House of Representatives and Senate that voluntary departure status should be granted to Central American refugees.

Referred to the Committee on Rules and Administration.

CALENDAR

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.

Was read the third time and placed on its final passage:

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Langseth	Olson	Spear
Brataas	Gustafson	Lantry	Pehler	Storm
Davis	Hughes	Luther	Peterson, D.C.	Vega
DeCramer	Johnson, D.J.	McQuaid	Peterson, R.W.	Waldorf
Dicklich	Knaak	Mehrkens	Petty	Wegscheid
Diessner	Knutson	Merriam	Pogemiller	
Frank	Kroening	Moe, D. M.	Sieloff	
Frederick	Laidig	Novak	Solon	

Those who voted in the negative were:

Adkins	Chmielewski	Kamrath	Purfeerst	Stumpf
Anderson	Dieterich	Kronebusch	Ramstad	Taylor
Benson	Frederickson	Lessard	Reichgott	Willet
Berg	Isackson	Moe, R. D.	Renneke	
Bernhagen	Johnson, D.E.	Peterson, C.C.	Samuelson	
Bertram	Jude	Peterson, D.L.	Schmitz	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Olson	Schmitz
Anderson	Frank	Kroening	Pehler	Sieloff
Benson	Frederick	Kronebusch	Peterson, C.C.	Solon
Berg	Frederickson	Laidig	Peterson, D.C.	Spear
Berglin	Freeman	Langseth	Peterson, D.L.	Storm
Bernhagen	Gustafson	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Vega
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Davis	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
DeCramer	Jude	Merriam	Reichgott	Willert
Dicklich	Kamrath	Moe, D. M.	Renneke	
Diessner	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. No. 63 and H.F. Nos. 509 and 329, which the committee recommends to pass.

S.F. No. 342, which the committee recommends to pass with the following amendment offered by Mrs. Lantry:

Page 1, line 10, strike "STATE"

Page 1, line 11, strike "; RULES; VIOLATION; PENALTY"

Page 1, line 12, before "The" insert "*Subdivision 1. [RULES; VIOLATION; PENALTY.]*"

Page 1, line 12, strike "state"

Page 1, line 22, before "The" insert "*Subd. 2. [ADMINISTRATION; INSPECTORS.]*"

Page 1, line 25, delete "*local municipality*" and insert "*home rule or statutory city, or a town*"

Page 2, line 1, before "*hold*" insert "*either (1)*" and delete "*licenses*" and insert "*a license*"

Page 2, line 1, before "*master*" insert "*a*" and delete "*plumbers*" and insert "*plumber*"

Page 2, line 2, before the period, insert:

"*, or (2) be a state certified plumbing inspector, as provided under subdivision 3*"

Page 2, after line 2, insert:

"Subd. 3. [PLUMBING INSPECTOR CERTIFICATION.] (a) To become a state certified plumbing inspector, an individual must pass an examination prepared and administered by the department of health to determine if a person is qualified to be a certified plumbing inspector. The department shall make available upon request to any individual interested in taking the examination information regarding the general nature of, and areas to be tested on, the examination. A copy of the certificate of each individual who passes the examination shall be forwarded to the department of administration.

(b) Except as otherwise provided for by law, the commissioner may, upon notice and hearing, direct the dismissal of a plumbing inspector when it appears to the commissioner by competent evidence that the plumbing inspector has consistently failed to act in the public interest in the performance of his duties. Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a local jurisdiction to dismiss or suspend a plumbing inspector at its discretion, except as otherwise provided for by law.

Sec. 2. [EFFECTIVE DATE.]

This act is effective December 1, 1986."

Amend the title as follows:

Page 1, line 3, delete "licenses" and insert "a license"

Page 1, line 4, before the semicolon, insert "or be a state certified plumbing inspector; establishing a certification procedure"

The motion prevailed. So the amendment was adopted.

S.F. No. 472, which the committee recommends to pass with the following amendments offered by Messrs Johnson, D.J. and Peterson, C.C.:

Mr. Johnson, D.J. moved to amend S.F. No. 472, as follows:

Page 8, line 12, delete the comma

Page 12, line 19, delete the comma

Amend the title as follows:

Page 1, line 10, delete "clarifying"

Page 1, delete line 11

Page 1, line 12, delete "American Indians;"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. moved to amend S.F. No. 472 as follows:

Page 21, line 13, delete the new language and reinstate the stricken language

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as

kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Messrs. Knaak, Laidig and Dahl introduced—

Senate Resolution No. 51: A Senate resolution congratulating the Bears from White Bear Area Senior High School for winning the 1985 Class AA Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Bertram introduced—

S.F. No. 1119: A bill for an act relating to local government; increasing the amount that a county board may credit to the sheriff's contingency fund; amending Minnesota Statutes 1984, section 387.212.

Referred to the Committee on Local and Urban Government.

Messrs. Waldorf and Frederickson introduced—

S.F. No. 1120: A bill for an act relating to human services; changing nursing home prohibited practices for participation in medical assistance; amending Minnesota Statutes 1984, section 256B.48, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Reichgott introduced—

S.F. No. 1121: A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

Referred to the Committee on Veterans and General Legislation.

Messrs. Dieterich, Novak, Spear, DeCramer and Peterson, D.L. introduced—

S.F. No. 1122: 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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Dieterich, Jude, Novak, Spear and Peterson, D.L. introduced—

S.F. No. 1123: A bill for an act relating to public utilities; deregulating providers of coin telephone service; imposing a penalty; amending Minnesota Statutes 1984, section 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Spear, Renneke and Pogemiller introduced—

S.F. No. 1124: A bill for an act relating to retirement; Minneapolis teachers maximum service credit accrual; amendment of articles.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C.; Messrs. Spear; Johnson, D.E.; DeCramer and Merriam introduced—

S.F. No. 1125: A bill for an act relating to victims of crime; establishing a crime victim and witness advisory board and a crime victim ombudsman; providing the board with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C.; Messrs. Spear; Johnson, D.E.; Kamrath and DeCramer introduced—

S.F. No. 1126: A bill for an act relating to crimes; transferring administration of crime victim crisis centers and the crime victims reparations board to the office of attorney general; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.53, subdivision 2; 611A.54; 611A.55, subdivision 1; and 611A.56, subdivision 1; repealing Minnesota Statutes 1984, section 611A.42.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 1127: 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.

Referred to the Committee on Health and Human Services.

Mrs. Lantry introduced—

S.F. No. 1128: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1984, sections 2.021; and 2.031, subdivision 1; and re-

pealing Minnesota Statutes 1984, section 2.031, subdivision 2.

Referred to the Committee on Elections and Ethics.

Messrs. Dieterich, Dahl, Petty and Kroening introduced—

S.F. No. 1129: A bill for an act relating to occupations and professions; providing licensing requirements for closing agents; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 82.

Referred to the Committee on Economic Development and Commerce.

Messrs. Waldorf, Diessner, Mrs. Brataas, Messrs. Luther and Spear introduced—

S.F. No. 1130: A bill for an act relating to occupations and professions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.02, subdivision 1; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; and 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

Referred to the Committee on Health and Human Services.

Mr. Vega introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Ms. Peterson, D.C. introduced—

S.F. No. 1132: A bill for an act relating to elections; requiring school district elections to comply with the Minnesota election laws; amending Minnesota Statutes 1984, sections 123.11; and 123.32, subdivision 1; repealing Minnesota Statutes 1984, sections 123.32, subdivisions 2, 3, 4, 5, 6, 8, 8a, 24, and 25; and 200.015.

Referred to the Committee on Elections and Ethics.

Messrs. Diessner, Mehrkens, Ms. Berglin, Mr. Spear and Mrs. McQuaid introduced—

S.F. No. 1133: A bill for an act relating to health; establishing a procedure for declaration by competent adults that life-prolonging procedures may be withheld or withdrawn; providing a form; providing for revocation; establishing procedures in absence of a living will; providing for immunity from liability; providing for penalties; specifying effect on insurance and during pregnancy; preserving existing consensual medical treatment rights; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Judiciary.

Ms. Berglin and Mr. Spear introduced—

S.F. No. 1134: A bill for an act relating to taxation; increasing the maximum dependent care credit for certain recipients; amending Minnesota Statutes 1984, section 290.067, subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, D.M.; Renneke; Spear; Pogemiller and Wegscheid introduced—

S.F. No. 1135: A bill for an act relating to retirement; defining and providing for the payment of disability benefits to members of the teachers retirement association for occupational disability; amending Minnesota Statutes 1984, sections 354.05, by adding a subdivision; and 354.48, subdivisions 1, 2, 3, 4, 6, 7, and 10.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Renneke; Spear; Pogemiller and Wegscheid introduced—

S.F. No. 1136: A bill for an act relating to retirement; teachers variable annuity fund transfers and repayments; amending Minnesota Statutes 1984, section 354.146, subdivision 1, and by adding subdivisions.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Renneke; Spear; Pogemiller and Wegscheid introduced—

S.F. No. 1137: A bill for an act relating to retirement; state employees retirement system; reversing the workers' compensation offset; allowable service computation for leaves of absence; deferred annuities; disability benefits; amending Minnesota Statutes 1984, sections 176.021, subdivision 7; 352.01, subdivision 11; 352.22, subdivision 3; and 352B.10; repealing Minnesota Statutes 1984, section 352.113, subdivision 5.

Referred to the Committee on Governmental Operations. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz introduced—

S.F. No. 1138: 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.

Referred to the Committee on Local and Urban Government.

Mr. Dicklich introduced—

S.F. No. 1139: A bill for an act relating to corrections; providing for costs

of transporting convicted persons and children adjudicated delinquent to correctional facilities; amending Minnesota Statutes 1984, section 243.17, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, D.L.; Davis; Isackson and Moe, R.D. introduced—

S.F. No. 1140: A bill for an act relating to agriculture; requiring the inspection of certain animals to ensure their compliance with Minnesota standards; amending Minnesota Statutes 1984, section 31A.03.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry introduced—

S.F. No. 1141: A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

Referred to the Committee on Transportation.

Messrs. DeCramer and Davis introduced—

S.F. No. 1142: A bill for an act relating to banking; providing assistance to customers of failed banks; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 57.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dicklich and Lessard introduced—

S.F. No. 1143: A bill for an act relating to motor vehicles; abolishing certain fees related to special license plates issued to former prisoners of war; amending Minnesota Statutes 1984, section 168.125, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Messrs. Knaak, Frederick, Sieloff, Bernhagen and Freeman introduced—

S.F. No. 1144: A resolution memorializing Carthage and Rome to congratulate them on signing a peace treaty to end the Punic Wars.

Referred to the Committee on Veterans and General Legislation.

Mr. Knaak introduced—

S.F. No. 1145: A bill for an act relating to elections; clarifying the term "corporation" as it relates to campaign contributions; amending Minnesota Statutes 1984, section 210A.34, by adding a subdivision.

Referred to the Committee on Elections and Ethics.

Ms. Olson, Messrs. Peterson, D.L.; Nelson; Taylor and Ramstad introduced—

S.F. No. 1146: A bill for an act relating to education; establishing a dem-

onstration site program for mastery learning through individualized learning plans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Mr. Sieloff and Mrs. Lantry introduced—

S.F. No. 1147: A bill for an act relating to Ramsey county; placing the position of law clerk investigator in the unclassified service; amending Minnesota Statutes 1984, section 383A.29, subdivision 6.

Referred to the Committee on Local and Urban Government.

Messrs. Freeman, Pogemiller, Ms. Peterson, D.C.; Messrs. Laidig and Solon introduced—

S.F. No. 1148: A bill for an act relating to commerce; defining "trade secret"; amending Minnesota Statutes 1984, section 325C.01, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

Messrs. Solon and Gustafson introduced—

S.F. No. 1149: A bill for an act relating to retirement; Duluth police relief association; consolidation into the public employees police and fire fund; terminating the Duluth police relief association; transferring of assets and records; repealing Laws 1949, chapter 153; Laws 1953, chapter 91; Laws 1955, chapter 187; Laws 1959, chapter 191; Laws 1975, chapter 408; Laws 1976, chapter 99; and Laws 1980, chapter 600, section 11.

Referred to the Committee on Governmental Operations.

Mr. Waldorf, Mrs. Adkins, Messrs. Johnson, D.J., Bernhagen and Renneke introduced—

S.F. No. 1150: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Frederickson, Schmitz and Purfeerst introduced—

S.F. No. 1151: A bill for an act relating to elections; adopting the court-ordered apportionment plan, but changing Ottawa township in LeSeuer county from the second to the first congressional district; repealing Minnesota Statutes 1984, sections 2.741 to 2.811.

Referred to the Committee on Elections and Ethics.

Ms. Peterson, D.C. and Mr. Pogemiller introduced—

S.F. No. 1152: A bill for an act relating to local government; authorizing

the creation of a youth coordinating board in the city of Minneapolis.

Referred to the Committee on Local and Urban Government.

Messrs. Kamrath and Peterson, D.L. introduced—

S.F. No. 1153: A bill for an act relating to malt beverages; defining terms requiring registration numbers and records; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 340.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Kamrath and Benson introduced—

S.F. No. 1154: A bill for an act relating to crimes; repealing law regulating carrying and transferring of pistols; repealing law prohibiting sale of Saturday Night Special Pistols; amending Minnesota Statutes 1984, sections 624.715; and 624.717; repealing Minnesota Statutes 1984, sections 624.7131; 624.7132; 624.714; 624.716; and 624.718.

Referred to the Committee on Judiciary.

Messrs. Kamrath, Bertram, Gustafson and Jude introduced—

S.F. No. 1155: 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.

Referred to the Committee on Veterans and General Legislation.

Messrs. Davis, Chmielewski and Vega introduced—

S.F. No. 1156: A bill for an act relating to natural resources; establishing a youth conservation corps to promote employment of youths and young adults; redefining hazardous waste; increasing the tax on cigarettes; appropriating money for various natural resource-related projects, a youth conservation corps, and lime sludge removal; amending Minnesota Statutes 1984, sections 116.06, subdivision 13; 297.02, subdivision 1; and 297.22, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 84C.

Referred to the Committee on Employment.

Mr. Bertram introduced—

S.F. No. 1157: A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1158: A bill for an act relating to psychotherapists; providing a cause of action for wrongful sexual contact; requiring insurance coverage; requiring reporting of sexual abuse by psychotherapists; imposing a penalty;

amending Minnesota Statutes 1984, section 549.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626; proposing coding for new law as Minnesota Statutes, chapter 148A.

Referred to the Committee on Judiciary.

Messrs. Luther; Moe, R.D.; Freeman and Spear introduced—

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.

Referred to the Committee on Judiciary. Mr. Knaak questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear introduced—

S.F. No. 1160: A bill for an act relating to human services; establishing procedures for the involuntary administration of antipsychotic medication; amending Minnesota Statutes 1984, sections 253B.02, by adding subdivisions; and 253B.03, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 253B.

Referred to the Committee on Judiciary.

Messrs. Kroening; Freeman; Johnson, D.J.; Peterson, C.C. and Belanger introduced—

S.F. No. 1161: A bill for an act relating to taxation; providing that property of the metropolitan sports facilities commission that is leased to tenants retains its tax-exempt status; amending Minnesota Statutes 1984, section 473.556, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 1162: A bill for an act relating to game and fish; authorizing the commissioner of natural resources to permit, on an experimental basis, the taking of two deer by one hunter, under conditions and restrictions prescribed by order; proposing coding for new law in Minnesota Statutes, chapter 98.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Frank and Peterson, D.L. introduced—

S.F. No. 1163: 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.

Referred to the Committee on Public Utilities and State Regulated Indus-

tries.

Mr. Dicklich introduced—

S.F. No. 1164: A bill for an act relating to education; extending a deadline for compliance with certain UFARS standards; amending Minnesota Statutes 1984, section 121.908, subdivision 6.

Referred to the Committee on Education.

Messrs. Anderson and Kamrath introduced—

S.F. No. 1165: A bill for an act relating to regional development commissions; providing for dissolution of a commission upon petition by cities, counties, and towns; amending Minnesota Statutes 1984, section 462.398, subdivisions 1 and 2.

Referred to the Committee on Local and Urban Government.

Messrs. Anderson, Kamrath, Mehrkens and Isackson introduced—

S.F. No. 1166: A bill for an act relating to education; aids to school districts; requiring that AFDC pupil units be computed each year based upon the annual count of pupils whose families receive aid to families with dependent children; amending Minnesota Statutes 1984, sections 124.17, by adding a subdivision; and 124A.02, subdivision 16.

Referred to the Committee on Education.

Mr. Novak introduced—

S.F. No. 1167: A bill for an act relating to the city of New Brighton; providing an exception from the New Brighton police civil service system for the chief and deputy chief of police.

Referred to the Committee on Local and Urban Government.

Mr. Novak, by request, introduced—

S.F. No. 1168: A bill for an act relating to game and fish; authorizing elderly hunters to take deer of either sex; amending Minnesota Statutes 1984, section 98.47, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry and Mr. Novak introduced—

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; extending unclassified coverage to certain employees; giving the transit board condemnation authority; expanding the transit commission to five members and providing per diem compensation for its chair; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route

fares; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1 and 2; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivisions 2, 3, and 7; and 473.408, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Moe, D.M.; Wegscheid and Pogemiller introduced—

S.F. No. 1170: A bill for an act relating to state government; establishing a management analysis division revolving fund; amending Minnesota Statutes 1984, sections 16B.36, subdivision 1; and 16B.48, subdivision 2.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Benson, Frederick, Bernhagen and Wegscheid introduced—

S.F. No. 1171: A bill for an act relating to state lands; conveying land to Olmsted county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lessard; Dicklich; Johnson, D.J. and Solon introduced—

S.F. No. 1172: A bill for an act relating to taxation; property; exempting certain leased lakeshore property; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Jude and Ramstad introduced—

S.F. No. 1173: A bill for an act relating to outdoor recreation; renaming a state trail; amending Minnesota Statutes 1984, section 85.015, subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Frederickson; Spear and Wegscheid introduced—

S.F. No. 1174: A bill for an act relating to retirement; state employees retirement system; contributions; benefit formula; early retirement reduction; surviving spouse benefit; amending Minnesota Statutes 1984, sections 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.116, subdivision 1; and 352.12, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Anderson introduced—

S.F. No. 1175: A bill for an act relating to natural resources; providing for payment of attorney fees for proceedings involving the determination of public waters and wetlands; amending Minnesota Statutes 1984, section 105.391, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

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 multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 1177: A bill for an act relating to wild animals; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1984, sections 97.4841, subdivision 3; 97.4842, subdivision 2; 98.46, subdivisions 2 and 14; 98.47, subdivision 1; and 100.271, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 1178: A bill for an act relating to utilities; providing that owners of electric power lines are strictly liable for damages resulting from contact with lines; requiring owners to trim vegetation around lines; providing that failure to trim vegetation is a nuisance; proposing coding for new law in Minnesota Statutes, chapter 561.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Merriam, Knaak and Benson introduced—

S.F. No. 1179: A bill for an act relating to the legislature; providing a method for the permanent preservation and use of legislative minutes, tape recordings, bills, and engrossments; amending Minnesota Statutes 1984, section 138.17, subdivisions 1 and 7; proposing coding for new law in Minnesota Statutes, chapters 3 and 138.

Referred to the Committee on Rules and Administration.

Mr. Merriam introduced—

S.F. No. 1180: A bill for an act relating to real property; changing the manner of serving notice to register title to real estate; amending Minnesota Statutes 1984, sections 508.16, subdivision 1; 508.29; 508.39; and 508A.39.

Referred to the Committee on Judiciary.

Mr. Novak introduced—

S.F. No. 1181: A bill for an act relating to public safety; utilities; providing for funding of 911 emergency telephone service by dedicated fee account; amending Minnesota Statutes 1984, section 403.11.

Referred to the Committee on Public Utilities and State Regulated Industries.

tries.

Mr. Novak introduced—

S.F. No. 1182: A bill for an act relating to taxation, sales and use; providing for collection of tax on property purchased for resale by nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Spear, Willet, DeCramer and Peterson, D.L. introduced—

S.F. No. 1183: A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Hughes, Ms. Olson, Messrs. Nelson and Dicklich introduced—

S.F. No. 1184: A bill for an act relating to education; providing for a research and development student learning program and a teacher education program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Mrs. Adkins, Messrs. Schmitz, Berg, Lessard and Bertram introduced—

S.F. No. 1185: A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

Referred to the Committee on Veterans and General Legislation.

Messrs. Wegscheid and Moe, D.M. introduced—

S.F. No. 1186: A bill for an act relating to state government; providing for fees for cooperative purchasing and transfer of state surplus property; amending Minnesota Statutes 1984, sections 16B.09, by adding a subdivision; and 16B.29.

Referred to the Committee on Governmental Operations.

Messrs. Novak, Schmitz, Wegscheid and Renneke introduced—

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.

Referred to the Committee on Local and Urban Government.

Messrs. Peterson, C.C.; Stumpf, DeCramer and Davis introduced—

S.F. No. 1188: A bill for an act relating to agriculture; restricting limited

partnership ownership of agricultural land; amending Minnesota Statutes 1984, section 500.24.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Lessard, Mrs. Adkins and Mr. Kroening introduced—

S.F. No. 1189: A bill for an act relating to local government; fixing conditions of certain energy improvement loans; amending Minnesota Statutes 1984, section 471.65.

Referred to the Committee on Energy and Housing.

Ms. Peterson, D.C. and Mr. Pogemiller introduced—

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; 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, chapter 462C; repealing Minnesota Statutes 1984, sections 462.445, subdivision 13; and 462C.09, subdivision 2.

Referred to the Committee on Energy and Housing.

Ms. Peterson, D.C. introduced—

S.F. No. 1191: A bill for an act relating to human rights; eliminating court examination of evidence when there is a failure to comply with an order; amending Minnesota Statutes 1984, section 363.091.

Referred to the Committee on Judiciary.

Mr. Purfeerst, Ms. Peterson, D.C.; Messrs. Taylor, Waldorf and Nelson introduced—

S.F. No. 1192: A bill for an act relating to education; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 1193: A bill for an act relating to taxation; aggregate removal production; changing the time at which a penalty for failure to file is imposed; imposing a penalty; amending Minnesota Statutes 1984, section 298.75, subdivisions 4, 5, and 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes; Merriam; Moe, R.D.; Taylor and Stumpf introduced—

S.F. No. 1194: A bill for an act relating to education; permitting arrange-

ments between certain districts and post-secondary institutions for the exchange of pupils and between districts for the exchange of teachers in certain cases; amending Minnesota Statutes 1984, section 123.3513.

Referred to the Committee on Education.

Messrs. Spear, Laidig, Petty, Meses. Peterson, D.C. and Berglin introduced—

S.F. No. 1195: A bill for an act relating to the Minnesota convention center; authorizing the issuance of bonds and appropriating money for it; continuing the Minnesota convention facility commission and prescribing its responsibilities; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Economic Development and Commerce.

Mr. Spear, Mrs. Lantry, Mr. Dicklich and Mrs. Kronebusch introduced—

S.F. No. 1196: A bill for an act relating to child care; establishing child care resource and referral programs; appropriating money; amending Minnesota Statutes 1984, section 245.83, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Mr. Frederickson introduced—

S.F. No. 1197: A bill for an act relating to agriculture; creating an exception to the corporate farming law; amending Minnesota Statutes 1984, section 500.24, subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 1198: A bill for an act relating to the environment; providing a PCB amnesty program; prohibiting installation of PCB products in public buildings; requiring PCB products to be removed from public buildings according to a schedule; providing for notification of fire departments of PCB products; providing for burning of PCB oil; appropriating money; amending Minnesota Statutes 1984, sections 116.36, subdivision 1, and by adding subdivisions; and 116.37, subdivisions 1, 2, 3, 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 1199: A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

Referred to the Committee on Economic Development and Commerce.

Mr. Diessner introduced—

S.F. No. 1200: A bill for an act relating to economic development; creating

an enterprise zone to be designated by the city of Cottage Grove.

Referred to the Committee on Economic Development and Commerce.

Mr. Wegscheid introduced—

S.F. No. 1201: A bill for an act relating to agriculture; prohibiting leases of agricultural production land for fixed amounts; proposing coding for new law in Minnesota Statutes, chapter 500.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 28, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTIETH DAY

St. Paul, Minnesota, Thursday, March 28, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Monsignor Terrence J. Murphy.

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

Adkins	Diessner	Knaak	Nelson	Renneke
Anderson	Dieterich	Knutson	Novak	Samuelson
Belanger	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Sieloff
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Peterson, R.W.	Taylor
Brataas	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
Davis	Jude	Moe, D.M.	Ramstad	Willet
Dicklich	Kamrath	Moe, R.D.	Reichgott	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. DeCramer, Kroening and Solon were excused from the Session of today. Mr. Nelson was excused from the Session of today at 3:00 p.m.

The following members were excused from today's Session for brief periods of time: Messrs. Lessard and Dahl.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated:

March 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Minnesota Higher Education Coordinating Board are hereby respectfully submitted to the Senate for confirmation

as required by law:

Maureen A. Johnson, 407 N. Grant, Minneota, Lyon County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1991.

Orrin V. Rinke, 819 N. 2nd Ave., Sauk Rapids, Benton County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1991.

Archie D. Chelseth, 509 Chestnut St., Cloquet, Carlton County, has been appointed by me, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Mona J. Hintzman, 4018 - 58th Ave. N., Brooklyn Center, Hennepin County, has been appointed by me, effective February 11, 1985, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Education.)

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 112, 158, 485, 521, 308, 185, 273, 274, 374, 385, 621 and 656.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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

Referred to the Committee on Governmental Operations.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 194, now on General Orders.

H.F. No. 485: A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 471, now on General Orders.

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.

Referred to the Committee on Agriculture and Natural Resources.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

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

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 273: A bill for an act relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivisions 1 and 4; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 490, now on General Orders.

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.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 621: A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01,

subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

H.F. No. 656: A bill for an act relating to local government; allowing for an increase in the appropriation a county may make for a county humane society in any year; authorizing the Otter Tail county board to adopt an ordinance for the control of dogs and cats; amending Minnesota Statutes 1984, section 343.11.

Referred to the Committee on Veterans and General Legislation.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 438, 945, 1092, 912 and reports pertaining to appointments. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 466: A bill for an act relating to education; increasing surety bond amounts and refund amounts for private proprietary vocational schools; requiring preservation of student records by private proprietary vocational schools; clarifying review of advertising and promotional materials; requiring a study of refund policies for private and public vocational schools; clarifying and simplifying language in certain sections; amending Minnesota Statutes 1984, sections 136A.653, subdivision 1; 141.23; 141.25, subdivisions 5, 8, 9, 10, and by adding a subdivision; 141.26, subdivisions 3 and 5; 141.271, subdivisions 2, 3, 4, and 5; 141.28, subdivision 4; and 141.32; proposing coding for new law in Minnesota Statutes, chapter 141.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Pages 2 and 3, delete sections 3 and 4

Pages 6 to 9, delete sections 8 to 14 and insert:

“Sec. 5. Minnesota Statutes 1984, section 141.26, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR PERMIT.] (a) The application for such permit shall state the full name, address, previous employment, and such other information concerning the solicitor applicant as the commissioner may require.

(b) The application shall have attached to it a certified affidavit signed by a school official and the solicitor attesting to the fact that the applicant has been furnished a copy, has read and has knowledge of the provisions of Minnesota Statutes, Chapter 141 and Minnesota Regulations, Chapter 20 Rules, parts 3530.6500 to 3530.7800.”

Pages 10 and 11, delete section 17 and insert:

“Sec. 8. [TASK FORCE ON PRIVATE PROPRIETARY SCHOOLS.]

Subdivision 1. There is created a task force on private proprietary schools whose purpose is to study issues and make recommendations relating to private proprietary schools.

Subd. 2. The advisory council 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; and

(4) make recommendations for any changes that may be needed to implement appropriate and equitable regulation of the various types of schools. In making the recommendations the task force may consider statutes and policies in effect for similar public institutions.

The task force study and report shall be coordinated by the higher education coordinating board.

Subd. 4. The department of education and the higher education coordinating board shall provide staff assistance and information for the task force. Compensation of task force members shall be according to Minnesota Statutes, section 15.059, subdivision 3.

Subd. 5. By February 1, 1986, the task force shall submit to the education committees of the legislature its report and recommendations. The task force shall terminate on June 30, 1986.

Sec. 9. [APPROPRIATION.]

The sum of \$10,000 is appropriated for fiscal year 1986 from the general fund to the higher education coordinating board for the task force on private proprietary schools. The sum is available until June 30, 1986.

Sec. 10. [EFFECTIVE DATE.]

Section 8 is effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to education; requiring preservation of student records by private proprietary vocational schools; requiring a study of private proprietary schools; creating a task force; clarifying and simplifying language; making technical changes; appropriating money; amending Minnesota Statutes 1984, sections 141.23; 141.25, subdivisions 9, 10, and by adding a subdivision; 141.26, subdivision 2; 141.28, subdivision 4; and 141.32."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 953: A bill for an act relating to economic security; providing funding for the displaced homemaker program; amending Minnesota Statutes 1984, section 517.08, subdivisions 1b and 1c.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, after "\$30" insert "to"

Page 2, line 14, strike "\$15" and insert "\$6.75 is appropriated to the commissioner of corrections"

Page 2, line 17, after "611A.36" insert a comma and after "and" insert "\$23.25 is appropriated to the commissioner of economic security" and strike "administering"

Page 2, line 18, strike "established by July 1, 1983," and strike "; and" and insert a period

Page 2, line 19, delete "\$15" and strike the old language

Page 2, strike lines 20 to 36

Page 3, strike lines 1 to 3

Page 3, line 3, after the period insert "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."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 703: A bill for an act relating to human services; appropriating money for services to persons who are both deaf and blind.

Reports the same back with the recommendation that the bill do pass and be

re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 989: A bill for an act relating to health; fixing liability of counties for the cost of care provided in a state hospital for mentally ill patients; amending Minnesota Statutes 1984, section 246.54.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1085: A bill for an act relating to human services; changing and making permanent the grant program for chronically mentally ill persons; amending Minnesota Statutes 1984, section 256E.12.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1092: A bill for an act relating to human services; establishing a new administration system for certain programs; providing for distribution of system costs; establishing a county services revolving account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill do pass. Mrs. Lantry questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 6 and 7, delete the new language

Page 2, line 17, reinstate the stricken language and delete the new language

Page 2, line 31, after the semicolon, insert "or"

Page 2, lines 32 to 36, delete the new language

Page 3, lines 1 and 2, delete the new language and insert:

“(j) Providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists”

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 656: A bill for an act relating to crimes; providing for peace officer training of persons who are employed by the commissioner of natural resources and who possess peace officer authority for the purpose of enforcing game and fish laws; providing for the financing of such training through surcharges on penalties imposed for violations of certain laws; amending Minnesota Statutes 1984, section 609.101.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1984, section 609.101, is amended to read:

609.101 [SURCHARGE ON FINES, ASSESSMENTS.]

(a) When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, *including a fine of less than \$100*, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments.

(b) The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 611A.21 to 611A.36, under chapter 256D, and chapter 299B, *except as provided in paragraph (c)*. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer.

(c) *The court must separately designate the part of the total amount of the assessment or surcharge that has been imposed in relation to violations described in section 97.49, subdivision 5. The state treasurer shall credit assessments and surcharges related to violations described in section 97.49, subdivision 5, to the game and fish fund to be used to provide peace officer training for persons employed by the commissioner of natural resources who possess peace officer authority to enforce game and fish laws.*

(d) The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section."

Page 2, line 26, delete "January" and insert "August"

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 502: A bill for an act relating to appropriations; appropriating money for walleyed pike fingerling production and related educational documentation.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [APPROPRIATION.]

\$140,000 is appropriated from the general fund to the commissioner of natural resources to establish a pilot project to be administered by Operation Walleye, a nonprofit corporation, for walleye fingerling production as provided in this section. Not more than five percent of the appropriation may be spent by Operation Walleye for administrative costs. It is a condition of acceptance of this appropriation that Operation Walleye submit a work program, semiannual progress reports, and records in the form determined by the legislative commission on Minnesota resources. The commissioner shall pay Operation Walleye \$25,000 as soon as the legislative commission on Minnesota resources has approved the work program. The commissioner shall pay Operation Walleye the remaining \$115,000 on July 1, 1985. Upon request by the commission, the commissioner of natural resources shall submit an evaluation.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after enactment.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 833: A bill for an act relating to transportation; specifying the method of payment for landscape contractors providing goods or services to the department of transportation; amending Minnesota Statutes 1984, section 161.32, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 635: A bill for an act relating to advertising devices; allowing “star city” signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 3, delete lines 12 to 14

Page 3, line 15, delete "city," and insert "star city signs"

Page 3, line 16, after the period, insert "One sign may be erected at each approach to the city within the right-of-way of an interstate or other highway that passes inside the city limits."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, 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 reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.21; 171.321, subdivision 2; and 297B.12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, strike lines 16 to 19

Page 10, line 7, strike "or criminal" and delete "vehicular operation"

Page 10, line 8, after "vehicle" insert "or criminal vehicular operation"

Page 10, line 9, delete "or 609.487"

Page 10, lines 23 and 24, reinstate the stricken language

Page 10, lines 24 to 30, delete the new language

Page 11, delete section 14

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 17, delete everything after the semicolon

Page 1, delete lines 18 to 21

Page 1, line 22, delete everything before "authorizing"

Page 1, line 32, delete "171.21;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred.

S.F. No. 1057: A resolution memorializing the governments of the United States and Sweden that the State of Minnesota adopts the County of Kronberg as a sister state.

Reports the same back with the recommendation that the resolution do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 461: A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; 41.61, subdivision 1; and 290.01, subdivision 20b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1.

Page 1, line 24, before "Within" insert "(a)"

Page 2, delete lines 5 to 20 and insert:

"(b) If the commissioner determines that a participant has defaulted and cannot make scheduled family farm security loan payments because of unique or temporary circumstances, the commissioner may make a loan to the participant to pay the participant's family farm security loan payments for up to two consecutive years. The loan to the participant must be:

(1) for an amount that the commissioner determines can be paid back in addition to the family farm security loan after examining the participant's cash flow projections;

(2) structured to be completely amortized within eight years; and

(3) at an interest rate of four percent below the prevailing Federal Land Bank interest rate for land purchase loans."

Page 2, lines 21, before "After" insert "(c)"

Page 4, line 10, reinstate the stricken "or" and delete the comma

Page 4, line 11, delete ", or through negotiation"

Page 4, line 12, after "bids" insert "*and upon refusal, negotiate a sale at least the price of the highest bid, if any*"

Page 5, after line 31, insert:

"Sec. 6. Minnesota Statutes 1984, section 41.58, is amended by adding a subdivision to read:

Subd. 4. [RESTRUCTURING SELLER SPONSORED LOANS.] The commissioner may enter an agreement with a seller and a participant to restructure a seller sponsored loan as follows:

(1) the seller must agree to reduce the remaining balance of the loan by at least ten percent;

(2) the restructured loan must be amortized for the remaining period of the seller sponsored loan;

(3) the reduced balance is 100 percent guaranteed under subdivision 1."

Page 6, line 27, after "including" insert "*loans for defaulted loan payments under section 41.56, subdivision 3, paragraph (b), and*"

Page 6, line 28, delete "*advertising,*" and delete "*other sales*" and insert "*sale*"

Page 6, line 33, delete "*satisfy certain fixture loans*" and insert "*purchase United States department of agriculture commodity credit corporation loans for grain storage bins and silos*"

Page 11, after line 17, insert:

"Sec. 10. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before "amending" insert "*providing for loan restructuring; extending the time for sale of defaulted property; allowing purchase of certain loans; extending the time to subtract certain loan interest from gross income;*"

Page 1, line 4, delete "*16A.80, subdivision 2a;*"

Page 1, line 6, after "3;" insert "*41.58, by adding a subdivision;*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 337: A bill for an act relating to medical assistance; providing a rate exemption for intermediate care facilities for the mentally retarded; amending Minnesota Statutes 1984, section 256B.501, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended

as follows:

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1984, section 256B.501, is amended by adding a subdivision to read:

Subd. 3a. [BED REDUCTION.] The commissioner of human services shall establish a voluntary process to substantially convert or reduce the size of intermediate care facilities for people with mental retardation in order to promote the delivery of services in the most home-like and least restrictive setting and to meet the changing needs of people with mental retardation. The bed reduction or conversion plan shall be reviewed by the county in order to ensure alternative placements of those residents affected by voluntary decertification. Providers who voluntarily decertify beds shall work with the county to develop needed alternative services.

Priorities for bed reduction shall be given to the following facilities in order of priority:

- (1) facilities with 75 or more licensed beds;*
- (2) facilities with from 40 to 74 licensed beds, and facilities with more than six beds serving children;*
- (3) facilities with from 16 to 39 licensed beds; and*
- (4) facilities with six beds.*

Facility bed reduction or conversion plans shall be reviewed for approval based on need determination as established by the county affected and the department of human services to fulfill Public Law Number 92-603, as amended.

Notwithstanding the limits imposed by subdivision 3, any facility with a time-limited bed conversion or bed reduction plan approved by the commissioner may exceed the rate limits imposed in subdivision 3 to the extent necessary to redistribute property and operating costs affected by the reduction or conversion. Facilities with approved bed reduction or conversion plans shall submit a project cost report for the remainder of the fiscal period in which the plan is effective and projected cost reports for the first three full years of operation under the plan. The facility shall operate under interim rates for the proposed fiscal periods with no retroactive interim settle-up except for the effects of the occupancy, property, and investment per bed changes. The adjustment interim rate shall be the historical base in determining the maximum allowable rate.”

Delete the title and insert:

“A bill for an act relating to human services; providing for voluntary decertification of beds in intermediate care facilities for the mentally retarded under the medical assistance programs; creating a limited exception to rate limits; amending Minnesota Statutes 1984, section 256B.501, by adding a subdivision.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 148.65, subdivision 1, is amended to read:

Subdivision 1. [PHYSICAL THERAPY.] As used in sections 148.65 to 148.78 the term "physical therapy" means the evaluation or treatment or both of any person by the employment of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. Physical measures shall include but shall not be limited to heat or cold, air, light, water, electricity and sound. Physical therapy includes *evaluation other than medical diagnosis*, treatment planning and treatment, documentation, performance of appropriate tests and measurement, interpretation of orders ~~from physicians or referrals~~, instruction, consultative services, and supervision of supportive personnel.

Sec. 2. Minnesota Statutes 1984, section 148.75, is amended to read:

148.75 [CERTIFICATES; DENIAL, SUSPENSION, REVOCATION.]

The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

- (a) ~~Practicing as a physical therapist other than upon the order and direction of a physician licensed in this state to practice medicine;~~
- (b) Using drugs or intoxicating liquors to an extent which affects professional competence;
- (c) ~~(b)~~ Been convicted of a felony;
- (d) ~~(c)~~ Conviction for violating any state or federal narcotic law;
- (e) ~~(d)~~ Procuring, aiding or abetting a criminal abortion;
- (f) ~~(e)~~ Registration or attempted registration by fraud or deception;
- (g) ~~(f)~~ Conduct unbecoming a person registered as a physical therapist or conduct detrimental to the best interests of the public;
- (h) ~~(g)~~ Gross negligence in the practice of physical therapy as a physical therapist;
- (i) ~~(h)~~ Treating human ailments by physical therapy *treatment* except by the order or referral of a person licensed in this state to practice medicine and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Medical Examiners rule;
- (j) ~~(i)~~ Treating human ailments other than by physical therapy unless duly

licensed or registered to do so under the laws of this state;

(*) (j) Inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of either level of supportive personnel; and

(*) (k) Treating human ailments other than by performing physical therapy procedures unless duly licensed or registered to do so under the laws of this state;

(l) *Practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.10, or the practice of chiropractic as defined in section 148.01;*

(m) *Failure to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions which would interfere with the ability to practice physical therapy, and which may be potentially harmful to patients; and*

(n) *Dividing fees with, or paying or promising to pay a commission or part of his or her fee to, any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment.*

A certificate of registration to practice as a physical therapist is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to 253B or sections 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of medical examiners after a hearing.

Sec. 3. Minnesota Statutes 1984, section 148.76, is amended to read:

148.76 [PROHIBITED CONDUCT.]

Subdivision 1. No person shall

(a) Use the title of physical therapist without a certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78;

(b) In any manner represent himself as a physical therapist, or use in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, Licensed Physical Therapist, P.T., P.T.T., R.P.T., L.P.T., or any letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78. To do so is a gross misdemeanor;

(c) Employ fraud or deception in applying for or securing a certificate of registration as a physical therapist.

Nothing contained in sections 148.65 to 148.78 shall prohibit any person licensed or registered in this state under another law from carrying out the therapy or practice for which he is duly licensed or registered.

Subd. 2. No physical therapist shall

(a) Treat human ailments by physical therapy *treatment* except by the order and ~~direction or referral~~ of a person licensed in this state to practice medicine and whose license is in good standing; *or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Medical Examiners rule;*

(b) Treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1094: A bill for an act relating to human services; changing county social service allocations; amending Minnesota Statutes 1984, sections 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; and 256E.09, subdivision 1; repealing Minnesota Statutes 1984, sections 256E.06, subdivision 7; and 256E.08.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 256D.22, is amended to read:

256D.22 [REIMBURSEMENT OF COUNTIES BY STATE RELATING TO PUBLIC ASSISTANCE ADMINISTRATIVE COSTS.]

Subdivision 1. For the fiscal year beginning July 1, 1985, to the extent of appropriations available therefor, the ~~department~~ commissioner of human services shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering, and salary administrative costs in providing services in connection with, all public assistance programs. No aid under this section shall be paid for salary costs of (a) single-county welfare directors; or (b) fiscal support personnel to the extent involved in the processing of public assistance claims and payments, or their supporting clerical staff; or (c) persons who are not regularly assigned employees of local agencies. Claims for reimbursement for expenditures made by the county shall be presented to the department by the respective counties at least four times per year in such manner as the commissioner shall prescribe. For the purposes of this section, the term "salary" shall include regular compensation not in excess of that paid similarly situated state employees, the employer's cost of health benefits and contributions to the appropriate retirement system, but shall not include travel or other reimbursable expenses. The commissioner shall, pursuant to the administrative procedures act, prior to making any payments, promulgate rules to implement this section.

Subd. 2. For all fiscal years beginning on or after July 1, 1986, the com-

missioner of human services shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering; and salary administrative costs in providing services in connection with, all public assistance programs. Reimbursement must not exceed 40 percent of the available appropriation and must be distributed according to the ratio of the eligible administrative expenses for a county to the eligible expenses incurred by all counties. The remaining appropriation must be distributed to counties according to the following formula:

(1) one-fourth to counties who, for the previous four quarters, have submitted the aid to families with dependent children summary of abstract and statistical report, the quarterly expense and revenue report, and the report of assistance for refugees, within the deadlines identified by the commissioner;

(2) one-fourth to counties who, for the previous 12 months, have placed no children in state residential facilities for a period in excess of six months;

(3) one-fourth to counties that have filed applications for supplemental security income on behalf of each client who has received general assistance payments from the county for a period in excess of 24 months; and

(4) one-fourth to counties with a ratio of total child support collections to total child support administrative costs that is equal to or greater than the statewide average of total collections to total costs for the previous fiscal year.

Subd. 3. Aid must not be paid under this section for salary costs of persons who are not regularly assigned employees of local agencies. Claims for expenditures must be presented to the commissioner by the respective counties at least four times each year in the manner prescribed by the commissioner. For purposes of this section, "salary" means regular compensation not in excess of that paid similarly situated state employees and the employer's cost of health benefits and contributions to the appropriate retirement system, but does not include travel or other reimbursable expenses.

Sec. 2. Minnesota Statutes 1984, section 256E.05, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Identify and then amend or repeal the portions of all applicable department rules which mandate counties to provide specific community social services or programs, unless state or federal law requires the commissioner to mandate a service or program. The commissioner shall be exempt from the rulemaking provisions of chapter 14 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that

fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The commissioner shall provide to all county boards separate notice of all final actions which become effective under this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) ~~Design~~ *In cooperation with an advisory committee consisting of representatives of counties, professional groups, and advocacy organizations, develop standards for planning, monitoring, and evaluating social services provided by county boards and design and implement a method of monitoring and evaluating the social services delivered within the state, and assure to ensure compliance with applicable standards, guidelines, and the county and state social services plans;*

(f) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

(g) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 3. Minnesota Statutes 1984, section 256E.06, subdivision 2, is amended to read:

Subd. 2. [MAXIMUM FUNDING; ALLOCATION.] No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.

If the amount allocated to any county under subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation must be raised to its minimum share through an equal percentage reduc-

tion applied to all other county allocations. If the state appropriation is insufficient to fund all counties at the minimum level, each county's allocation must be reduced proportionately.

Sec. 4. Minnesota Statutes 1984, section 256E.06, subdivision 2a, is amended to read:

Subd. 2a. [STATE TRANSFER OF FUNDS MINIMUM FUNDING LEVEL; STATE AIDS.] Notwithstanding subdivisions 1 and 2, for the purpose of funding training and habilitation services provided to residents of intermediate care facilities for mentally retarded persons as required under federal regulation, the commissioner is authorized to transfer on a quarterly basis to the medical assistance state account from each county's Community Social Services Act allocation an amount equal to the state share of medical assistance reimbursement for such services provided to clients for whom the county is financially responsible. Upon federal approval and state implementation of the state medical assistance plan, county boards will not be responsible for the funding of training and habilitation services as a social service to residents of intermediate care facilities for the mentally retarded. County board responsibility for training and habilitation services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services not covered under the medical assistance program established by United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, and shall develop contractual agreements for these services under the authority of this chapter subdivision 1, the minimum state aids for each county for community social services shall be:

(1) for the last six months of calendar year 1985, not less than 50 percent of the state money received for calendar year 1984;

(2) for calendar year 1986, not less than 100 percent of the state money received for calendar year 1985; and

(3) for the first six months of calendar year 1987, not less than 50 percent of the state money received for calendar year 1986.

Sec. 5. Minnesota Statutes 1984, section 256E.06, is amended by adding a subdivision to read:

Subd. 2b. [TRANSFER FOR DAY TRAINING AND HABILITATION.] For purposes of calculating community social service payments after July 1, 1985, "state money received" means the total community social service aids minus the amount of community social service dollars transferred to medical assistance to pay the state share of medical assistance for eligible recipients receiving day training and habilitation services.

Sec. 6. Minnesota Statutes 1984, section 256E.06, subdivision 5, is amended to read:

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services at least equal to the amount determined in subdivisions 1 and 2. Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be

used by counties to match federal money.

Sec. 7. Minnesota Statutes 1984, section 256E.06, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO SPEND.] A county which has not spent the aids granted under subdivision 1 for community social services within two years of receiving those aids shall receive a reduction in aid calculated pursuant to subdivision 1. This reduction shall be made in the calendar year which begins no more than 30 months after the underspending has occurred and shall be equal to one-half the amount of aids which were not spent. Each county shall spend for community social services an amount of local funds at least equal to aids granted under subdivisions 1 and 2. For this purpose, local funds means the community social services levy, fees paid for community social services, and nonpublic third-party reimbursement for community social services. A county which has not spent local funds at least equal to the aids granted under subdivisions 1 and 2 for community social service expenditures during the calendar year of the allocation, shall receive a reduction in the aids granted under subdivisions 1 and 2. The difference between the total payments made for the calendar year and the reduced aid must be deducted from the payments made in the next calendar year. The reduced aid granted under subdivisions 1 and 2 must be calculated as follows:

(a) Divide the amount of local funds spent by the amount of local funds required to be spent.

(b) Multiply the ratio arrived times the aid calculated under subdivisions 1 and 2.

Any aid not available to a county due to underspending or inappropriate expenditures shall be reallocated to all other counties according to subdivision 1 and subject to the provisions in subdivision 2.

Sec. 8. Minnesota Statutes 1984, section 256E.06, is amended by adding a subdivision to read:

Subd. 12. [AUDITS.] If an audit results in a change in a county's social services revenues or expenditures and the change affects the amount of state aids allowed under this section, the commissioner shall adjust the amount of payment in the calendar year following the audit, to reflect amounts inappropriately paid in a prior year.

Sec. 9. Minnesota Statutes 1984, section 256E.09, subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] Commencing in 1980, and every two years thereafter, the county board shall publish and make available upon request to all residents of the county a proposed biennial community social services plan. In 1986, the county board shall publish a one-year update to its 1985-1986 biennial plan, for calendar year 1987, and make it available upon request to all residents of the county. Beginning in 1987, and every two years after that, the county board shall publish and make available upon request to all residents of the county a proposed biennial community social services plan for the next two calendar years.

Sec. 10. Minnesota Statutes 1984, section 256E.09, subdivision 2, is amended to read:

Subd. 2. [CITIZEN PARTICIPATION.] The county board shall provide opportunities for participation by citizens in the county, ~~including representatives of users of services,~~ in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process. *The county board shall include in the biennial plan a summary of the information, comments, and other material submitted by providers of social services and by those user groups identified in section 256E.03, subdivision 2.*

Sec. 11. Minnesota Statutes 1984, section 256E.09, subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

(e) *a description of the services that will be made available to persons whose income is at or below 60 percent of the state median income, including recipients of public assistance;*

(~~e~~) (f) The amount of money proposed to be allocated to each service;

(~~f~~) (g) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

(~~g~~) (h) Evidence that serious consideration was given to the purchase of services from private and public agencies *and the criteria used to determine whether services would be purchased;* ~~and~~

(~~h~~) (i) Methods whereby community social service programs will be monitored and evaluated by the county; *and*

(j) *The information from providers and users of social services required to*

be included under subdivision 2.

Sec. 12. [REPEALER.]

Minnesota Statutes 1984, section 256E.06, subdivision 7, is repealed."

Delete the title and insert:

"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; amending Minnesota Statutes 1984, sections 256D.22; 256E.05, subdivision 3; 256E.06, subdivisions 2, 2a, 5, 6, and by adding subdivisions; and 256E.09, subdivisions 1, 2, and 3; repealing Minnesota Statutes 1984, section 256E.06, subdivision 7."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 660: A bill for an act relating to education; establishing a science and technology resource center; appropriating money for the technological-economic development initiative at Southwest State University to establish a program dealing with food production, food processing, and food distribution and for an interactive television network among high schools in southwestern Minnesota; proposing coding for new law in Minnesota Statutes, chapter 136.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 12, insert:

"Section 1. [PURPOSE.]

Southwest State University seeks to use its faculty, facility, and technical services to create new wealth and jobs in southwestern Minnesota by focusing segments of its curriculum on food, the economic base of the region. The appropriations in section 3 are for programs dealing with the local processing of food in the region. These programs offer the most promising long-term strategy for diversifying the economy, creating new jobs, and reversing the outflow of population."

Page 2, delete lines 2 to 6 and insert:

"Subd. 4. [CLIENT SELECTION AND AGREEMENTS.] *Recommendations of clients for the science and technology resource center shall be made by an advisory committee comprised of representatives of business, agribusiness, and education in southwestern Minnesota. Approved clients shall enter into an agreement with the state university board on behalf of Southwest State University, in which shall be specified the term and nature of the services provided by the university and the nature and extent of the interest retained by the state university board in the product, process, or underlying work developed by the center and the client or the business developed by the center and the client, as appropriate.*

Subd. 5. [APPROPRIATION.] Revenue generated from royalties, patents, licenses, or interests retained by the state university board is appropriated to the state university board and shall be allocated by the board to Southwest State University for the continued operation of the science and technology resource center."

Page 2, delete section 2

Page 2, line 21, before the period, insert "*, in cooperation with the area vocational technical institutes at Canby, Jackson, Granite Falls, and Pipestone and with Worthington Community College"*

Page 4, line 7, delete "*computervision*"

Page 4, line 9, delete "*Tektronic*"

Page 4, delete subdivision 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after "*distribution*" and insert a semicolon

Page 1, delete line 8

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 454: A bill for an act relating to post-secondary education; allowing financial aid for four years, not just the first four years, of undergraduate education; amending Minnesota Statutes 1984, section 136A.121, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 136A.09, is amended to read:

136A.09 [STUDENT SCHOLARSHIPS, PURPOSE.]

The legislature ~~has found~~ *finds* and ~~hereby~~ declares that ~~the~~ identification of the talented ~~young~~ men and women of the state and ~~the~~ encouragement of their maximum educational development is in the best interest of the state. The state scholarship program ~~provided for herein~~ is designed to encourage ~~such~~ able and worthy students to continue their education in the eligible institutions of their own choosing and to provide financial assistance for those ~~who would not~~ otherwise be ~~not~~ able to do so.

Sec. 2. Minnesota Statutes 1984, section 136A.095, is amended to read:

136A.095 [GRANTS-IN-AID; PURPOSE.]

The legislature ~~has found~~ *finds* and ~~hereby~~ declares that the identification of ~~young~~ men and women of the state who are economically disadvantaged and

the encouragement of their educational development in eligible institutions of their choosing are in the best interests of the state and of the students.

Sec. 3. Minnesota Statutes 1984, section 136A.101, is amended to read:

136A.101 [DEFINITIONS.]

Subdivision 1. For purposes of sections 136A.09 to 136A.131, the terms defined in this section have the meanings ascribed to them:

Subd. 2. "Board" means the Minnesota higher education coordinating board.

Subd. 3. "Director" means the executive director of the Minnesota higher education coordinating board.

Subd. 4. "Eligible institution" means ~~an~~ a post-secondary educational institution of higher education located in this state or in a state with which the board has entered into a higher education reciprocity agreement on state student aid programs which provides an organized course of instruction of at least two years duration in the sciences or liberal arts, including performing and visual arts, or a combination of these, at the collegiate level which that either (1) is operated by this state, or (2) is operated publicly or privately and, as determined by the board, maintains academic standards substantially equivalent to those of comparable institutions operated in this state or an area vocational-technical school or other vocational school approved by the board.

Subd. 5. "Financial need" means the demonstrated need of the applicant for financial assistance to meet the actual costs of attending the eligible institution of his choice as determined from financial information on the applicant and, if required, on the applicant's parents, by a college scholarship service or equivalent service under criteria established by the board.

Subd. 6. "Qualified applicant" means those students a person who ranked in the upper quarter of the class at the end of the junior year in high school according to academic standards prescribed by the board for purposes of the state scholarship program and. It also means all any eligible students person regardless of academic rank for purposes of the state grant-in-aid program.

Subd. 7. "Student" means a student person who meets the requirements for full time student status as defined by the eligible institution he attends is enrolled at least half time, as defined by the board, in a program or course of study that applies to a degree, diploma, or certificate.

Sec. 4. Minnesota Statutes 1984, section 136A.121, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY FOR SCHOLARSHIPS.] An applicant shall be is eligible to be considered for a scholarship under the provisions of sections 136A.09 to 136A.131 if the board finds that the applicant:

- (1) is a resident of the state of Minnesota;
- (2) has met all the requirements for admission as a full-time student to an eligible institution of his choice as defined in sections 136A.09 to 136A.131;
- (3) has demonstrated capacity for superior achievement at the institutional level as measured by standards prescribed by the board;
- (4) is a qualified applicant as defined herein.

Sec. 5. Minnesota Statutes 1984, section 136A.121, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY FOR GRANTS-IN-AID.] An applicant ~~shall be~~ *is* eligible to be considered for a grant-in-aid, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under ~~the provisions of~~ sections 136A.09 to 136A.131 if the board finds that *the* applicant:

(1) is a resident of the state of Minnesota;

(2) is a graduate of a secondary school or its equivalent, or is 17 years of age or over, and has met all requirements for admission as a ~~full-time~~ student to an eligible college or vocational school of ~~his~~ choice as defined in sections 136A.09 to 136A.131;

(3) has met ~~such the~~ *the* criteria ~~pertaining to~~ *about* financial need as ~~the board shall make by regulation established in rules.~~

Sec. 6. Minnesota Statutes 1984, section 136A.121, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION.] Scholarships and grants-in-aid shall be awarded ~~annually~~ on a funds available basis to those applicants for ~~initial awards and applicants for renewal awards~~ who meet the board's requirements.

Sec. 7. Minnesota Statutes 1984, section 136A.121, subdivision 4, is amended to read:

Subd. 4. [SCHOLARSHIP STIPENDS.] An eligible scholarship applicant shall be considered for a financial stipend if the applicant demonstrates financial need. ~~An eligible scholarship applicant who does not demonstrate financial need under criteria prescribed by the board shall be awarded an honorary scholarship.~~ The amount of a financial stipend ~~shall~~ *must* not exceed a scholarship applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the scholarship applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) a contribution by the scholarship applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the scholarship applicant is eligible.

The minimum financial stipend ~~shall be~~ *is* \$100.

Sec. 8. Minnesota Statutes 1984, section 136A.121, subdivision 5, is amended to read:

Subd. 5. [GRANTS-IN-AID STIPENDS.] A financial stipend based on financial need ~~shall~~ *must* accompany grants-in-aid. The amount of a financial stipend ~~shall~~ *must* not exceed a grant applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the grant applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) a contribution by the grant applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the grant applicant is eligible.

The minimum financial stipend ~~shall be~~ is \$100.

Sec. 9. Minnesota Statutes 1984, section 136A.121, subdivision 6, is amended to read:

Subd. 6. [COST OF ATTENDANCE.] The cost of attendance ~~shall consist~~ consists of allowances specified by the board for room and board and miscellaneous expenses, and

(a) for public institutions, tuition and fees charged by the institution; or

(b) for private institutions, ~~beginning July 1, 1985,~~ an allowance for tuition and fees equal to the lesser of (1) the actual tuition and fees charged by the institution, or (2) the instructional costs per full-year equivalent student in comparable public institutions. ~~Prior to July 1, 1985, the tuition and fees allowance shall not exceed the instructional costs per full-year equivalent student in comparable public institutions.~~

Sec. 10. Minnesota Statutes 1984, section 136A.121, subdivision 7, is amended to read:

Subd. 7. [INSUFFICIENT APPROPRIATION.] If the amount appropriated is ~~determined by the board to be~~ insufficient to make full awards to applicants ~~pursuant to subdivision under subdivisions 4 and 5, before any award for that year has been disbursed,~~ then awards shall be reduced by

(a) adding a surcharge to the contribution of the applicant's parents, and

(b) a percentage increase in the applicant's contribution.

Sec. 11. Minnesota Statutes 1984, section 136A.121, subdivision 9, is amended to read:

Subd. 9. [INITIAL AWARDS.] ~~Only first year students shall be eligible to apply for and receive initial scholarship awards. Any~~ An undergraduate student who has not previously received a scholarship or grant-in-aid and who meets the board's requirements ~~shall be~~ is eligible to apply for and receive an initial *scholarship or grant-in-aid* in any year of undergraduate study.

Sec. 12. Minnesota Statutes 1984, section 136A.121, subdivision 10, is amended to read:

Subd. 10. [RENEWALS.] Each scholarship or grant-in-aid shall be awarded for one academic year ~~but shall be,~~ is renewable for a maximum of six semesters or nine quarters or their equivalent, but may not continue after the recipient has obtained a baccalaureate degree ~~or been enrolled full-time or the equivalent for the number of semesters or quarters normally required to complete a baccalaureate degree, whichever occurs first.~~

Sec. 13. Minnesota Statutes 1984, section 136A.121, subdivision 11, is amended to read:

Subd. 11. [RENEWAL CONDITIONS.] Each scholarship or grant-in-aid ~~shall be~~ is renewable, contingent on continued residency in Minnesota, satisfactory academic standing ~~and, recommendation of the college or vocational school~~ *eligible institution currently attended,* and, ~~in the case of finan-~~

cial assistance, evidence of continued need.

Sec. 14. Minnesota Statutes 1984, section 136A.121, subdivision 12, is amended to read:

Subd. 12. [ANNUAL APPLICATION.] *To continue to receive a scholarship or grant-in-aid the student must shall apply for renewal of his scholarship or grant-in-aid each year.*

Sec. 15. Minnesota Statutes 1984, section 136A.121, subdivision 13, is amended to read:

Subd. 13. [DEADLINE.] The board ~~must~~ shall accept applications for state scholarships and grants-in-aid until February 15 and may establish a deadline for the acceptance of applications ~~which that~~ is later than February 15.

Sec. 16. Minnesota Statutes 1984, section 136A.121, subdivision 16, is amended to read:

Subd. 16. [HOW APPLIED; ORDER.] Financial Scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such the awards shall revert to the board scholarship or grant-in-aid account.

Sec. 17. Minnesota Statutes 1984, section 136A.132, subdivision 3, is amended to read:

Subd. 3. ~~Any student attending an eligible institution less than full time and pursuing a program or course of study leading to a degree, diploma or certificate shall be eligible for a part-time student grant-in-aid~~ *An applicant is eligible to be considered for a part-time student grant if the applicant:*

(a) *is a resident of the state of Minnesota;*

(b) *is an undergraduate student who has not earned a baccalaureate degree;*

(c) *is pursuing a program or course of study that applies to a degree, diploma, or certificate; and*

(d) *is attending an eligible institution (1) in the 1985-1986 school year less than full time as defined by the board, or (2) after July 1, 1986, either less than half time as defined by the board, or as a new or returning student enrolled at least half time but less than full time as defined by the board.*

Sec. 18. Minnesota Statutes 1984, section 136A.132, subdivision 4, is amended to read:

Subd. 4. A recipient of a part-time grant-in-aid shall be selected by the post-secondary education institution of attendance in accordance with guidelines, ~~criteria,~~ policies and ~~procedures~~ rules established by the higher education coordinating board.

Sec. 19. Minnesota Statutes 1984, section 136A.132, subdivision 5, is amended to read:

Subd. 5. The amount of any part-time student grant-in-aid award shall be based on the need of the applicant determined by the institution in accordance with policies *and rules* established by the higher education coordinating board ~~but the amount of an award shall not exceed the cost of tuition and~~

required fees paid or to be paid by the student or the cost of tuition and fees for a comparable program at the university of Minnesota, whichever is the lesser.

Sec. 20. Minnesota Statutes 1984, section 136A.132, subdivision 6, is amended to read:

Subd. 6. Part-time student grants-in-aid shall be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent terms as follows:

(a) In the 1985-1986 school year a recipient of an award who is enrolled less than full time as defined by the board may apply for additional awards.

(b) After July 1, 1986, a recipient of an award who is enrolled less than half time as defined by the board may apply for additional awards.

A new or returning student enrolled at least half time but less than full time as defined by the board and pursuing a program or course of study that could be applied to a degree, diploma, or certificate shall be eligible for an award for only one term.

Sec. 21. Minnesota Statutes 1984, section 136A.162, is amended to read:

136A.162 [CLASSIFICATION OF DATA.]

All data on applicants for financial assistance collected and used by the higher education coordinating board for the 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 credit bureaus:

(1) the lender assigned borrower identification number;

(2) the name and address of borrower;

(3) the name and address of cosigner;

(4) the date the account is opened;

(5) the outstanding account balance;

(6) the dollar amount past due;

(7) the number of payments past due;

(8) the number of late payments in previous 12 months;

(9) the type of account;

(10) the responsibility for the account; and

(11) the status or remarks code.

Sec. 22. [EMERGENCY RULES.]

The higher education coordinating board shall adopt emergency rules

under Minnesota Statutes, sections 14.29 to 14.36 to implement the part-time student grant program under Minnesota Statutes, section 136A.132, as amended, for the 1985-1986 academic year. Notwithstanding Minnesota Statutes, section 14.35, the emergency rules are effective until permanent rules are adopted or June 30, 1986, whichever is earlier.

Sec. 23. [REPEALER.]

Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14, are repealed effective July 1, 1985.

Sec. 24. [EFFECTIVE DATES.]

Subdivision 1. [IMMEDIATE.] Sections 17, 18, 19, 20, and 22 are effective the day after final enactment.

Subd. 2. [JULY 1, 1986.] Sections 3, subdivision 7; 4, and 5 are effective July 1, 1986."

Delete the title and insert:

"A bill for an act relating to education; allowing eligibility for state scholarships or grants when students are enrolled at least half time in certain programs; providing for part time student grants for certain students; modifying the years of eligibility for scholarships and grants; amending Minnesota Statutes 1984, sections 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, and 16; 136A.132, subdivisions 3, 4, 5, and 6; and 136A.162; repealing Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1114: A bill for an act relating to economic development; creating a comprehensive economic development strategy commission to review state economic development efforts, to develop a strategy for state investment in economic development, and to report to the governor and the legislature; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 24 to 26

Page 2, delete line 1

Page 2, line 11, delete "*selected or to be selected*"

Page 2, lines 22, 26, 27, 30, and 35, delete "*chosen*" and insert "*appointed*"

Page 2, line 34, after "*the*" insert "*voting*" and delete "*provided in this subdivision*"

Page 3, lines 8 and 9, delete "*director of state planning*" and insert "*department of energy and economic development*"

Page 3, line 24, delete "at such"

Page 3, line 25, delete everything before the period and insert "by January 1, 1987"

Page 3, line 31, delete everything after "person"

Page 3, line 32, delete everything before "to"

Page 3, line 34, delete "the provisions of"

Page 3, line 35, delete "more expected of it or"

Page 4, line 2, delete "of it"

Page 5, line 10, after "appropriated" insert "from the general fund"

Page 5, line 10, delete "director of state" and insert "department of energy and economic development"

Page 5, delete line 11

Page 5, line 12, delete "order"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 769: A bill for an act relating to occupations and professions; requiring registration of interior designers; amending Minnesota Statutes 1984, section 326.02, subdivision 1, and by adding a subdivision; 326.03, by adding a subdivision; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, 2a, and by adding a subdivision; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, lines 34 and 35, delete the new language and reinstate the old language

Page 5, line 36, after "or" insert "a certificate of registration as an"

Page 6, line 4, after the period, insert "The age limitation does not apply to interior designers."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 761: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision

1; and 171.29.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 13, insert:

“Section 1. [169.041] [LOCAL TICKETS; SPECIAL NOTICE REQUIRED.]

Any traffic ticket issued by a local authority for a violation involving the operation or parking of a motor vehicle must include a notice specifying the consequences that may result under section 3 if the violator fails to respond to the citation.”

Page 1, line 19, delete “2,” and insert “3”

Page 1, line 24, delete “his or her” and insert “the violator’s”

Page 2, line 4, after “violation” insert “or a violation involving the operation of a motor vehicle”

Page 2, line 16, before the period, insert “or any other traffic ticket issued by a local authority for a violation involving the operation or parking of a motor vehicle”

Page 3, line 21, after “charged” insert “or convicted”

Page 4, line 36, delete “2” and insert “3”

Page 5, line 1, delete “his or her” and insert “the”

Page 5, line 8, delete “6” and insert “7” and after the period, insert “Money in the revolving fund is annually appropriated to the commissioner for the purpose of reimbursing law enforcement agencies under this section.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, before the period, insert “”; proposing coding for new law in Minnesota Statutes, chapter 169”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 802: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike “his”

Page 1, line 19, delete “his”

Page 2, lines 4 and 13, strike “his”

Page 2, line 11, delete “his”

Page 2, line 18, strike "or the person taking the"

Page 2, line 19, strike "action" and before the semicolon, insert "*or substantial emotional harm*"

Page 2, after line 19, insert:

"(2) is taken to protect the person taking the action from physical or sexual assault;"

Page 2, line 20, strike "(2)" and insert "(3)"

Page 2, line 22, strike "(3)" and insert "(4)"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 801: A bill for an act relating to crimes; authorizing the commissioner of revenue to request a prosecuting authority of a county to assist in criminal tax investigations; proposing coding for new law in Minnesota Statutes, chapter 270.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [270.064] [REQUESTING ASSISTANCE IN CRIMINAL TAX INVESTIGATIONS.]

If the commissioner of revenue has reason to believe that a criminal violation of the state tax laws has occurred, the commissioner may request the attorney general or the prosecuting authority of any county to assist in a criminal tax investigation and may disclose return information to the prosecuting authority relevant to the investigation notwithstanding the provisions of sections 290.61, 291.48, 297A.43, or 297B.12."

Amend the title as follows:

Page 1, line 3, after "request" insert "the attorney general or"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 569: A bill for an act relating to natural resources; granting conservation officers the authority of peace officers under certain circumstances; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 922: A bill for an act relating to crimes; repealing the requirement

that the department of public safety must keep a record of all first convictions for the crime of possessing a small amount of marijuana; amending Minnesota Statutes 1984, section 152.15, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 545: A bill for an act relating to human services; requiring a study and report on public guardianship.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 682: A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 11, insert:

“Sec. 3. [EFFECTIVE DATE.]

The changes made in section 1 to Minnesota Statutes 1984, section 245.791, clauses (11) and (12), are effective December 31, 1986, unless the commissioner of education has adopted rules concerning schools under the supervision of the commissioner of education or a local education agency.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 625: A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax-Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 277: A bill for an act relating to metropolitan government; providing for various standards and procedures of metropolitan commissions; providing for the appointment and removal of certain officers of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; amending Minnesota Statutes 1984, sections 473.129, by adding a subdivision; 473.141, subdivisions 3, 5, 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245; 473.373, subdivisions 2, 3, and 7; and 473.375, subdivisions 1 and 16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "the" insert "metropolitan"

Pages 1 and 2, delete sections 2 and 3

Pages 5 and 6, delete sections 8 and 9

Page 7, after line 16, insert:

"Sec. 9. Minnesota Statutes 1984, section 473.375, is amended by adding a subdivision to read:

Subd. 17. [AUDIT.] The legislative auditor shall audit the books and accounts of the board once each year or as often as the legislative auditor's funds and personnel permit. The board shall pay the total cost of the audit pursuant to section 3.9741.

Sec. 10. Minnesota Statutes 1984, section 473.38, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The regional transit board shall prepare, submit for review, adopt, and implement budgets and conduct its financial affairs in the same manner, with the same requirements and restrictions, and to the same effect as provided in section 473.163, subdivisions 1 to 4, except that the board may develop and adopt its budget on a fiscal year basis to coincide with the fiscal year of the departments of the state government and except as otherwise provided in this section.

Sec. 11. Minnesota Statutes 1984, section 473.435, subdivision 2, is amended to read:

Subd. 2. [AUDIT.] ~~The transit commission shall employ a certified public accountant or firm to legislative auditor shall make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year, and or as often as the legislative auditor's funds and personnel permit.~~ Copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission, the board, and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445. *The commission shall pay the total cost of the audit pursuant to section 3.9741.*"

Page 7, after line 19, insert:

"Sec. 13. [EFFECTIVE DATE.]

Sections 9 and 11 are effective for audits for fiscal years beginning after June 30, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 7, after the semicolon, insert "providing for the audit of certain metropolitan commissions;"

Page 1, line 9, delete "subdivisions 3, 5," and insert "subdivision"

Page 1, line 11, delete "subdivisions 2, 3, and" and insert "subdivision" and after "7;" delete "and"

Page 1, line 12, delete "and" and insert a comma and after "16" insert ", and by adding a subdivision; 473.38, subdivision 1; and 473.435, subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 904: A bill for an act relating to the city of Red Wing; permitting the establishment of a port authority.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PORT AUTHORITY.]

The city of Red Wing may, by adoption of an enabling resolution in compliance with the procedural requirements of section 3, establish a port authority commission that, subject to the provisions of section 2, has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law, and a housing and redevelopment authority established under Minnesota Statutes, chapter 462, or other law, and shall constitute an "agency" that may administer one or more municipal development districts under Minnesota Statutes, section 472A.10. If the city establishes a port authority commission under this section, the city shall exercise all the powers relating to a port authority granted to any city by Minnesota Statutes, chapter 458, or other law, and all powers relating to a housing and redevelopment authority granted to any city by Minnesota Statutes, chapter 462, or other law.

Sec. 2. [LIMITATION OF POWERS.]

(a) *The enabling resolution may impose the following limitations upon the actions of the port authority:*

(1) *that the port authority shall not exercise any specified powers contained in Minnesota Statutes, chapters 458 and 462, or that the port authority shall*

not exercise any powers without the prior approval of the city council;

(2) that, except when previously pledged by the port authority, the city council may, by resolution, require the port authority to transfer any portion of the reserves generated by activities of the port authority which the city council determines is not necessary for the successful operation of the port authority, to the city general fund, to be used for any general purpose of the city;

(3) that the sale of all bonds or obligations issued by the port authority be approved by the city council before issuance;

(4) that the port authority follow the budget process for city departments as provided by the city and as implemented by the city council and mayor;

(5) that all official actions of the port authority must be consistent with the adopted comprehensive plan of the city of Red Wing, and any official controls implementing the comprehensive plan;

(6) that the port authority submit to the city council for approval by resolution any proposed project as defined in Minnesota Statutes, section 273.73, subdivision 8;

(7) that the port authority submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval;

(8) that the port authority submit its administrative structure and management practices to the city council for approval; and

(9) any other limitation or control established by the city council by the enabling resolution.

(b) The enabling resolution may be modified at any time, subject to clause (e), and provided that any modification is made in accordance with the procedural requirements of section 3.

(c) Without limiting the right of the port authority to petition the city council at any time, each year, within 60 days of the anniversary date of the initial adoption of the enabling resolution, the port authority shall submit to the city council a report stating whether and how the enabling resolution should be modified. Within 30 days of receipt of the recommendation, the city council shall review the enabling resolution, consider the recommendations of the port authority, and make any modification it considers appropriate; provided that any modification shall be made in accordance with the procedural requirements of section 3.

(d) A determination by the city council that the limitations imposed under this section have been complied with by the port authority shall be conclusive.

(e) Limitations imposed under this section must not be applied in a manner which impairs the security of any bonds issued or contracts executed prior to the imposition of the limitation. The city council shall not modify any limitations in effect at the time any bonds or obligations are issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.

Sec. 3. [PROCEDURAL REQUIREMENT.]

(a) *The creation of a port authority by the city of Red Wing must be by written resolution known as the enabling resolution. Prior to adoption of the enabling resolution, the city council shall conduct a public hearing. Notice of the time and place of hearing, a statement of the purpose of the hearing, and a summary of the resolution must be published in a newspaper of general circulation within the city once a week for two consecutive weeks. The first publication must appear not more than 30 days from the date of the public hearing.*

(b) *All modifications to the enabling resolution must be by written resolution and must be adopted after notice is given and a public hearing conducted as required for the original adoption of the enabling resolution.*

Sec. 4. [NAME.]

Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, the city may choose the name of the commission.

Sec. 5. [REMOVAL OF COMMISSIONERS FOR CAUSE.]

A commissioner of the port authority may be removed by the city council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall be removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the city council may temporarily suspend the commissioner. If the city council finds that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the office of the city clerk.

Sec. 6. [LOCAL APPROVAL.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Red Wing."

Delete the title and insert:

"A bill for an act relating to the city of Red Wing; granting the city of Red Wing the authority to establish a port authority; authorizing the port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the city to impose restrictions and limitations upon the powers and procedures of the port authority; permitting the city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 778: A bill for an act relating to adoption; eliminating the requirement for certain consents; amending Minnesota Statutes 1984, section 259.24, subdivisions 1 and 5.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 259.24, is amended by adding a subdivision to read:

Subd. 5a. [CONSENT BY CO-PETITIONER.] Notwithstanding the provisions of subdivision 5, the verified signature of the co-petitioner to the petition for adoption constitutes the consent for the co-petitioner."

Amend the title as follows:

Page 1, line 2, delete "eliminating the requirement for" and insert "providing that the signature of a co-petitioner constitutes consent"

Page 1, line 3, delete "certain consents"

Page 1, line 4, delete "subdivisions 1 and 5" and insert "by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 827: A bill for an act relating to marriage dissolution; requiring child support obligors to file address changes with the family court and the ex-spouse; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "ADDRESS" insert "OR RESIDENCE"

Page 1, line 11, delete "and" and insert a comma and after "obligee" insert ", and the public authority responsible for collection, if applicable,"

Page 1, line 11, after "address" insert "or residence" and delete the second "a"

Page 1, line 12, delete "reasonable time" and insert "60 days" and after "address" insert "or residence"

Page 1, line 14, after the period, insert "The court may waive or modify the requirements of this subdivision by order if necessary to protect the obligor from contact by the obligee."

Amend the title as follows:

Page 1, line 3, after "support" insert "or maintenance" and after "address" insert "or residence" and delete "with the"

Page 1, line 4, delete "family court and the ex-spouse"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1984, section 609.855, subdivision 3, is amended to read:

Subd. 3. [PROHIBITED ACTIVITIES.] Whoever, while riding in a vehicle providing regular route transit service:

(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;

(2) smokes or carries lighted smoking paraphernalia;

(3) consumes food or beverages, except when authorized by the operator or other official of the transit system;

(4) throws or deposits litter; or

(5) acts in any other manner which disturbs the peace and quiet of another person; or

(6) fails to cease any activity that is prohibited under this subdivision after being requested to do so by the transit operator or a security officer;

is guilty of disruptive behavior and may be sentenced as provided in subdivision 4.”

Page 1, line 16, strike the second “or”

Page 1, line 17, before “To” insert “*Except as provided in clause (c),*”

Page 1, line 21, strike the period and insert “; or”

Page 1, after line 21, insert:

“(c) *To the penalty imposed in section 169.89, subdivision 2, for a violation of subdivision 3, clauses (1), (3), or (4), if the violation was not accompanied by force or violence or a communication of a threat of force or violence.*”

Page 1, line 23, delete “Section 1 is” and insert “Sections 1 and 2 are” and delete “applies” and insert “apply”

Amend the title as follows:

Page 1, line 6, delete “subdivision” and insert “subdivisions 3 and”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 888: A bill for an act relating to gambling; providing an exemption from state regulation for certain lawful gambling; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 297A.25, is amended by adding a subdivision to read:

Subd. 6. The gross receipts from the conduct of lawful gambling by an organization exempt under section 349.214 shall be exempt from taxation under this chapter.

Sec. 2. 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 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, *advertising costs up to one percent of an organization's gambling receipts in a calendar year, legal costs, accounting services, security services, and insurance. An organization exempt under section 349.214, subdivision 2, may deduct from gross receipts the costs of any food or beverages provided at the event.*

Sec. 3. Minnesota Statutes 1984, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] The board has the following powers and duties:

(1) to issue, revoke, and suspend licenses to organizations and suppliers under sections 349.16 and 349.161;

(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) to make rules, including emergency rules, required by this chapter;

(5) to register gambling equipment and issue registration stamps under section 349.162;

(6) 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

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing charitable gambling; and

(8) impose civil penalties of not more than \$500 per violation on organizations and suppliers for failure to comply with any provision of sections 349.12 to 349.23 or any rule of the board.

Sec. 4. Minnesota Statutes 1984, section 349.16, is amended by adding a subdivision to read:

Subd. 4. [LOCAL INVESTIGATION FEE.] An organization applying for a license under this section shall pay to the board, in addition to any other fee required by this section, an investigation fee which the board shall remit to the local unit of government notified under section 349.213, subdivision 2. The investigation fee shall be \$75 if an organization is applying for a license to conduct all forms of gambling, \$50 for all forms except bingo, and \$25 for bingo only.

Sec. 5. Minnesota Statutes 1984, section 349.161, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for bingo lawful gambling exempt from licensing under section ~~340.19~~ 349.214, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Sec. 6. 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 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 on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. *If an organization's tax liability under section 349.212 is \$500 or less in any quarter, any reports required to be filed with the board or to its membership may be filed quarterly.* The reports must be on a form the board prescribes.

Sec. 7. Minnesota Statutes 1984, section 349.212, subdivision 2, is amended to read:

Subd. 2. [COLLECTION; DISPOSITION.] The tax must be paid to the board at times and in a manner the board prescribes by rule, *provided that if an organization's tax liability under this section is \$500 or less in any quarter the tax may not be required to be paid more frequently than quarterly.* The proceeds, along with the revenue received from all license fees and other fees under sections 349.11 to ~~349.21~~ and ~~349.211~~, 349.212, and 349.213, *except fees received under section 5*, must be paid to the state treasurer for deposit in the general fund.

Sec. 8. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [RAFFLES.]

(a) 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. Merchandise prizes must be valued at their fair market value.

(b) Raffles may be conducted by an organization without complying with section 349.14, or sections 349.151 to 349.212 if the organization or each chapter of the organization conducts no more than one raffle in a calendar year. The organization may also conduct pull-tabs, tipboards, and paddlewheels in conjunction with the raffle without complying with section 349.14 or sections 349.151 to 349.212. The prizes awarded in the raffle or pull-tabs, paddlewheel, or tipboards at the event, may not exceed \$25,000, with no more than \$2,000 being cash, and at least 50 percent of the prizes being donated to the organization. Merchandise prizes must be valued at fair market value. An organization exempt under this paragraph must file with the board a copy of the annual report required to be filed with the department of commerce under chapter 309.

Sec. 9. Minnesota Statutes 1984, section 349.214, is amended by adding a subdivision to read:

Subd. 1a. [BINGO; CERTAIN ORGANIZATIONS.] Bingo may be conducted within a nursing home or 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. 10. 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 or an organization exempt from licensing under section 349.214.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 11. [TAX AMNESTY; NONPROFIT ORGANIZATIONS.]

For an organization who has an unpaid liability for sales tax due under Minnesota Statutes, chapter 297A, arising out of lawful gambling conducted under Minnesota Statutes, chapter 349, between March 1, 1982, and February 28, 1985, the commissioner of revenue shall accept as full payment of the liability, a certified check, cashier's check, or money order in the amount of 50 percent of the liability incurred, plus interest. Payment must be received by the commissioner of revenue before January 1, 1986. For delinquent returns filed under this section, the civil and criminal penalties imposed by law are waived.

Sec. 12. [SALES TAX EXEMPTION.]

The gross receipts from the conduct of lawful gambling conducted under Minnesota Statutes, chapter 349, received prior to March 1, 1982, shall be exempt from taxation under Minnesota Statutes, chapter 297A. No refunds shall be paid pursuant to this section unless the organization can demonstrate to the commissioner of revenue that the refunds will be paid to those who paid the tax.

Sec. 13. [EFFECTIVE DATE.]

This act is effective June 1, 1985."

Delete the title and insert:

"A bill for an act relating to charitable gambling; exempting certain organizations from regulation by the charitable gambling control board; exempting certain organizations who conduct bingo and raffles from the sales tax; clarifying what expenses may be deducted from gross receipts; permitting the board to impose civil penalties; requiring organizations to pay an investigation fee; changing reporting requirements; providing for a tax amnesty for organizations who have conducted lawful gambling; amending Minnesota Statutes 1984, sections 297A.25, by adding a subdivision; 349.12, subdivision 13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.161, subdivision 1; 349.19, subdivision 5; 349.212, subdivision 2; 349.214, subdivision 2, and by adding a subdivision; and 609.75, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 923: A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; and 152.02, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 23, insert:

"Sec. 3. Minnesota Statutes 1984, section 152.15, subdivision 2, is amended to read:

Subd. 2. Any person who violates section 152.09, subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than five years or fined not more than \$10,000, or both;

(2) Any other controlled substance classified in Schedule I, II, or III, except small amounts of marijuana, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$5,000, or both;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than \$5,000, or both;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$3,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$100 and participation in a drug education program unless the court enters a written finding that such a program is inappropriate, said program being approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority. A subsequent violation of this clause within two years is a misdemeanor, and a person so convicted shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation. Upon a first conviction under this section the courts shall forward a report of said conviction to the department of public safety which shall make and maintain a private, non-public, record for a period not to exceed two years from the date of conviction. The private, nonpublic record shall be solely for use by the courts in determining the penalties which attach upon conviction under this section.

Additionally a person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than ~~.05 ounce~~ *1.4 grams* of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(6) In any case in which a defendant is convicted of a petty misdemeanor

under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.

(7) Compliance with the terms of any sentence imposed for violation of clause (5) before conviction under clause (6) shall be an absolute defense."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "prescribing amount of marijuana for possession in a motor vehicle;"

Page 1, line 5, delete "and"

Page 1, line 6, before the period, insert "; and 152.15, subdivision 2"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 438: A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 43A.05, is amended by adding a subdivision to read:

Subd. 7. [APPLICABILITY.] The provisions of sections 43A.01, subdivision 3, and 43A.05 do not apply to firefighter and peace officer job classes in state employment. An arbitrator in an interest arbitration pursuant to section 179A.16 shall not consider a study done pursuant to 43A.05 in reaching a decision on wages.

Sec. 2. [471.9999] [EXCLUSIONS.]

The provisions of sections 471.991 to 471.999 do not apply to a political subdivision's firefighter and peace officer job classes.

Sec. 3. Laws 1984, chapter 456, section 1, is amended to read:

Section 1. [COMPENSATION COMPARABILITY STUDY.]

The legislature requests the regents of the University of Minnesota to conduct an objective job evaluation study to determine the extent to which comparability of the value of work is reflected in the salaries of its nonacademic employees, including hospital employees. The study is to include an analysis of compensation comparability for male-dominated, female-dominated, and balanced classes of employees as those classes are defined in Minnesota Statutes, section 43A.02; *except that, the study shall not include police officer job classes.*

Sec. 4. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to local government; clarifying interest arbitration for firefighters and peace officers in state employment; excluding firefighters and peace officers from the local government job evaluation system and pay equity requirements; amending Minnesota Statutes 1984, section 43A.05, by adding a subdivision; and Laws 1984, chapter 456, section 1; proposing coding for new law in Minnesota Statutes, chapter 471."

And when so amended the bill do pass. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Employment, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*shall*" and insert "*may*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 854: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "*section*" insert "*290.02,*"

Page 1, line 14, "*290.03*" insert "*, or 290.361*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 282: A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 777: A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 441: A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 430: A bill for an act relating to industrial development bonds; requiring the refund of certain 1984 application deposits; appropriating money for these refunds.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [APPROPRIATION FOR RETURN OF 1984 APPLICATION DEPOSIT.]

\$46,800 is appropriated from the general fund to the energy and economic development authority to refund any application deposit deposited during calendar year 1984 by an applicant from money of the applicant that was not reimbursed by a private party and that was retained by the authority.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 384: A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, delete "*administration*" and insert "*natural resources*"

Page 2, after line 13, insert:

"Sec. 2. [APPROPRIATION.]"

Page 2, line 14, delete everything before "*is*" and insert "\$190,000"

Page 2, line 16, after "*in*" insert "*section 1,*"

Page 2, line 18, delete "*2*" and insert "*3*"

Page 2, line 19, delete "*Section 1*" and insert "*This act*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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 officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 15, strike "241.01,"

Page 3, line 16, strike "subdivision 8,"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 871: A bill for an act relating to health; authorizing the commissioner of health to inspect certain business premises; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [145.94] [HAZARDOUS SUBSTANCE EXPOSURE.]

Subdivision 1. [INSPECTION OF PREMISES.] For the purpose of determining hazardous substance exposure to the community, the commissioner of health may enter the premises of any employer as defined in section 182.651, subdivision 7, to conduct an investigation specifically relating to the actual, suspected, or potential release of a hazardous substance for which there is evidence of exposure or risk of exposure to the community. The commissioner shall present to the employer an oral or written statement of the reason, nature, and scope of the investigation at a particular location, prior to the start of the investigation. As part of the investigation, and upon request to the employer, the commissioner must be allowed access to information required under the employee right-to-know act to determine if there are existing or potential health hazards to the community due to the release of any hazardous substance which originates in the workplace of the employer.

Subd. 2. [DISCLOSURE OF HAZARDOUS SUBSTANCES INFORMATION.] The commissioner may disclose to individual private citizens, or to the community if appropriate, pertinent information relating to the hazardous properties and health hazards of hazardous substances released from a workplace if the commissioner determines that:

(1) there is evidence that a person requesting the information may have suffered or is likely to suffer illness or injury as a result of exposure to one or more of the hazardous substances; or

(2) there is evidence of a community health risk and the commissioner seeks through his or her authority, or through some other agency, to have the employer cease an activity which results in release of a hazardous substance.

Information which is a trade secret as defined in section 325C.01; classified information; and chemical names, trade names, or product formulations; are nonpublic data. For purposes of this section, “classified information” means information or data which, for security reasons, has been given a special security classification such as “secret,” “confidential,” “private,” or “nonpublic,” by federal statute, rule, or by other means which, when so classified, is subject to handling, use, and storage in accordance with established standards to prevent unauthorized use or disclosure. In the event information is required for the diagnosis, treatment, or prevention of illness or injury, a personal physician may be provided with this information if the physician agrees to preserve the confidentiality of the information. Following the disclosure of any hazardous substance information relating to

a particular workplace, the commissioner shall advise the employer of the specific information disclosed, the date of the disclosure, and the person or persons who received the information.

Sec. 2. [APPROPRIATION.]

\$100,000 is appropriated from the general fund to the commissioner of health for the purpose of section 1, to be available until June 30, 1987.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for disclosure of hazardous substances information in certain cases;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was re-referred

S.F. No. 998: A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete everything after the period

Page 2, line 6, delete everything before "In"

Page 2, line 21, after "exceeds" insert "the interim soil lead standard of" and after the period, insert "After adoption of the rules required under section 3, subdivision 1, the agency shall refer to the commissioner all sites with levels above the soil lead standard adopted in the rules."

Page 2, line 27, delete "In the absence of" and insert "Regardless of any"

Page 2, line 28, delete "commissioner" and insert "agency"

Page 2, line 29, delete "notify the agency of the need for" and insert "take a"

Page 2, line 35, after the period, insert "In addition, the agency rules must include provisions which preserve existing ground cover over soil with lead levels above the standard."

Page 3, line 4, after "account" insert "the potential for children's contact with the soil and the existing level of lead in the soil and may consider"

Page 3, line 6, delete everything after the comma

Page 3, line 7, delete everything before "and"

Page 3, line 12, delete everything after "sites"

Page 3, delete line 13

Page 3, line 14, delete everything before the period and insert "*with levels above the interim standard*"

And when so amended the bill do pass and be re-referred to the Committee on Agriculture and Natural Resources. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1025: A bill for an act relating to human services; establishing demonstration projects for services to the mentally ill and chemically dependent; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, after line 14, insert:

"(4) *the effect on the clinical outcome for the patient;*"

Renumber the clauses in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 226: A bill for an act relating to human services; establishing limits on payments to vendors of services in the medical assistance and general assistance programs; amending Minnesota Statutes 1984, section 256.967.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. 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~~ 1987, all payments for vendors of medical care under general assistance medical care shall be based upon this standard: the ~~50th~~ 40th percentile of usual and customary fees based upon medical assistance billings during *the previous* calendar year ~~1978~~. All payments for vendors of medical care under medical assistance shall be limited to the ~~50th~~ 40th percentile of usual and customary fees based upon billings during *the previous* calendar year ~~1979~~ for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, *emergency medical transportation services*, mental health centers, psychologists, public health clinics, and independent laboratory and xray services. *Rates paid to private duty nurses under the medical assistance program shall be increased by 20 percent from the rate paid during fiscal year 1985.*"

Delete the title and insert:

"A bill for an act relating to human services; raising the limits on payments to vendors under the medical assistance and general assistance medical care programs; amending Minnesota Statutes 1984, section 256.967."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 912: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 20, line 11, after the period, insert "*The commissioner shall see to it that cooperative and effective relationships are developed between counties and state hospitals and between the various state hospital chemical dependency programs. In carrying out this responsibility the commissioner shall maintain and enhance a regionally based system of chemical dependency programs.*"

Page 22, line 33, delete everything after "expand"

Page 22, line 34, delete "eliminate"

Page 22, line 35, delete everything after the period

Page 22, delete line 36

Page 23, delete lines 1 to 3

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Chmielewski questioned the reference thereon and, under Rule 35; the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 908: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

"Section 1. 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 assistance 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. 2. 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 shall be considered 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 unplatted 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 the equity value not exceeding \$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. 3. 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 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, if those earnings 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. 4. 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. Each 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 over-*

payments paid 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. 5. 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. 6. 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 *nonexempt* principal earner's unemployment and *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. 7. 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 shall be budgeted in the normal retrospective cycle. The number of months of ineligibility must be determined by dividing the sum of the lump sum income and all other income, after application of the applicable disregards, by the standard of need for the assistance unit. Any amount remaining after this calculation must be 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 shall be 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 15-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. 8. Minnesota Statutes 1984, section 256.74, subdivision 1a, is amended to read:

Subd. 1a. [STEPARENT'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 under 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. 9. 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. 10. 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 the provisions of 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 section 256.871 within a reasonable period of time. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. *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 shall be considered as a regular AFDC payment and shall no longer be considered 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. 11. 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: 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 receive would have increased had it not become inelig-*

ble; or the lump sum income, or a portion thereof, becomes unavailable to the assistance unit due to expenditures to avoid a life-threatening circumstance, theft, or dissipation by a member of the family who is no longer a part of the assistance unit for the needs of persons who are not members of the assistance unit; or 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 assistance 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. 12. 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 shall be the county in which the child resides at the time the application is made and the applicable eligibility criteria are met.*

Sec. 13. 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.*

Page 5, line 12, after "standards" insert "*designated below:*

(a) *For persons who meet the criteria of clause (4) or (8) and persons who would qualify for aid to families with dependent children except for the*

amount of income and resources, the annual income received or anticipated must not exceed 133-1/3 percent of the income standard by family size used in the aid to families with dependent children program. For these persons, the commissioner shall, to the extent possible, provide covered medical services through health maintenance organizations, health insurance plans, or other forms of private health coverage. The commissioner may secure medical services for an eligible individual or family by paying or subsidizing the cost of private health care coverage available through an employer or other source. The commissioner may seek waivers from federal requirements as necessary to implement this section.

(b) For all other persons, the annual income received or anticipated must not exceed the income standards:

Page 5, line 13, strike “, or” and insert “.

Medical assistance may be paid for any otherwise eligible person”

Page 6, line 34, delete “nine” and insert “15”

Page 7, after line 1, insert:

“Sec. 19. 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.”

Page 7, after line 35, insert:

“Sec. 21. 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**.

For a recipient who is a member of a one-person assistance unit, the standard 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 of assistance for recipients who are members of an assistance unit composed of more than one person must be equal to the aid to families with dependent children standard of assistance for a family of similar size and composition.*

The standards shall be lowered for recipients who share a residence with a responsible relative who also receives general assistance or who receives AFDC person who is a responsible relative of one or more members of the assistance unit if the responsible relative also receives general assistance or aid to families with dependent children. The standards shall also be lowered for recipients who share a residence with a responsible relative if the relative would be receiving general assistance or aid to families with dependent children but is not receiving the assistance because the relative has been sanctioned or disqualified. If the responsible relative is receiving AFDC general assistance or aid to families with dependent children, or would be receiving them but for sanction or disqualification, then the amount payable standard applicable to the general assistance recipient recipient's assistance unit must not exceed equal the amount that would be attributable to him if he were included in the AFDC to the members of the assistance unit if the members were included as additional recipients in the responsible relative's general assistance or aid to families with dependent children grant.

In determining the amount attributable to members of an assistance unit which must receive a reduced standard, the amount attributed to adults shall be the amount attributed to another child added to the responsible relative's assistance unit. When an assistance unit is subject to a reduced standard, the reduced standard shall not exceed that applicable to an assistance unit which does not share a residence with a responsible relative.

Notwithstanding section 256D.05, subdivision 1, any recipient of aid to families with dependent children whose earned income is reduced but whose assistance under the AFDC program is not adjusted accordingly by reason of the operation of the budgeting procedures prescribed under section 245.74 and the rules adopted by the commissioner shall be paid assistance under this section. The amount of assistance payable under this section shall be sufficient to insure that the assistance unit's income equals but does not exceed the standard of assistance in the AFDC program for an assistance unit of like size and composition.

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 receiving general assistance or aid to families with dependent children but who receives other income, the standards shall be lowered, subject to these limitations:

(a) The general assistance grant to the one-person assistance unit 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, social security retirement program, the social security disability program, a workers' compensation program, the Minnesota supplemental aid program, or on the basis of the relative's disability, must

not be included in the household income calculation.

Sec. 22. Minnesota Statutes 1984, section 256D.01, subdivision 1b, is amended to read:

Subd. 1b. [RULES.] The commissioner ~~shall~~ *may* adopt emergency rules and *shall adopt* permanent rules to set standards of assistance and methods of calculating payment to conform with subdivision 1a. The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. *Except for payments made to a secure crisis shelter under section 256D.05, subdivision 3, monthly general assistance payments for rates negotiated by a local agency on behalf of recipients living in a room and board, boarding care, supervised living, or adult foster care arrangement must not exceed the limits established under the Minnesota supplemental aid program.* In order to maximize the use of federal funds, the commissioner shall adopt rules, to the extent permitted by federal law for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require use of the emergency program under aid to families with dependent children as the primary financial resource when available. The commissioner shall provide by rule for eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient.

Sec. 23. 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 mandated by 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 shall 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 funds in the savings account must be excluded from the resource limits established by section 256D.08, subdivision 1, clause (1). Amounts in that account which are in excess of \$1,000 must be applied to the resident's cost of care.*

If excluded funds are removed from the savings account by the eligible individual at any time before he or she is discharged from the facility into the community, the funds must be considered income to the individual in the month of receipt and must be considered a resource in subsequent months.

If an eligible individual moves from a community facility to an inpatient hospital setting, the separate savings account must continue to be considered an excluded asset for a period of up to 18 months. During that period of 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.

Sec. 24. [APPROPRIATION.]

\$676,000 is appropriated from the general fund to the commissioner of human services for grants under section 245.73. This appropriation is available for the biennium ending June 30, 1987. This appropriation is in addition to the appropriation to continue services currently funded under section 245.73; the commissioner of human services shall use this supplement to assure continuation of appropriate care and services for mentally ill residents of facilities affected by the limits in section 256D.01, subdivision 1b.

Sec. 25. [EFFECTIVE DATE.]

Section 11 is effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"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 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.062; 256B.07; 256B.17, subdivision 6; 256D.01, subdivisions 1a and 1b; and 256D.06, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1117: A resolution memorializing the President and Congress of the United States to amend the Social Security Act to reverse overly-restrictive administrative interpretation of that act.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 983: A bill for an act relating to human services; allowing the commissioner of human services to participate in a pilot health care program for the uninsured poor; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 539: A bill for an act relating to agriculture; repealing requirements for a department slogan on printed matter; changing emergency rule-making authority; creating a statistical services account in the state treasury; clarifying membership requirements for the soil and water conservation

board; appropriating money; amending Minnesota Statutes 1984, sections 17.03, by adding a subdivision; and 40.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, sections 16.51; 16.52; and 16.53.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [17.038] [STATISTICAL SERVICES.]

The statistical services account is established in the state treasury. All payments for statistical services performed by the agricultural statistics division of the department of agriculture must be deposited in the state treasury and credited to the statistical services account. The money in the account is annually appropriated to the commissioner of agriculture to administer the programs of the agricultural statistics division.

Sec. 2. Minnesota Statutes 1984, section 40.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] There is hereby established, to serve as an agency within the department of agriculture and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of 12 members, seven of whom shall be elected supervisors and the following five ex-officio members: The director of the agricultural extension service of the University of Minnesota; the ~~dean~~ *deputy vice-president* of the Institute of Agriculture, Forestry, and Home Economics of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; and the commissioner of natural resources. Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of Minnesota cities and any other organizations and appropriate agencies deemed necessary to serve as advisory members. The seven members of the state board who are elected supervisors shall be appointed by the governor. In making these appointments the governor may consider persons recommended by the state association of soil and water conservation district. One member shall be appointed from each of the state soil and water conservation board administrative regions.”

Delete the title and insert:

“A bill for an act relating to agriculture; creating a dedicated account for statistical services in the state treasury; clarifying membership requirements for the soil and water conservation board; appropriating money; amending Minnesota Statutes 1984, section 40.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 186: A bill for an act relating to administrative rules; requiring the director of the pollution control agency to amend the rule governing notice of application for a water pollution discharge permit.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 115.03, is amended by adding a subdivision to read:

Subd. 5a. [PUBLIC NOTICE FOR NPDES PERMIT APPLICATION.] The director must give public notice of the completed NPDES permit application for new municipal discharges in the official county newspaper of the county where the discharge is proposed.”

Amend the title as follows:

Page 1, lines 3 and 4, delete “amend the rule governing” and insert “give”

Page 1, line 5, before the period, insert ”; amending Minnesota Statutes 1984, section 115.03, by adding a subdivision”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 285: A bill for an act relating to farm loans; eliminating the adoption of federal limitation on the gross receipts of those farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 16 and 17, delete the new language and insert “, except that for a farm loan the annual gross receipts of the farm business are limited to \$1,000,000”

Amend the title as follows:

Page 1, lines 2 and 3, delete “adoption of federal”

Page 1, line 3, delete “those”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 512: A bill for an act relating to agriculture; appropriating funds for the Minnesota Agricultural Interpretive Center.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "204,000" and insert a blank, and delete everything after "fund"

Page 1, delete line 8

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

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 511: A bill for an act relating to public improvements; authorizing the issuance of state bonds for improvements at the Minnesota agricultural interpretive center; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 518: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, prohibitions on bumping, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, section 136C.02, subdivisions 6 and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136D.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 136C.02, subdivision 6, is amended to read:

Subd. 6. [DISTRICT.] "District" means a school district providing post-secondary vocational education ~~or~~, an intermediate district, *or a joint district.*

Sec. 2. Minnesota Statutes 1984, section 136C.02, subdivision 8, is amended to read:

Subd. 8. [SCHOOL BOARD.] "School board" means the school board of a district ~~and, in the case of an intermediate district,~~ the board of the ~~an~~ intermediate district, *or the board of a joint district.*

Sec. 3. Minnesota Statutes 1984, section 136C.02, is amended by adding a subdivision to read:

Subd. 9. [JOINT DISTRICT.] "Joint district" means a joint vocational

technical district established under section 6.

Sec. 4. Minnesota Statutes 1984, section 136C.41, is amended by adding a subdivision to read:

Subd. 1a. (a) For joint vocational technical districts formed under sections 6 to 15 in which the joint district holds the title to the AVTI, the state portion of debt service costs is the entire amount necessary to make payments due for each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, reduced by the lesser of:

- (1) the local share of all principal, interest, and redemption premiums; or*
- (2) the amount escrowed for debt service under section 15, subdivision 2.*

(b) The state portion of debt service costs must not be less than what would have been paid under subdivision 1. For the purpose of this subdivision, qualifying bonds include the same bonds described as qualifying bonds in subdivision 1.

Sec. 5. Minnesota Statutes 1984, section 136C.44, is amended to read:

136C.44 [VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.]

Money appropriated from the state building fund to the state board of vocational technical education for post-secondary vocational technical construction in school districts shall be used for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area vocational technical institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be financed by the school district operating the post-secondary vocational technical school, unless otherwise provided by the specific legislative act. *A grant to a joint vocational technical district formed under sections 6 to 15 must cover 100 percent of the cost, unless otherwise provided by the specific legislative act.* No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

Sec. 6. [136E.01] [DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.]

Notwithstanding other law, two or more independent school districts each operating an area vocational technical institute may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the state director of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.

Sec. 7. [136E.02] [GOVERNING BOARD.]

Subdivision 1. [MEMBERS.] The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school districts specified in the agreement establishing the joint vocational technical district. Board members must be residents of the respective school districts represented and may be members of the school boards of the respective school districts. The first members shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. Appointed members serve at the pleasure of their respective school boards and are subject to recall by a majority vote of the appointing board. The election of members is governed by section 123.32. Board members shall report at least quarterly to their appointing boards on the activities of the joint vocational technical district.

Subd. 2. [EX OFFICIO MEMBER.] The director of the joint vocational technical district is an ex officio, nonvoting member of the joint board.

Subd. 3. [TERMS.] The agreement establishing the joint vocational technical district must specify the number of members from each participating district who will serve an initial one-year term and the number of members from each participating district who will serve an initial two-year term. The appointing board shall designate which of the appointees will serve the one-year term and which of the appointees will serve the two-year term. Terms of office of the members of the joint board expire on June 30. After the initial term, the terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board qualifies as a board member by filing with the director of the joint board a written certificate of appointment from the member's appointing board.

Subd. 4. [ORGANIZATIONAL MEETINGS.] The first meeting of the first joint board must be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the director of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.

Subd. 5. [OFFICERS.] The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.

Subd. 6. [QUORUM.] A majority of the joint board is a quorum, although a smaller number may adjourn.

Sec. 8. [136E.03] [POWERS AND DUTIES.]

Subdivision 1. [IN GENERAL.] The joint board has the powers and duties specified in section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 13, 15, and 275.125, subdivision 14a.

Subd. 2. [PROVISION OF FACILITIES AND SERVICES.] The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.

Subd. 3. [FINANCE.] The joint board shall provide for the conduct of the schools, payment of indebtedness, and payment of other proper expenses of the district.

Subd. 4. [CONTRACTS.] The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge them under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.

Sec. 9. [136E.04] [LEGAL STATUS OF JOINT BOARD.]

Subdivision 1. [PUBLIC AGENCY.] The joint board is a public agency and may receive and spend private, federal, and state money made available to it.

Subd. 2. [LIABILITY.] A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.

Subd. 3. [APPLICABLE LAWS.] Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.

Sec. 10. [136E.05] [TEACHERS.]

Subdivision 1. [ASSIGNMENT.] (a) When an independent school district becomes a member of the joint vocational technical district, a teacher, as defined in section 125.12, subdivision 1, employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district, except that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if:

(1) the teacher was placed on unrequested leave of absence by the joint vocational technical district;

(2) the teacher is properly licensed for the position; and

(3) a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the joint vocational technical district.

(b) A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.

Subd. 2. [EXCLUSIVE REPRESENTATIVE.] The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization representing teachers in the joint vocational technical district may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.

Subd. 3. [BARGAINING AGREEMENT.] (a) The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district will be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bargaining representative.

(b) The date of first employment in the new joint vocational technical district is the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits must be credited to each employee, subject to any maximum accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on preexisting conditions. The successor contract must contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.

Subd. 4. [APPLICABLE LAW.] Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.

Sec. 11. [136E.06] [NONLICENSED EMPLOYEES.]

Subdivision 1. [ASSIGNMENT.] When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in an AVTI who is transferred to the joint vocational technical district shall be assigned to and become an employee of

the joint vocational technical district without further employment rights in the member district, other than, for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and job seniority layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.

Subd. 2. [EXCLUSIVE REPRESENTATIVES.] After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services proceedings are concluded.

Subd. 3. [BARGAINING AGREEMENT.] (a) The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment are governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district will be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract will continue until bureau of mediation services proceedings are concluded and, if exclusive representatives have been elected, until successor contracts are executed between the board of the joint vocational technical district and the new exclusive representatives.

(b) The date of first employment in the joint vocational technical district is the date on which services were first performed by the employee in the member school district from which assigned. Any sick leave, vacation time, or severance pay benefits accumulated under policies of a member district or contracts between exclusive representatives and the boards of member districts continue to apply in the new joint vocational technical district to the employee assigned from those member districts, subject to any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district are governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on preexisting conditions.

Sec. 12. [136E.07] [TRANSFER OF PROPERTY.]

Subdivision 1. [TRANSFER OF TITLE.] When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the AVTI facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the AVTI and adult and post-secondary vocational education programs, including claims for unemployment compensation, also transfer to the joint vocational technical district.

Subd. 2. [DEBT.] The bonded debt on all property transferred must be paid according to levies for that debt previously made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.

Subd. 3. [TRANSFER OF FUNDS.] A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.

Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of property, title, and power to govern AVTIs and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding must be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.

Sec. 13. [136E.08] [TAX LEVIES.]

Subdivision 1. [STATE AUDITOR COSTS; JUDGMENTS; INSURANCE.] The joint board may levy upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations for state auditor costs under section 6.62, to pay its obligations for judgments under section 127.05, and to pay its insurance premium costs under section 466.06.

Subd. 2. [AID ANTICIPATION CERTIFICATES.] The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.

Sec. 14. [136E.09] [JOINDER.]

Upon approval by the majority vote of its board and the joint board, any other independent school district with an area vocational technical institute may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the state director.

Sec. 15. [136E.10] [PAYMENT OBLIGATION.]

Subdivision 1. [AGREEMENTS WITH STATE DIRECTOR.] The state director may enter into agreements with the joint vocational technical district

and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.

Subd. 2. [PAYMENT OF DEBT; TRANSFER; DEBT SERVICE AID.]

(a) A member district that has debt outstanding upon an AVTI facility and property that is transferred to the joint vocational technical district shall escrow in its AVTI debt redemption fund the least of:

(1) a sufficient amount to defease the outstanding debt under the terms of the bond agreement;

(2) the minimum amount required by the bond agreement; or

(3) the remaining balance in the AVTI debt redemption fund.

(b) The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the AVTI debt redemption fund may be used as provided in section 123.36, subdivision 13, clauses (2), (3), and (4).

(c) The state board of vocational technical education shall pay 100 percent of the remaining debt service on the AVTI facilities of all member districts that have transferred their AVTI facilities to the board of the joint vocational technical district. If the property reverts to ownership by the member district, the state portion of debt service aid must be paid according to section 136C.41, subdivision 1.

Subd. 4. [LEVY.] (a) A member district that has transferred an AVTI facility to the joint board may levy upon all taxable property in the member district, the following:

(1) in the first levy certified after the transfer, 75 percent of the amount of the district's most recent service fee allocation;

(2) in the second levy certified after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and

(3) in the third levy certified after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).

(b) The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net unappropriated fund balance of the member district for the three fiscal years to which the levy is attributable.

Sec. 16. Minnesota Statutes 1984, section 275.125, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Except as may otherwise be provided in this section, the words and phrases defined in sections ~~124.01, 124.20~~ 120.02, 124.201, ~~124.212,~~ 124.225, and 124A.02, and 124A.033, when used in this section shall have the meanings ascribed to them in those sections.

Sec. 17. Minnesota Statutes 1984, section 275.125, subdivision 14a, is amended to read:

Subd. 14a. [LEVY FOR LOCAL SHARE OF AVTI CONSTRUCTION.]

(a) The definitions in section 136C.02 apply to this subdivision.

(b) A district maintaining a post-secondary area vocational technical institute may levy for its local share of the cost of construction of facilities for the post-secondary area vocational-technical institute as provided in this subdivision.

(4) (c) The construction must be authorized by a specific legislative act pursuant to section 136C.07, subdivision 5, after January 1, 1980. The specific legislative act must require that ~~85 percent~~ *part* of the cost of construction for post-secondary vocational purposes shall be financed by the state and that ~~15 percent~~ *part* of the cost of construction for post-secondary vocational purposes shall be financed by the school district operating the post-secondary area vocational technical institute.

(2) (d) The district may levy an amount equal to the local share of the cost of construction for post-secondary vocational purposes, minus the amount of any unappropriated net balance in the district's post-secondary vocational technical building construction fund. A district may levy the total amount authorized by this subdivision in one year, or a proportionate amount of the total authorized amount each year for up to three successive years.

(3) (e) By the July 1 before a district certifies the first levy pursuant to this subdivision for the local share of any construction project, at least three weeks published notice of the proposed levy shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the purpose of the proposed levy, the duration of the proposed levy and the amount of the proposed levy in dollars and mills. Upon petition within 20 days after the notice of the greater of (a) 50 voters, or (b) 15 percent of the number of voters who voted in the district at the most recent regular school board election, the board shall call a referendum on the proposed levy. The referendum shall be held on a date set by the school board, but no later than the August 20 before the levy is certified. The question on the ballot shall state the amount of the proposed levy in mills on the district's adjusted assessed valuation and in dollars in the first year of the proposed levy.

(4) (f) For the purposes of this subdivision, "construction" includes the acquisition and betterment of land, buildings and capital improvements for post-secondary area vocational technical institutes.

(5) (g) A district may not levy for the cost of a construction project pursuant to ~~the~~ *this* subdivision if it issues any bonds to finance any costs of the project.

Sec. 18. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 7, delete " , prohibitions on bumping,"

Page 1, line 11, delete "intention of"

Page 1, line 14, delete "section" and insert "sections"

Page 1, line 15, after the semicolon, insert "136C.41; by adding a subdivision; 136C.44; and 275.125, subdivisions 1 and 14a;" and delete "in" and insert "as"

Page 1, line 17, delete "136D" and insert "136E"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 647: A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 21 to 23, reinstate the stricken language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 571: A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; removing statutory provision for causation for personal injury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 8 and 9, delete "*subject to the advice and consent of the senate*"

Page 4, line 11, after "*transmit*" insert "*by December 31 of each year*"

Page 4, line 12, delete "*a biennial*" and insert "*an annual*"

Page 4, line 17, delete "*and*" and after "*(c)*" insert "*all administrative costs associated with the business of the board; and (d)*"

Page 4, line 27, after "*grant*" insert "*reasonable partial*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 411: A bill for an act relating to governmental operations; prohibiting any governmental entity from engaging a lobbyist; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 10A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [10A.065] [HIRING OF LOBBYIST BY STATE GOVERNMENT PROHIBITED.]

The following governmental entities may not engage a lobbyist: state agencies; the metropolitan council established by section 473.123; and the metropolitan agencies defined in section 473.121, subdivisions 7, 12, 14a, 15, 21, and 32. A contract for lobbying is void if entered into by a lobbyist and any of the governmental entities named in this section. Any lobbyist who accepts payment for lobbying by any governmental entity named in this section shall return the payment to the entity and may in addition be liable for a civil penalty not to exceed \$1,000."

Amend the title as follows:

Page 1, lines 2 and 3, delete "any governmental entity" and insert "the state and metropolitan agencies"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 994: A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete everything before "At"

Page 1, line 21, delete "; provided, that prior to" and insert a period

Page 1, delete lines 22 to 27

Page 2, line 1, delete "*Subd. 2.*" and insert "*Sec. 2.*"

Page 2, line 6, after the period, insert "*This section applies only to the sale of parcels of land, under the control of the state board for community colleges, that are numbered 10 through 14 and 16 through 20 located between Betty Avenue and West Lake Avenue and to parcels that are 150 feet deep located west of Thompson Avenue.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 776: A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; prohibiting the free distribution of cigarettes; raising the cigarette tax; appropriating money; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 5 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; and 297.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 124, 144, and 145.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "*an institution organized*" and insert "*a credit union*"

Page 1, line 16, delete "*under chapter 52*"

Page 1, line 21, delete "*or other insurance provider or guarantee*"

Page 1, line 22, delete "*fund approved by the commissioner of commerce*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 229: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 3, delete everything after "1757"

Page 6, delete line 4

Page 6, line 5, delete everything before the period and insert "*as amended through August 1, 1985. Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation of the power to be used*".

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 137: A bill for an act relating to waters and watercraft safety; requiring liability insurance on licensed watercraft in the state; amending Minnesota Statutes 1984, section 361.03, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*contemplated*"

Page 1, line 14, after "*of*" insert "*liability of*"

Page 1, delete line 15

Page 1, line 16, delete "*in an accident, and subject to this limit,*" and delete "*because of*"

Page 1, line 16, after "\$50,000" insert "*per occurrence*"

Page 1, delete lines 17 to 19

Page 1, line 20, delete "*others in an accident*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1199: A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 945: A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing

Minnesota Statutes 1984, section 135A.07, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "Notwithstanding" and insert "Notwithstanding"

Page 1, line 17, strike "the higher education coordinating board,"

Page 1, line 19, strike ", executive"

Page 1, line 20, strike "director,"

Pages 1 and 2, delete section 2, and insert:

"Sec. 2. [135A.08] [CERTAIN EXECUTIVE SALARIES.]

Notwithstanding the provisions of chapter 43A, the state university board, 0226 community college board, and the state board of vocational technical education may establish a management compensation plan and establish executive salaries within the state university system and community college system and for employees of the state board of vocational technical education, respectively, except for the chancellor or the state director. The salaries shall be based on the level of responsibility and authority of various positions as well as appropriate market comparisons with similar positions in comparable public post-secondary institutions and agencies in the midwest."

Amend the title as follows:

Page 1, delete lines 2 to 5, and insert "relating to education; allowing all post-secondary boards and the higher education coordinating board to establish salaries for the chancellors, state director, and executive director; allowing exemption from chapter 43A for management compensation plans and other executive salaries;"

Page 1, line 8, delete "136" and insert "135A"

And when so amended the bill do pass. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 25, 1985:

MINNESOTA POLLUTION CONTROL AGENCY
Carol Lee Baudler

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 538 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as

follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
538	665				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 538 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 538 and insert the language after the enacting clause of S.F. No. 665, the first engrossment; further, delete the title of H.F. No. 538 and insert the title of S.F. No. 665, the first engrossment.

And when so amended H.F. No. 538 will be identical to S.F. No. 665, and further recommends that H.F. No. 538 be given its second reading and substituted for S.F. No. 665, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 157 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
157	307				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 204 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
204	235				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 204 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 204 and insert the language after the enacting clause of S.F. No. 235, the first engrossment; further, delete the title of H.F. No. 204 and insert the title of S.F. No. 235, the first engrossment.

And when so amended H.F. No. 204 will be identical to S.F. No. 235, and further recommends that H.F. No. 204 be given its second reading and substituted for S.F. No. 235, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 266 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
266	527				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 266 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 266 and insert the language after the enacting clause of S.F. No. 527, the first engrossment; further, delete the title of H.F. No. 266 and insert the title of S.F. No. 527, the first engrossment.

And when so amended H.F. No. 266 will be identical to S.F. No. 527, and further recommends that H.F. No. 266 be given its second reading and substituted for S.F. No. 527, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 320 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
320	360				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 183 for comparison with companion Senate File, reports the fol-

lowing House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
183	131				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 183 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 183 and insert the language after the enacting clause of S.F. No. 131, the first engrossment; further, delete the title of H.F. No. 183 and insert the title of S.F. No. 131, the first engrossment.

And when so amended H.F. No. 183 will be identical to S.F. No. 131, and further recommends that H.F. No. 183 be given its second reading and substituted for S.F. No. 131, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 316 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
316	495				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 247 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
247	505				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 247 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 247 and insert the language after the enacting clause of S.F. No. 505, the first engrossment; further, delete the title of H.F. No. 247 and insert the title of S.F. No. 505,

the first engrossment.

And when so amended H.F. No. 247 will be identical to S.F. No. 505, and further recommends that H.F. No. 247 be given its second reading and substituted for S.F. No. 505, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 99: A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter 288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for March 21, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-0066 referred to the Committee on Elections and Ethics". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1137, 1150 and 1159 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 1137 to the Committee on Governmental Operations.

S.F. No. 1150 to the Committee on Health and Human Services.

S.F. No. 1159 to the Committee on Economic Development and Commerce.

Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 364, 833, 635, 930, 243, 769, 761, 802, 569, 922, 682, 625, 778, 827, 650, 923, 557, 854, 1088, 282, 777, 441, 430, 384, 521, 1117, 186, 285, 518, 647, 411, 916, 814, 994, 302, 229, 137 and 1199 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1, 538, 157, 204, 266, 320, 183, 316 and 247 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Chmielewski be added as a

co-author to S.F. No. 226. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Moe, R.D.; Stumpf and Anderson be added as co-authors to S.F. No. 627. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Jude be added as a co-author to S.F. No. 888. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Merriam be added as a co-author to S.F. No. 919. The motion prevailed.

Mr. Benson moved that his name be stricken as a co-author to S.F. No. 928. The motion prevailed.

Mr. Novak moved that the name of Mr. Sieloff be added as a co-author to S.F. No. 936. The motion prevailed.

Mr. Merriam moved that the name of Mr. Frank be added as a co-author to S.F. No. 1009. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 1012. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 1059. The motion prevailed.

Mr. Schmitz moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 1061. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 1080. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 1110. The motion prevailed.

Mr. Taylor moved that his name be stricken as a co-author to S.F. No. 1114. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1118. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1162. The motion prevailed.

Mr. Spear moved that the name of Mr. Freeman be added as a co-author to S.F. No. 1196. The motion prevailed.

Mr. Willet moved that S.F. No. 1053 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Laidig introduced—

Senate Resolution No. 52: A Senate resolution congratulating Forest Lake High School on the victory of its team in the State High School Science Olympiad.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 53: A Senate resolution congratulating Apple Val-

ley High School on the second place finish of its team in the State High School Science Olympiad.

Referred to the Committee on Rules and Administration.

Mr. Pehler introduced—

Senate Resolution No. 54: A Senate resolution congratulating the Huskies women's basketball team from St. Cloud State University for its winning season and participation in the 1985 NCAA Division II National Championship Tournament.

Referred to the Committee on Rules and Administration.

Mr. Laidig introduced—

Senate Resolution No. 55: A Senate resolution congratulating the Mahomed High School Zephyrs for winning first place in the Class A Minnesota State Gymnastics Championship.

Referred to the Committee on Rules and Administration.

Mr. Laidig introduced—

Senate Resolution No. 56: A Senate resolution congratulating the Ponies girls slalom ski team from Stillwater High School for winning the 1985 State High School Slalom Skiing Championship.

Referred to the Committee on Rules and Administration.

Mr. Laidig introduced—

Senate Resolution No. 57: A Senate resolution congratulating the Ponies boys cross-country ski team from Stillwater High School for finishing State runner-up in the 1985 State High School Cross-country Skiing Championship.

Referred to the Committee on Rules and Administration.

Mr. Laidig introduced—

Senate Resolution No. 58: A Senate resolution congratulating the girls cross-country ski team from Stillwater High School for winning the 1985 State High School Cross-Country Skiing Championship.

Referred to the Committee on Rules and Administration.

CONFIRMATION

Mr. Spear moved that the appointments of notaries public received February 28, 1985, be taken from the table. The motion prevailed.

Mr. Spear moved that the Senate do now consent to and confirm the appointments of the notaries public.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Brataas	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Ramstad	Willet
Davis	Jude	Moe, R.D.	Reichgott	
Dicklich	Kamrath	Nelson	Renneke	

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that S.F. No. 430, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 9, pertaining to the Joint Rules of the Senate and House of Representatives, shown in the Journal of February 28, 1985, be taken from the table. The motion prevailed.

Mr. Moe, R.D. moved the adoption of the resolution.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Brataas	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Willet
Dahl	Johnson, D.J.	Moe, D.M.	Ramstad	
Davis	Jude	Moe, R.D.	Reichgott	
Dicklich	Kamrath	Nelson	Renneke	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. moved that the proposed Permanent Rules of the Senate contained in the report of the Committee on Rules and Administration, adopted February 28, 1985 be taken from the table. The motion prevailed.

Mr. Luther moved to amend the Permanent Rules of the Senate as follows:

Page 23, line 16, after "Press" strike ", St. Paul" and insert "and"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved the adoption of the Permanent Rules of the Senate, as amended.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Moe, D.M.	Purfeerst
Anderson	Diessner	Kamrath	Moe, R.D.	Ramstad
Belanger	Dieterich	Knaak	Nelson	Reichgott
Benson	Frank	Knutson	Novak	Renneke
Berg	Frederick	Kronebusch	Olson	Schmitz
Berglin	Frederickson	Laidig	Pehler	Sieloff
Bernhagen	Freeman	Lantry	Peterson, C.C.	Spear
Bertram	Gustafson	Lessard	Peterson, D.C.	Stumpf
Brataas	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Vega
Dahl	Johnson, D.E.	Mehrkens	Petty	Wegscheid
Davis	Johnson, D.J.	Merriam	Pogemiller	Willet

Messrs. Storm and Waldorf voted in the negative.

The motion prevailed. So the Permanent Rules of the Senate, as amended, were adopted.

CALENDAR

S.F. No. 342: A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold a license as master or journeyman plumbers or be a state certified plumbing inspector; establishing a certification procedure; amending Minnesota Statutes 1984, section 326.37.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 21, as follows:

Those who voted in the affirmative were:

Belanger	Dieterich	Knutson	Nelson	Purfeerst
Berglin	Frank	Lantry	Novak	Samuelson
Brataas	Frederick	Lessard	Pehler	Sieloff
Chmielewski	Freeman	Luther	Peterson, C.C.	Spear
Dahl	Gustafson	McQuaid	Peterson, D.C.	Storm
Davis	Hughes	Merriam	Peterson, R.W.	Taylor
Dicklich	Johnson, D.E.	Moe, D.M.	Petty	Vega
Diessner	Johnson, D.J.	Moe, R.D.	Pogemiller	Waldorf

Those who voted in the negative were:

Adkins	Frederickson	Kronebusch	Ramstad	Willet
Anderson	Isackson	Laidig	Renneke	
Benson	Jude	Mehrkens	Schmitz	
Bernhagen	Kamrath	Olson	Stumpf	
Bertram	Knaak	Peterson, D.L.	Wegscheid	

So the bill passed and its title was agreed to.

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; clarify-

ing 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.E.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Brataas	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Ramstad	Willet
Davis	Jude	Moe, R.D.	Reichgott	
Dicklich	Kamrath	Nelson	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 329: A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Brataas	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Ramstad	Willet
Davis	Jude	Moe, R.D.	Reichgott	
Dicklich	Kamrath	Nelson	Renneke	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Lantry	Peterson, C.C.	Sieloff
Berglin	Frederickson	Lessard	Peterson, D.C.	Spear
Bernhagen	Freeman	Luther	Peterson, D.L.	Stumpf
Bertram	Gustafson	McQuaid	Petty	Taylor
Brataas	Hughes	Mehrkens	Pogemiller	Vega
Chmielewski	Isackson	Moe, D.M.	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Moe, R.D.	Ramstad	Willet
Davis	Jude	Nelson	Reichgott	
Dicklich	Kamrath	Novak	Renneke	

Those who voted in the negative were:

Benson	Dieterich	Knaak	Merriam	Storm
Berg	Johnson, D.E.	Knutson	Peterson, R.W.	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 509: A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Samuelson
Anderson	Dieterich	Knutson	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Brataas	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Purfearer	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Ramstad	Willet
Davis	Jude	Moe, R.D.	Reichgott	
Dicklich	Kamrath	Nelson	Renneke	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. No. 77, which the committee recommends to pass, after the following motions.

Mr. Taylor moved to amend S.F. No. 77 as follows:

Page 1, line 27, reinstate the stricken "TEMPORARY"

Page 2, line 16, reinstate the stricken "TEMPORARY"

Page 3, lines 18, 20, 21, 22, and 23, delete the new language

Page 3, delete lines 28 to 36

Page 6, delete section 10 and insert:

"Sec. 10. 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."

Amend the title as follows:

Page 1, line 5, delete everything after "terminations"

Page 1, line 6, delete "cases"

Page 1, line 10, delete "repealing" and insert "and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Johnson, D.E.	McQuaid	Renneke
Belanger	Frederick	Kamrath	Mehrkens	Taylor
Benson	Frederickson	Knaak	Olson	
Bernhagen	Gustafson	Kronebusch	Petty	
Brataas	Isackson	Laidig	Ramstad	

Those who voted in the negative were:

Adkins	Frank	Luther	Peterson, D.C.	Spear
Berg	Freeman	Merriam	Peterson, R.W.	Storm
Berglin	Hughes	Moe, D.M.	Pogemiller	Stumpf
Bertram	Johnson, D.J.	Moe, R.D.	Reichgott	Waldorf
Chmielewski	Jude	Novak	Samuelson	Willet
Davis	Lantry	Pehler	Schmitz	
Dicklich	Lessard	Peterson, C.C.	Sieloff	

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

Mr. Berg moved to amend S.F. No. 77 as follows:

Page 6, after line 10, insert:

“Sec. 10. [CITATION.]

Sections 10 to 14 may be cited as the “emergency agricultural relief act of 1985.”

Sec. 11. [LEGISLATIVE FINDINGS.]

The legislature finds that conditions have deteriorated and thousands of farmers will have their land foreclosed and offered at forced sales in the spring of 1985, causing agricultural land prices to fall drastically. The foreclosures and low land prices are causing and will cause extreme stress on rural financial institutions and all rural businesses, particularly those related to agricultural production, and financial panic conditions in areas that affect over one-third of the population of the state.

The legislature finds that agricultural land prices have decreased by over 30 percent in the last five years and that this fact alone would cause grave circumstances in the rural agricultural lending and borrowing community. In addition, real interest rates have increased, crop and livestock prices are not greater than the cost of production, and net farm income is essentially nonexistent. All of these factors and the federal agricultural financial policy have caused a situation beyond the control of Minnesota farmers and lenders resulting in repossession and forced sales of farm equipment and personal property, farm foreclosures and foreclosure sales, and deficiencies from low prices accepted at the sales, that if continued, will cause irreparable harm to the state, its farmers, its lenders, and the social fabric and existence of rural communities.

The legislature finds that the foreclosure process has been disrupted, that the pain and suffering in the rural areas has caused people to take their own lives, and that this act is necessary for the people of this state and their governments to develop relief and an orderly process out of the rural economic depression.

The legislature finds that foreclosure by advertisement will not provide a fair foreclosure process as contemplated by law unless the court authorizes the procedure and provisions for the postponement of advertised sales under Minnesota Statutes, section 580.07, and prior law have been in existence for over 80 years.

The legislature finds and declares existing relief is inadequate and that these conditions have resulted in a state of public economic emergency of a nature that justifies and validates court supervision of the foreclosure process, additional measures for the extension of time before foreclosure and

foreclosure sales may be made, and for other relief.

Sec. 12. [APPLICATION.]

Subdivision 1. [DATE OF APPLICATION.] Sections 1 to 5 apply to the mortgages and security interests in this section that exist before February 1, 1985.

Subd. 2. [MORTGAGES HELD BY UNITED STATES.] Sections 1 to 5 apply to mortgages of agricultural production real estate held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors, or assigns.

Subd. 3. [MORTGAGES HELD AS SECURITY FOR PUBLIC DEBT.] Sections 1 to 5 apply to mortgages of agricultural production real estate held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.

Subd. 4. [MORTGAGES HELD BY LENDERS.] Sections 1 to 5 apply to all other mortgages of agricultural production real estate that are held by lenders that are in the business of lending money.

Subd. 5. [SECURITY INTERESTS IN AGRICULTURAL PERSONAL PROPERTY.] Sections 1 to 5 apply to all security interests in agricultural crops and livestock, and all personal property used for agricultural production that are held by lenders in the business of lending money.

Sec. 13. [MORATORIUM AND PROHIBITION OF DEFICIENCY JUDGMENTS.]

Subdivision 1. [MORATORIUM.] (a) Mortgages may not be foreclosed, or property sold by forced sale after foreclosure, for one year after sections 1 to 5 become effective, except by court order under section 5.

(b) Agricultural production crops and livestock, and all personal property used for agricultural production may not be repossessed, or security interests in the personal property foreclosed, for one year after sections 1 to 5 become effective unless the debtor agrees in writing, or by court order under section 5.

Subd. 2. [DEFICIENCY JUDGMENTS.] An action for a deficiency judgment related to a sale of real or personal agricultural property may not be started, continued, or executed for one year after sections 1 to 5 become effective.

Subd. 3. [PREVAILS OVER CONFLICTS.] Sections 1 to 5 prevail over Minnesota Statutes, chapter 583 and other laws that conflict with sections 1 to 5.

Sec. 14. [APPLICATION TO DISTRICT COURT FOR RELIEF.]

Subdivision 1. [PETITION.] A party to a mortgage or security interest may petition for relief to the district court of the county where the foreclosure proceedings are pending, or the district court of the mortgagor's or debtor's residence. The party petitioning the court must serve a summons and verified petition on parties to the mortgage or security interest and show why the repossession, foreclosure, or sale should be made.

Subd. 2. [RELIEF ALLOWED.] The court may order the repossession,

foreclosure, or sale to proceed under applicable law and conditions provided by the court if the parties to the mortgage or security interest have had adequate legal representation and:

(1) the parties to the security interest or mortgage agree;

(2) the mortgagor of the mortgaged real estate or the debtor of secured personal property does not have any equity in the property; or

(3) after considering all equitable arguments the court finds that there is no basis for the sale not to be held.

Subd. 3. [POSTPONEMENT OF FORECLOSURE SALE AND REDEMPTION PERIOD.] If the court orders the foreclosure and sale to proceed, the court may postpone the date of foreclosure sale and the corresponding redemption period up to one year if it finds the following:

(1) that the mortgagor or debtor is unable under all reasonable circumstances to make his payments; and

(2) that there is a reasonable prospect that postponement will enable the mortgagor or debtor to recover and continue farming into the foreseeable future.

Subd. 4. [REDUCTION OF REDEMPTION PERIOD.] The court may order the redemption period under Minnesota Statutes, section 580.23, to be reduced to compensate for the period of time that the sale was delayed, but the redemption period must not be less than 30 days. If the foreclosure sale is not delayed, the redemption period is as provided in Minnesota Statutes, section 580.23.

Subd. 5. [COMPROMISES.] If the parties to a security interest or mortgage agree in writing to a compromise settlement, a composition of the indebtedness, or both, the court has jurisdiction and may, by its order, confirm and approve the settlement, composition, or both.

Subd. 6. [COURT MAY REVISE AND ALTER TERMS.] A party to a mortgage or a security interest may apply to the court before the expiration of the period before the sale and present evidence that the terms set or approved by the court are not just and reasonable because circumstances have changed. The court may revise and alter the terms.

Subd. 7. [HEARING.] The hearing on the petition must be held within 30 days after the filing of the petition. The resulting order must be made and filed within five days after the hearing. An appeal may be made as in other civil actions."

Page 6, after line 13, insert:

"Sections 10 to 14 are repealed one year after they become effective, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court."

Page 6, line 15, delete "10" and insert "9 and 15" and after the period, insert "Sections 10 to 14 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; and repealing the act after one year;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 29, as follows:

Those who voted in the affirmative were:

Benson	Frank	Moe, D.M.	Peterson, D.L.	Schmitz
Berg	Freeman	Moe, R.D.	Pogemiller	Spear
Berglin	Johnson, D.J.	Novak	Purfeerst	Storm
Davis	Lessard	Pehler	Reichgott	Stumpf
Dicklich	Luther	Peterson, C.C.	Renneke	Vega
Diessner	Merriam	Peterson, D.C.	Samuelson	Willet

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.E.	Langseth	Petty
Anderson	Dieterich	Jude	Lantry	Ramstad
Belanger	Frederick	Kamrath	McQuaid	Sieloff
Bernhagen	Frederickson	Knaak	Mehrrens	Taylor
Bertram	Gustafson	Kronebusch	Olson	Waldorf
Brataas	Isackson	Laidig	Peterson, R.W.	

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Dahl, Merriam, Novak, Frank and Wegscheid introduced—

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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear; Moe, D.M.; Vega; Mrs. Lantry and Mr. Laidig introduced—

S.F. No. 1203: A bill for an act relating to state departments and agencies; requiring agencies to provide services and materials in languages other than English; proposing coding for new law as Minnesota Statutes, chapter 15B.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S.F. No. 1204: A bill for an act relating to motor vehicles; establishing

special license plates for personal vehicles of members of the reserves of the United States armed forces in Minnesota; amending Minnesota Statutes 1984, section 168.12, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Stumpf introduced—

S.F. No. 1205: A bill for an act relating to natural resources; allowing compensation for damage of crops by elk; amending Minnesota Statutes 1984, section 3.737.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Knaak introduced—

S.F. No. 1206: A bill for an act relating to local government; permitting land transfers between Ramsey county and the town of White Bear.

Referred to the Committee on Local and Urban Government.

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

S.F. No. 1207: A bill for an act relating to drainage; clarifying the meaning of "repair" of drainage systems; amending Minnesota Statutes 1984, section 106.471, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Renneke introduced—

S.F. No. 1208: A bill for an act relating to the city of Gaylord; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of municipal buildings.

Referred to the Committee on Local and Urban Government.

Messrs. Mehrkens, Davis, Renneke, Kamrath and Taylor introduced—

S.F. No. 1209: A bill for an act relating to education; excluding assets from parental contributions for some state scholarship and grant applicants; requiring a study; requiring notification of financial aid changes; appropriating money.

Referred to the Committee on Education.

Messrs. Mehrkens, Davis, Schmitz, Renneke and Johnson, D.E. introduced—

S.F. No. 1210: A bill for an act relating to corrections; appropriating money for the community corrections act.

Referred to the Committee on Health and Human Services.

Mr. Frank introduced—

S.F. No. 1211: A bill for an act relating to utilities; prescribing fees and

assessments relating to certificate of need process; exempting small telephone companies and public utilities from certain assessments by the public utilities commission and department of public service; amending Minnesota Statutes 1984, sections 216B.62, subdivisions 2, 3, 6, and by adding a subdivision; 237.295, subdivision 2; repealing Minnesota Statutes 1984, section 216B.243, subdivision 6.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Vega introduced—

S.F. No. 1212: A bill for an act relating to energy; prohibiting public utilities from recovering revenues lost under large volume natural gas contracts from certain ratepayers; amending Minnesota Statutes 1984, section 216B.16, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Samuelson introduced—

S.F. No. 1213: A bill for an act relating to education; appropriating money for a grant to the Mid State Educational Cooperative.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1214: A bill for an act relating to negligence; clarifying immunity from liability for volunteer firefighters who render assistance at scenes of emergency; amending Minnesota Statutes 1984, section 604.05, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Isackson introduced—

S.F. No. 1215: A bill for an act relating to local government; permitting insurance and indemnification of certain municipal electric power personnel; correcting a statutory cross reference; amending Minnesota Statutes 1984, section 453.55, subdivision 11.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Reichgott and Mr. Luther introduced—

S.F. No. 1216: A bill for an act relating to human services; establishing requirements for notices to municipalities concerning the establishment of programs for disabled and dependent persons; amending Minnesota Statutes 1984, section 245.821, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 1217: A bill for an act relating to education; permitting indepen-

dent school district No. 566, Askov, to make certain fund transfers.

Referred to the Committee on Education.

Mr. Pehler and Mrs. Brataas introduced—

S.F. No. 1218: A bill for an act relating to labor; providing for fair labor standard practice; providing penalties; amending Minnesota Statutes 1984, sections 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 181.79, subdivision 1; 181A.04, subdivision 3; and 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Employment.

Mr. Stumpf introduced—

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; allowing demands for contested case hearings in certain proceedings; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; and 112.401; proposing coding for new law in Minnesota Statutes, chapter 112; repealing Minnesota Statutes 1984, section 112.37, subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Anderson introduced—

S.F. No. 1220: A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

Referred to the Committee on Local and Urban Government.

Ms. Peterson, D.C. and Mr. Kroening introduced—

S.F. No. 1221: A bill for an act relating to Hennepin county; providing for the operation of the Hennepin county park reserve district; regulating its tax levies; amending Laws 1967, chapter 721, section 2, as amended.

Referred to the Committee on Local and Urban Government.

Messrs. Benson and Chmielewski introduced—

S.F. No. 1222: A bill for an act appropriating funds for the Chatfield Brass Band Music Lending Library.

Referred to the Committee on Finance.

Mrs. Kronebusch, Messrs. Peterson, R.W. and Diessner introduced—

S.F. No. 1223: A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding

a subdivision.

Referred to the Committee on Judiciary.

Mrs. Kronebusch and Mr. Benson introduced—

S.F. No. 1224: A bill for an act relating to elections; clarifying the provision of time off to vote; amending Minnesota Statutes 1984, section 204C.04.

Referred to the Committee on Elections and Ethics.

Messrs. Davis, Merriam, Schmitz and Laidig introduced—

S.F. No. 1225: A bill for an act relating to agriculture; regulating organic foods; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C. introduced—

S.F. No. 1226: A bill for an act relating to education; requiring school boards to grant contracts to licensed personnel who are employed by the board for a position requiring licensure and who are in the teacher bargaining unit; provides for providing negotiated contractual rights and continuing contract status; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 1227: A bill for an act relating to taxation; property; providing for 3b classification in certain cases; amending Minnesota Statutes 1984, section 273.13, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Freeman, Anderson, Ms. Peterson, D.C.; Messrs. Samuelson and Solon introduced—

S.F. No. 1228: A bill for an act relating to gifts to minors; permitting securities to be registered in the name of a broker or financial institution; amending Minnesota Statutes 1984, sections 527.02, subdivision 1; and 527.04, subdivision 7.

Referred to the Committee on Economic Development and Commerce.

Messrs. Renneke and Schmitz introduced—

S.F. No. 1229: A bill for an act relating to environment; providing for regulation of hazardous waste storage facilities; prohibiting the acquisition of certain lands by eminent domain; authorizing the metropolitan council to abrogate the development moratorium on sites and buffer areas for waste facilities; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1; 115A.06, subdivisions 4 and 5a; 115A.075; 115A.08, subdivisions 4, 5,

5b, and 6; 115A.11, subdivisions 1a, 1b, and 3; 115A.12, subdivision 1; 115A.158, subdivision 1; 115A.159; 115A.162; 115A.17; 115A.18; 115A.19; 115A.20; 115A.201; 115A.21, subdivisions 1 and 2; 115A.22, subdivisions 1 and 5; 115A.24, subdivisions 1, 3, and 4; 115A.241; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115A.301, subdivisions 1, 2, 3, 5, and 7; 115A.36; 473.516, subdivision 1; 473.153, subdivision 3; 473.806, subdivision 1; 473.811, subdivisions 1 and 5b; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1984, section 473.833, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; Taylor; Moe, R.D. and Hughes introduced—

S.F. No. 1230: A bill for an act relating to education; authorizing forgiveness of certain portions of student loans for teachers of secondary mathematics and science in certain rural school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Messrs. Willet, Merriam, Davis and Novak introduced—

S.F. No. 1231: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet, Stumpf, Lessard, Laidig and Berg introduced—

S.F. No. 1232: A bill for an act relating to natural resources; permitting three-wheel off-road vehicles to use state snowmobile trails and the back slope and bottom of highway ditches; amending Minnesota Statutes 1984, sections 84.928; and 85.015, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Adkins, Messrs. Solon, Lessard and Bernhagen introduced—

S.F. No. 1233: A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

Referred to the Committee on Governmental Operations.

Mr. Waldorf, Mrs. Lantry and Mr. Moe, D.M. introduced—

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Isackson, Benson, Bernhagen, Chmielewski and Johnson, D.E. introduced—

S.F. No. 1235: A bill for an act relating to taxation; property; increasing state school agricultural credits; amending Minnesota Statutes 1984, section 124.2137, subdivision 1.

Referred to the Committee on Education.

Messrs. DeCramer, Schmitz, Mrs. Kronebusch, Mr. Mehrkens and Mrs. Adkins introduced—

S.F. No. 1236: A bill for an act relating to the state transportation system; authorizing the issuance and sale of state transportation bonds; authorizing the expenditure of the proceeds for bridge and related purposes; appropriating money; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

Referred to the Committee on Transportation.

Messrs. Kamrath and Frank introduced—

S.F. No. 1237: A bill for an act relating to local government; providing for exceptions to contracting conflict of interest rules for local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

Referred to the Committee on Local and Urban Government.

Messrs. Storm, Gustafson and Novak introduced—

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Bertram introduced—

S.F. No. 1239: A bill for an act relating to health; allowing a county health officer to transport tuberculosis suspects; amending Minnesota Statutes 1984, section 144.422, subdivisions 2 and 6.

Referred to the Committee on Health and Human Services.

Messrs. Novak; Frederick; Peterson, C.C.; Frank and Chmielewski introduced—

S.F. No. 1240: A bill for an act relating to taxation; sales and use; exempting certain outstate mailings; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Peterson, C.C.; Moe, R.D.; Merriam and Bernhagen introduced—

S.F. No. 1241: A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 477A.011, subdivisions 3, 10, and by adding subdivisions; 477A.013; and 477A.03, by adding a subdivision; repealing Minnesota Statutes 1984, sections 477A.011, subdivisions 4 and 5; and 477A.0131.

Referred to the Committee on Local and Urban Government.

Mr. Dieterich introduced—

S.F. No. 1242: A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

Referred to the Committee on Local and Urban Government.

Messrs. Peterson, R.W.; Merriam and Schmitz introduced—

S.F. No. 1243: A bill for an act relating to education; reducing the mill rate for basic computation of capital expenditure aid; allowing aid to be reduced proportionately if a district levies less than the maximum permitted; appropriating money; amending Minnesota Statutes 1984, sections 121.151; 124.245; and 275.125, subdivision 11a; repealing Minnesota Statutes 1984, section 124.245, subdivision 1, as amended.

Referred to the Committee on Education.

Mr. Knutson introduced—

S.F. No. 1244: A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Frederickson, Kamrath, Mmes. Kronebusch, McQuaid and Ms. Olson introduced—

S.F. No. 1245: A bill for an act relating to governmental operations; regulating the salaries of legislators, judges, and constitutional officers; eliminating the compensation council; repealing Minnesota Statutes 1984, section 15A.082.

Referred to the Committee on Governmental Operations.

Messrs. Solon; Moe, R.D. and Taylor introduced—

S.F. No. 1246: A bill for an act relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, section 268.52, subdivisions 1 and 2.

Referred to the Committee on Finance.

Messrs. Chmielewski, Schmitz, Isackson, Renneke and Stumpf introduced—

S.F. No. 1247: A bill for an act relating to local government aid; restoring aid to towns; amending Minnesota Statutes 1984, section 477A.013, subdivision 1.

Referred to the Committee on Local and Urban Government.

Mrs. Brataas, Mr. Johnson, D.E.; Mrs. Lantry and Mr. Dicklich introduced—

S.F. No. 1248: A bill for an act relating to health; limiting liability of a professional standards review organization for failure to provide medical care or treatment; amending Minnesota Statutes 1984, section 145.63.

Referred to the Committee on Health and Human Services.

Mr. Purfeerst introduced—

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; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.25, subdivisions 1 and 4; and 240.29.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Davis introduced—

S.F. No. 1250: A bill for an act relating to occupations and professions; altering certain class B master electrician licensing requirements; amending Minnesota Statutes 1984, sections 326.01, subdivision 6; and 326.242, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1251: A bill for an act relating to St. Louis county; providing a retirement contribution exemption for emergency jobs program employees; amending Laws 1984, chapter 501, section 1.

Referred to the Committee on Employment.

Mrs. Lantry introduced—

S.F. No. 1252: 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.

Referred to the Committee on Transportation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Davis introduced—

S.F. No. 1253: A bill for an act relating to human services; excluding certain day care services from licensure; amending Minnesota Statutes 1984, section 245.791.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

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.

Referred to the Committee on Employment.

Mr. Diessner and Ms. Berglin introduced—

S.F. No. 1255: 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.

Referred to the Committee on Health and Human Services.

Messrs. Hughes, Chmielewski, Diessner, Dicklich and Ramstad introduced—

S.F. No. 1256: A bill for an act relating to public safety; creating a division of elevator inspection in the department of labor and industry; providing for duties, powers, and fees; providing for annual, statewide, certified inspections of elevators by qualified inspectors; allowing municipalities with qualified elevator inspection programs to be exempt from state inspection; establishing a study of elevator safety inspections; requiring a report to the legislature; prescribing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 183.

Referred to the Committee on Employment.

Messrs. Dicklich, Johnson, D.J. and Chmielewski introduced—

S.F. No. 1257: A bill for an act relating to natural resources; maintaining

the purity of state waters by restricting the location of hazardous waste disposal sites; amending Minnesota Statutes 1984, sections 115A.03, subdivision 13; 115A.075; 115A.18; 115A.20; and 115A.291.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Dicklich; Lessard; Willet and Bernhagen introduced—

S.F. No. 1258: A bill for an act relating to natural resources; grants to counties to aid in timber development; amending Minnesota Statutes 1984, section 282.38.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson, D.J. introduced—

S.F. No. 1259: A bill for an act relating to peace officers; regulating hours worked by part-time peace officers; amending Minnesota Statutes 1984, section 179A.03, subdivision 14.

Referred to the Committee on Employment.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1260: A bill for an act relating to the environment; appropriating money to the commissioner of natural resources for payment to Lake county for improvements to the environmental learning center at Isabella, Minnesota.

Referred to the Committee on Finance.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 1261: A bill for an act relating to the environment; directing the state planning director to encourage recycling; amending Minnesota Statutes 1984, section 116K.04, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon, Wegscheid and Samuelson introduced—

S.F. No. 1262: A bill for an act relating to health; prohibiting misrepresentation of certain third-party payments and billing practices; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 146.

Referred to the Committee on Economic Development and Commerce.

Mr. Kroening introduced—

S.F. No. 1263: A bill for an act relating to retirement; providing for the return to work of a police officer, firefighter and the provision of service credit for certain periods of disability; amending Minnesota Statutes 1984, section 423A.15.

Referred to the Committee on Governmental Operations.

Mr. Kroening introduced—

S.F. No. 1264: A bill for an act relating to retirement; providing for the

offset of disability pension payments with workers' compensation payments; allowing the offset to occur for salary levels where a person could have been promoted; amending Minnesota Statutes 1984, section 423A.14, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Kroening introduced—

S.F. No. 1265: A bill for an act relating to retirement; granting the authority to firefighter relief associations in cities of the first class to elect retired members to the associations' board of directors; amending Minnesota Statutes 1984, section 69.26.

Referred to the Committee on Governmental Operations.

Mr. Peterson, R. W. introduced—

S.F. No. 1266: A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R. W. and Novak introduced—

S.F. No. 1267: A bill for an act relating to taxation; altering the distribution of unrefunded tax paid on gasoline for motor boat purposes; increasing the amount of unrefunded tax paid on gasoline used for motor boat purposes; amending Minnesota Statutes 1984, section 296.421, subdivision 4, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, R. W. introduced—

S.F. No. 1268: A bill for an act relating to transportation; defining "trees" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Willet introduced—

S.F. No. 1269: A bill for an act relating to intoxicating liquor; allowing Shingobee township to issue and renew certain off-sale licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Vega introduced—

S.F. No. 1270: A bill for an act relating to energy; energy assistance; establishing eligibility standards for heating assistance and weatherization; providing that assistance shall be based on actual heating costs; allocating funds for the weatherization program; amending Minnesota Statutes 1984, section 268.37, subdivisions 3, 5, and by adding a subdivision; proposing

coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Energy and Housing.

Messrs. Hughes and Petty introduced—

S.F. No. 1271: A bill for an act relating to children; requiring an interagency program to deal with the multifaceted problems of children in need; authorizing pilot programs in ten communities; appropriating money.

Referred to the Committee on Education.

Mr. Stumpf, Mrs. Adkins, Messrs. Bernhagen, Lessard and Renneke introduced—

S.F. No. 1272: A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott introduced—

S.F. No. 1273: A bill for an act relating to jails; prohibiting the detainment of minors in jails located within the seven county metropolitan area; proposing coding for new law in Minnesota Statutes, chapter 260.

Referred to the Committee on Health and Human Services.

Messrs. Petty, Peterson, R.W. and Johnson, D.E. introduced—

S.F. No. 1274: A bill for an act relating to crimes; prohibiting withholding rented prerecorded videotapes; prescribing penalties; amending Minnesota Statutes 1984, section 609.52, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 1275: 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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Petty and Ms. Berglin introduced—

S.F. No. 1276: A bill for an act relating to human services; requiring licensure of facilities for children and handicapped persons in need of treatment; providing for licensure of certain facilities by the department of human services; allowing licensing of day care units for five or more nonresidents; amending Minnesota Statutes 1984, sections 245.782, subdivision 2; and 245.791; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Mr. Knaak introduced—

S.F. No. 1277: A bill for an act relating to summary execution of judgment debts; requiring financial institutions to notify the sheriff when an exemption is claimed under certain circumstances; amending Minnesota Statutes 1984, section 550.041, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

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.

Referred to the Committee on Economic Development and Commerce.

Mr. Vega, Ms. Reichgott, Mr. Anderson and Mrs. McQuaid introduced—

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, section 325F.18, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivision 5.

Referred to the Committee on Energy and Housing.

Messrs. Novak; Peterson, C.C.; Dieterich; Laidig and Moe, D.M. introduced—

S.F. No. 1280: A bill for an act relating to taxation; providing an income tax credit for contributions to a public radio or television station; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pehler; Moe, R.D. and Storm introduced—

S.F. No. 1281: A bill for an act relating to taxation; changing the procedure for the calculation of the rate on gasoline and special fuel taxes; amending Minnesota Statutes 1984, sections 296.02, subdivision 1b, and by adding a subdivision; and 296.025, subdivision 1.

Referred to the Committee on Transportation.

Mr. Davis introduced—

S.F. No. 1282: A bill for an act relating to consumer protection; requiring certain sellers to disclose their business telephone numbers to buyers; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Economic Development and Commerce.

Mr. Davis introduced—

S.F. No. 1283: A bill for an act relating to agriculture; providing a property tax credit for landowners that lease agricultural land to beginning farmers; excluding a portion of the capital gains from an exercise of an option to purchase agricultural land by a beginning farmer; establishing a county lease committee to approve leases to beginning farmers; exempting interest on agricultural loans made to beginning farmers; appropriating money; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 273, 290, and 395.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Langseth, Solon and Frederick introduced—

S.F. No. 1284: 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.

Referred to the Committee on Transportation.

Mr. Stumpf introduced—

S.F. No. 1285: 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 chapter 112 proceedings as contested cases; providing a procedure for noncontroversial chapter 112 proceedings; allowing demands for contested case hearings in chapter 112 proceedings; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; and 112.401; proposing coding for new law in Minnesota Statutes, chapter 112; repealing Minnesota Statutes 1984, section 112.37, subdivision 6.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 1286: A bill for an act relating to agriculture; providing for allocation of agricultural research money to the legislative commission on Minnesota resources; increasing the membership of the legislative commission on Minnesota resources; establishing an agriculture subcommittee of the legislative commission on Minnesota resources; appropriating money; amending Minnesota Statutes 1984, sections 86.03; 86.07, subdivision 1; and by adding a subdivision; 86.11, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Isackson, DeCramer and Diessner introduced—

S.F. No. 1287: A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minne-

sota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

Referred to the Committee on Transportation.

Messrs. Stumpf; Peterson, C.C.; DeCramer; Schmitz and Berg introduced—

S.F. No. 1288: 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.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Olson, Mrs. McQuaid and Mr. Isackson introduced—

S.F. No. 1289: A bill for an act relating to cities; providing for public notice and competitive bidding for real estate sales; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Messrs. Stumpf, DeCramer and Mrs. Adkins introduced—

S.F. No. 1290: A bill for an act relating to education; changing the cost differential tier to include a parity factor; amending Minnesota Statutes 1984, section 124A.06, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1984, section 124A.06, subdivisions 2 and 3a.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 1291: A bill for an act relating to the city of Harmony; allocating money from state-aid funds to replace bridge.

Referred to the Committee on Local and Urban Government.

Messrs. Storm, Knaak, Jude and Merriam introduced—

S.F. No. 1292: A bill for an act relating to the city of Edina; providing that survivors' benefits of firemen's service association be paid as provided by general law; repealing Laws 1965, chapter 592, section 4, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Renneke; Wegscheid and Spear introduced—

S.F. No. 1293: A bill for an act relating to retirement; providing lump sum

payments to certain retired or disabled public employees; appropriating money.

Referred to the Committee on Governmental Operations.

Mrs. Brataas, Messrs. Anderson, Ramstad, Storm and Isackson introduced—

S.F. No. 1294: A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Employment.

Mr. Merriam, Ms. Peterson, D.C. and Mr. Dahl introduced—

S.F. No. 1295: A bill for an act relating to energy utility service; assuring reasonable energy costs for residents of manufactured home parks; amending Minnesota Statutes 1984, sections 216B.15; 216B.57; 216B.62, by adding a subdivision; 216B.64; and 327C.04, by adding subdivisions.

Referred to the Committee on Energy and Housing.

Mr. Purfeerst introduced—

S.F. No. 1296: A bill for an act relating to retirement; disability benefits for newly hired Faribault firefighters; amending Laws 1947, chapter 43, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

S.F. No. 1297: A bill for an act relating to health; authorizing the commissioner of health to inspect certain business premises; classifying investigation information; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 1298: A bill for an act relating to natural resources; altering cer-

tain revenue and fee provisions for state parks, recreation areas, and waysides; amending Minnesota Statutes 1984, sections 85.05, subdivisions 1 and 2; and 85.22, subdivision 2a.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Brataas introduced—

S.F. No. 1299: A bill for an act relating to public lands; authorizing Olmsted county to acquire a road easement in certain state land.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, April 1, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIRST DAY

St. Paul, Minnesota, Monday, April 1, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. James Patrick Needham.

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

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Gustafson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Frederickson was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 537, 565, 604, 674, 701, 461, 533, 535, 585, 345 and 850.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 537: A bill for an act relating to local government; changing the permissible expenditures on tourist, agricultural, and industrial promotion for Itasca county and Koochiching county; changing apportionment of certain proceeds from forfeited land sales in Itasca county and Koochiching county; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7; and Laws 1967, chapter 170, section 1, subdivisions 1, 5, and 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 552, now on General Orders.

H.F. No. 565: A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 604: A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 540, now on General Orders.

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.

Referred to the Committee on Judiciary.

H.F. No. 701: A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

Referred to the Committee on Health and Human Services.

H.F. No. 461: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Health and Human Services.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 589, now on General Orders.

H.F. No. 585: A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

Referred to the Committee on Local and Urban Government.

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.

Referred to the Committee on Economic Development and Commerce.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 673, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1029: A bill for an act relating to drivers licenses; providing for access to drivers license photographic negatives; amending Minnesota Statutes 1984, section 171.07, subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete “, gross misdemeanors,”

Page 1, line 21, delete the second “or” and after “169.123” insert “, 169.129, or 609.487, subdivision 3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

S.F. No. 657: A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, after the comma, insert "*and all past due taxes and fees have been paid,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 853: A bill for an act relating to transportation; highways; regulating use of highway right of way; imposing a penalty; amending Minnesota Statutes 1984, section 160.27, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete everything after the period

Page 1, delete line 18

Page 2, line 29, after "to" delete the comma and delete "*parade,*" and delete the comma after "*race*"

Page 2, line 31, after the period, insert "*This clause does not apply to bicycle events defined in section 169.222, subdivision 10.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 269: A bill for an act relating to transportation; prohibiting certain types of barricades, fences, or obstructions across highways and roads; imposing a penalty; amending Minnesota Statutes 1984, section 160.27, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, after "*driveway*" insert "*, excluding a private road or driveway that passes over farm land as defined in section 41.52, subdivision 6,*"

Page 2, after line 32, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1986."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-referred

S.F. No. 646: A bill for an act relating to transportation; clarifying disposition of trees removed by road authorities under certain conditions; amending Minnesota Statutes 1984, section 160.23.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 160.22, is amended by adding a subdivision to read:

Subd. 7a. [SCOPE.] For purposes of subdivisions 5 to 8, “tree” means a tree or woody perennial shrub or vine which is at least six inches in diameter, as measured at a point two feet from the ground, and “hedge” means any planted and maintained hedge within the right-of-way.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to transportation; defining “trees” and “hedges” for purposes of removal from highway right-of-way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1185: A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after the period, insert *“The commissioner of administration shall give priority to utilizing space in the veterans service building for the department of veterans’ affairs and veterans organizations and their auxiliaries.”*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 750: A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Min-

nesota Statutes 1984, section 197.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the first comma, insert "*Vietnam Veterans of America,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 692: A bill for an act relating to veterans; clarifying certain veteran benefit definitions to include veterans who have served in the Grenada campaign or with the peacekeeping forces in the Lebanon campaign; amending Minnesota Statutes 1984, sections 136C.13, subdivision 3; 198.01; and 462A.05, subdivision 19.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, delete "*the date United*" and insert "*April 1, 1984*"

Page 2, line 1, delete the new language

Page 2, line 4, after "*under*" insert "*honorable*" and strike "*other*"

Page 2, line 5, strike "*than dishonorable*"

Page 3, line 9, delete "*the date United States forces left Lebanon*" and insert "*April 1, 1984*"

Page 3, line 36, delete "*the date United*" and insert "*April 1, 1984*"

Page 4, line 1, delete the new language

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 616: A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 503: A bill for an act relating to housing; regulating powers of the Minnesota housing finance agency; setting limits on loan authority, terms and amounts; providing for administrative changes in various loan programs; amending Minnesota Statutes 1984, sections 462A.03, subdivisions 13 and 14; 462A.05, subdivisions 11, 12, 14a, 15a, 23, and by adding subdivisions; 462A.07, subdivisions 14 and 15; 462A.08, subdivision 3; 462A.20, subdivision 3; 462A.21, subdivision 6, and by adding a subdivision; 462A.22, subdivision 1; and 462C.09, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 22 and 24, delete "and" and insert "or"

Page 2, line 14, strike "and refers to"

Page 2, line 23, strike everything after "supplements"

Page 2, line 24, strike "instrumentalities thereof"

Page 4, line 6, delete the new language

Page 4, delete lines 7 to 28

Page 4, line 29, delete everything before the period and insert "*The agency shall recover loans made under this subdivision without interest or periodic payments under the following schedule. If the property is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence:*

(1) within the first three years after the date of a loan, the recipient shall repay the full amount of the loan;

(2) within the fourth year after the date of a loan, the recipient shall repay 75 percent of the loan;

(3) within the fifth year after the date of a loan, the recipient shall repay 50 percent of the amount of the loan;

(4) within the sixth year after the date of a loan, the recipient shall repay 25 percent of the amount of the loan; and

(5) within the seventh year after the date of the loan, or thereafter, there is no repayment requirement"

Page 10, line 25, after "pre" insert a hyphen

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon and insert "defining eligible mortgagor; defining federal housing assistance supplements to include certain federal credits and exemptions; providing for a repayment schedule for rehabilitation loans; providing for accessibility loans; authorizing housing programs for the elderly; allowing housing finance agency to issue limited obligation bonds; increasing bonding authority;"

Page 1, delete lines 4 and 5

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 193: A bill for an act relating to commerce; providing for the repeal of statutory law regulating entertainment agencies; repealing Minnesota Statutes 1984, sections 184A.01 to 184A.20.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 935: A bill for an act relating to the department of economic security; funding specific services for sheltered workshop and work activity programs; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1073: A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, after the period, insert "*If the bonds have matured, the deferred special assessments plus interest shall be payable within 90 days.*"

Page 2, line 3, strike everything after the period

Page 2, strike lines 4 and 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1193: A bill for an act relating to taxation; aggregate removal production; changing the time at which a penalty for failure to file is imposed; imposing a penalty; amending Minnesota Statutes 1984, section 298.75, subdivisions 4, 5, and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, after the second "*report*" insert "*with intent to evade the tax*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 303: A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts in the city and providing taxing and other authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 5, after "years" insert ", not to exceed five years."

Page 8, line 11, after the period, insert "All members of the advisory board shall be residents of or owners of property within the part of Minneapolis described in section 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 843: A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "303" insert "as of January 1, 1983" and after "providing" insert "local exchange"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 920: A bill for an act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "Despite" and insert "Notwithstanding" and delete "sections 412.331, and" and insert "section"

Page 1, line 15, delete everything after the period

Page 1, delete lines 16 to 18

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1183: A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, 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."

Page 1, line 19, delete "subdivisions" and insert "subdivision"

Page 1, line 20, delete "5a and"

Page 1, after line 23, insert:

"Sec. 3. [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."

Page 1, line 25, delete "1" and insert "2"

Page 2, after line 9, insert:

"Section 3 is effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021."

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis;"

Page 1, line 4, after the second comma, insert "subdivision 15, and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 627: A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 3 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

“Section 1. Laws 1979, chapter 300, section 4, subdivision 2, as amended by Laws 1980, chapter 618, section 24, is amended to read:

Subd. 2. [STATE DAM DAMS.] The sum of \$325,000 is appropriated from the state building fund to the commissioner of natural resources for reconstruction of the state owned dam at Cold Spring, Stearns County, to be available until expended. In the event the engineering and construction costs exceed \$325,000, the commissioner of natural resources may expend an additional amount not to exceed \$25,000 from funds appropriated by Laws 1979, chapter 300, section 4, subdivision 1. *The sum of \$90,000 is appropriated from the state building fund to the commissioner of natural resources for rehabilitation of the Spruce Center Dam, Douglas County. This sum shall be in addition to funds appropriated by Laws 1981, chapter 361, section 3, subdivision 5.*”

Page 1, line 11, delete “\$1,626,000” and insert “\$1,676,000”

Page 1, after line 18, insert: “(e) Hartley Pond Dam, Tischer Creek, City of Duluth 50,000”

Page 1, line 22, delete “\$1,321,850” and insert “\$1,181,850”

Page 2, after line 2, insert:

“Sec. 4. Laws 1981, chapter 361, section 3, subdivision 3, is amended to read:

Subd. 3. To the commissioner of natural resources to relocate agricultural dikes along the Red River of the North state match North.

\$750,000

~~Money spent from this appropriation shall be matched on a dollar for dollar basis by money raised or services provided locally. Federal general revenue sharing money may be counted as money raised locally, but other federal grants or loans shall be used to reduce equally the state share and the local share of project costs. This project is not eligible for a local dam loan pursuant to Minnesota Statutes, section 105.482. The commissioner of natural resources shall cooperate and work with the watershed district, the department of transportation, and the affected landowners.~~

Sec. 5. [RED RIVER DIKES.]

Subdivision 1. [APPROPRIATION.] \$250,000 is appropriated from the state building fund to the commissioner of natural resources to relocate agricultural dikes along the Red River of the North. This money is supplemental

to and for the same purposes as money appropriated by Laws 1981, chapter 361, section 3, subdivision 3, as amended by this act.

Subd. 2. [BOND ISSUE.] To provide the money appropriated by subdivision 1 from the state building fund, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$250,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Page 2, line 4, delete "and 2" and insert "to 3"

Renumber the sections in sequence

Amend the the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

Page 1, line 5, before "3" insert "2, as amended,"

Page 1, line 5, before the period, insert "; and Laws 1981, chapter 361, section 3, subdivision 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 609: A bill for an act relating to human rights; removing a statutory prohibition on waiver of remedies under the human rights act; repealing Minnesota Statutes 1984, section 363.031.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 363.031, is amended to read:

363.031 [LIMITATIONS ON WAIVER PROHIBITED.]

Subdivision 1. [PROSPECTIVE WAIVER PROHIBITED.] Any provision, whether oral or written, of a lease, contract, or other agreement or instrument, which purports to be a waiver by an individual of any right or remedy provided in chapter 363 is contrary to public policy and void. ~~Nothing in this section shall be construed to prevent a waiver given in full and final written settlement of an existing, identified claim, whether by grievance, mediation, arbitration, or other settlement agreement if the waiver or release purports to waive claims arising out of acts or practices which occur after the execution of the waiver or release.~~

Subd. 2. [RECISSION OF WAIVER.] A waiver or release of rights secured by chapter 363 which purports to apply to claims arising out of acts or practices prior to, or concurrent with, the execution of the waiver or release may be rescinded within seven calendar days of its execution, except that a waiver or release given in settlement of a claim filed with the department or with another administrative agency or judicial body is valid and final upon execution. A waiving or releasing party shall be informed in writing of the right to rescind the waiver or release. To be effective, the rescission must be

in writing and delivered to the waived or released party either by hand or mail within the seven-day period. If delivered by mail, the rescission must be:

- (1) postmarked within the seven-day period;*
- (2) properly addressed to the waived or released party; and*
- (3) sent by certified mail return receipt requested.*

Sec. 2. [EFFECTIVE DATE.]

Section 1, subdivision 1, is effective retroactively to August 1, 1984."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "prohibiting the waiver of legal rights in certain human rights cases; establishing standards for waiver rescission; amending"

Page 1, delete line 3

Page 1, line 4, delete everything before "Minnesota"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 31: A bill for an act relating to waters; providing for revocation of a watercraft license when the watercraft is used by an operator who is arrested for operating the watercraft while under the influence of alcohol or who refuses chemical testing; requiring the court to restrain a person from operating watercraft when that person is convicted of operating watercraft while under the influence of alcohol; prescribing penalties; amending Minnesota Statutes 1984, section 361.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 361.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 361.12, is amended to read:

361.12 [ALCOHOL, DRUGS, PHYSICAL OR MENTAL DISABILITY.]

Subdivision 1. [ACTS PROHIBITED.] (a) No person shall operate or be in ~~actual~~ physical control of any watercraft *on the waters of this state* while under the influence of:

- (1) alcohol, as provided in section 169.121, subdivision 1, clauses (a), (d), and (e); or*
- (2) a controlled substance, as defined in section 152.01, subdivision 4; or*
- (3) a combination of any two or more of the elements named in clauses (1) and (2).*

(b) No owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person he knows or has reason to

believe who is under the influence of alcohol, or a controlled substance, as provided under paragraph (a), to operate such the watercraft on the waters of this state.

~~Subd. 2.~~ (c) No owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating such the watercraft, to operate such the watercraft on the waters of this state.

Subd. 2. [ARREST.] Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Subd. 3. [PRELIMINARY SCREENING TEST.] When an officer authorized under subdivision 2 to make arrests has reason to believe from the manner in which a person is operating, controlling, or acting upon departure from a watercraft, or has operated or been in control of a watercraft, that the operator may be violating or has violated subdivision 1, paragraph (a), the officer may require the operator to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test shall be used for the purpose of deciding whether any arrest should be made under this section and whether to require the chemical tests authorized in section 2, but may not be used in any court action except to prove that a test was properly required of an operator pursuant to section 2. Following the preliminary screening test, additional tests may be required of the operator as provided under section 2. Any operator who refuses a breath sample is subject to the provisions of section 2 unless, in compliance with that section, the operator submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Subd. 4. [EVIDENCE.] (a) Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for operating or being in physical control of watercraft in violation of subdivision 1, paragraph (a), the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision:

(1) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(2) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a preliminary screening test required under subdivision 3 or a chemical test required under section 2 is admissible into evidence in a prosecution under this section.

(d) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of subdivision 1, paragraph (a), that the defendant con-

sumed a sufficient quantity of alcohol after the time of actual operating or physical control of a watercraft and before the administration of a chemical test to cause the defendant's alcohol concentration to exceed 0.10; except that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

(e) This subdivision does not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared-breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

Subd. 5. [PENALTIES.] (a) A person who violates any prohibition contained in subdivision 1 is guilty of a misdemeanor; except that a person who violates any prohibition contained in subdivision 1 within five years of a prior conviction under that subdivision or section 2, subdivision 2, or within 10 years of two or more prior convictions under that subdivision or section 2, subdivision 2, is guilty of a gross misdemeanor.

(b) A person who operates a watercraft on the waters of this state during the period the person is prohibited from operating any watercraft or after the person's watercraft operator's permit has been revoked, as provided under subdivision 6, is guilty of a misdemeanor.

Subd. 6. [OPERATING PRIVILEGES SUSPENDED; REVOKED.] (a) Upon conviction, and in addition to any penalty imposed under subdivision 5, the person is prohibited from operating any watercraft on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary.

(b) A person 13 years of age or older but less than 18 years of age who violates any prohibition contained in subdivision 1 shall have his watercraft operator's permit revoked by the commissioner as required by section 361.22, subdivision 2, in addition to any other penalty imposed by the court.

Subd. 7. [DUTIES OF COMMISSIONER.] The court shall promptly forward copies of all convictions and penalties imposed under subdivision 5 and section 2, subdivision 2, to the commissioner. The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a watercraft as provided under subdivision 6 or section 2, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating any watercraft or have had their watercraft operator's permit revoked pursuant to subdivision 6 or section 2, subdivision 2.

Subd. 8. [IMMUNITY FROM LIABILITY.] The state or political subdivision which is the employer of an officer authorized under subdivision 2 to make an arrest for violations of subdivision 1 is immune from any liability, civil or criminal, for the care or custody of the watercraft being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

Subdivision 1. [CHEMICAL TESTING.] A person who operates or is in physical control of a watercraft on the waters of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 1, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was operating or in physical control of a watercraft in violation of section 1, subdivision 1, paragraph (a), and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violating section 1, subdivision 1, paragraph (a);

(2) the person has been involved in a watercraft accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 1, subdivision 3; or

(4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

Subd. 2. [PENALTIES.] (a) A person who refuses to take a test required under subdivision 1 is guilty of a misdemeanor; except that, a person who refuses to take a test within five years of a prior conviction under subdivision 1 or section 1, subdivision 1, paragraph (a), or within ten years of two or more convictions under subdivision 1 or section 1, subdivision 1, paragraph (a), is guilty of a gross misdemeanor.

(b) In addition to any penalties imposed under this subdivision, the person is prohibited from operating any watercraft on the waters of this state for a period of one year.

(c) A person who operates a watercraft on the waters of this state during the period the person is prohibited from operating any watercraft, as provided under paragraph (b), is guilty of a misdemeanor.

Subd. 3. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if they are under the influence of alcohol or a controlled substance;

(2) that it is a misdemeanor or gross misdemeanor, as provided under subdivision 2, to refuse to take the test and, in addition to other penalties which a court may impose, the person is prohibited from operating any watercraft, as provided under subdivision 2, for refusing to take the test;

(3) that if testing is refused it will not affect the person's motor vehicle driver's license;

(4) that if the test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and in addition to any other penalties the court may impose, the person's operating privileges will be suspended as provided under section 1, subdivision 6, paragraph (a);

(5) that, after submitting to testing, the person has the right to have addi-

tional tests made by a person of his own choosing; and

(6) that, if he refused to take a test, the refusal will be offered into evidence against him at trial.

Subd. 4. [REQUIREMENT OF URINE TEST.] Notwithstanding subdivision 1, if there are reasonable and probable grounds to believe there is impairment by a controlled substance which is not subject to testing by a blood or breath test, a urine test may be required even after a blood or breath test has been administered.

Subd. 5. [BREATH TEST USING AN INFRARED BREATH-TESTING INSTRUMENT.] In the case of a breath test administered using an infrared breath-testing instrument, the test shall consist of analyses in the following sequence: one adequate breath sample analysis, one calibration standard analysis, and a second, adequate breath sample analysis. In the case of a test administered using an infrared breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient. For purposes of this section, when a test is administered using an infrared breath-testing instrument, failure of a person to provide two separate adequate breath samples in the proper sequence constitutes a refusal to take the test.

Subd. 6. [CONSENT OF PERSON INCAPABLE OF REFUSAL NOT WITHDRAWN.] A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 1 and the test may be given.

Subd. 7. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer authorized to make arrests under section 1, subdivision 2, may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine sample. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

Sec. 3. [EFFECTIVE DATE.]

This act is effective May 1, 1985."

Delete the title and insert:

"A bill for an act relating to watercraft safety; strengthening prohibitions and penalties regarding operation of watercraft while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, section 361.12; proposing coding for new law in Minnesota Statutes, chapter 361."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1004: 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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 808: A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board; transferring the duties of the public employment relations board to the bureau of mediation services; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 16C.01, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 115A.22, subdivisions 3 and 4; 116C.41, subdivision 2; 116J.404; 116L.03; 121.82, subdivision 1; 121.83; 125.183, subdivision 1; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 9 and 11; 179A.05, subdivisions 1, 2, and 3; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 5 and 6, delete section 6

Page 30, after line 26, insert:

"Sec. 45. [TERMS OF TELECOMMUNICATIONS COUNCIL MEMBERS.]

Notwithstanding Minnesota Statutes, sections 15.059 or 16C.01, the terms of all present members of the telecommunications council shall expire on July 31, 1985."

Page 31, line 8, before "179A.05" insert "16C.01; and" and after "3" delete the semicolon

Page 31, delete lines 9 to 11 and insert "are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "board" insert "and the telecommunications council"

Page 1, line 11, delete "16C.01, subdivision 2;"

Page 1, line 26, after the semicolon insert "16C.01; and"

Page 1, line 27, delete everything after "3" and insert a period

Page 1, delete lines 28 to 30

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 295: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, delete "clerk" and insert "county auditor"

Page 2, after line 15, insert:

"Sec. 3. [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. 4. [CASS COUNTY; TOURISM AND AGRICULTURE PROMOTION.]

Subdivision 1. The Cass county board may annually levy a tax of not more than one mill 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."

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

Page 2, line 19, after the period, insert "Section 3 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 4 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Cass county board."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "county" insert ", Clearwater county and Cass

county”

Page 1, line 3, after “purposes” insert “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”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 593: A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete the second “city” and insert “cities” and after “of” insert “Mora,” and after “New Ulm” insert “, and Waseca”

Page 8, line 25, after “effective” insert “for the city of New Ulm”

Page 8, line 27, after the period, insert “Sections 1 to 10 are effective for the city of Mora the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Mora. 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.”

Amend the title as follows:

Page 1, line 2; delete “the city of New Ulm” and insert “local government”

Page 1, line 3, after “districts” insert “in the cities of Mora, New Ulm, and Waseca”

Page 1, line 4, after “for” insert “Mora,” and after “New Ulm” insert “, and Waseca”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 905: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and 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, before the comma, insert “*or as soon thereafter as is practical*”

Page 5, line 20, after the period, insert “*The premium tax offset shall not apply for any assessments made in connection with an insurer which became an insolvent insurer under section 60C.03, subdivision 8, prior to the effective date of this act.*”

Page 5, line 36, after the period, insert “*The premium tax offset shall not apply for any assessments made in connection with an insurer which became an impaired insurer under section 61B.03, subdivision 9, prior to the effective date of this act.*”

Amend the title as follows:

Page 1, line 8, delete “4” and insert “1”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 987: A bill for an act relating to elections; providing for town mail elections; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [204B.45] [MAIL BALLOTING.]

Any town having fewer than 400 registered voters and not located in a metropolitan county as defined by section 473.121 may apply to the county auditor to provide balloting by mail at any county or state election with no polling place other than the office of the auditor or clerk. The county board may provide for balloting by mail in unorganized territory. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 18 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. Eligible voters not registered

at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted. The Minnesota election law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 434: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 934: A bill for an act relating to elections; authorizing absentee voting by electronic voting system; amending Minnesota Statutes 1984, section 203B.08, subdivision 1a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

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; and 206.83.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 36, delete "*reponsible*" and insert "*responsible*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 783: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1980, chapter 489, section 1, is amended by adding a subdivision to read:

[85.012] [Subd. 8] *Subd. 1a.* [BLUE MOUNDS STATE PARK.]

The following area is deleted from Blue Mounds State Park in Section 13, Township 103 North, Range 45 West: The Northeast Quarter of the Southwest Quarter, excepting the west 165.00 feet thereof; and that part of the Southeast Quarter lying westerly of the westerly right-of-way line of the Chicago, Rock Island and Pacific Railway, excepting the south 265 feet thereof.

Sec. 2. Laws 1980, chapter 489, section 1, subdivision 4, is amended to read:

[85.012] [Subd. 29] Subd. 4. [ITASCA STATE PARK.]

The following areas are added to Itasca State Park: (a) The South Half of the Northeast Quarter of Section 34, Township 144 North, Range 36 West.

(b) *The Southeast Quarter of the Southeast Quarter of Section 32; the South Half of the Southwest Quarter, the Southwest Quarter of Southeast Quarter, and the East Half of Southeast Quarter of Section 33; the Southwest Quarter of Section 34; all in Township 144 North, Range 36 West.*

(c) *Notwithstanding section 85.012, subdivision 1, land that is added to Itasca State Park by paragraph (b), that is tax-forfeited land and under the custody, control, and supervision of the Clearwater county board on the effective date of this act, shall remain under the custody, control, and supervision of the county board until state lands of equal value are transferred to Clearwater county.*

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 795: A bill for an act relating to state lands; authorizing convey-

ance by commissioner of transportation of certain state lands for historical preservation purposes; amending Minnesota Statutes 1984, section 161.44, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete everything after "Section 1."

Page 1, delete line 10

Page 1, line 11, delete "Subd. 12."

Page 1, line 13, delete "and quitclaim lands" and insert "as provided in Minnesota Statutes, section 161.44, land"

Page 1, line 17, delete "must" and insert "may"

Page 1, line 19, after "under" insert "Minnesota Statutes,"

Page 1, lines 22 and 23, after "in" insert "Minnesota Statutes,"

Amend the title as follows:

Page 1, line 4, delete "; amending" and insert a period

Page 1, delete lines 5 and 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 679: A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "final"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

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 79.22, subdivision 2; 176.081, subdivision 4; and 176.134.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 3, delete "176.135" and insert "176.136"

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

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 423: A bill for an act relating to state government; regulating mandates to local units of government; proposing coding for new law as Minnesota Statutes, chapter 256F.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "[256F.01]" and insert "[3.981]"

Page 3, line 25, after the second comma, insert "town, or" and delete "authority,"

Page 3, line 26, delete everything before the period

Page 4, line 24, delete "[256F.02]" and insert "[3.982]" and delete "FUNDING" and insert "FISCAL NOTES"

Page 4, line 28, delete everything after the comma and insert "*a fiscal note shall be prepared as provided in section 3.98 and shall be made available to the public upon request*"

Page 4, line 29, delete everything before the period

Page 4, line 30, delete "*the legislature*" and insert "*a fiscal note*" and after "*not*" insert "*be prepared.*"

Page 4, delete lines 31 to 33

Page 4, line 34, delete "[256F.03]" and insert "[3.983]" and delete "FUNDING REQUIREMENT" and insert "FISCAL NOTES"

Page 4, line 35, delete "*The*"

Page 4, line 36, delete "*legislature*" and insert "*A fiscal note*" and delete "*appropriate funds to cover*" and insert "*be prepared for*"

Page 5, lines 8 and 11, delete "*The state*" and insert "*A fiscal note*"

Page 5, lines 8 and 12, delete "*appropriate funds to cover*" and insert "*be prepared for*"

Page 6, delete lines 3 to 31 and insert:

"Sec. 4. Minnesota Statutes 1984, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule and *a fiscal note if required by section 2*. The statement of need and reasonableness must be prepared under rules adopted by the chief adminis-

trative law judge.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “amending Minnesota Statutes 1984, section 14.131;”

Page 1, line 4, delete “256F” and insert “3”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1130: A bill for an act relating to occupations and professions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.02, subdivision 1; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; and 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 17, insert:

“Section 1. Minnesota Statutes 1984, section 147.01, subdivision 1, is amended to read:

Subdivision 1. [CREATION; TERMS.] The board of medical examiners ~~shall consist~~ *consists* of ~~44 members~~, 12 residents of the state of Minnesota, appointed by the governor as hereinafter provided (a). Seven of whom shall *board members must* hold a degree of doctor of medicine and be licensed to practice medicine under this chapter; (b). ~~One of whom shall~~ *board member must* hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under this chapter ~~and~~ (c). Three of whom shall *board members must* be public members as defined by section 214.02. *One board member must represent mental health consumer and advocacy organizations.* A member may serve more than one term but shall not serve more than two terms consecutively. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements ~~shall be~~ *are* as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations ~~shall be~~ *are* as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Sec. 2. Minnesota Statutes 1984, section 147.01, subdivision 2, is amended to read:

Subd. 2. [RECOMMENDATIONS FOR APPOINTMENT.] Each year in which the terms of doctors of medicine expire the council of the Minnesota state medical association shall recommend to the governor three doctors of medicine qualified to serve on the board with respect to each membership which is then filled by a doctor of medicine. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of four years. Within 60 days after the occurrence of any vacancy in the board, the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy for the balance of the unexpired term. *Prior to the end of the term of a doctor of medicine on the board, or within 60 days after a doctor of medicine membership on the board becomes vacant, the state medical association, the mental health association of Minnesota, and other interested persons and organizations may recommend to the governor doctors of medicine and public members qualified to serve on the board. Prior to the end of the term of a doctor of osteopathy, or within 60 days after a doctor of osteopathy membership becomes vacant, the Minnesota osteopathic medical society shall recommend to the governor three doctors of osteopathy qualified to serve on the board. The governor may appoint members to the board from the list of persons recommended or from among other qualified candidates.*

Sec. 3. Minnesota Statutes 1984, section 147.01, subdivision 4, is amended to read:

Subd. 4. [DISCLOSURE.] *Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be are confidential and privileged within the meaning of section 595.02, subdivision 1, paragraph (e), and shall are not be public records within the meaning of section 15.17, subdivision 4; provided that.*

(a) Upon application of a party in a proceeding before the board pursuant to under section 147.021, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules of civil procedure.

(b) *The board may furnish, to a person who made a complaint, a summary of the results of an investigation of that complaint, a description of the activities and actions of the board relating to that complaint, and the reasons for*

actions taken by the board.

(c) The name and business address of each licensee about whom a complaint was received and the number of separate complaints received about that licensee are public data.

(d) If the board imposes disciplinary measures of any kind, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data.

(e) The board may exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (e), and may release information in the reports required under sections 147.02, subdivision 6, and 214.10, subdivision 8, paragraph (c)."

Page 3, after line 21, insert:

"Sec. 5. Minnesota Statutes 1984, section 147.02, is amended by adding a subdivision to read:

Subd. 5. [PROCEDURES.] The board shall adopt a written statement of internal operating procedures describing procedures for receiving and investigating complaints, reviewing misconduct cases, and imposing disciplinary actions.

Sec. 6. Minnesota Statutes 1984, section 147.02, is amended by adding a subdivision to read:

Subd. 6. [DISCIPLINARY ACTIONS MUST BE PUBLISHED.] At least annually, the board shall publish and release to the public a description of all disciplinary measures taken by the board. The publication must include, for each disciplinary measure taken, the name and business address of the licensee, the nature of the misconduct, and the disciplinary measure taken by the board."

Page 12, line 30, after "section" delete "1" and insert "4"

Page 18, line 20, delete "13" and insert "18"

Page 19, lines 3 and 8, delete "13" and insert "18"

Page 20, line 2, delete "change" and insert "charge"

Page 20, line 33, delete "9" and insert "14"

Page 20, line 34, delete "2" and insert "5"

Page 21, lines 4, 7, and 23, delete "13" and insert "18"

Page 22, line 10, delete "13" and insert "18"

Page 26, after line 17, insert:

Sec. 20. Minnesota Statutes 1984, section 214.07, subdivision 1, is amended to read:

Subdivision 1. [BOARD REPORTS.] The health related licensing boards and the non-health related licensing boards shall prepare reports by October 1 of each even numbered year on forms prepared by the commissioner of administration. Copies of the reports shall be delivered to the legislature in

accordance with section 3.195, the governor and the commissioner of administration. Copies of the reports of the health related licensing boards shall be delivered to the commissioner of health. The reports shall contain the following information relating to the two year period ending the previous June 30:

- (a) A general statement of board activities;
- (b) The number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities;
- (c) The receipts and disbursements of board funds;
- (d) The names of board members and their addresses, occupations, and dates of appointment and reappointment to the board;
- (e) The names and job classifications of board employees;
- (f) A brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the state register and published rules;
- (g) The number of persons having each type of license and registration issued by the board as of June 30 in the year of the report;
- (h) The locations and dates of the administration of examinations by the board;
- (i) The number of persons examined by the board with the persons subdivided into groups showing age categories, sex, and states of residency;
- (j) The number of persons licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;
- (k) The number of persons not licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;
- (l) The number of persons not taking the examinations referred to in clause (h) who were licensed or registered by the board or who were denied licensing or registration with the reasons for the licensing or registration or denial thereof and with the persons subdivided by age categories, sex, and states of residency;
- (m) The number of persons previously licensed or registered by the board whose licenses or registrations were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension or alteration;
- (n) The number of written and oral complaints and other communications received by the executive secretary of the board, a board member, or any other person performing services for the board (1) which allege or imply a violation of a statute or rule which the board is empowered to enforce and (2) which are forwarded to other agencies as required by section 214.10;
- (o) A summary, by *specific* category, of the substance of the complaints and communications referred to in clause (n) and, *for each specific category*, the responses or dispositions thereof pursuant to sections 214.10 or 214.11;
- (p) Any other objective information which the board members believe will

be useful in reviewing board activities.

Sec. 21. Minnesota Statutes 1984, section 214.10, is amended by adding a subdivision to read:

Subd. 8. [SPECIAL REQUIREMENTS FOR HEALTH-RELATED LICENSING BOARDS.] In addition to the provisions of this section that apply to all examining and licensing boards, the requirements in this subdivision apply to all health-related licensing boards, except the board of veterinary medicine.

(a) When a complaint is received that concerns a matter that is within the jurisdiction of a board, the board must acknowledge receipt of the complaint within ten days after receipt by providing a written notice to the person who made the complaint. The notice must explain the board's investigative process and state, in general terms, that other legal recourse may be available. At least every three months the board shall give the complainant a report on the progress of board activities relating to that complaint. Within 30 days after a final disposition, the board shall provide a report to the complainant including a summary of the results of the investigation, the actions taken by the board, and the reasons for the board's actions or lack of action.

(b) If the designee of the attorney general determines that a communication received alleges a violation of statute or rule that involves sexual contact with a patient or client, the designee shall conduct a preliminary investigation of the facts alleged in the communication and report to the executive secretary or board member whether a full investigation is likely to result in sufficient evidence to justify disciplinary action. If the designee of the attorney general determines that a full investigation is likely to result in sufficient evidence to justify disciplinary action, the designee shall conduct a full investigation. If, after a full investigation it is the opinion of the designee of the attorney general that there is sufficient evidence to justify disciplinary action, the board shall conduct a disciplinary conference or hearing. If, after a hearing or disciplinary conference the board or administrative law judge determines that misconduct involving sexual contact with a client occurred, the board shall take disciplinary action. Notwithstanding section 214.10, subdivision 2, a board may not attempt to correct improper activities or redress grievances through education, conciliation, and persuasion, unless in the opinion of the designee of the attorney general there is insufficient evidence to justify disciplinary action. The board may settle a case by stipulation prior to, or during, a hearing if the stipulation provides for disciplinary action.

(c) In addition to the information required under section 214.07, subdivision 1, each board shall include in its reports to the legislature summaries of each individual case that involved possible sexual contact with a client. The summary must include a description of the alleged misconduct; the general results of the investigation; the determination made by the designee of the attorney general under section 214.10, subdivision 8, paragraph (b); the nature of board activities relating to that case; the disposition of the case; and the reasons for board decisions concerning the disposition of the case. The information disclosed under this section must not include the name or specific identifying information about any person, agency, or organization.

(d) A board member who has a current or former financial connection or professional relationship to a person who is the subject of board disciplinary

activities must not participate in board activities relating to that case.

(e) Each health-related licensing board shall establish procedures for exchanging information with other Minnesota state boards, agencies, and departments responsible for licensing health-related occupations, facilities, and programs, and for coordinating investigations involving matters within the jurisdiction of more than one licensing body. The procedures must provide for the forwarding to other licensing bodies of all information and evidence, including the results of investigations, that is relevant to matters within that licensing body's regulatory jurisdiction.

(f) Each health-related licensing board shall establish procedures for exchanging information with other states regarding disciplinary actions against licensees. The procedures must provide for the collection of information from other states about disciplinary actions taken against persons who are licensed to practice in Minnesota or who have applied to be licensed in this state and the dissemination of information to other states regarding disciplinary actions taken in Minnesota."

Renumber the sections in sequence

Delete the title and insert:

"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, 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."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 273 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
273	490				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 273 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 273 and insert the language after the enacting clause of S.F. No. 490, the first engrossment; further, delete the title of H.F. No. 273 and insert the title of S.F. No. 490, the first engrossment.

And when so amended H.F. No. 273 will be identical to S.F. No. 490, and further recommends that H.F. No. 273 be given its second reading and substituted for S.F. No. 490, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 485 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
485					471

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 158 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
158					194

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 25, 1985:

MINNESOTA POLLUTION CONTROL AGENCY
Bill Walker

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 919: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete sections 1 to 5

Page 4, lines 4 to 6, delete the new language

Pages 4 to 13, delete sections 7 to 11

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 8

Page 1, line 9, delete "crops" and insert "protecting buyers when subject to a security interest"

Page 1, line 9, delete "sections" and insert "section 336.9-307."

Page 1, delete lines 10 to 14

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1093: 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; providing for emergency preparedness to nuclear incidents; amending Minnesota Statutes 1984, sections 116C.71, by adding subdivisions; and 116C.731.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 116C.705, is amended to read:

116C.705 [FINDINGS.]

The legislature finds that the disposal and transportation of high level radioactive waste is of vital concern to the health, safety, and welfare of the people of Minnesota, and to the economic and environmental resources of Minnesota. To ensure the health, safety, and welfare of the people, and to protect the air, land, water, and other natural resources in the state from pollution, impairment, or destruction, it is necessary for the state to regulate and control, under the laws of the United States, the exploration for a site for high level radioactive waste disposal within the state of Minnesota and to obtain reasonable information necessary to protect environmental and economic resources of the state by ensuring the safe transportation of high level radioactive waste and adequate emergency response preparation and coordination. It is the intent of the legislature to exercise all legal authority for the purpose of regulating the disposal and transportation of high level radioactive waste.

Sec. 2. Minnesota Statutes 1984, section 116C.71, is amended by adding a subdivision to read:

Subd. 1a. [AGENCY.] “Agency” means the Minnesota pollution control agency.

Sec. 3. Minnesota Statutes 1984, section 116C.71, is amended by adding a subdivision to read:

Subd. 14a. [COUNCIL.] “Council” means the governor’s nuclear waste council.

Sec. 4. Minnesota Statutes 1984, section 116C.71, is amended by adding a subdivision to read:

Subd. 15a. [DIRECTOR.] “Director” means the director of the pollution control agency.

Sec. 5. [116C.711] [NUCLEAR WASTE COUNCIL.]

Subdivision 1. [CREATED.] The governor’s nuclear waste council is created.

Subd. 2. [MEMBERSHIP.] The council shall consist of at least 13 members, including:

(a) two members of the house appointed by the speaker and two members of the senate appointed by the subcommittee on committees. One member of each house must be from the majority and one from the minority party;

(b) the commissioners of the departments of health, transportation, and natural resources, and the director of the pollution control agency;

(c) four citizen members appointed by the governor;

(d) the director of the Minnesota geological survey;

(e) one additional citizen from each potentially impacted area may be appointed by the governor if potentially impacted areas are designated in Minnesota; and

(f) one Indian who is an enrolled member of a federally recognized Minnesota Indian tribe or band may be appointed by the governor if potentially impacted areas are designated in Minnesota and if those areas include Indian country as defined under U.S. Code, Title 18, Section 11.54.

At least two members of the council shall have expertise in the earth sciences.

Subd. 3. [CHAIRPERSON.] A chairperson shall be appointed by the governor from among the members of the council.

Subd. 4. [ADVISORY TASK FORCE.] The council may create advisory task forces under section 15.014, as are necessary to carry out its responsibilities under chapter 116C.

Subd. 5. [MEMBERSHIP REGULATION.] Section 15.059 governs terms, compensation, removal, and filling of vacancies of members appointed by the governor. The terms of service of council members who are legislators shall not exceed the legislator's term of office. Section 15.059, subdivision 5, does not govern the expiration date of the council.

Sec. 6. [116C.712] [POWERS AND DUTIES.]

Subdivision 1. [SOLE DUTY.] The council's duty shall be to monitor the federal high-level radioactive waste disposal program under the Nuclear Waste Policy Act, Public Law Number 97-425 and advise the governor and the legislature on all policy issues relating to the federal high-level radioactive waste disposal program.

Subd. 2. [EXPIRATION DATE.] The council shall terminate when the department of energy eliminates Minnesota from further siting consideration for disposal of high-level radioactive waste.

Subd. 3. [COUNCIL STAFF.] Staff support for council activities shall be provided by the state planning agency. All state departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chairperson of the council, the governor may, by order, require any state department or agency to furnish assistance necessary to carry out the council's functions under chapter 116C.

Subd. 4. [CONTRACTS.] The council may employ and fix the compensation of consultants necessary to carry out its responsibilities under chapter 116C. The chairperson of the council may contract with persons, firms, corporations, organizations, units of government, state agencies or institutions of higher learning for doing any of the work of the council. Contracts made pursuant to this section are not subject to the provisions of chapter 16B relating to competitive bidding.

Subd. 5. [FEDERAL AND OTHER FUNDS.] The chairperson of the council may apply for, receive, and expend funds made available from federal sources or other sources for the purpose of carrying out the council's responsibilities under chapter 116C.

Sec. 7. Minnesota Statutes 1984, section 116C.72, is amended to read:

116C.72 [RADIOACTIVE WASTE MANAGEMENT FACILITY.]

Notwithstanding any provision of chapter 116H, to the contrary, No person shall construct or operate a radioactive waste management facility within Minnesota unless expressly authorized by the Minnesota legislature.

Sec. 8. Minnesota Statutes 1984, section 116C.723, is amended to read:

116C.723 [DISPOSAL STUDIES CONSULTATION AND COOPERATION AGREEMENT.]

Unless the state has executed a consultation and cooperation agreement, a person may not make a study or test of a specific area or site related to disposal including an exploratory drilling, a land survey, an aerial mapping, a field mapping, a waste suitability study, or other surface or subsurface geologic, hydrologic, or environmental testing or mapping.

Subdivision 1. [REQUIREMENT.] Upon notice from the department of energy that Minnesota contains a potentially impacted area, the chairperson of the council shall negotiate a consultation and cooperation agreement with the federal government.

Subd. 2. [DISPOSAL STUDIES.] Unless the state has executed a consultation and cooperation agreement, a person may not make a study or test of a specific area or site related to disposal including an exploratory drilling, a land survey, an aerial mapping, a field mapping, a waste suitability study, or other surface or subsurface geologic, hydrologic, or environmental testing or mapping.

Sec. 9. Minnesota Statutes 1984, section 116C.724, is amended to read:

116C.724 [CONSULTATION AND COOPERATION AGREEMENT FIELD INVESTIGATIONS, TESTS, AND STUDIES.]

~~Subdivision 1. [REQUIREMENT.] Upon notice from the department of energy that Minnesota contains a potentially impacted area, the board shall negotiate a consultation and cooperation agreement with the federal government.~~

~~Subd. 2. [CONDITIONS.] (a) The consultation and cooperation agreement shall include but not be limited to the conditions specified in this subdivision.~~

~~(b) A permit shall be required for all geologic and hydrologic drilling. Conditions of obtaining and retaining the permit shall require:~~

~~(1) compliance with state drilling and drill hole restoration regulations as an exploratory boring under chapter 156A;~~

~~(2) proof that access to the test site has been obtained by a negotiated agreement or other legal process;~~

~~(3) the permittee to pay a fee covering the costs of processing and monitoring drilling activities;~~

~~(4) unrestricted access by the commissioner of health, the commissioner of natural resources, the director of the pollution control agency, the director of the Minnesota geological survey, the county health officer, and their employees and agents to the drilling sites to inspect and monitor the drill holes, drilling operations, and abandoned sites, and to sample air and water that may be affected by drilling;~~

(5) submission of splits or portions of a core sample, requested by the commissioner of natural resources or director of the Minnesota geological survey, except that the commissioner or director may accept certified data on the sample in lieu of a sample if certain samples are required in their entirety by the permittee; and

(6) that a sample submitted may become property of the state.

(c) A person who conducts geologic, hydrologic, or geophysical testing or studies shall provide unrestricted access to both raw and interpretive data to the chairman and the director of the Minnesota geological survey or their designated representatives. The raw and interpretive data includes core samples, well logs, water samples and chemical analyses, survey charts and graphs, and predecisional reports. Studies and data shall be made available within 90 days of a formal request by the chairman.

(d) A person proposing to investigate shall hold at least one public meeting before a required permit is issued, and during the investigation at least once every six months, within the potentially impacted area. The meetings shall provide the public with current information on progress of the investigation. The person investigating shall respond in writing to the board about concerns and issues raised at the public meetings.

(e) Before a person engages in negotiations regarding property interests in land or water, or permitting activities, the person shall notify the chairman in writing. Copies of terms and agreements shall also be provided to the chairman.

Subd. 3. [DRILLING.] A permit shall be obtained from the environmental quality board, in accordance with chapter 14, for any geologic or hydrologic drilling related to disposal. Conditions for obtaining and retaining the permit shall be specified by rule, and shall include:

(a) compliance with state drilling and drill hole restoration regulations as an exploratory drilling under chapter 156A;

(b) proof that access to the test site has been obtained by a negotiated agreement or other legal process;

(c) the permittee to pay a fee covering the costs of processing and monitoring drilling activities;

(d) unrestricted access by the commissioner of health, the commissioner of natural resources, the director of the pollution control agency, the director of the Minnesota geological survey, the county health officer, and their employees and agents to the drilling sites to inspect and monitor the drill holes, drilling operations, and abandoned sites, and to sample air and water that may be affected by the drilling;

(e) submission of splits or portions of a core sample, requested by the commissioner of natural resources or director of the Minnesota geological survey, except that the commissioner or director may accept certified data on the sample in lieu of a sample if certain samples are required in their entirety by the permittee; and

(f) that a sample submitted may become the property of the state.

Subd. 4. [OTHER REQUIREMENTS.] (a) A person who conducts geo-

logic, hydrologic, or geophysical testing or studies shall provide unrestricted access to both raw and interpretive data to the chairperson and the director of the Minnesota geological survey or their designated representatives. The raw and interpretive data includes core samples, well logs, water samples and chemical analyses, survey charts and graphs, and predecisional reports. Studies and data shall be made available within 30 days of a formal request by the chairperson.

(b) A person proposing to investigate shall hold at least one public meeting before a permit is issued, and at least once every three months during the investigation within the potentially impacted area. The meetings shall provide the public with current information on the progress of the investigation. The person investigating shall respond in writing to the environmental quality board about concerns and issues raised at the public meetings.

(c) Before a person engages in negotiations regarding property interests in land or water, or permitting activities, the person shall notify the chairperson in writing. Copies of the terms and agreements shall also be provided to the chairperson.

Sec. 10. Minnesota Statutes 1984, section 116C.731, is amended to read:

116C.731 [TRANSPORTATION OF HIGH LEVEL RADIOACTIVE WASTE.]

Subdivision 1. [NOTIFICATION CERTIFICATION REQUIRED.] The division of emergency services of the department of public safety shall notify the shipper of nuclear waste immediately upon being notified of a shipment. Before a shipment of high level radioactive waste is transported into, within, or through the state, the shipper shall notify the commissioner of public safety. The notice shall include the route, date, and time of the shipment in addition to information required under Code of Federal Regulations, title 49, sections 71.5a and 73.37(f) file an application for, and receive, a transportation certificate from the director of the Minnesota pollution control agency. The agency shall issue certificates for the transportation of high level radioactive waste into, within, or through the state in accordance with this section. The director may, at the director's discretion, authorize and require certificates to be issued to a shipper annually, semi-annually, or on a per-shipment basis for each shipment of high level radioactive waste. A shipper who is required to obtain an annual or semi-annual certificate under this section shall file a certificate application with the director no later than 90 days prior to the first intended shipment date. Per-shipment certificates must be applied for no later than 72 hours prior to the intended shipment date.

Subd. 2. [HIGHWAY ROUTE DETERMINATION CERTIFICATION APPLICATION REQUIREMENTS.] Pursuant to Code of Federal Regulations, title 49, part 177, the commissioner may require preferred routes, dates, or times for transporting high level radioactive waste if the commissioner determines, in accordance with United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Large Quantity Shipments of Radioactive Materials," that alternatives are safer than those proposed. On an annual basis the commissioner shall review federally approved highway routes for transporting high level radioactive waste in the state and select new state designated routes in accordance with Code of Federal Regulations, title 49, part 177, if safety considerations indicate the alternate

routes would be preferable. The state does not incur any liability by requiring the alternate routes, dates, or times to be used. Each application for a certificate under this section shall contain information as may be required by the director. The director shall issue a certificate if the following conditions have been met:

(a) the information required under the Code of Federal Regulations, title 10, sections 71.5a and 73.37(f);

(b) the specific routes, dates, and timetables according to which the waste is to be shipped;

(c) weather conditions anticipated on dates of shipments, including, but not limited to, floodstages of any waterways along proposed routes;

(d) the speeds at which the waste is to be shipped and, in the case of rail shipments, a plan for sidetracking or stopping all opposing trains during shipments;

(e) documentation showing that all roadways, railroad tracks, bridges, and locks coinciding with proposed routes comply with federal regulations in Code of Federal Regulations, title 49, parts 171 to 199;

(f) the qualifications and training in emergency procedures of shipper and carrier personnel directly involved in each proposed shipment, including, but not limited to, repair and maintenance crews;

(g) health and safety measures implemented specifically to protect those workers identified in paragraph (f); and

(h) a showing that a state health physicist is scheduled to accompany each shipment; the health physicist shall monitor radiation and make a complete written report to the director detailing any problems that may have arisen.

Subd. 3. [DIRECTOR'S REPORT TO MPCA BOARD.] Subject to nuclear regulatory commission regulation, at the next regularly scheduled meeting of the agency after a shipment has been made, the director shall make a report including, but not limited to, the following:

(a) all application information required by subdivision 2;

(b) any reports on file, including the report by the state health physicist who accompanied the shipment; and

(c) any requests for changes in routes, times, or dates.

All written documents shall be available for public inspection prior to the agency meeting.

The director shall notify the shipper of the agency's recommendations prior to the next shipment.

Subd. 4. [INSPECTION.] After issuance of a certificate by the director, the commissioners of health and transportation shall require the inspection of all equipment of the shipper and carrier as it enters the state or departs from a point of origin within the state. The result of these inspections shall be immediately forwarded to the director.

Subd. 4a. [HEALTH INSPECTION.] The commissioner of health shall conduct an inspection to monitor for surface radioactivity to determine

whether radiation levels are within legally permissible limits.

Subd. 4b. [TRANSPORTATION EQUIPMENT AND INSPECTION.] The commissioner of transportation shall conduct inspections to ensure the equipment transporting high level radioactive waste complies with federal regulations contained in Code of Federal Regulations, title 49, sections 174, 176, and 177.

Subd. 5. [ROUTE, DATE, OR TIME DETERMINATION.] The commissioner of public safety, in consultation with the commissioner of transportation, may require a person transporting high level radioactive waste to use alternative routes, dates, or times if the commissioner determines that alternatives are safer than those proposed. Alternate route designations shall be made in accordance with applicable and appropriate federal regulations. The state does not incur any liability by requiring alternate routes, dates, or times to be used. The commissioner of public safety may require a change in routes, dates, or times in response to emergency conditions including, but not limited to, adverse weather conditions such as flooding or snow storms. A required change in routes for these reasons does not constitute a determination of an alternate route.

Subd. 3 6. [TRANSPORTATION FEE AND ACCOUNT.] A person who intends to transport high level radioactive waste shall submit a transportation fee to the commissioner of public safety in the amount of \$1,000 for each vehicle carrying high level radioactive waste in each shipment with the information required in subdivision 4 2. In the case of irradiated reactor fuel, the transportation fee shall be \$1,000 per irradiated reactor fuel assembly. The fees shall be deposited by the commissioner into ~~the general~~ a special revolving fund to be used for emergency response preparedness, state participation in the disposal of high level radioactive waste, administration of the certification and inspection requirements of this section. The fund is created as an account in the state treasury. The state treasurer shall credit to the transportation fee fund account all amounts received under this subdivision.

Subd. 7. [NOTIFICATION OF NEW ROUTE APPROVAL.] Upon notification to the state that a shipper or carrier has filed an application with the nuclear regulatory commission for approval of a new route within or through the state for the transportation of high level radioactive waste, the commissioner of public safety shall immediately give written notice of the application to the mayors of affected statutory and home rule charter cities and to the county board chairpersons of counties located along the proposed transportation route. Written notice shall also be given by publication in at least one newspaper of general circulation in each affected county. The commissioner shall afford the affected cities and counties ample opportunity to transmit to the director, data, objections, concerns, and other information relevant to the selection of the route. The commissioner shall in turn forward the data, objections, concerns, and other information to the nuclear regulatory commission.

Subd. 4 8. [EMERGENCY RESPONSE PLAN.] The commissioner of public safety shall consult with the commissioners of health and transportation, the director of the pollution control agency, and representatives of the federal nuclear regulatory commission, the federal emergency management

agency, and the United States department of transportation and before December 1, 1984, shall prepare a plan for emergency response to a high level radioactive waste transportation accident, including plans for evacuation and cleanup. *The plan shall be revised annually to achieve conformity to the extent practicable given fiscal constraints with the response system described in the nuclear regulatory commission document number NUREG/CR-2225, entitled "An unconstrained overview of critical elements in a model state system for emergency response to radiological rail transportation incidents."* The commissioner of public safety shall report by January 1 of each year to the ~~legislature~~ *committee on agriculture and natural resources and house environment and natural resources committee* on the status of the plan and the ability of the state to respond adequately to an accident. *The report shall include, but is not limited to:*

(a) *all revisions to the state emergency response plan pursuant to this subdivision;*

(b) *all recommendations received for making any revisions; and*

(c) *the results of all hearings held pursuant to this subdivision.*

Pursuant to the goal of conformity, the commissioner of public safety may solicit, from communities situated along proposed shipment routes, information relevant to the improvement of local emergency training, equipment, and planning. The commissioner shall afford such communities annual hearings at their request.

Subd. 5 9. [APPLICABILITY.] This section does not apply to radioactive materials shipped by or for the United States government for military, national security, or national defense purposes. This section does not require disclosure of defense information or restricted data as defined in the Atomic Energy Act of 1954, United States Code, title 42, section 2014, as amended.

Sec. 11. [REPEALER.]

Minnesota Statutes 1984, section 116C.71, subdivision 12, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day following their final enactment."

Delete the title and insert:

"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; creating the governor's nuclear waste council; providing coordination with the federal government's nuclear waste site planning; providing for emergency preparedness to nuclear incidents; amending Minnesota Statutes 1984, sections 116C.705; 116C.71, by adding subdivisions; 116C.72; 116C.723; 116C.724; and 116C.731; proposing coding for new law in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1984, section 116C.71, subdivision 12."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1029, 657, 853, 269, 646, 1185, 750, 193, 1073, 1193, 303,

843, 920, 1183, 609, 31, 295, 987, 434, 934, 783, 795, 679 and 986 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 273, 485 and 158 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegscheid moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 643. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Anderson be added as a co-author to S.F. No. 863. The motion prevailed.

Ms. Berglin moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 912. The motion prevailed.

Mr. Novak moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 936. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Mehrkens be added as a co-author to S.F. No. 1012. The motion prevailed.

Mr. Ramstad moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 1031. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1035. The motion prevailed.

Mr. Ramstad moved that his name be stricken as a co-author to S.F. No. 1076. The motion prevailed.

Mrs. Lantry moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 1169. The motion prevailed.

Mr. Davis moved that the name of Mr. Petty be added as a co-author to S.F. No. 1225. The motion prevailed.

Mr. Diessner moved that the name of Mr. Spear be added as a co-author to S.F. No. 1255. The motion prevailed.

Mr. Stumpf moved that S.F. No. 889 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Johnson, D.J. moved that S.F. No. 1241 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 1247 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mrs. Kronebusch introduced—

Senate Resolution No. 59: A Senate resolution congratulating the gymnastic team from Winona State University for winning the 1985 National Association of Intercollegiate Athletics National Championship.

Referred to the Committee on Rules and Administration.

Messrs. Kroening and Pogemiller introduced—

Senate Resolution No. 60: A Senate resolution congratulating the Polars boys basketball team from Minneapolis North High School for winning second place in the 1985 Class AA Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Messrs. Kroening and Pogemiller introduced—

Senate Resolution No. 61: A Senate resolution congratulating the Islanders boys basketball team from DeLaSalle High School for winning the 1985 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 62: A Senate resolution congratulating the Lakers boys basketball team from Glenwood High School for winning the consolation championship at the 1985 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 63: A Senate resolution congratulating the Cardinals boys basketball team from Willmar High School for winning sixth place in the 1985 Class AA Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Frederickson introduced—

Senate Resolution No. 64: A Senate resolution congratulating the Cougars boys basketball team from Cedar Mountain High School of Morgan for winning sixth place in the 1985 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Frederickson introduced—

Senate Resolution No. 65: A Senate resolution congratulating the Giants boys basketball team from Le Sueur High School for participating in the 1985 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

S.F. No. 122 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 122

A bill for an act relating to retirement; public employees retirement asso-

ciation; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

March 28, 1985

The Honorable Jerome M. Hughes
President of the Senate

The Honorable David M. Jennings
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 122, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 122 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [FINDINGS.]

The legislature reaffirms that the public employees retirement association is a public agency, created by and subject to the control of the legislature. The legislature is responsible for assuring that the laws establishing the association lead to responsible governance and efficient administration. The legislature must assure that the board of trustees fulfills its fiduciary obligations to the state, to the taxpayers, and to the members of the association.

The legislature finds that actions of the association board of trustees have damaged public confidence in the association's ability to fulfill its fiduciary obligations and to operate in accordance with legislative intent. The legislature finds that this act is necessary to assure that the board of trustees will fulfill its fiduciary obligations and will responsibly administer the affairs of the association in keeping with legislative intent.

Sec. 2. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range
Effective
July 1, 1983

Commissioner of education;	\$57,500-\$70,000
Commissioner of finance;	
Commissioner of transportation;	
Commissioner of human services;	
Chancellor, community college system;	

Chancellor, state university system;
 Director, vocational technical education;
 Executive director, state board of investment;
 Commissioner of administration; \$50,000-\$60,000
 Commissioner of agriculture;
 Commissioner of commerce;
 Commissioner of corrections;
 Commissioner of economic security;
 Commissioner of employee relations;
 Commissioner of energy and economic
 development;
 Commissioner of health;
 Commissioner of labor and industry;
 Commissioner of natural resources;
 Commissioner of revenue;
 Commissioner of public safety;
 Chairperson, waste management board;
 Chief administrative law judge; office of ad-
 ministrative hearings;
 Director, pollution control agency;
 Director, state planning agency;
 Executive director, higher education coordin-
 ating board;
 Executive director, housing finance agency;
*Executive director, public employees retire-
 ment association;*
 Executive director, teacher's retirement asso-
 ciation;
 Executive director, state retirement system;
 Commissioner of human rights; \$40,000-\$52,500
 Director, department of public service;
 Commissioner of veterans' affairs;
 Director, bureau of mediation services;
 Commissioner, public utilities commission;
 Member, transportation regulation board;
 Director, zoological gardens.

Sec. 3. Minnesota Statutes 1984, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE LEADERSHIP.] The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.

(a) Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, Chapter 210, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. Unless otherwise provided by law, the power or authority shall not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which

personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, Chapter 210 and may order any remedial actions consistent with law.

Sec. 4. Minnesota Statutes 1984, section 43A.10, subdivision 6, is amended to read:

Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.] Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system, *the public employees retirement association*, and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions.

Sec. 5. Minnesota Statutes 1984, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of ~~15 the state auditor and eight members, who shall be known as the board of trustees. This board shall consist of four trustees~~ *The governor shall appoint five trustees to four-year terms, one of whom shall be designated by each of the following associations or organizations, Minnesota to represent school boards association, League of Minnesota one to represent cities, Association of Minnesota one to represent counties and the executive committee of the statewide general labor organization which includes among its membership the employee organizations, as defined in section 179A.03, subdivision 6, which represent the largest number of employees who are association members; nine area trustees, who shall be elected from the membership employed in one of the areas described below by the members employed in such area except members of the police and fire funds, one trustee who shall be a retired annuitant elected at large by other retired annuitants and disabled persons, and one trustee who is a public member of the police and fire fund elected at large by the membership of the police and fire fund knowledgeable in pension matters. Trustees elected by The membership of the association or by the retired annuitants and disabled persons of the association shall be elected elect three trustees for a term terms of four years. Trustees designated by an association or organization or elected or selected by the use of a procedure other than direct election by the membership of the association or by the annuitants of the association shall hold office for a term of two years or until the designation, election or selection procedure is changed, if that occurs earlier be public employees and members of the association.* For seven days beginning November 1 of each year preceding a year in which an election is held, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. An area A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund

from the area of the candidate, a retired annuitant candidate, a nominating petition signed by any combination of 25 or more retired annuitants or disabilitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No name may be withdrawn from nomination by the nominee after November 15. At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. Disputes between the board and a candidate concerning application of these policies to a particular statement shall be resolved by the secretary of state. A candidate who:

(a) receives contributions or makes expenditures in excess of \$100; or

(b) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100;

for the purpose of bringing about the candidate's election, must file a report with the ethical practices board disclosing the source and amount of all contributions to his or her campaign. The ethical practices board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate must file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members, retired annuitants and disabilitants, ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all Terms expire on January 31 of the fourth year, and the position shall remain positions are vacant until the newly elected member is members are qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the retired annuitants and disabilitants.

The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice

and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries. *They shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs.*

Sec. 6. Minnesota Statutes 1984, section 353.03, subdivision 1a, is amended to read:

Subd. 1a. [VACANCY, HOW FILLED.] Any vacancy on the board caused by death, resignation, or removal of any ~~member so elected shall trustee, or occurring because an elected trustee ceases to be a public employee and an active member of the association, must~~ be filled by the board for trustees elected by members, and by the governor for other trustees, for the unexpired portion of the term in which the vacancy occurs.

Sec. 7. Minnesota Statutes 1984, section 353.03, subdivision 2, is amended to read:

Subd. 2. [NO COMPENSATION EXPENSES.] The members of the board of trustees ~~and members of any authorized committee of said retirement association~~ shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties. Members of the board of trustees shall suffer no loss of compensation from ~~their~~ a public employer by reason of service on or for the board or on any authorized committee thereof.

Sec. 8. Minnesota Statutes 1984, section 353.03, subdivision 3, is amended to read:

Subd. 3. [~~OFFICERS; EMPLOYEES; BYLAWS DUTIES AND POWERS OF THE BOARD.~~] (a) The board shall elect a ~~chairman president and vice-chairman, and shall appoint an executive director and other employees and may adopt bylaws, and procure other services as it may reasonably deem necessary and fix their compensation subject to subdivision 2 hereof vice-~~president. *The board shall approve the staffing complement necessary to administer the fund. The cost of administering this chapter must be paid by the fund.*

(b) *The board shall adopt bylaws for its own government and for the management of the fund consistent with the laws of the state and may modify them at pleasure. It shall adopt, alter, and enforce reasonable rules consistent with the laws of the state for the administration and management of the fund, for the payment and collection of payments from members, and for the payment of withdrawals and benefits. It shall pass upon and allow or disallow all applications for membership in the fund and shall allow or disallow claims for withdrawals, pensions, or benefits payable from the fund. It shall adopt an appropriate mortality table based on experience of the fund as recommended by the association actuary, with interest set at the rate specified in section 356.215, subdivision 4, clause (4). It shall provide for the payment out of the fund of all necessary expenses for the administration of the fund and of all claims for withdrawals, pensions, or benefits allowed. The board shall approve or disapprove all recommendations and actions of the execu-*

tive director made subject to its approval or disapproval by subdivision 3a:

(c) In passing upon all applications and claims, the board may summon, swear, hear, and examine witnesses and, in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board's choice, at the expense of the fund, as a condition precedent to the passing on the claim, and, in the case of all applications and claims, may conduct investigations necessary to determine their validity and merit.

(d) The board may continue to authorize the sale of life insurance to members under the insurance program in effect on January 1, 1985, but must not change that program without the approval of the commissioner of finance. The association shall not receive any financial benefit from the life insurance program beyond the amount necessary to reimburse the association for costs incurred in administering the program. The association shall not engage directly or indirectly in any other activity involving the sale or promotion of goods or services, or both, whether to members or nonmembers.

(e) The board shall establish procedures governing reimbursement of expenses to board members. These procedures shall define the types of activities and expenses that qualify for reimbursement, shall provide that all out-of-state travel must be authorized by the board, and shall provide for independent verification of claims for expense reimbursement. The procedures must comply with applicable rules and policies of the department of finance, the department of administration, and the department of employee relations.

Sec. 9. Minnesota Statutes 1984, section 353.03, subdivision 3a, is amended to read:

Subd. 3a. ~~[DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.]~~ (a) ~~[QUALIFICATIONS APPOINTMENT.]~~ The board shall appoint, with the advice and consent of the senate, an executive director on the basis of education, experience in the retirement field, and leadership ability. The executive director shall have had at least five years' experience in an executive level management position, which has included responsibility for pensions, deferred compensation, or employee benefits. The executive director serves at the pleasure of the board. The salary of the executive director is as provided by section 15A.081, subdivision 1.

(b) ~~[DUTIES.]~~ The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. ~~It is the duty of The executive director and he has the power to shall:~~

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant director, with the approval of the board, who shall serve in the unclassified service and whose salary is set in accordance

with section 43A.18, subdivision 3, appoint a confidential secretary in the unclassified service, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said this chapter, and with the approval of the board fix their compensation who are subject to chapters 43A and 179A in the same manner as are executive branch employees;

(5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;

(6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor to fulfill the purposes of this chapter. Such All contracts shall not be are subject to the competitive bidding procedure prescribed by chapter 16 16B. The commissioner of administration shall not approve, and the association shall not enter into, any contract to provide lobbying services or legislative advocacy of any kind. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said this chapter;

(10) Pay annuities, ~~refunds~~ refunds, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) Prepare and submit biennial and annual budgets to the board for its approval and submit the approved budgets to the department of finance for approval by the commissioner; and

(13) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.

Sec. 10. Minnesota Statutes 1984, section 353.03, subdivision 5, is amended to read:

Subd. 5. [APPLICATION OF LAWS.] Laws applicable to state agencies and agencies with statewide jurisdiction shall not be construed to apply to the

association unless such laws make specific reference to this subdivision; provided, however, the applicable provisions of chapters 355 and 356 shall apply to the association.

Sec. 11. [TERMS ENDED.]

Notwithstanding any other law to the contrary, the terms of all people who are members of the public employees retirement association board prior to the effective date of this section, whether they were elected or designated, end on the effective date of this section. Incumbent members, including those elected in January 1985, do not hold over and cease to have any authority to carry out the decisions of the board unless reappointed or reelected to the board. If individuals elected in January 1985 have not become members of the board by the effective date of this section, they shall not take office. In addition, all committees established by the board are abolished on the effective date of this section.

Sec. 12. [TRANSITION.]

Subdivision 1. [APPOINTMENTS.] Within 30 days after the effective date of this act, the governor shall appoint the five trustees specified in Minnesota Statutes, section 353.03, subdivision 1. In addition, and notwithstanding any provision of section 353.03, subdivision 1, the governor shall appoint three trustees who are public employees and members of the association. The term of one trustee who is a public employee and member of the association and who is appointed under this subdivision ends January 31, 1986. The terms of the other two trustees who are public employees and members of the association and who are appointed under this subdivision end January 31, 1987. In making those appointments, the governor shall designate the trustee whose term ends in 1986 and the trustees whose terms end in 1987. Minnesota Statutes, section 15.0597 does not govern appointments made under this subdivision.

Subd. 2. [INTERIM DIRECTOR.] The acting interim director of the association, actively serving in that position on the effective date of this section, from that date until a new board has taken office may exercise all powers vested in the board by Minnesota Statutes, section 353.03, subdivisions 1, 3, and 3a. Until a new executive director has been appointed by the board, the acting interim director has the powers and duties assigned to the executive director under Minnesota Statutes, section 353.03, subdivision 3a.

Subd. 3. [ELECTION PROCEDURES.] The board shall accept filings for one elected position on the board in November 1985 and shall conduct an election for that position in January 1986. The board shall accept filings for two elected positions on the board in November 1986 and shall conduct an election for those positions in January 1987. Thereafter, the board shall follow the election procedures described in Minnesota Statutes, section 353.03, subdivision 1, as necessary to fill the positions of elected trustees.

Subd. 4. [EMPLOYEES.] Notwithstanding any provision of Minnesota Statutes, section 353.03, subdivision 3a, employees of the association are not subject to Minnesota Statutes, chapters 43A and 179A until July 1, 1985.

Sec. 13. [CURRENT EMPLOYEES.]

Employees who hold or are on leave from positions of the association on

July 1, 1985, are appointed to the civil service of the state without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper classifications in the classified service, except for those holding or on leave from unclassified positions listed in Minnesota Statutes, section 353.03, subdivision 3a, who are to be placed in the proper classifications in the unclassified service. Each employee is appointed at no loss in salary or accrued vacation benefits, but no increase in salary until the employee's salary comes within the range for the employee's class and no additional accrual of vacation benefits until the employee's total accrued vacation benefits falls below the maximum permitted by the state for the employee's position. An employee so appointed shall begin on July 1, 1985, to serve a probationary period not to exceed six months, which the executive director may terminate earlier. Employees who retire by June 30, 1985, are entitled to the cash value of their accrued sick leave under the formula in use by the association the day before the day of final enactment of this act. The association shall provide health insurance for employees who are retired on the day of final enactment of this act and employees who retire or qualify for retirement by June 30, 1985. The health insurance provided under this section is subject to any change in plan design or coverage that occurs through collective bargaining or implementation of a plan established under Minnesota Statutes, section 43A.18 for employees in positions equivalent to that from which the insured employee retired. Coverages must be coordinated with relevant health insurance benefits provided through the federal medicare program. Notwithstanding other law to the contrary, the commissioners of employee relations and finance may adjust reporting of hours worked by association employees after July 1, 1985, as needed to facilitate the transition to the state's biweekly payroll system.

Sec. 14. [SEVERABILITY.]

The provisions of this act are severable. If any provision is found to be void, the remaining provisions shall remain valid.

Sec. 15. [EFFECTIVE DATE.]

Sections 1, 2, 5 to 12, and 14 are effective the day following final enactment. Sections 3, 4, and 13 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.04, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5."

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

Senate Conferees: (Signed) Donald M. Moe, Darril Wegscheid, Allan H. Spear, Earl W. Renneke, Fritz Knaak

House Conferees: (Signed) Gerald C. Knickerbocker, Rich O'Connor, Tony Bennett, Dale A. Clausnitzer, Dee Long

Mr. Moe, D.M. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 122 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 122 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Novak	Samuelson
Anderson	Frank	Kronebusch	Olson	Schmitz
Belanger	Frederick	Laidig	Pehler	Sieloff
Benson	Freeman	Langseth	Peterson, C.C.	Solon
Berglin	Gustafson	Lantry	Peterson, D.C.	Spear
Bernhagen	Hughes	Lessard	Peterson, D.L.	Storm
Bertram	Isackson	Luther	Peterson, R.W.	Stumpf
Brataas	Johnson, D.E.	McQuaid	Petty	Taylor
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Kamrath	Moe, D.M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R.D.	Reichgott	Willet
Diessner	Knutson	Nelson	Renneke	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Vega moved that S.F. No. 1189 be withdrawn from the Committee on Energy and Housing and re-referred to the Committee on Local and Urban Government. The motion prevailed.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on the Calendar. The Sergeant at Arms was instructed to bring in the absent members.

CALENDAR

S.F. No. 77: A bill for an act relating to real property; extending the provisions authorizing courts to approve postponements of mortgage foreclosure and contract for deed terminations and making them permanent law in certain cases; abolishing certain exclusionary provisions; clarifying certain provisions; declaring a public economic emergency to exist; prohibiting mortgage foreclosure and foreclosure sales for one year; prohibiting repossession, foreclosure, and foreclosure sales of agricultural personal property for one year; providing for an application to the court to allow repossession, foreclosure, and foreclosure sale; prohibiting actions for deficiency judgments; providing for the parties to compromise; and repealing the act after one year; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and

583.10; repealing Laws 1983, chapter 215, section 16, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Berg	Frank	Merriam	Peterson, D.L.	Solon
Berglin	Freeman	Moe, D.M.	Pogemiller	Spear
Dahl	Hughes	Moe, R.D.	Purfeerst	Stumpf
Davis	Johnson, D.J.	Nelson	Reichgott	Vega
DeCramer	Kroening	Novak	Renneke	Wegscheid
Dicklich	Lessard	Peterson, C.C.	Samuelson	Willet
Diessner	Luther	Peterson, D.C.	Schmitz	

Those who voted in the negative were:

Adkins	Chmielewski	Kamrath	McQuaid	Sieloff
Anderson	Dieterich	Knaak	Mehrrens	Taylor
Belanger	Frederick	Knutson	Olson	Waldorf
Benson	Gustafson	Kronebusch	Pehler	
Bernhagen	Isackson	Laidig	Peterson, R.W.	
Bertram	Johnson, D.E.	Langseth	Petty	
Brataas	Jude	Lantry	Ramstad	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 635: A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Sieloff
Anderson	Frank	Kronebusch	Peterson, C.C.	Solon
Belanger	Frederick	Laidig	Peterson, D.C.	Spear
Benson	Freeman	Langseth	Peterson, D.L.	Storm
Berglin	Gustafson	Lantry	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Lessard	Petty	Taylor
Bertram	Isackson	Luther	Pogemiller	Vega
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Mehrrens	Ramstad	Wegscheid
Dahl	Jude	Moe, R.D.	Reichgott	Willet
Davis	Kamrath	Nelson	Renneke	
DeCramer	Knaak	Novak	Samuelson	
Dicklich	Knutson	Olson	Schmitz	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 625: A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota;

amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Schmitz
Anderson	Diessner	Kroening	Novak	Sieloff
Belanger	Dieterich	Kronebusch	Olson	Solon
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Pogemiller	Vega
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Dahl	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, D.M.	Renneke	
DeCramer	Knaak	Moe, R.D.	Samuelson	

Messrs. Pehler, Petty and Willet voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 923: A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; prescribing amount of marijuana for possession in a motor vehicle; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; 152.02, subdivision 3; and 152.15, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Reichgott
Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Schmitz
Berg	Frederick	Laidig	Pehler	Sieloff
Berglin	Freeman	Langseth	Peterson, C.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Storm
Bertram	Hughes	Lessard	Peterson, D.L.	Stumpf
Brataas	Isackson	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Vega
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Ramstad	Willet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes re-

ported that the committee had considered the following:

S.F. No. 1199, which the committee recommends to pass.

S.F. No. 374, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 15, line 19, after "527.06," insert "527.07,"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Merriam and Johnson, D.J. introduced—

S.F. No. 1300: A bill for an act relating to taxation; imposing a penalty for substantially understating tax liability; setting a fee for certifications of debts; repealing the permit for transportation of petroleum products; amending Minnesota Statutes 1984, sections 270A.07, subdivision 1; 290.50, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1984, section 296.10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Storm, Belanger, Bernhagen, Benson and Frederick introduced—

S.F. No. 1301: A bill for an act relating to workers' compensation; repealing the state workers' compensation insurance fund; repealing Minnesota Statutes 1984, chapter 176A.

Referred to the Committee on Employment.

Mr. Knaak introduced—

S.F. No. 1302: A bill for an act relating to transportation; defining city for purposes of including town with population of 5,000 or more in municipal state-aid street system; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Chmielewski, Langseth, Davis, Benson and Johnson, D.E. introduced—

S.F. No. 1303: A bill for an act relating to local government aids; cities of the first class; amending Minnesota Statutes 1984, section 477A.013, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pehler, Ramstad, Langseth and Peterson, C.C. introduced—

S.F. No. 1304: A bill for an act relating to taxation; exempting certain

property from the property tax and certain transactions from the sales and use taxes; amending Minnesota Statutes 1984, sections 272.02, subdivision 1; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson, Wegscheid and Vega introduced—

S.F. No. 1305: A bill for an act relating to local government; authorizing county employees to make certain contracts; amending Minnesota Statutes 1984, section 382.18.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid, Knutson and Vega introduced—

S.F. No. 1306: A bill for an act relating to human services; adjusting eligibility requirements for the child day care sliding fee program; permitting county boards to set limits on the day care rates that will be subsidized; amending Minnesota Statutes 1984, section 245.84.

Referred to the Committee on Health and Human Services.

Mr. Vega introduced—

S.F. No. 1307: A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Mr. Benson and Mrs. Brataas introduced—

S.F. No. 1308: A bill for an act relating to Olmsted county; providing for sales, leases, and conveyances; providing certain exceptions to public bidding requirements.

Referred to the Committee on Local and Urban Government.

Mr. Kamrath introduced—

S.F. No. 1309: A bill for an act relating to taxation; property; changing the requirements for local option to reduce property taxes on damaged homestead property; amending Minnesota Statutes 1984, section 273.123, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, D.L. introduced—

S.F. No. 1310: A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1984, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing coding for new law in

Minnesota Statutes, chapter 204C.

Referred to the Committee on Judiciary.

Messrs. Peterson, D.L.; Davis; Berg and Langseth introduced—

S.F. No. 1311: A bill for an act relating to commerce; removing certain limitations on the scope of the statutory prohibition on certain deficiency judgments; amending Minnesota Statutes 1984, section 325G.21, subdivision 2; and 325G.22, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, D.L. introduced—

S.F. No. 1312: A bill for an act relating to education; authorizing independent school district No. 458, Truman, to make a permanent fund transfer.

Referred to the Committee on Education.

Messrs. Novak; Johnson, D.J.; Dicklich and Laidig introduced—

S.F. No. 1313: A bill for an act relating to taxes; exempting sales of electricity used to make ski snow from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 1314: A bill for an act relating to public improvements; providing for loans for firefighting facilities; providing for a state bond issue; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations.

Messrs. Bernhagen; Merriam; Peterson, C.C.; Laidig and Anderson introduced—

S.F. No. 1315: A bill for an act relating to game and fish; discharge of firearms and access to agricultural lands; amending Minnesota Statutes 1984, section 100.273, subdivisions 5 and 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Luther, Dahl and Mrs. Kronebusch introduced—

S.F. No. 1316: A bill for an act relating to natural resources; designating the eastern timber wolf as the official state mammal; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Anderson, Diessner, Bernhagen and Davis introduced—

S.F. No. 1317: A bill for an act relating to taxation; establishing a legisla-

tive commission to study the distribution of property taxes on land values and improvement values; providing for a report by the department of revenue.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski; Johnson, D.E.; Purfeerst; Samuelson and Merriam introduced—

S.F. No. 1318: A bill for an act relating to health; authorizing the committees on health and human services to develop a policy and action plan concerning state hospitals.

Referred to the Committee on Health and Human Services.

Mrs. Lantry introduced—

S.F. No. 1319: A bill for an act relating to motor vehicles; establishing a special account to reimburse municipalities with unpaid citations for traffic violations committed by operators of leased or rented motor vehicles; imposing a surcharge; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mrs. Lantry introduced—

S.F. No. 1320: A bill for an act relating to health; establishing a system of regional poison information centers; providing for less frequent applications and less frequent program reporting; rescinding permission for poison control centers to contract with centers in other states; amending Minnesota Statutes 1984, section 145.93, subdivisions 1, 3, 4, and 6; repealing Minnesota Statutes 1984, section 145.93, subdivision 5.

Referred to the Committee on Health and Human Services.

Messrs. Storm, Ramstad, Kamrath and Waldorf introduced—

S.F. No. 1321: A bill for an act relating to licensed occupations; requiring a certified signature on final documents prepared by certain licensed professionals; amending Minnesota Statutes 1984, section 326.12, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Mr. Luther, Ms. Reichgott, Messrs. Diessner and Merriam introduced—

S.F. No. 1322: A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C.; Messrs. Pogemiller and Nelson introduced—

S.F. No. 1323: A bill for an act relating to education; clarifying the term "Minnesota resident" for purposes of financial aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.15, sub-

division 7; and 136A.233, subdivision 2.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Mr. Kroening, Ms. Berglin and Mr. Samuelson introduced—

S.F. No. 1324: A bill for an act relating to economic security; defining temporary housing; deleting a sunset provision; requiring certain followup information on persons assisted; appropriating money; amending Minnesota Statutes 1984, section 268.38, subdivisions 1, 2, 6, 7, and 8.

Referred to the Committee on Energy and Housing.

Mr. Luther, Ms. Peterson, D.C. and Mr. Hughes introduced—

S.F. No. 1325: A bill for an act relating to elections; making certain changes in the ethics in government act; changing the time when certain campaign bills must be rendered; amending Minnesota Statutes 1984, sections 10A.02, subdivision 11, and by adding a subdivision; 10A.04, subdivision 4a; 10A.18; 10A.20, subdivisions 3, 5, and 12; 10A.24; 10A.27, subdivision 1; and 210A.24; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1984, sections 10A.02, subdivision 11a; and 10A.25, subdivision 7.

Referred to the Committee on Elections and Ethics.

Messrs. Knaak; Moe, D.M.; Ramstad; Merriam and Freeman introduced—

S.F. No. 1326: A bill for an act relating to animals; changing certain requirements; changing the size of the Minnesota humane society; changing the application of certain animal laws; transferring the responsibility for administration and enforcement of certain animal laws; amending Minnesota Statutes 1984, sections 343.01, subdivision 3; 343.21, subdivision 6; 343.33; 346.36, subdivision 1; 346.39, subdivision 6; 347.09; 347.31, subdivision 2; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39.

Referred to the Committee on Veterans and General Legislation.

Mr. Bertram introduced—

S.F. No. 1327: A bill for an act relating to education; changing provisions relating to second tier levy fund balances; amending Minnesota Statutes 1984, section 124A.08, subdivision 5.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 1328: A bill for an act relating to education; authorizing an income-contingent loan repayment program for medical, dental, pharmacy and veterinary students; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Messrs. Merriam; Peterson, C.C.; Johnson, D.J. and Novak introduced—

S.F. No. 1329: A bill for an act relating to taxation; clarifying definitions for sales and use tax; clarifying exemptions; imposing civil and criminal penalties for underreporting or failing to report motor vehicle excise tax; repealing certain refund procedures; amending Minnesota Statutes 1984, sections 297A.01, subdivisions 4, 11, and by adding subdivisions; 297A.041; 297A.25, subdivision 1; 297B.10; and 297B.11; repealing Minnesota Statutes 1984, section 297A.35, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 1330: A resolution memorializing the President, Congress, and Secretary of Labor of the United States in support of increased funding for training grants for displaced workers and summer youth employment.

Referred to the Committee on Employment.

Ms. Berglin introduced—

S.F. No. 1331: A bill for an act relating to human services; providing for the funding of a demonstration project for certain combined senior citizen and child care facilities; appropriating money.

Referred to the Committee on Health and Human Services.

Mr. Dahl introduced—

S.F. No. 1332: A bill for an act relating to motor vehicles; requiring record keeping and reporting by vehicle parts dealers and vehicle scrap processors; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Economic Development and Commerce.

Mr. Dahl introduced—

S.F. No. 1333: A bill for an act relating to commerce; regulating vehicle towers; providing penalties; amending Minnesota Statutes 1984, section 465.75, subdivisions 1, 2, and by adding subdivisions.

Referred to the Committee on Economic Development and Commerce.

Messrs. Vega, Dicklich and Jude introduced—

S.F. No. 1334: A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Langseth introduced—

S.F. No. 1335: A bill for an act relating to historical interpretive centers;

conforming certain laws to a name change; amending Minnesota Statutes 1984, section 138.93, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Mr. Langseth introduced—

S.F. No. 1336: A bill for an act relating to retirement; Moorhead police and firefighters relief associations; consolidation into the public employees police and fire fund; terminating the special fund of the Moorhead firefighters relief association; transferring of assets and records; repealing Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27 to 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18.

Referred to the Committee on Governmental Operations.

Messrs. Petty; Johnson, D.E. and Dicklich introduced—

S.F. No. 1337: A bill for an act relating to human services; establishing the position of coordinator for state outreach efforts concerning the federal food stamp program and other emergency food assistance; providing for a food stamp information hotline; providing for an advisory task force on outreach; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Moe, D.M.; Renneke; Wegscheid; Spear and Pogemiller introduced—

S.F. No. 1338: A bill for an act relating to the operation of state government; changing certain procedures and deadlines relating to insurance; amending Minnesota Statutes 1984, sections 60A.15, subdivisions 1, 1c, 2, 2a, and by adding a subdivision; 69.021, subdivision 3a; 69.051, subdivisions 1, 3, and 4; 69.77, subdivision 1; 69.771, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Mr. Stumpf introduced—

S.F. No. 1339: A bill for an act relating to natural resources; appropriating money to relocate agricultural dikes along the Red River; amending Laws 1981, chapter 361, section 3, subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst, Knutson, Pogemiller and Johnson, D.E. introduced—

S.F. No. 1340: A bill for an act relating to drivers licenses; increasing fee for restoration of certain revoked licenses; dedicating revenue to programs for prevention of alcohol-impaired driving and for education on avoidable health hazards; appropriating money; amending Minnesota Statutes 1984, section 171.29, subdivision 2.

Referred to the Committee on Transportation.

Mr. Dahl introduced—

S.F. No. 1341: A bill for an act relating to the state treasurer; transferring most of the duties of the state treasurer to the commissioner of finance and other state officials; transferring personnel positions from the office of state treasurer to the department of finance; abolishing the state treasurer's revolving fund for cashing checks; amending Minnesota Statutes 1984, sections 6.60; 7.06; 7.09, subdivisions 1, 3, and 4; 7.10; 7.12, subdivision 1; 7.19; 7.193, subdivisions 1 and 2; 7.20; 9.031, subdivisions 1, 2, 3, 6, 7, 8, 10, and 12; 10.24; 10.25; 10.26; 10.27; 10A.31, subdivisions 6, 7, 8, 9, and 10; 10A.32, subdivisions 2 and 3; 11A.04; 11A.07, subdivision 4; 11A.10, subdivisions 1 and 4; 11A.15, subdivision 3; 11A.20, subdivision 1; 12.24, subdivision 2; 15.16, subdivision 3; 15.73, subdivision 3; 15A.081, subdivision 6; 16A.055, subdivision 1; 16A.125, subdivisions 5 and 6; 16A.127, subdivision 7; 16A.13, subdivisions 1 and 2a; 16A.131, subdivision 1; 16A.27, subdivision 1; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivisions 1 and 2; 16A.47; 16A.58; 16A.672, subdivisions 1, 2, and 3; 16B.05, subdivision 2; 18.434, subdivision 2; 31.15; 32.394, subdivision 8; 32A.05, subdivision 4; 32A.09, subdivision 6; 35.08; 35.09, subdivision 3; 42.06, subdivision 4; 42.09, subdivision 3; 43A.08, subdivisions 1 and 1a; 43A.37, subdivision 1; 46.041, subdivision 1; 47.54, subdivision 1; 48.67; 49.24, subdivisions 7, 13, and 16; 51A.51, subdivisions 1, 2, 3, 3a, and 5; 52.06, subdivision 1; 52.20, subdivision 5; 53.03, subdivisions 1 and 6; 56.02; 60A.15, subdivision 8; 60A.17, subdivisions 1a, 7a, and 13; 60A.199, subdivision 2; 60B.47, subdivisions 1 and 2; 69.54; 69.55; 69.56; 72B.04, subdivision 10; 79.34, subdivision 1; 82.34, subdivisions 1 and 5; 84.153, subdivision 5; 84.415, subdivision 5; 84A.04; 84A.11; 84A.23; 84A.33; 84A.40; 84A.52; 88.063, subdivision 3; 89.036; 89.43; 90.173; 92.06, subdivision 4; 92.21, subdivision 1; 92.23; 92.24; 93.08, subdivision 2; 93.17; 93.19, subdivisions 1 and 2; 93.20, subdivisions 7, 9, 19, and 31; 93.22; 93.283, subdivisions 5 and 6; 94.346, subdivision 2; 94.53; 97.49, subdivision 1; 97.85, subdivision 1; 98.50, subdivision 10; 115.77, subdivision 2; 115A.54, subdivision 3; 115A.57, subdivision 1; 115A.58, subdivisions 2 and 4; 116.16, subdivisions 4 and 8; 116.17, subdivisions 2 and 4; 116J.64, subdivisions 6, 7, and 10; 117.135, subdivision 2; 121.28; 124.12, subdivision 2; 124.42, subdivision 3; 124.43, subdivision 5; 124.46, subdivision 2; 124.62, subdivision 3; 124A.031, subdivision 2; 125.08; 128A.07; 136.40, subdivision 3; 136C.211; 136C.212; 136C.223; 136C.41, subdivision 5; 136C.42, subdivision 3; 136C.43, subdivisions 2, 4, and 5; 141.25, subdivision 5; 141.26, subdivision 3; 144.09; 144.10; 145.125, subdivision 2; 156.02, subdivision 2; 156.072, subdivision 2; 156A.07, subdivision 2; 161.04, subdivision 2; 161.05; 161.06, subdivision 1; 161.07; 161.36, subdivision 5; 161.41, subdivision 3; 162.16; 163.051, subdivision 2; 167.50, subdivision 2; 167.51, subdivision 2; 168.33, subdivision 2; 168.67; 168C.11, subdivision 1; 174.50, subdivision 3; 174.51, subdivisions 2, 4, and 5; 176.129, subdivisions 1, 7, and 8; 176.134, subdivision 1; 176.181, subdivisions 2 and 5; 176.421, subdivision 4; 176.581, subdivision 2; 176.591, subdivisions 2 and 3; 176.602; 177.27, subdivision 5; 186.04; 190.11; 193.23, subdivision 1; 204B.11, subdivision 1; 214.06, subdivision 1; 214.13, subdivision 1; 222.025; 223.175, subdivision 4; 237.11; 240.10; 240.15, subdivision 6; 240.22; 241.08, subdivision 1; 241.09, subdivision 1; 241.10; 241.13, subdivision 1; 241.27, subdivision 4; 243.48, subdivision 1; 246.15, subdivision 1; 246.16; 246.18; 246.21; 246.41, subdivision 2;

246.51, subdivision 1; 248.07, subdivision 12; 256.01, subdivision 11; 256.89; 256.90; 256.92; 256B.041, subdivision 5; 256B.20; 260.311, subdivisions 4 and 6; 268.05, subdivisions 2 and 3; 268.15, subdivision 3; 270.45; 271.12; 272.68, subdivision 1; 273.02, subdivision 6; 276.11; 280.29; 282.19; 282.226; 282.33, subdivision 1; 282.36; 284.28, subdivisions 8 and 9; 287.11; 287.25; 291.32, subdivision 1; 293.06; 293.08; 293.09; 293.11; 296.06, subdivision 2; 296.421, subdivision 3; 298.39; 298.396; 298.64; 299.08; 299D.03, subdivision 5; 299F.17, subdivision 1; 299F.22; 299F.60, subdivision 4; 300.19; 300.49, subdivision 1; 302A.771; 303.07, subdivision 1; 303.16, subdivision 2; 303.19, subdivision 2; 303.25, subdivision 3; 308.84; 308.905; 325A.06, subdivision 3; 332.15, subdivision 4; 340.11, subdivision 21; 340.461, subdivision 2; 340.62; 340.63, subdivision 2; 341.10; 345.515; 349.212, subdivision 2; 349.52, subdivisions 2 and 3; 351.11; 352.01, subdivision 3; 352.04, subdivision 4; 352.05; 352B.01, subdivision 4; 352B.02, subdivision 1; 352B.03, subdivision 2; 353.05; 353.27, subdivision 4; 354.06, subdivision 3; 354.07, subdivision 4; 354.52, subdivisions 4 and 5; 355.04, subdivision 5; 357.021, subdivision 2a; 360.017, subdivision 2; 360.305, subdivisions 1, 2, and 5; 361.03, subdivision 5; 361.27, subdivision 2; 385.05; 385.20; 424.165, subdivisions 1 and 2; 458A.03, subdivision 3; 462A.17, subdivision 3; 462A.18, subdivisions 1 and 2; 473.606, subdivision 1; 475A.04; subdivisions 1, 2, and 4; 475A.06, subdivisions 2, 4, and 5; 481.01; 490.102, subdivision 6; 490.123, subdivision 2; 508.75; 508.77; 508.82; 508A.22, subdivision 3; 508A.77; 508A.82; 517.08, subdivision 1c; 525.161; 525.841; 574.261; 609.101; 626.85, subdivisions 2 and 3; and 626.861, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 7; 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; 124.471; 349.212, subdivision 3; 360.301; 360.302; 360.304; 360.306; 360.388; and 360.389.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S.F. No. 1342: A bill for an act relating to local government; extending deadlines for reporting on and complying with laws requiring equitable compensation relationships; amending Minnesota Statutes 1984, sections 471.992; 471.996; 471.997; 471.9975; 471.998, subdivision 1; and 471.999.

Referred to the Committee on Employment.

Ms. Berglin introduced—

S.F. No. 1343: A resolution memorializing the President and Congress of the United States to enact a program of national health insurance.

Referred to the Committee on Health and Human Services.

Mr. Dieterich introduced—

S.F. No. 1344: A bill for an act relating to cable communication; transferring the responsibilities of the cable communications board to the commissioner of administration; allowing municipalities to choose not to be subject

to regulation by the commissioner; amending Minnesota Statutes 1984, sections 238.02, subdivision 4; 238.03; 238.05; 238.06; 238.08, subdivisions 2 and 3; 238.09; 238.11, subdivision 1; 238.13; 238.14; 238.15; 238.16, subdivision 1; 238.17, subdivisions 1, 5, 6, and 8; repealing Minnesota Statutes 1984, sections 238.04; and 238.17, subdivision 7.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Isackson, Chmielewski, Sieloff and Stumpf introduced—

S.F. No. 1345: A bill for an act relating to taxation; property; providing for homestead classification in certain cases for agricultural land occupied by persons holding a remainder interest in the property; amending Minnesota Statutes 1984, section 273.13, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Taylor and Bernhagen introduced—

S.F. No. 1346: A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

Referred to the Committee on Veterans and General Legislation.

Mr. Lessard introduced—

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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst introduced—

S.F. No. 1348: A bill for an act relating to transportation; railroads; prescribing fees for commencement of various proceedings before the transportation regulation board; proposing coding for new law in Minnesota Statutes, chapter 219.

Referred to the Committee on Transportation.

Mr. Peterson, R.W. introduced—

S.F. No. 1349: A bill for an act relating to insurance; providing that insurers or health maintenance organizations must not require a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or employees; amending Minnesota Statutes 1984, section 471.61, subdivision 2a.

Referred to the Committee on Economic Development and Commerce.

Messrs. DeCramer; Stumpf; Langseth; Moe, R.D. and Davis introduced—

S.F. No. 1350: A bill for an act relating to taxation; modifying the pro-

cedure used by the state board of equalization for determining property values for taxes payable in 1986.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vega introduced—

S.F. No. 1351: A bill for an act relating to the environment; decreasing local government charges for infiltrated water in a combined metropolitan storm and sewage disposal system; amending Minnesota Statutes 1984, section 473.517; subdivision 2.

Referred to the Committee on Agriculture and Natural Resources. Mr. Vega questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Vega and Moe, R.D. introduced—

S.F. No. 1352: A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivisions 2 and 5; 116.18, subdivision 3a, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laidig introduced—

S.F. No. 1354: A bill for an act relating to elections; limiting the number of registration applicants for whom a person may vouch; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

Referred to the Committee on Elections and Ethics.

Messrs. Gustafson and Taylor introduced—

S.F. No. 1355: A bill for an act relating to economic development; providing a state advocacy function for business license applicants; amending Minnesota Statutes 1984, section 116J.76.

Referred to the Committee on Economic Development and Commerce.

Mr. Jude, Ms. Reichgott and Mr. Knaak introduced—

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; 268.06, subdivision 5; 429.061, subdivision 1;

471.705, subdivision 2; 609.11, subdivision 8; and 631.09; repealing Minnesota Statutes 1984, section 422A.156.

Referred to the Committee on Judiciary.

Ms. Reichgott and Mr. Pogemiller introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Frederickson, Davis and Peterson, C.C. introduced—

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.

Referred to the Committee on Local and Urban Government.

Messrs. Solon; Johnson, D.J.; Gustafson; Dicklich and Chmielewski introduced—

S.F. No. 1359: A bill for an act relating to the economic crisis in northeastern Minnesota; creating the Northeastern Minnesota Economic Development Corporation to promote economic development in northeastern Minnesota and to provide incentives for industrial and manufacturing enterprises to locate in northeastern Minnesota; providing for a board of directors and an advisory committee; establishing a northeastern Minnesota economic recovery fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116N.

Referred to the Committee on Governmental Operations.

Messrs. Solon, Dicklich, Gustafson and Chmielewski introduced—

S.F. No. 1360: A bill for an act relating to taxation; segregating certain sales tax revenues; providing for the establishment of a national class state convention center in the city of Duluth; authorizing the issuance of bonds and appropriating money.

Referred to the Committee on Economic Development and Commerce.

Messrs. Solon, Dicklich, Gustafson and Chmielewski introduced—

S.F. No. 1361: A bill for an act relating to the establishment of a convention center in the city of Duluth; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Mr. Jude, Ms. Reichgott and Mr. Knaak introduced—

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; amending Minnesota Statutes 1984, chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980, chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9; repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

Referred to the Committee on Judiciary.

Mr. Jude, Ms. Reichgott and Mr. Knaak introduced—

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.

Referred to the Committee on Judiciary.

Mrs. Lantry introduced—

S.F. No. 1364: A bill for an act relating to human services; providing for a volunteer respite care demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Mr. Dieterich introduced—

S.F. No. 1365: A bill for an act relating to charitable gambling; providing for local licensing and statewide regulation; authorizing the department of revenue to collect the tax imposed; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.12, subdivisions 11 and 16; 349.14; 349.16; 349.17; 349.18, subdivisions 1 and 2; 349.19; 349.20; 349.21; 349.211, subdivision 3; 349.212, as amended; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.151; 349.161; 349.162; and 349.213, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Luther; Knaak; Moe, R.D.; Johnson, D.J. and Jude introduced—

S.F. No. 1366: A bill for an act relating to corporations; providing an alternative corporate governing statute for certain publicly held corporations; imposing a franchise tax; amending Minnesota Statutes 1984, sections 53.01; 168.33, subdivision 2; 316.24; and 508.16, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 302B.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m., Tuesday, April 2, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SECOND DAY

St. Paul, Minnesota, Tuesday, April 2, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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

Adkins	Dieterich	Knutson	Nelson	Samuelson
Anderson	Frank	Kroening	Novak	Schmitz
Belanger	Frederick	Kronebusch	Olson	Sieloff
Benson	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Storm
Bertram	Hughes	Lessard	Peterson, D.L.	Stumpf
Chmielewski	Isackson	Luther	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vega
Davis	Johnson, D.J.	Mehrrens	Purfeerst	Waldorf
DeCramer	Jude	Merriam	Ramstad	Wegscheid
Dicklich	Kamrath	Moe, D.M.	Reichgott	Willet
Diessner	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Berg and Peterson, R.W. were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 198 and 483.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

Mr. President:

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

S.F. No. 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.

Senate File No. 118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S.F. No. 118, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

Senate File No. 287 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

CONCURRENCE AND REPASSAGE

Mr. Dicklich moved that the Senate concur in the amendments by the House to S.F. No. 287 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 287: A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members; providing that the annual audit of the public utilities commission may be made by a certified public accountant; amending Laws 1949, chapter 422, section 3, subdivision 11.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Renneke
Anderson	Dieterich	Knutson	Novak	Schmitz
Belanger	Frank	Kroening	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berglin	Frederickson	Langseth	Peterson, C.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.C.	Storm
Bertram	Hughes	Luther	Peterson, D.L.	Stumpf
Chmielewski	Isackson	McQuaid	Petty	Taylor
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Davis	Johnson, D.J.	Merriam	Purfeerst	Waldorf
DeCramer	Jude	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Kamrath	Moe, R.D.	Reichgott	Willet

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

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.

Senate File No. 331 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 1, 1985

Mrs. Adkins moved that the Senate do not concur in the amendments by the House to S.F. No. 331, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 94, 216, 422, 186, 698, 702, 738, 786, 143, 227, 539, 256, 446, 470, 648, 58, 230, 730, 894, 928, 951, 953, 1037, 65, 327, 454, 759, 381, 415, 440, 1065, 315, 771 and 1216.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 94: A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 101, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 229, now on General Orders.

H.F. No. 422: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Referred to the Committee on Rules and Administration for comparison

with S.F. No. 434, now on the Consent Calendar.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 146, now on General Orders.

H.F. No. 698: A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

Referred to the Committee on Public Utilities and State Regulated Industries.

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.

Referred to the Committee on Health and Human Services.

H.F. No. 738: A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 777, now on General Orders.

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.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 239, now on General Orders.

H.F. No. 539: A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulation; making changes in future public utilities commission membership; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; abolishing intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216A.03, subdivision 1; 216B.16, subdivisions 1a, 2, 6, and 8; and 216B.50, subdivision 1; repealing Minnesota Statutes 1984, section 216B.16, subdivision 10; and 237.075, subdivision 10.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 256: A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 406, now on General Orders.

H.F. No. 446: A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.

Referred to the Committee on Local and Urban Government.

H.F. No. 470: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund

transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 518, now on General Orders.

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.

Referred to the Committee on Governmental Operations.

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

Referred to the Committee on Local and Urban Government.

H.F. No. 230: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 284, now on General Orders.

H.F. No. 730: A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

Referred to the Committee on Energy and Housing.

H.F. No. 894: A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 843, now on the Consent Calendar.

H.F. No. 928: A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 726.

H.F. No. 951: A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 953: A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

Referred to the Committee on Public Utilities and State Regulated Industries.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

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

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 327: A bill for an act relating to transportation; defining "trees" and "hedges" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 646.

H.F. No. 454: A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 657, now on General Orders.

H.F. No. 759: A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 231, now on General Orders.

H.F. No. 381: A bill for an act relating to elections; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204C.04; and 204C.05, subdivision 1.

Referred to the Committee on Elections and Ethics.

H.F. No. 415: A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 486, now on General Orders.

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.

Referred to the Committee on Governmental Operations.

H.F. No. 1065: A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 282, now on General Orders.

H.F. No. 771: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

H.F. No. 1216: A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1199, now on the Calendar.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 356: A bill for an act relating to education; providing for a program to educate farmers in certain methods relating to alcohol fuel; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 168: A bill for an act relating to education; establishing criteria for a post-secondary student to be considered independent of parental support; clarifying the intent of scholarships and grants-in-aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.121, subdivisions 4 and 5; and Laws 1983, chapter 258, section 41.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 14 to 22 and insert "*has the meaning given it under the*

Higher Education Act of 1965 and the Code of Federal Regulations, and any amendments thereof."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1000: A bill for an act relating to the state university system; declaring its mission; proposing coding for new law in Minnesota Statutes, chapter 136.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [136.021] [MISSION OF STATE UNIVERSITIES.]

Subdivision 1. [SYSTEM.] The mission of the state university system is to provide higher education for the residents of Minnesota that is geographically and economically accessible and to provide research and public services that are related to higher education.

The state university board shall maintain universities, as provided in section 136.03, in identified service regions of the state. They shall offer a wide range of high quality baccalaureate programs for liberal arts and professional education and shall establish and maintain graduate programs.

Subd. 2. [INDIVIDUAL UNIVERSITIES.] The state university board shall require that each university have its own mission statement that shall be related to the needs of its service region. The mission statements shall provide that each state university will serve as a cultural resource for its region and shall address methods to cooperate with other higher education institutions within its region."

Delete the title and insert:

"A bill for an act relating to education; establishing the mission of the state university system; requiring each state university to have its own mission statement; proposing coding for new law in Minnesota Statutes, chapter 136."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 943: A bill for an act relating to education; providing various activities to study and improve teacher education; appropriating money; amending Minnesota Statutes 1984, sections 124.19, subdivision 1; 125.05, subdivision 1; and 125.185, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

Section 1. [136A.90] [DATA ABOUT TEACHER EDUCATION STUDENTS AND GRADUATES.]

The higher education coordinating board, after consultation with the board of teaching, shall collect and publish annual data from teacher education programs about the characteristics of students admitted to and graduating from the programs. The reporting format shall be established by the higher education coordinating board assisted by representatives from teacher education programs.

Sec. 2. [TASK FORCE ON TEACHER EDUCATION PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] The higher education coordinating board and the board of teaching shall jointly appoint a task force on teacher education programs. The task force shall review changes in programs that are needed to adapt them to state educational priorities, changing roles for teachers, and economic and social trends that will affect educational needs. Members shall include representatives of the commissioner of education, board of teaching, higher education coordinating board, teachers, school boards, administrators, and teacher education students and faculty.

Subd. 2. [DUTIES.] The task force shall make recommendations to the higher education coordinating board, the board of teaching, and institutions with teacher education programs about changes that would meet contemporary and anticipated conditions. The task force shall also make recommendations to the board of teaching about program outcomes and outcome measures to be used in the evaluation and approval of teacher education programs. The measures shall assure program graduates are capable of performing effectively as teachers. In developing its proposals, the task force shall consider and coordinate efforts under Minnesota Statutes, sections 121.608, 121.609, 129B.32 to 129B.35, 129B.42 to 129B.47, and learning improvement initiatives of the department of education.

Subd. 3. [REPORTS.] The task force shall submit its report to the higher education coordinating board and the board of teaching by November 1, 1986. The higher education coordinating board and the board of teaching shall submit the task force report to the education committees of the legislature with recommendations of the boards by January 1, 1987.

Subd. 4. [RULES.] The board of teaching shall review its rules for approving teacher education programs and consider implementation of the task force recommendations.

Subd. 5. [STAFF ASSISTANCE AND COMPENSATION.] The higher education coordinating board and the board of teaching shall provide staff assistance to the task force. Compensation of task force members shall be according to section 15.059, subdivision 3.

Subd. 6. [TERMINATION.] The task force shall terminate on June 30, 1987.

Sec. 3. [APPROPRIATIONS; BOARD OF TEACHING.]

Subdivision 1. There is appropriated from the general fund to the higher education coordinating board the sums indicated in this section for the fiscal years ending June 30 in the year designated.

Subd. 2. [DATA COLLECTION.] For collection and publication of data

about students and graduates of teacher education programs there is appropriated:

\$25,000 1986.

Subd. 3. [TASK FORCE ON TEACHER EDUCATION PROGRAMS.] For operation and support to the task force on teacher education programs there is appropriated:

\$150,000 1986.

The sum shall be available until June 30, 1987."

Delete the title and insert:

"A bill for an act relating to education; requiring collection and publication of data about students and graduates of teacher education programs; establishing a task force on teacher education programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1041: A bill for an act relating to post-secondary education; excluding the value of a family farm and its equipment from consideration for student financial assistance in certain cases; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [FARM LAND VALUATION FOR FINANCIAL AID FOR THE 1985-1986 AND 1986-1987 SCHOOL YEARS.]

Subdivision 1. [LIMIT ON VALUATION.] In determining eligibility for and the amount of a state scholarship or grant-in-aid, the value per acre of a family farm shall not exceed the average value per acre of farm land in the county in which the farm is located. For a farm located in more than one county, the value to be used is the value of farm land in the county in which the largest portion of the farm is located. The average value per acre shall be as established by the agriculture extension service of the University of Minnesota for the year preceding the year in which application for a scholarship or grant-in-aid is made.

Subd. 2. [ADMINISTRATION.] The higher education coordinating board shall notify by mail each dependent and independent applicant for aid for the 1985-1986 school year whose permanent mailing address is not within a city of the first or second class and who reported owning business or farm assets or parental business or farm assets. The notice shall inform an applicant that limitations on the value of farm land have been established by law and that the applicant may reapply for aid or for additional aid. Any materials to reapply shall be included with the notice. The board may establish a reasonable date by which reapplication is to be made.

For applications for aid for the 1986-1987 school year, the board shall

include detailed information about limitations on farm land valuation in the application instructions.

Subd. 3. [STUDENTS NOT ELIGIBLE.] This section shall not apply to a student for whom the initial determination of financial need expects no contribution from farm or business assets.

Sec. 2. [METHODOLOGY USED TO DETERMINE NEED FOR FINANCIAL AID.]

According to the provisions of section 3.97, subdivision 7, the legislative auditor is requested to review the method used to determine the need a student has for financial aid for post-secondary education. The review shall include the effect of the present method on students and parents who have various types of assets and modest income, such as farmers, small business owners, home owners without large mortgages, and others. Alternate methods of calculating parental contributions that are more closely related to income shall be considered by the auditor. A report of the review and recommendations shall be submitted to the legislature by January 1, 1986.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; establishing a limitation on the value of farm land for awarding scholarships and grants; requesting the legislative auditor to conduct a study of the methodology used to determine need for financial aid."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

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, section 325F.18, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 144.495, is amended to read:

144.495 [FORMALDEHYDE RULES.]

The legislature finds that building materials containing urea formaldehyde may emit unsafe levels of formaldehyde in newly constructed housing units. The product standards prescribed in section 4 are intended to provide indoor air levels of formaldehyde that do not exceed 0.4 parts per million. If the commissioner of health determines that the standards prescribed in section 4

result in indoor air levels of formaldehyde that exceed 0.4 parts per million, the commissioner may adopt different building materials product standards to ensure that the 0.4 parts per million level is not exceeded. Within 30 days after April 24, 1980 The commissioner of health shall determine if a significant health problem is presented by the use of building materials that emit formaldehyde gases. If he determines that such a problem exists he shall promulgate rules pursuant to chapter 14, including emergency rules, establishing standards governing the sale of building materials and housing units that contain products made with urea formaldehyde may adopt rules under chapter 14 to establish product standards as provided in this section. The rules of the commissioner governing ambient air levels of formaldehyde, Minnesota Rules, parts 4620.1600 to 4620.2100, are repealed, except that the rule of the commissioner relating to new installations of urea formaldehyde foam insulation in residential housing units remains in effect.

Sec. 2. Minnesota Statutes 1984, section 325F.18, subdivision 1, is amended to read:

Subdivision 1. (a) No manufacturer shall sell any building materials and no builder shall sell or lease to the initial occupant a housing unit, other than a unit of manufactured housing, containing urea formaldehyde unless the manufacturer or builder has made the following written disclosure to any purchaser of the materials or housing unit or lessee of the housing unit: **"WARNING. THIS PRODUCT (HOUSING UNIT) CONTAINS THE CHEMICAL FORMALDEHYDE. FOR SOME PEOPLE FORMALDEHYDE MAY CAUSE HEALTH PROBLEMS, SUCH AS IRRITATION OF THE EYES, NOSE AND THROAT, SNEEZING, COUGHING, HEADACHES, SHORTNESS OF BREATH, OR CHEST OR STOMACH PAINS. CHILDREN UNDER THE AGE OF TWO, ELDERLY PEOPLE, PEOPLE WITH BREATHING PROBLEMS OR PEOPLE WITH ALLERGIES MAY HAVE MORE SERIOUS DIFFICULTIES. IF YOU HAVE QUESTIONS ABOUT PROBLEMS YOU MAY HAVE WITH FORMALDEHYDE, CONSULT A DOCTOR."**

"IMPORTANT HEALTH NOTICE.

SOME OF THE BUILDING MATERIALS USED IN THIS HOME (OR THESE BUILDING MATERIALS) EMIT FORMALDEHYDE. EYE, NOSE, AND THROAT IRRITATION, HEADACHE, NAUSEA AND A VARIETY OF ASTHMA-LIKE SYMPTOMS, INCLUDING SHORTNESS OF BREATH, HAVE BEEN REPORTED AS A RESULT OF FORMALDEHYDE EXPOSURE. ELDERLY PERSONS AND YOUNG CHILDREN, AS WELL AS ANYONE WITH A HISTORY OF ASTHMA, ALLERGIES, OR LUNG PROBLEMS, MAY BE AT GREATER RISK. RESEARCH IS CONTINUING ON THE POSSIBLE LONG-TERM EFFECTS OF EXPOSURE TO FORMALDEHYDE.

REDUCED VENTILATION RESULTING FROM ENERGY EFFICIENCY STANDARDS MAY ALLOW FORMALDEHYDE AND OTHER CONTAMINANTS TO ACCUMULATE IN THE INDOOR AIR. HIGH INDOOR TEMPERATURES AND HUMIDITY RAISE FORMALDEHYDE LEVELS. WHEN A HOME IS TO BE LOCATED IN AREAS SUBJECT TO EXTREME SUMMER TEMPERATURES, AN AIR-CONDITIONING SYSTEM CAN BE USED TO CONTROL INDOOR TEM-

PERATURE LEVELS.

IF YOU HAVE ANY QUESTIONS REGARDING THE HEALTH EFFECTS OF FORMALDEHYDE, CONSULT YOUR DOCTOR OR LOCAL HEALTH DEPARTMENT."

(b) No manufacturer shall sell or lease a manufactured home containing urea formaldehyde unless the manufacturer has made the written disclosure prescribed in Code of Federal Regulations, title 24, section 3280.309 (1984).

Sec. 3. Minnesota Statutes 1984, section 325F.18, subdivision 1a, is amended to read:

Subd. 1a. For the purposes of this section "building materials" means any urea formaldehyde-containing material used in the construction or insulation or renovation of a housing unit or a nonresidential building, but does not include:

- (1) draperies, carpeting, furniture and furnishings not normally permanently affixed to a housing unit; and
- (2) noncellular insulation.

Sec. 4. Minnesota Statutes 1984, section 325F.18, subdivision 4, is amended to read:

Subd. 4. The manufacturer of a product or builder of a housing unit that contains materials made with urea formaldehyde, shall pay the reasonable cost of repair or relocation if the consumer can document that the housing unit contains a significant ambient air level of formaldehyde product used in constructing the consumer's residence did not meet the product standard established in section 3, and in addition has documented medical records of illness related to formaldehyde and a statement from a physician that the consumer must vacate the premises. The party who has received the claim has the right to test the ambient air level of the housing unit at reasonable times.

If within 30 days after the presentation of the items set forth above the manufacturer or builder and the consumer do not agree on a remedy the consumer may bring suit to recover the reasonable cost of repair or relocation plus reasonable attorneys' fees. Notwithstanding the remedy under this subdivision, the consumer may bring an action for personal injury, if any, if the action is commenced within one year from the presentation of the items required by this subdivision the consumer's receipt of the order of a physician to vacate the premises due to an illness related to formaldehyde.

Sec. 5. [325F.181] [FORMALDEHYDE PRODUCT STANDARD.]

All plywood and particleboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standards in Code of Federal Regulations, title 24, sections 3280.308 and 3280.406 (1984). All medium density fiberboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standard for particleboard in Code of Federal Regulations, title 24, section 3280.308 (1984), notwithstanding the fact that medium density fiberboard is not specifically covered by that regulation. The product standards prescribed in this section may be modified by rule by the commissioner

of health only as provided in section 144.495.

Sec. 6. [STUDY.]

The commissioner of health shall study the feasibility of developing product standards for, or otherwise regulating, the materials exempted from the definition of building materials in section 325F.18, subdivision 1a. The commissioner shall report to the legislature by January 1, 1987.

Sec. 7. [REPEALER.]

Minnesota Statutes 1984, section 325F.18, subdivision 5, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective June 30, 1985."

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 144.495; and" and after "I" insert ", 1a,"

Page 1, line 8, delete "sections 144.495; and" and insert "section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 86: A bill for an act relating to agriculture; changing requirements for certain adulterated milk or cream; providing a penalty; amending Minnesota Statutes 1984, section 32.21.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 32.21, is amended to read:

32.21 [PURCHASE OR SALE OF UNWHOLESOME OR ADULTERATED MILK OR AND CREAM PROHIBITED.]

No person shall sell or knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted, or which from any cause are filthy or insanitary, or from unclean or diseased cows, or those fed with garbage or any filthy, decayed, putrid, or unwholesome animal or vegetable substance; milk drawn from cows within 15 days before, or five days after calving; and milk or cream which has been kept in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of sections 32.21 and 32.22. Except where otherwise provided by law, milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth percent of butterfat, and cream in which there is less than 18 percent of butterfat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall

be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as provided in section ~~32.22.~~

Subdivision 1. [PURCHASE AND SALE PROHIBITION.] A person may not sell or knowingly buy adulterated milk or cream.

Subd. 2. [MANUFACTURER OF FOOD FOR HUMAN CONSUMPTION FROM ADULTERATED MILK OR CREAM PROHIBITED.] An article of food for human consumption may not be manufactured from adulterated milk or cream, except as provided in section 32.22.

Subd. 3. [ADULTERATED MILK OR CREAM.] For purposes of this section and section 32.22, milk or cream is adulterated if:

- (1) milk is drawn in a filthy or unsanitary place;*
- (2) milk is drawn from unhealthy or diseased cows;*
- (3) milk is drawn from cows that are fed garbage or an unwholesome animal or vegetable substance;*
- (4) milk is drawn from cows within 15 days before calving, or five days after calving;*
- (5) milk or cream contains a substance that is not a normal constituent of the milk or cream, except as allowed in this chapter;*
- (6) milk contains water in excess of that normally present in milk; or*
- (7) milk or cream contains antibiotics or other bacterial inhibitory substances in amounts above the actionable levels established by rule or under section 32.415.*

Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) that the milk producer has violated this section.

(c) A milk producer who violates this section shall be subject to a civil penalty of \$100. The commissioner must notify the person violating this section by certified mail stating:

- (1) the milk producer violating this section is on probation for one year after the date of violation; and*
- (2) the \$100 civil penalty is suspended unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation.*

(d) A milk producer who violates this section a second time within a 12-month period is subject to a \$200 civil penalty. The commissioner must notify the milk producer violating this section stating:

- (1) the milk producer is still on probation;*
- (2) the \$200 civil penalty is suspended, unless the milk producer violates this section during the probation period, including changing milk plants within 30 days after the violation; and*

(3) *the consequences of a third violation.*

(e) *A milk producer who violates this section three or more times within a 12-month period is subject to a fine of \$300.*

(f) *Penalties collected under this section shall be deposited in the milk inspection service account created in section 32.394, subdivision 9."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1984, section 97.55, subdivision 16, is amended to read:

Subd. 16. Every person who illegally buys or sells game fish, big game, or small game, when the total amount of the sale or sales is \$300 or more, is guilty of a gross misdemeanor punishable by a fine of not less than \$700 \$3,000 nor more than \$10,000 or by imprisonment in the county jail for not less than 90 days or more than one year or by both such fine and imprisonment. *A license to take wild animals possessed by the violator immediately becomes null and void and the violator forfeits all rights to take any wild animals in any manner for a period of three years after the date of conviction."*

Page 2, line 16, delete "*shipments*"

Page 2, line 16, delete "*nonresidents*" and insert "*transportation or shipment*"

Pages 2 and 3, delete section 3

Page 3, delete section 5 and insert:

"Sec. 4. Minnesota Statutes 1984, section 100.29, subdivision 8, is amended to read:

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any zone open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter's or trapper's cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be bright red or blaze orange ~~or covered therewith~~, *but must include either a blaze orange cap or at least 100 square inches of blaze orange on the outer garments above the waist on both front and back.* Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

Sec. 5. [REPEALER.]

Minnesota Statutes 1984, section 97.55, subdivision 4, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "4" and insert "16"

Page 1, line 6, after "adding" delete "subdivisions" and insert "a subdivision" and after "8" insert "; repealing Minnesota Statutes 1984, section 97.55, subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1097: A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreational open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, after "and" insert "recreational"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 880: 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.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 45: A bill for an act relating to drainage; recodifying the drainage law with some modifications; appropriating money; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, delete everything after the period

Page 2, delete line 1

Page 2, line 20, delete "land" and insert "property"

Page 3, line 3, delete "SUBDIVISION" and insert "SUBDIVISIONS" and delete "subdivision" and insert "subdivisions"

Page 3, line 8, delete "property owners"

Page 3, line 12, after "published" insert "at least"

Page 3, line 13, delete "that is published and"

Page 3, line 23, after "WELFARE" insert "OR PUBLIC BENEFIT"

Page 3, line 32, delete the second "of" and insert "under"

Page 4, line 15, delete "in public waters"

Page 4, line 18, after "determined" insert "to be"

Page 5, line 19, after "(2)" insert "the present and anticipated"

Page 5, lines 19 and 20, delete "and overall land use before and after construction"

Page 5, after line 21, insert:

"(3) the present and anticipated land use within the drainage system;"

Renumber the clauses in sequence

Page 6, after line 7, insert:

"Sec. 4. [106A.021] [DITCHES MUST BE PLANTED WITH PERMANENT GRASS.]

Subdivision 1. [SPOIL BANKS MUST BE SPREAD AND GRASS PLANTED.] In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction of the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the banks and on a strip 16-1/2 feet in width or to the crown of the leveled spoil bank, whichever is the greater, on each side of the top edge of the channel of the ditch. The acreage and additional property required for the planting must be acquired by the authority having jurisdiction.

Subd. 2. [RESEEDING AND HARVESTING GRASS.] The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent grass must be maintained in the same manner as other drainage system repairs. Harvest of the grass from the grass strip in a manner not harmful to the grass or the drainage system is the privilege of the fee owner or assigns. The county drainage inspector shall establish regulations for the fee owner and assigns to harvest the grass.

Subd. 3. [AGRICULTURAL PRACTICES PROHIBITED.] Agricultural practices, other than those required for the maintenance of a permanent growth of grass, are not permitted on any portion of the property acquired for

planting."

Page 6, line 8, delete "106A.021" and insert "106A.025"

Page 6, line 32, delete ", with" and insert "and"

Page 7, line 17, delete "106A.025" and insert "106A.031"

Page 7, line 20, delete "state line" and insert "boundary"

Page 8, line 9, delete "106A.031" and insert "106A.035"

Page 8, line 18, delete "106A.035" and insert "106A.041"

Page 8, line 25, delete "106A.041" and insert "106A.045" and delete "BOARD OR COURT" and insert "DRAINAGE AUTHORITY"

Page 8, line 30, delete "until" and insert "to"

Page 8, line 34, delete "106A.045" and insert "106A.051"

Page 9, line 1, after "proceeding" insert "or construction"

Page 9, line 14, delete "106A.051" and insert "106A.055"

Page 9, line 16, after "If" insert "after" and delete "to establish a drainage system" and delete "been"

Page 9, line 17, delete everything before "a survey" and insert "begun"

Page 9, line 18, after "made" insert "and a proceeding to establish a drainage system has been dismissed or the drainage system has not been established"

Page 9, line 21, after the first "parties" insert "according to this section"

Page 9, line 29, delete "106A.055" and insert "106A.061"

Page 9, line 34, delete "106A.061" and insert "106A.065"

Page 9, line 35, delete "all" and after "have" insert "an aggregate"

Page 9, line 36, after "cost" insert "of"

Page 10, line 3, delete "in the county"

Page 10, after line 4, insert:

"Sec. 14. [106A.071] [COUNTY ATTORNEY.]

The county attorney shall represent the county in all drainage proceedings and related matters without special compensation. A county attorney, the county attorney's assistant, or any attorney associated with the county attorney in business, may not otherwise appear in any drainage proceeding for any interested person."

Page 10, line 5, delete "106A.065" and insert "106A.075" and delete "BY"

Page 10, line 6, delete "BRIDGES AND CULVERTS"

Page 10, line 8, after "obstructed" insert ", including"

Page 10, line 10, delete "or otherwise"

Page 10, line 13, delete "cause" and insert "the board"

Page 10, line 15, delete "show cause to" and insert "appear before"

Page 10, line 16, delete "an" and insert "the"

Page 10, line 18, delete "and must be notified" and insert "unless the owner proves otherwise" and delete "The notice to"

Page 10, line 19, after "be" insert "notified" and delete "not less than" and insert "at least" and delete "date"

Page 10, line 20, delete "set to show cause" and insert "hearing"

Page 10, line 28, delete "and file" and insert a period and before "in" insert "must be filed"

Page 10, line 30, delete "public or other"

Page 10, line 31, delete "corporation" and insert "party"

Page 11, line 1, delete "106A.071" and insert "106A.081"

Page 11, line 8, delete "in any way"

Page 11, line 11, delete "or alter" and before "markings" insert "alter"

Pages 11 to 13, delete sections 15 to 18 and insert:

"Sec. 17. [106A.085] [ENFORCEMENT.]

Subdivision 1. [WARRANTS AND ARRESTS.] The commissioner, director of the fish and game division, game refuge patrolmen, and conservation officers may execute and serve warrants, and arrest persons detected in actual violation of sections 1 to 92 as provided in section 97.50, subdivision 1.

Subd. 2. [PROSECUTION.] The county attorney shall prosecute all criminal actions arising under this chapter."

Page 13, line 25, delete "106A.095" and insert "106A.091"

Page 13, line 32, after "requirements" insert "and criteria"

Page 13, line 33, delete everything after "I,"

Page 13, line 34, delete "section"

Page 14, line 7, before "appealed" insert "order to be" and delete "order"

Page 15, line 10, delete "106A.101" and insert "106A.095"

Page 15, line 12, delete "to"

Page 15, delete line 13

Page 15, line 14, delete "are pending"

Page 15, line 16, after "system" insert "to the district court of the county where the drainage proceedings are pending"

Page 15, line 17, after "auditor" insert "within 30 days after the order is filed"

Page 16, after line 19, insert:

"Sec. 20. [106A.101] [DRAINAGE PROCEEDING AND CONSTRUC-

TION RECORDS.]

Subdivision 1. [DOCUMENTS ARE PUBLIC RECORDS.] All maps, plats, charts, drawings, plans, specifications, and other documents that have been filed, received in evidence, or used in connection with a drainage proceeding or construction are subject to the provisions on public records in section 15.17.

Subd. 2. [RECORD REQUIREMENTS.] All maps, plats, profiles, plans, and specifications prepared and used in relation to a proceeding must:

- (1) be uniform;*
- (2) have each sheet bound and marked to identify the proceeding by the drainage system number;*
- (3) show the name of the person preparing the sheet;*
- (4) show the date the sheet was prepared; and*
- (5) conform to rules and standards prescribed by the director of the division of waters.*

Subd. 3. [INDEX OF PROCEEDINGS AND RECORDS.] The auditor shall keep all orders, exhibits, maps, charts, profiles, plats, specifications, and records of the proceedings. These records may not be removed except when the board makes a written order to remove them. The auditor shall keep an accurate index of the proceedings and related documents in a bound book.

Subd. 4. [ENGINEER'S DOCUMENTS.] All original plats, profiles, records, and field books made by the engineer during the proceedings or the construction of a drainage system are public records and the property of the drainage authority. These public records must be filed with the auditor under the direction of the drainage authority when construction is completed or when the engineer stops acting for the drainage system, whichever is earlier.

Subd. 5. [FILING AND STORAGE FACILITIES.] County boards shall provide the auditor with necessary filing and storage facilities to protect the files and records of all proceedings. The county boards may provide for the copying and filing of the documents and records of proceedings by photographic devices as provided for public records under section 15.17. In the event of loss of the originals, the photographic copies are originals after authentication by the auditor.

Subd. 6. [RECORDS ARE PRIMA FACIE EVIDENCE.] The record of proceedings under this chapter and of orders made by the drainage authority or the district court in the proceedings, or a certified copy of a record or order, is prima facie evidence of the facts stated in the record or order and of the regularity of all proceedings prior to the making of the order."

Page 16, line 30, delete "in" and insert "of property that" and after "system" insert "passes over"

Page 16, line 32, delete "not less than"

Page 16, line 33, delete the first "in" and insert "that"

Page 16, line 34, after "petition" insert "passes over,"

Page 16, line 35, before "*proposed*" insert "*area that the*" and delete "*area*" and insert "*passes over*"

Page 17, line 2, delete "*the authorized agent of*"

Page 17, line 3, delete "*having jurisdiction over*" and insert "*, when*"

Page 17, line 4, after "*system*" insert "*is in their jurisdiction*"

Page 17, line 7, delete "*area*" and insert "*property*" and delete "*is*"

Page 17, line 8, delete "*located*" and insert "*passes over*"

Page 17, line 23, delete "*The bond that is filed*" and insert "*One or more petitioners must file a bond*" and delete "*must be*"

Page 17, line 24, delete "*and be*" and insert "*that is*"

Page 17, line 26, delete "*be*" and insert "*that is*"

Page 17, line 31, delete "BOND;" and delete "PENALTY"

Page 17, line 32, delete "OF"

Page 18, delete lines 13 to 19 and insert:

"Subd. 2. [DEFINITION.] *In this section "improvement" means the tiling, enlarging, extending, straightening, or deepening of an established and constructed drainage system including construction of ditches to reline or replace tile and construction of tile to replace a ditch.*

"Subd. 3. [LIMIT OF EXTENSION.] *An improvement may only extend a drainage system downstream to a more adequate outlet and the extension may not exceed one mile.*"

Page 18, line 30, delete "*improvement*" and insert "*petition*"

Page 18, line 32, delete "*the drainage system*" and insert "*property the improvement is located on*"

Page 18, line 34, delete "*and corporate*"

Page 19, line 2, delete "*other*" and insert "*another*"

Page 19, line 8, delete "*and*"

Page 19, line 10, delete the period and insert "*; and*"

Page 19, line 11, delete "*(e) The petition must*" and insert "*(5)*"

Page 19, line 28, delete "*is*"

Page 19, line 29, delete "*out of*" and insert "*needs*"

Page 20, line 6, delete "*is out of*" and insert "*needs*"

Page 20, line 13, delete "85" and insert "86"

Renumber the subdivisions in sequence

Page 21, line 16, delete everything after "*auditor*" and insert a period

Page 21, line 17, delete "*board.*"

Page 21, line 18, delete "*joint county*"

Page 21, line 19, delete "*any part of*" and delete "*is*" and insert "*are*"

Page 22, line 9, after "by" insert "at least"

Page 22, line 10, before "26" insert "at least"

Page 22, line 29, delete "LATERAL"

Page 23, line 6, delete "that" and insert "if they"

Page 23, line 11, after the period, insert "After the proceeding is dismissed any other action on the proposed drainage system must begin with a new petition."

Page 23, line 17, after "auditor" insert "of the county with the largest area of property in the drainage system"

Page 25, line 24, delete "and wetlands under section 105.37"

Page 26, line 1, after "held" insert "at least"

Page 28, line 4, delete "and" and insert ". The drainage authority in consultation with the auditor shall"

Page 28, line 6, before "auditor" insert "drainage authority after consulting with the"

Page 28, line 29, before "The" insert "(a)"

Page 29, line 1, after "(3)" insert "the"

Page 29, after line 3, insert:

"(b) If the proceedings are dismissed, any other action on the proposed drainage system must begin with a new petition."

Page 30, line 26, before the period, insert "until they are filed with the auditor"

Page 33, line 3, before "The" insert "If required under section 37,"

Page 33, line 8, after "recommend" insert ":(1)"

Page 33, line 9, delete "or" and insert ":(2)"

Page 33, line 11, delete the first "and" and insert "or (3)" and delete "or a portion"

Page 35, line 1, before "and" insert a comma

Page 35, line 19, after "GOVERNMENT" insert "PROPERTY"

Page 37, line 12, after "report," insert "the drainage authority after consulting with"

Page 38, line 13, after "hearing" insert "notice"

Page 38, line 16, delete "5" and insert "7"

Page 39, line 2, delete "called to order" and insert "reconvened" and after "as" insert "is"

Page 39, line 15, delete "RE-EXAMINATION" and insert "REEXAMINATION"

Page 39, line 18, delete "re-examine" and insert "reexamine"

Page 39, lines 22 in both places and 23, delete "re-examination" and insert

“reexamination”

Page 41, after line 32, insert:

“*Subdivision 1. [COMMISSIONER MUST RECOGNIZE DRAINAGE OUTLET PROCEEDINGS WHEN PURCHASING WETLANDS.] If the commissioner purchases wetlands under section 97.481, the commissioner must recognize that when a majority of landowners or owners of a majority of the land in the watershed, petition for a drainage outlet, the state should not interfere with or unnecessarily delay the drainage proceedings if the proceedings are conducted according to this chapter.*”

Page 42, line 1, after “without” insert “: (1)”

Page 42, line 2, before the period, insert “, or (2) for a drainage system that is located entirely within one county and the property for the outlet is located in another county, express authority must be obtained from the district court where the drainage system is located”

Page 42, line 8, delete “Upon filing the petition” and insert “When the petition is filed, the drainage authority in consultation with”

Page 42, line 11, delete “ten” and insert “30”

Page 42, line 24, delete “construed without”

Renumber the subdivisions in sequence

Page 44, line 9, delete “Upon the filing of” and insert “When” and before the comma, insert “is filed”

Page 44, line 10, before “auditor” insert “drainage authority in consultation with the”

Page 44, line 19, delete the period and insert a comma

Page 44, line 25, after the semicolon, insert “and”

Page 45, line 11, delete “other law” and insert “section 574.26”

Page 45, line 13, delete “statute” and insert “section 574.26”

Page 45, line 16, delete “together”

Page 45, line 24, delete “persons” and insert “person”

Page 45, line 25, delete “subdivisions” and insert “subdivision” and delete “injury by” and insert “damages from”

Page 45, line 32, delete “the statutory provisions” and insert “section 574.24”

Page 45, lines 34 and 35, delete “any injured” and insert “a”

Page 45, line 35, before the period, insert “that is damaged”

Page 46, line 5, delete “will be” and insert “is”

Page 47, line 7, delete “and” and insert a period and delete “be required to”

Page 47, line 8, delete “a period of”

Page 47, line 10, delete “contractor’s” and after “part” insert “of the

contractor" and delete the second "*the*" and insert "*this*"

Page 47, line 11, delete everything after "*requirement*" and insert a period

Page 47, delete lines 12 and 13

Page 47, lines 30 and 31, delete "*has been*" and insert "*is*"

Page 47, line 31, delete "*by*" and insert "*within*"

Page 48, line 1, after "*given*" insert "*notice*" and delete "*days' notice of*" and insert "*days before the*"

Page 48, line 23, after "*the*" insert "*drainage authority reserves the*" and delete "*is reserved*" and insert a period

Page 48, delete line 24

Page 48, line 35, delete "*The*"

Page 48, line 36, delete "*auditor with*" and delete "*or the*" and insert "*and the auditor of each affected county*"

Page 49, line 1, delete "*auditors*" and delete "*name*" and insert "*names*" and delete "*the affected*" and insert "*their respective*"

Page 49, delete line 2

Page 49, line 3, delete everything before "*to*"

Page 50, line 7, delete "*that*"

Page 50, line 8, after "*(1)*" insert "*that*"

Page 50, line 11, after "*time*" insert "*of*"

Page 50, line 14, delete the first comma

Page 50, line 15, delete the comma

Page 50, line 22, after "*with*" insert "*the*"

Page 50, line 32, delete the period and insert a comma

Page 51, line 8, delete "*re-examined*" and insert "*reexamined*"

Page 51, line 9, after the comma, insert "*it shall refer*"

Page 51, line 10, delete "*must be referred*" and delete "*re-examine*" and insert "*reexamine*"

Page 51, line 15, after "*that*" insert a colon and begin a paragraph with "*(1)*"

Page 51, line 16, delete the comma and insert a semicolon and begin a paragraph with "*(2)*"

Page 51, line 25, delete "*may*" and insert "*has full authority to*"

Page 51, line 27, delete "*19*" and insert "*18*"

Page 53, lines 4 and 5, delete "*POLITICAL SUBDIVISIONS*" and insert "*CITIES*"

Page 53, line 5, delete "*construction costs of*" and insert "*cost of constructing*"

Page 53, line 8, delete "*political subdivisions*" and insert "*statutory or home rule charter cities*"

Page 53, line 9, delete "*political*"

Page 53, line 10, delete "*corporations*" in both places and insert "*cities*" in both places

Page 54, line 20, after "*requesting*" insert "*that*"

Page 55, line 2, delete "*are authorized to*" and insert "*may*"

Page 55, line 5, after "*to*" insert "*:(1)*"

Page 55, line 6, after "*petitioners*" insert a semicolon and delete the comma and insert "*(2)*"

Page 55, line 18, begin a paragraph with "*(1)*"

Page 55, line 19, begin a paragraph with "*(2)*"

Page 55, line 20, begin a paragraph with "*(3)*"

Page 55, line 21, begin a paragraph with "*(4)*"

Page 55, line 23, begin a paragraph with "*(5)*"

Page 55, line 24, delete everything after the period

Page 55, line 25, before "*auditor*" insert "*The application must be filed with the*"

Page 56, line 13, delete "*notify, by mail,*" and insert "*mail a notice of the default to*"

Page 56, line 33, delete "*from*"

Page 56, line 34, after "*work*" insert a comma and after "*counties*" insert a comma

Page 57, line 18, delete "*the terms of*"

Page 59, line 15, delete the semicolon and insert "*AND*"

Page 59, line 36, delete "*annum*" and insert "*year*"

Page 61, line 2, delete "*annum*" and insert "*year*"

Page 62, after line 1, insert:

"Subd. 6. [ASSESSMENTS ON WILDLIFE LANDS TO BE PAID FROM WILDLIFE ACQUISITION FUND.] *An assessment against state land acquired for wildlife habitat shall be paid from the wildlife acquisition fund as provided in section 97.484.*"

Renumber the subdivisions in sequence

Page 62, line 14, begin a paragraph with "*When*"

Page 62, line 31, delete "*with*" and insert "*who has*"

Page 62, line 32, delete "*and no payments*"

Page 62, line 33, delete "*of principal in default*"

Page 62, line 34, before the period, insert "*if the payments of principal and*

interest on the property are not in default”

Page 64, line 6, delete “*exceeding*” and insert “*to exceed*” and delete “*annum*” and insert “*year*”

Page 64, line 16, after “*issue*” insert a comma

Page 64, line 17, delete “*prior to*” and insert “*before*”

Page 64, line 29, after the semicolon, insert “*and*”

Page 64, line 31, delete the semicolon and insert a comma and after “*or*” insert “*to require the issuance of definitive*”

Page 64, delete line 32

Page 64, line 35, delete “*annum*” and insert “*year*”

Page 64, line 36, delete “*prior to*” and insert “*before*”

Page 65, line 8, delete “*must be*” and insert “*are*”

Page 65, line 9, delete “*that*” and insert “*who*”

Page 65, line 10, delete “*the bondholder’s*” and insert “*their*”

Page 65, line 11, delete “*being*” and insert “*; these bondholders must be*”

Page 65, line 17, delete “*may*” and insert “*must*”

Page 65, lines 17 and 18, delete “*not less than*” and insert “*at least*”

Page 65, line 35, delete “*to*” and delete “*temporary drainage*” and insert “*other*”

Page 66, line 4, after the third “*bonds*” insert a comma

Page 66, line 6, delete “*funds are*” and insert “*money is*”

Page 66, line 14, after “*in*” insert “*an*”

Page 66, line 24, delete “*to those funds*” and after “*with*” insert “*interest at a rate of*”

Page 66, line 25, delete “*annum interest*” and insert “*year*”

Page 67, line 9, after “*state*” insert “*in detail, for each of the several drainage systems*”

Page 67, line 11, delete “*1*” and insert “*2*” and after the semicolon, insert “*and*”

Page 67, line 14, delete “*; and*” and insert a period

Page 67, delete lines 15 to 17

Page 67, line 32, delete “*not more than*”

Page 68, line 2, delete “*the provisions*”

Page 68, line 3, delete “*of*” and delete “*applicable*”

Page 68, line 23, after “*or*” insert “*construction, or*”

Page 68, line 24, delete “*as*” and insert “*to*”

Page 68, line 32, after “*of*” insert “*the*”

Page 69, after line 7, insert:

“Sec. 77. [106A.651] [DRAINAGE SYSTEM ACCOUNT.]

Subdivision 1. [FUNDS FOR DRAINAGE SYSTEM COSTS.] The board shall provide funds to pay the costs of drainage systems.

Subd. 2. [DRAINAGE SYSTEM ACCOUNT.] The auditor shall keep a separate account for each drainage system. The account must be credited with all money from the sale of bonds and bond premiums and all money received from interest, liens, assessments, and other sources for the drainage system. The account must be debited with every item of expense made for the drainage system.

Subd. 3. [INVESTMENT OF SURPLUS FUNDS.] If a drainage system account or the common drainage bond redemption fund has a surplus over the amount required for payment of obligations presently due and payable from the account or fund, the board may invest any part of the surplus in bonds or certificates of indebtedness of the United States or of the state.

Subd. 4. [DORMANT DRAINAGE SYSTEM ACCOUNT TRANSFERRED TO GENERAL REVENUE FUND.] If a surplus has existed in a drainage system account for a period of 20 years or more and there have not been any expenditures from the account during the period, the board, by a unanimous resolution, may transfer the surplus remaining in the drainage system account to the county general revenue fund of the county.”

Page 69, line 8, delete “106A.651” and insert “106A.655”

Page 69, delete lines 9 and 10

Page 69, lines 24 and 32, delete “annum” and insert “year”

Renumber the subdivisions in sequence

Page 70, delete section 78

Page 71, line 9, delete “from time to time”

Page 71, after line 10, insert:

“*Subd. 2. [REPAIR OF TOWN DITCHES.] The town board has the power of a drainage authority to repair a town drainage system located within the town.*”

Page 71, line 23, delete “in which a” and insert “that has had”

Page 71, line 24, delete “is made”

Page 71, line 26, delete “or” and insert “and home rule charter and statutory”

Renumber the subdivisions in sequence

Page 71, line 33, before “system” insert “drainage”

Page 71, line 36, delete “The”

Page 72, delete line 1

Page 72, line 2, before “The” insert “For each drainage system that the board designates and requires the drainage inspector to examine,”

Page 72, line 13, delete "*the provisions of*"

Page 72, line 14, delete "*and sections 82 to 86*"

Page 73, line 8, delete "*an affected*" and insert "*a*" and after "*county*" insert "*that has made repairs*"

Page 74, line 16, delete "*is out of*" and insert "*needs*"

Page 74, line 25, delete "*make*" and insert "*prepare*"

Page 74, line 30, after "*authority*" delete the comma and insert a period

Page 74, line 31, delete "*and*" and insert "*The drainage authority in consultation with the auditor shall*"

Page 75, line 2, after "*made*" insert "*if*"

Page 75, lines 3 and 7, delete "*if*"

Page 75, line 7, after "*owners*" insert "*of*"

Page 75, line 9, after the comma, insert "*and*"

Page 75, line 11, delete the comma

Page 75, line 16, delete "*make*" and insert "*prepare*"

Page 75, line 19, delete "*made*" and insert "*prepared*"

Page 75, line 28, delete "*repair*"

Page 75, line 29, delete "*done*" and insert "*repaired*"

Page 76, line 15, delete "*87*" and insert "*88*" and after "*otherwise*" insert a comma

Page 76, line 25, after "*authority*" delete the comma and insert a period

Page 76, line 26, delete "*and*" and insert "*The drainage authority in consultation with the auditor shall, by order,*" and delete "*, by order,*"

Page 77, line 11, delete "*and each municipality*" and insert "*, political subdivision*"

Page 77, lines 12, 15, 23, and 28, delete "*corporation*" and insert "*entity*"

Page 77, lines 15, 22, and 28, delete "*municipality*" and insert "*political subdivision*"

Page 77, line 29, delete "*85*" and insert "*86*"

Page 77, after line 29, insert:

"Sec. 85. [106A.725] [COST OF REPAIR.]

All fees and costs incurred for proceedings relating to the repair of a drainage system, including inspections, engineering, viewing, and publications, are costs of the repair and must be assessed against the property and entities benefited."

Page 77, line 30, delete "*106A.725*" and insert "*106A.731*"

Page 78, line 11, delete "*annum*" and insert "*year*"

Page 78, line 16, delete "*and is*" and insert "*. The assessment and interest*"

are”

Page 78, line 18, after “for” insert “the”

Page 78, line 23, delete “is” and insert “are”

Page 78, line 29, after “equipment” insert a comma

Page 79, line 2, delete “106A.731” and insert “106A.735”

Page 79, line 4, delete the first comma

Page 79, line 15, after the period, insert “Assessments must be made pro rata according to the determined benefits. Assessments may be made payable, by order, in equal annual installments. The auditor shall file a tabular statement as provided in section 86, subdivision 4, with the county recorder.”

Page 79, line 16, delete “this chapter” and insert “section 86”

Page 79, delete lines 17 to 21

Page 79, line 22, delete “(b)” and insert “Subd. 2. [TRANSFER OF DRAINAGE SYSTEM.]”

Page 79, line 30, delete “106A.735” and insert “106A.741”

Page 79, line 34, delete “which” and insert “that”

Page 80, line 17, delete “and” and insert “. The viewers shall”

Page 80, line 21, delete “shall have” and insert “has”

Page 80, line 31, delete “19” and insert “18”

Page 81, delete lines 4 to 8

Page 81, line 9, delete “106A.741” and insert “106A.745”

Page 81, line 13, delete “106.501” and insert “24”

Page 81, line 19, delete “commenced prior to” and insert “started before”

Page 81, line 27, delete both commas

Page 81, line 32, delete “90 or 91” and insert “91 or 92”

Page 82, line 8, after the comma, insert “the drainage authority in consultation with”

Page 82, line 26, before “order” insert “date of the”

Page 83, line 10, delete everything after “(a)” and insert “When the petition is filed, the drainage authority in consultation with”

Page 83, line 19, delete “water” and insert “waters” and delete “has” and insert “have”

Page 83, delete lines 28 to 33

Page 83, line 34, delete “(d)” and insert “(c)”

Page 84, after line 3, insert:

“Subd. 4. [EFFECT OF REMOVING PROPERTY FROM DRAINAGE SYSTEM.] The property that has been removed from the drainage system is

not affected by the drainage system at any later proceeding for the repair or improvement of the drainage system and a drainage lien or assessment for repairs or improvements may not be made against the property that has been removed on or after the date of the order."

Page 84, line 4, delete "(e)" and insert "Subd. 5. [LIENS AND ASSESSMENTS ON PROPERTY REMOVED OR ABANDONED.]"

Page 84, lines 4 and 7, delete "subdivision" and insert "section"

Page 85, line 1, delete "Upon the"

Page 85, line 2, delete "filing of" and insert "When" and after "petition" insert "is filed" and after the first comma, insert "the drainage authority in consultation with"

Page 86, after line 2, insert:

"Sec. 93. Minnesota Statutes 1984, section 40.072, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY PROGRAM PLANS; APPLICATION FOR FEDERAL OR OTHER AID; COOPERATION WITH OTHER AGENCIES; REPORT AND RECOMMENDATIONS TO THE COUNTY BOARD; ADOPTION OF IMPROVEMENT WORK PLAN.] After adoption of the resolution recommending the improvement work unit and program as provided in subdivision 2, with amendments thereto, if any, the board or boards, when the board or boards of county commissioners by resolution so directs, may make or cause to be made such further surveys and studies as may be necessary and thereupon make or cause to be made a preliminary general plan for carrying out the program for the improvement work unit as set forth in the resolution or any part thereof, with cost estimates therefor. The board or boards, at the direction of the county board or boards, may make application for federal aid, state aid, or aid available from any other source for the works embraced in the program or any part thereof under Public Law 566 or any act amendatory thereof or supplementary thereto or any other applicable federal or state law, and may take all steps necessary to determine whether such aid will be available and the amount thereof. The board may consider how the cost of the works of improvement or any part thereof above prospective federal or other aid may be met from the funds of the district or from the proceeds of assessments on benefited property or otherwise, and make estimates therefor. If the cooperation or joint action of any adjacent soil and water conservation district or any other public agency is desirable for any purpose under the program or in connection therewith, the board, at the direction of the county board or boards, may negotiate with the authorities concerned for such cooperation or joint action as authorized in this chapter, and acts amendatory thereof, or as otherwise provided by law. Upon completion of the foregoing steps as far as necessary, the board or boards may make and file a report, summarizing its findings thereon and its recommendations for further action on the program or any part thereof. The board or boards shall make the plan together with the preliminary general plan for the improvement work unit available to the county board or boards and to all other public agencies and persons concerned, and may give such publicity thereto as the district board deems advisable. The report shall contain substantially the same engineering information required by section

112.49, subdivisions 1 and 2. The board or boards shall transmit a copy of the report and preliminary plan to any regional development agency created by Minnesota law for the region in which each project is located, and in those cases where the plan involves a project for which a permit is required from the commissioner of natural resources under chapter 105, or for which proceedings will be instituted under ~~chapter 106~~ sections 1 to 92, to the commissioner of natural resources and to the water resources board. The water resources board shall review the report and plan and, if it concludes that the plan is inconsistent with systematic administration of state water policy, shall report its conclusion to the board or boards and the commissioner of natural resources within 60 days after receiving the report and plan. Thereafter the board or boards may modify and retransmit the report and preliminary plan to the water resources board, or may request a hearing on the report and plan before the water resources board. The water resources board shall hear the matter in the same manner, and follow the same procedures, as provided in sections 105.76 to 105.79, for the hearing of cases where it consents to intervention proceedings. Except where the water resources board concludes that the report and plan are inconsistent with state water policy, the district board or boards, with the approval of the county board or boards, may adopt and sponsor the improvement work unit and a program of work for the unit.

Sec. 94. Minnesota Statutes 1984, section 40.072, subdivision 4, is amended to read:

Subd. 4. [ACTION ON WORK PROJECT PURSUANT TO REPORT; PETITION AND HEARING.] The county board or boards, acting jointly under section 471.59, may take action on a project within the improvement work unit for construction or installation of works of improvement or part thereof pursuant to the recommendations in the report only upon a petition for a project signed by at least 25 percent of the owners of the land over which the proposed improvement work passes or upon which it is located, or by the owners of at least 30 percent of the area of such land, describing such land and requesting the county board or joint county board to hold a hearing on the practicability and desirability of carrying out the project in accordance with the preliminary plan and the recommendations in the report of the district board or boards. If the report specifies that any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, one or more of the petitioners, upon the filing of the petition and before any action is taken thereon, shall file a bond to the county or counties acting jointly conditioned as provided by section ~~406.041~~ 22 in the case of a county drainage system, to be approved by the chairman of the board. The county board or joint county board shall set a time and place for the hearing on the petition, and cause notice thereof to be given as provided in section ~~406.401~~ 33, subdivision 1. If upon the hearing the county board or joint county board finds that the carrying out of the project as requested in the petition will be feasible, in accordance with the recommendations of the report, and in furtherance of the objectives and purposes therein set forth, and that the estimated cost will not exceed the funds which may reasonably be expected to be available for payment thereof, the county board or joint county board may adopt a resolution so determining and directing further action on the project as hereinafter provided. By such resolution the county board or joint county board shall determine the amount to be paid from the respective sources of available or potentially available funds, including federal aid, district funds, assessments on benefited property, and other funds, if any. The amount payable from district funds may be commensurate with but shall not exceed the value of the

general public benefit of the project to the district as determined by the board or boards.

Sec. 95. Minnesota Statutes 1984, section 40.072, subdivision 5, is amended to read:

Subd. 5. [ACTION ON PROJECT WITHOUT ASSESSMENTS.] If no part of the project cost is to be paid from assessments on benefited property, the county board or joint county board may proceed with complete surveys and detailed plans and specifications and make its order establishing the project. The order shall contain findings substantially conforming to those required by section ~~106.201~~ 49, subdivision 2. Notice summarizing the findings and order shall be served upon those persons entitled to receive notice of a county drainage project pursuant to section ~~106.171~~ 46, in the manner therein provided unless such notice is waived in writing by each person entitled to receive such notice. The waiver of notice shall be filed with the county auditor. Unless an appeal is taken within 30 days after the notice is given, the county board or joint county board may proceed to acquire necessary rights or property, procure materials, let contracts, and take any other steps appropriate to complete the project. The county board or joint county board may delegate its duties and powers under this subdivision to the district board or joint district board provided that the district board or joint district board shall not exercise the power of eminent domain.

Sec. 96. Minnesota Statutes 1984, section 40.072, subdivision 6, is amended to read:

Subd. 6. [ACTION ON PROJECT WITH ASSESSMENTS.] If any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, viewers shall be appointed as provided in section ~~106.141~~ 42, and shall report as required by sections ~~106.151~~ and ~~106.161~~ sections 43, 44, and 45. The board or joint board of county commissioners shall direct the petitioners or, with its consent, the board or joint board of supervisors, to provide such engineering services as may be necessary to produce final plans adequate for the construction of the proposed improvement. The county board or joint county board shall then give notice of and conduct a final hearing substantially in accordance with sections ~~106.171~~ 46 to ~~106.191~~ 49 inclusive, as in the case of a county drainage proceeding, so far as these sections are consistent with this chapter, and acts amendatory thereof. If it is determined that the total benefits to property are not as much as the amount payable from the proceeds of assessments as specified in the report of the board or boards under subdivision 3, the petition shall be dismissed and further action on the project discontinued except as hereinafter provided, unless the county board or joint county board shall determine that the deficiency may be met by increasing the amount payable from district funds or other funds, subject to the limitations hereinbefore prescribed, in which case further action for completion of the project may be taken as herein provided. If it is determined that the total benefits to property are as much as or more than the amount payable from the proceeds of assessments as specified in the report and that the other applicable requirements of law have been complied with, the county board or joint county board shall by order containing such findings establish the project as reported or amended and adopt and confirm the viewers' report as made or amended. If the total amount of benefits to be assessed upon property pursuant to the viewers' report as so

adopted and confirmed is greater than the amount specified as payable from such assessments in the report of the board or boards under subdivision 3, the county board or joint county board may reduce the amounts payable from other sources of funds accordingly in such proportions as it may determine. Further action shall be taken thereon as provided in ~~chapter 106 sections 1 to 92~~, so far as appropriate, except that each tract of land affected shall be assessed for the full amount of benefits, less damages, if any, as shown by the viewers' report as adopted and confirmed, unless the total amount of such benefits, less damages, exceeds the total actual cost of the project to be paid from the proceeds of assessments, in which case such cost shall be prorated for assessment purposes as provided in section ~~106.341 67~~. Upon filing of the viewers' report as provided in this section the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvement, as shown by the report and order of the county board or joint county board, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided in section ~~106.411 74~~.

The provision of section ~~106.411 74~~ requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by this section.

The county board or joint county board, pursuant to agreement with the district board or boards, may by resolution direct the district to undertake, construct, install, maintain, and operate the work of improvement upon terms mutually agreed upon. However, if it is necessary to acquire property by eminent domain, the county, or the counties acting jointly, shall exercise the power of eminent domain and shall convey the property to the district or districts pursuant to the agreement.

If, pursuant to an agreement, the responsibility for a work of improvement is vested in a district or districts, the respective county treasurers shall transmit the proceeds of all related assessments or bond issues, when collected, to the treasurer of the district, who shall credit the same to the proper funds under the direction of the district board.

Sec. 97. Minnesota Statutes 1984, section 40.072, subdivision 9, is amended to read:

Subd. 9. [REPAIR.] The term "repair" used in this section means restoring the project works of improvement or any part thereof as nearly as practicable to the same condition as when originally constructed or subsequently improved.

After the construction of a project has been completed and accepted by the board of the county or district having authority over the project, the board shall maintain the same or such part thereof as lies within its jurisdiction and provide the repairs required to render it efficient to answer its purpose. This board shall have, exercise, and perform the powers and duties of the ~~county board drainage authority under section 106.471 sections 80 to 89~~, except as follows. If this board is a board of a soil and water conservation district, the financing of repairs which require assessments and bond issues shall be the responsibility of the county board or joint county board in a manner similar to that provided for the financing of the cost of original construction of the project and as provided in section ~~106.471 sections 80 to 89~~, so far as appro-

priate.

Sec. 98. Minnesota Statutes 1984, section 40.073, is amended to read:

40.073 [APPEALS.]

Any person aggrieved by an order of the board or joint board of county commissioners in any proceedings undertaken pursuant to section 40.072, subdivisions 5 or 6, may appeal to the district court upon the grounds and in the manner provided by ~~section 406.631~~ *sections 18 and 19*, for a county drainage proceeding. Notices required by ~~section 406.631~~ *sections 18 and 19*, to be filed with the county auditor shall also be filed with the board or joint board of supervisors. No appeal shall be permitted from an order of the board or joint board of county commissioners or the board or joint board of supervisors made pursuant to section 40.072, subdivisions 5 or 6 which dismisses a petition or refuses to establish a project.

Sec. 99. Minnesota Statutes 1984, section 88.43, subdivision 2, is amended to read:

Subd. 2. [BENEFITS; ASSESSMENT; LIEN.] If any clearing or other improvement of land made by any town or city benefits any person, or benefits some and damages others, then the amount of both such benefits and damages shall be ascertained in the same manner as provided by law with respect to damages in condemnation proceedings by right of eminent domain. All provisions of law relating to the determination of the amount of damages in condemnation proceedings shall apply to the determination of the value of benefits under this section, as far as practicable. Any benefits so found shall be assessed against, and be a lien upon, the real property so benefited and shall be noted upon the public records and collected upon the same terms and in substantially the same manner as now provided by law for the collection of ditch and drainage assessments pursuant to ~~chapter 406~~ *sections 1 to 92*.

Sec. 100. Minnesota Statutes 1984, section 97.484, is amended to read:

97.484 [ASSESSMENTS TO BE PAID FROM FUND.]

Any assessments against the State of Minnesota under the provisions of ~~sections 406.381, or 406.671 and 406.672~~ *3, subdivision 2; 5; 44, subdivision 1; or section 70*, shall be paid from moneys in the Wildlife Acquisition Fund herein created on all such lands or properties heretofore or hereafter acquired for wildlife habitat.

Sec. 101. Minnesota Statutes 1984, section 97.50, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 97 to 102, 105 and ~~406~~ *sections 1 to 92*, and

section 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

On or before the return day, the officer shall return the notice or summons to the court before whom it is returnable. If the person summoned fails to appear on the return day, the court shall issue a warrant for his arrest. Upon his or her arrest, proceedings shall be had as in other cases.

Sec. 102. Minnesota Statutes 1984, section 105.42, subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for the state, any person, partnership, association, private or public corporation, county, municipality or other political subdivision of the state, to construct, reconstruct, remove, abandon, transfer ownership, or make any change in any reservoir, dam or waterway obstruction on any public water; or in any manner, to change or diminish the course, current or cross-section of any public waters, wholly or partly within the state, by any means, including but not limited to, filling, excavating, or placing of any materials in or on the beds of public waters, without a written permit from the commissioner previously obtained. Application for such permit shall be in writing to the commissioner on forms prescribed by him. No permit shall be required for work in altered natural watercourses which are part of drainage systems established pursuant to ~~chapters 106 and sections 1 to 92 and chapter 112~~ when the work in the waters is undertaken pursuant to those chapters.

This section does not apply to any public drainage system lawfully established under the provisions of ~~chapter 106 sections 1 to 92~~ which does not substantially affect any public waters.

The commissioner, subject to the approval of the county board, shall have power to grant permits under such terms and conditions as he shall prescribe, to establish, construct, maintain and control wharfs, docks, piers, levees, breakwaters, basins, canals and hangars in or adjacent to public waters of the state except within the corporate limits of cities.

Sec. 103. Minnesota Statutes 1984, section 105.471, is amended to read:

105.471 [VENUE OF ACTIONS AGAINST COMMISSIONER; DRAINAGE AND CLASSIFICATION OF PUBLIC WATERS.]

Notwithstanding any other law to the contrary, any action for declaratory judgment that is commenced under chapter 555 by or against the commissioner to determine the validity of the commissioner's final decision regarding the classification of any waters of the state as public waters pursuant to sections 105.38 to 105.391, or the drainage of waterbasins or watercourses as provided in ~~section 106.021~~ *sections 2 and 3, subdivision 1*, shall be venued in the county where the water, watercourse or waterbasin is located, if the water, watercourse or waterbasin is located in one county, or in the judicial district where the majority of the water, watercourse or waterbasin is located, if the water, watercourse or waterbasin is located in more than one county.

Sec. 104. Minnesota Statutes 1984, section 105.74, is amended to read:

105.74 [ADDITIONAL DUTIES OF BOARD.]

In addition to duties elsewhere prescribed, the board has the function defined in sections 105.72 to 105.79 when the decision of the agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under any of the following: Sections 84.57, 97.48, subdivision 13, 105.41, 105.42, 105.43, 105.44, 105.64, ~~106.021~~, ~~106.674~~ 2, 3, 115.04, 115.05, and chapter 110.

Sec. 105. Minnesota Statutes 1984, section 105.81, is amended to read:

105.81 [PETITION; BOND; INVESTIGATION; REPORT; HEARING; ORDER.]

For the purpose of conserving and making more adequate use of our water resources, any person, public or municipal corporation, governmental subdivision, the state or any of its departments or agencies, the commissioner of natural resources and the United States or any of its agencies, may petition the county board in the case of a system lying wholly within one county or the district court in the case of a drainage system affecting two or more counties for the installation of dams or other control works in said ditches to impound or divert waters for any beneficial use. Said petition shall contain the location of the installation, plans and specifications for the proposed structure, and a map of the areas likely to be affected by the impoundment or diversion. The petitioner shall agree to be responsible for the cost of installation and construction of the structure. Upon filing of the petition, the petitioners shall file a bond as provided in sections ~~106.041 and 106.051~~ 22 and 23. No bond shall be required if the petition is filed by the state, any of its departments or agencies, the commissioner of natural resources, the United States or any of its agencies, and cities. Said petition shall also be accompanied by a permit from the commissioner of natural resources as required in sections 105.41 and 105.42.

On receipt of the petition, bond, and permit, if required, the board or court shall appoint an engineer to investigate the effect of the proposed installation and file a report of his findings. Upon filing of the engineer's report, notice shall be given and a public hearing held as provided in section ~~106.101~~ 33. If

at this hearing it appears from the engineer's report and other evidence presented that such installation will be of a public or private benefit and that it will not impair the utility of the ditch or deprive affected land owners of the benefit thereof, the board or court shall issue a permit authorizing its installation. Before the petitioner shall install or construct any impoundment or diversion, he shall obtain such rights-of-way and flowage easements from all owners of land to be affected thereby.

The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the petitioner without any cost to the owners of lands and properties previously within the drainage system.

Sec. 106. Minnesota Statutes 1984, section 111.09, subdivision 2, is amended to read:

Subd. 2. [CHIEF ENGINEER, ATTORNEY.] The board may employ a chief engineer and an attorney, and such other engineers and attorneys or agents or assistants as are needful and necessary and shall provide for their compensation. All such expenses shall be, as far as practicable, as a part of the costs of each improvement upon which such engineer and attorney perform services, and as far as applicable shall be governed by section 406.434-76.

Sec. 107. Minnesota Statutes 1984, section 111.11, is amended to read:

111.11 [ESTABLISHMENT OF DISTRICT; CLASSES.]

After the organization of the board of directors of any drainage and conservancy district organized under the provisions of sections 111.02 to 111.42 and upon filing with the clerk of the board a petition signed by not less than 25 freeholders of the district (but in no event shall more than 25 percent of the owners of the property affected be required), or by the board of county commissioners of any county, or the council of any city likely to be affected by the proposed improvement therein, asking for the construction within the limits of the conservancy district of any of the improvements authorized by the provisions of sections 111.02 to 111.42 relative to drainage, regulation, control, or conservation of the waters of any lake, pond, marsh, or body of water, river, stream, watercourse, ditch, or drain within the district which may cover the whole or any part of the improvement contemplated when the district was organized, therein describing the need of the proposed improvement, the extent thereof, and describing in general terms the bodies of water, streams, or watercourses proposed to be improved, or reservoirs or other improvements constructed; and, if the construction of a ditch or drain as a part of the proposed improvement contemplated, a description of the starting point, the general course and termination thereof shall be given therein, or if the contemplated improvements require that any ditch or drain established and constructed under any law of this state, or any portion thereof, be utilized for the protection of fires in areas subject to destruction or damage by fire or for irrigation, all as specified, a description of such ditch and drain, or the portions thereof so required, and a general description of such areas, protection whereof from fire is sought, or irrigation is sought, setting forth the reasons and necessity for such improvements and that the same, if constructed, will benefit public health and general welfare of the inhabitants in that vicinity, and the petition is to be accompanied by a bond signed by the

petitioners, or any number of them, or other parties in their behalf, in such sum as the board of directors of such district may specify and such as it shall approve, conditioned for payment of all costs or expenses in connection with such improvements in the event the petition, as therein set forth or subsequently modified, is not granted; it shall be the duty of the board of directors of the district to cause to be made, at the earliest possible date, by its engineer, all necessary surveys, maps, plats, profiles, and plans covering the proposed improvements so as to fully inform the board as to the merits and practicability of proposed improvements, and, in making the surveys, plats, profiles, and report, the engineer shall, so far as practicable, conform to the requirements of General Statutes 1923, Section 6678, and the board shall have authority to correct, change, or modify the proposed improvements, as outlined in the petition, and if the report of the engineer is favorable to the construction of the improvements, and is approved by the board of directors, the board shall, with the least possible delay, appoint three disinterested citizens of the state to act as viewers, and the viewers so selected shall, after subscribing an oath to faithfully and impartially perform their duties, proceed to personally inspect and examine all lands, highways, and other property likely to be affected by the improvements, or that may be used or taken for the construction or maintenance thereof and shall, in the performance of their duties so far as practicable comply with the provisions of sections ~~106-141 and 106-151~~ 42 to 45 and make and file with the clerk of the board with such plans and specifications a detailed statement showing the actual benefits and damages that will result to individuals, property, or corporations from the construction of the improvements, and a list of lands and other property, including highways and corporations, that will be actually benefited or damaged, and the amount thereof, and include lands, roads, corporations, and other property receiving actual benefits by way of drainage or control of flood waters, or by regulation, conservation, and application of waters for fire protection and irrigation, as hereinbefore authorized, and lands or water powers further down the valley and include all lands to which a drainage outlet is supplied by such improvement by way of increased facilities for drainage or control of flood waters or protection from fire or for irrigation, and all such property and corporations shall be assessable for the cost of the proposed improvement in proportion to the actual benefits received, as finally determined by the court; provided, the board of directors of the district may elect to levy no assessment under this section upon water powers, but collect for such improvement as otherwise provided in sections 111.02 to 111.42. General Statutes 1923, Sections 6681 and 6682, so far as applicable, shall apply to and govern the work of the viewers under sections 111.02 to 111.42. In any case where fire protection is part of the relief prayed for in the petition and the utilization of any existing ditch or drain, or any portion thereof, is alleged to be necessary thereto, the petition for such improvements, before being presented to the board of directors, shall be signed by not less than 50 percent of the resident freeholders (but in no event shall more than 25 signers be required) whose lands are affected by the ditch or drain, or portion thereof, to be utilized, and approved by resolution of the board of county commissioners of each county wherein the same is located.

Sec. 108. Minnesota Statutes 1984, section 111.13, is amended to read:

111.13 [MODIFICATIONS, APPROVAL OR REJECTION.]

At the time and place specified in the notice, the court shall hear all parties

interested for and against the granting of the petition and confirming the reports, and may order and direct the modification of the plans and specifications and the assessments of benefits and damages and amend or change the list of property reported as assessable for the construction and maintenance thereof, or may recommit the same to the engineer or viewers, or both, for changes. If upon full hearing the court shall find that the improvement will be conducive to the public health and promote the general welfare and cause the protection and reclamation of wet or overflowed lands or the control of flood waters in streams, channels, and reservoirs, or aid in the prevention of fires in the areas, or any purpose authorized by sections 111.02 to 111.42, in the drainage and conservancy district and that the benefits resulting therefrom will be greater than the costs of the construction and damages, and a sum equal to 15 percent of the cost of the construction, exclusive of damages, for maintenance, then the court shall make its findings accordingly and order and direct the construction of the improvement and confirm the report of the engineer and the findings and report of the board or the viewers with reference to benefits and damages and lands assessable, and may, by this order, authorize the board of the district to construct the whole or any part of the improvement petitioned for or to let contracts for the improvement ordered as a whole or for different parts thereof separately. All persons, parties, or corporations affected by the order shall have the right to appeal on questions of benefits and damages in the manner now provided for appeals in the case of judicial ditches, pursuant to provisions of ~~section 106.634~~ *sections 18 and 19*.

If any ditch or drain, or any portion thereof, mentioned in the petition and reports is proper to be utilized for any of the objects or purposes of sections 111.02 to 111.42, the court shall include in its findings all matters in respect thereto and in and by the order fix and limit the use and application of the same therefor, taking care not to destroy the ditch, or any part thereof, so used for the purposes for which it was established. Upon the entry of the order, the board of directors of the district shall have and exercise all the authority thereover theretofore vested in any public corporation or administrative body as to such ditch or drain, or portion thereof, and be charged with all the duties of any such public corporation or administrative body as to the upkeep, repair, and maintenance of any such ditch, or the part thereof taken under sections 111.02 to 111.42.

Sec. 109. Minnesota Statutes 1984, section 111.30, is amended to read:

111.30 [APPORTIONMENT OF COSTS.]

At the time set for hearing on the report and petition of the board of directors of any district and the report of the engineer asking for the establishment of any improvement under the provisions of sections 111.02 to 111.42, or at any time subsequent thereto, upon five days' notice, in writing, to the auditor of each county containing property affected by such improvement, the court shall apportion the amount of the total costs of the construction of the improvements among the counties affected in proportion to the benefits received and shall fix and determine the amount to be paid by each and, upon similar notice to the auditor, the judge of the district court may, at any time, modify his order as justice may require, or make additional orders covering additional expense. The word "expense", as used in this section, shall be construed to mean every item of cost of the improvement from its inception to

its completion and all fees and expenses paid or incurred, including all damages awarded; and, upon the filing of the order, or a certified copy thereof, with the auditor of each county affected, together with a list of all property in the county affected and a statement of all benefits and damages affecting the same, and such other information as the court, by order, may direct, it shall be the duty of the county board of each county to provide the necessary funds to meet the proportionate share of the cost of the improvement, as specified in the order, in the same manner as now provided in the case of judicial ditch proceedings, under section ~~106.411~~ 74. Immediately, or at the earliest date possible following the letting of contracts for the construction of the improvement by the board of directors of the district, it shall cause to be made and filed, with its clerk and with the auditor of each county affected, a statement showing the total cost of the improvement, including expenses as nearly as they can be ascertained, and the proportionate amount that the property within each county affected shall be required to pay on the basis fixed by the order of the court, together with a list of all property benefited within such county; and thereupon it shall become the duty of the auditor of each county to cause to be made and recorded the tabular statement and lien against the property benefited within the county the amount to be paid by the property in the county, in accordance with the provisions of sections ~~106.341, 106.351, and 106.361~~ 67 and 68; and it shall be the duty of the county commissioners of each county to provide funds to meet the proportionate share of the total cost of the improvement, as shown by the report of the board of the drainage and conservancy district and the order of the court, and the county board is authorized to exercise all rights and authority in so doing now granted to the board of county commissioners under the provisions of sections ~~106.341 and 106.411~~ 67, subdivisions 1 and 2; and 74 and other provisions relating to county and judicial ditch proceedings. It shall be the duty of the respective county auditors and county treasurers to levy and collect the amount shown in the tabular statement and lien, as provided in sections ~~106.371~~ 69 and ~~106.381~~ 70. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

Sec. 110. Minnesota Statutes 1984, section 111.31, is amended to read:

111.31 [ASSESSMENTS.]

Upon the filing by the board of directors of a drainage and conservancy district with the auditor of any county of a statement as provided in section 111.30, giving a list of the property and corporations benefited or damaged or otherwise affected by any proposed improvement, it shall be the duty of the auditor to assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the provisions of section ~~106.381~~ 70, he shall proceed to levy and collect the sums specified in the lists against the property and corporations in accordance with the provisions thereof and, in the event the sum so reported shall become a direct charge against the county, it may be paid by such county out of its road and bridge fund, or otherwise, as the county commissioners may direct, and may be paid in whole or in instalments as may be specified by the board of county commissioners of the county. No assessment shall be levied against any property or corporation benefited under the provisions of sections

111.02 to 111.42 in excess of the amounts of benefits received as fixed by the order of the court directing the construction of the improvement or subsequently determined on appeal.

Sec. 111. Minnesota Statutes 1984, section 111.36, is amended to read:

111.36 [NEGLECT OF AFFAIRS.]

The provisions of section ~~106.641~~ 16 relating to the obstruction or injury of work shall apply to any and all improvements made or authorized under the provisions of sections 111.02 to 111.42, and any other provision contained in the laws of this state relating to judicial or county ditches providing for punishment for damages committed to or interfering with such work shall apply to all improvements made under the provisions of sections 111.02 to 111.42.

Sec. 112. Minnesota Statutes 1984, section 111.78, is amended to read:

111.78 [LIENS TO BEAR INTEREST.]

The amount that each tract of land, public or private, shall be liable for on account of the construction of works authorized in sections 111.65 to 111.80 shall bear interest from the date of the filing of the auditor's statement in the office of the county recorder at the legal rate until paid.

Such liens may be paid to the county treasurer at any time after the recording of the auditor's statement in the office of the county recorder.

When payment of the full amount of the liens with interest shall at any time be made the county auditor, upon presentation of a receipt from the county treasurer to that effect, shall issue under his hand a certificate of such payment and the same when recorded in the office of the county recorder shall release and discharge the lien of record.

On or before November 15 next following the filing by the auditor of such statement, he shall enter on the tax lists of the county the amount of the lien against each tract of land, all of which shall be payable as directed by the court on such tract, which shall be subject to and be collected with like penalties as all other taxes.

The auditor of the county wherein the proceedings are held is hereby authorized, upon order of the court, to issue warrants of the county to pay the official costs of such proceedings and when the costs are assessed against the lands in more than one county such costs are to be determined and apportioned between the counties affected in proportion to the benefits assessed against the lands and property in such county. The issued warrants are to draw interest at the legal rate, subject to their payment as provided under section ~~106.451~~ 78.

Sec. 113. Minnesota Statutes 1984, section 112.431, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) For the purpose of this section the terms defined in this subdivision have the meanings ascribed to them.

(b) "Drainage system" means a ditch as defined by section ~~106.011~~, ~~subdivision 17~~ 1, *subdivision 11*.

(c) "Watershed district" means any watershed district established pursuant to the provisions of chapter 112, wholly or partially in a metropolitan

county.

(d) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

(e) "Metropolitan area" means the combined area of the metropolitan counties.

Sec. 114. Minnesota Statutes 1984, section 112.48, subdivision 1, is amended to read:

Subdivision 1. After the overall plan of the district has been prescribed by the board, as provided in section 112.46, a petition may be filed with the managers for any project within the district conforming in general with the plan. The petition must be signed:

(1) By not less than 25 percent of the resident freeholders, or by the owners of more than 25 percent of the land within the limits of the area proposed to be improved unless the project consists of the establishment of a drainage system as defined in ~~chapter 106 sections 1 to 92~~ or the improvement of an existing drainage system;

(2) By a majority of the resident owners of the land over which the proposed project passes or is located, or by the owners of at least 60 percent of the area of the land, if the project consists of the establishment of a drainage system as defined in ~~chapter 106 sections 1 to 92~~;

(3) By not less than 26 percent of the resident owners of the property affected by the proposed project or over which the proposed project passes or by the owners of not less than 26 percent of the area affected or over which the proposed project passes if the project consists of the improvement of an existing drainage system as defined in ~~chapter 106 sections 1 to 92~~;

(4) By a county board of any county affected; or

(5) By the governing body of any city lying wholly or partly within the area proposed to be improved; provided that if the proposed project affects lands exclusively within a city, the petition shall originate from the governing body of the city.

For the purpose of this subdivision, holders of easements for electric or telephone transmission or distribution lines are not considered freeholders or owners.

The petition shall contain the following:

(a) A description of the proposed project, and the purpose to be accomplished;

(b) A description of the lands over which the proposed project passes or is located;

(c) A general description of the part of the district which will be affected, if less than the entire district;

(d) The need and necessity for the proposed improvement;

(e) That the proposed project will be conducive to public health, convenience, and welfare;

(f) A statement that the petitioners will pay all costs and expenses which

may be incurred in case the proceedings are dismissed or for any reason no construction contract is let for the project.

Sec. 115. Minnesota Statutes 1984, section 112.50, is amended to read:

112.50 [APPRAISALS.]

Subdivision 1. Upon the filing of the engineer's report the managers shall, with the least possible delay, appoint three disinterested resident freeholders of the state to act as appraisers. These appraisers shall subscribe an oath to faithfully and impartially perform their duties, and with or without the engineer, shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in ~~section 106.672~~ *sections 5 and 44, subdivision 1*, shall be determined subject to the provisions thereof, so far as applicable. Each appraiser may be paid on a per diem basis for every day necessarily engaged in the performance of his duties and for his actual and necessary expenses. The compensation shall be fixed by the managers, to be paid by the district and included in the cost of improvement. The managers of the watershed districts may in their discretion use the following procedure for the purpose of determining benefits and damages. Upon the filing of the engineer's report the managers with the assistance of the engineer shall determine the benefits or damages to all lands and properties affected by the proposed project or improvement, including lands owned by the state of Minnesota or any department thereof, highways, and other property likely to be affected by the proposed improvement or that may be used or taken from the construction or maintenance thereof. Benefits and damages to lands owned by the state of Minnesota or any department thereof held and used for the purposes described in ~~section 106.672~~ *sections 5 and 44, subdivision 1* shall be determined subject to the provisions thereof, so far as applicable. The managers shall also determine the amount to be paid and generally assessed by the watershed district for the basic water management portion of the improvement projects.

Sec. 116. Minnesota Statutes 1984, section 112.501, subdivision 1, is amended to read:

Subdivision 1. Where the proposed improvement, includes or prays for the construction or improvement of any ditch, stream, river, or watercourse, or any structures for the control or alleviation of damages from flood waters, the appraisers shall be governed by ~~section 106.151~~ *sections 43 to 45*.

Sec. 117. Minnesota Statutes 1984, section 112.541, is amended to read:

112.541 [PROCEDURE WHEN CONTRACT IS NOT LET.]

If after the receipt of the bids, no bids are received except for a price more than 30 percent in excess of the engineers estimate as contained in his report, or for a price in excess of the benefits, less damages and other costs, the managers shall follow the procedure described in ~~section 106.241~~ 57.

Sec. 118. Minnesota Statutes 1984, section 112.59, is amended to read:

112.59 [CONTROL OF CONTRACTS.]

In all cases where contracts are let by the managers, they shall have full control of all matters pertaining thereto. If a contractor fails to complete the improvement within the time or in the manner specified in the contract, the managers may extend the time for completion or may refuse an extension of time or may cancel the contract and readvertise and relet the contract. They may require the surety for the contractor to complete the improvement or proceed to have the contract otherwise completed at the expense of the contractor and his surety. They may take such other action with reference thereto that the occasion may require in the interest of the district. The provisions of ~~chapter 106 sections 1 to 92~~, so far as pertinent, apply to and govern the relations between the engineer and the contractor, including the examination and report of the engineer and the amount and time of payment. The managers shall keep an accurate account of all expenses incurred, which shall include the compensation of the engineer and his assistants, the compensation and expenses of the appraisers as provided in section 112.50, the compensation of petitioners' attorney, the cost of petitioners' bond, the fees of all county officials necessitated by the improvement which shall be in addition to all fees otherwise allowed by law, and the time and expenses of all employees of the district, including the expenses of the managers while engaged in any improvement. The fees and expenses provided for herein shall be audited, allowed and paid upon the order of the managers and shall be charged to and be treated as a part of the cost of the improvement.

Sec. 119. Minnesota Statutes 1984, section 112.60, subdivision 1, is amended to read:

Subdivision 1. Upon the filing by the managers with the auditor of any county of a statement listing the property and corporations benefited or damaged or otherwise affected by any improvement as found by the appraisers and approved by the managers, he shall assess the amount specified in such list against the lands and municipalities or other corporations as therein specified in accordance with the pertinent provisions of ~~chapter 106 sections 1 to 92~~.

Sec. 120. Minnesota Statutes 1984, section 112.60, subdivision 2, is amended to read:

Subd. 2. Upon filing of the statement as provided in subdivision 1 the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvements, as shown by the report and order of the managers of the district, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided by section ~~106.411 74~~. In the event an improvement is to be constructed under the provisions of section 112.69, the provisions of section ~~106.411 74~~ requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by this section.

Sec. 121. Minnesota Statutes 1984, section 112.60, subdivision 3, is amended to read:

Subd. 3. The respective county auditors and county treasurers shall levy and collect the amount shown in the tabular statement and lien as provided in

sections ~~106.341~~ 67 to ~~106.401~~ 73. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise, for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

Sec. 122. Minnesota Statutes 1984, section 112.64, subdivision 2, is amended to read:

Subd. 2. For the purpose of creating a maintenance fund for normal and routine maintenance of a project, the board of managers is authorized to apportion and assess the amount of the fund against all the parcels of land and municipal corporations previously assessed for benefits in proceedings for the construction of the project. The assessment shall be made pro rata according to benefits determined. No assessment for the benefit of the maintenance fund shall be made when the fund exceeds 20 percent of the original cost of construction of the project. Upon receiving the assessment order from the board of managers, the auditors of the counties affected shall file for record in the office of the county recorder for the county a tabular lien statement covering the assessment. The assessment shall be collected as provided in the order in the same manner as provided in section ~~106.471~~ 86. Before ordering the levy of an assessment for the benefit of the maintenance fund, the board of managers, in its discretion, may give notice of a hearing on the matter.

Sec. 123. Minnesota Statutes 1984, section 112.64, subdivision 3, is amended to read:

Subd. 3. If the engineer certifies to the board of managers, in his annual report or otherwise, that an improvement of the district is in such a state of disrepair that it cannot be restored by normal and routine maintenance to the same condition as when originally constructed or subsequently improved, or that a ditch or channel must be widened or deepened, or that any improvement of the district must be altered or improved, in order to attain the level of operating efficiency contemplated at the time of the original construction, the board of managers, before ordering any repairs other than normal and routine maintenance, shall order the engineer to prepare and submit to the board of managers technical and cost specifications on the work necessary to restore, or improve the improvement to the desired level of operating efficiency. Upon receiving the engineer's report, the board of managers shall set a date for hearing on the report and give notice of the hearing in the same manner as in the original proceeding on the construction of the improvement. If upon hearing the board of managers finds that the repair or improvement is in compliance with the provisions, is necessary to accomplish the purposes of this chapter, and that the cost of the repair or improvement will not exceed its benefits, they may order the repair or improvement and assess the cost against the benefited properties. The cost shall be apportioned and assessed pro rata upon all lands and property that were assessed for the construction of the improvement. No single levy for repair shall exceed the amount of benefits originally determined. The board of managers shall file a copy of the order for levy with the auditor of each county which contains affected properties. The auditor shall extend the levy against affected properties as in proceedings for the levy, assessment and collection of taxes levied in drainage proceedings conducted under ~~chapter 106~~ sections 1 to 92.

Sec. 124. Minnesota Statutes 1984, section 112.65, subdivision 1, is

amended to read:

Subdivision 1. The managers of a district shall take over when directed by the district court or county board any judicial or county drainage system within the district, together with the right to repair and maintain the same. Such transfer may be initiated by the district court or county board, or such transfer may be initiated by a petition from any person having an interest in the drainage system or by the managers. No such transfer shall be made until the district court or county board has held a hearing thereon. Due notice of the proposed transfer together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. Following the hearing, the district court or county board shall make its order directing that the managers of a district take over the affected judicial or county drainage system, unless it appears that the take over would not be in the public welfare or public interest and would not serve the purpose of this chapter. When the transfer is directed all proceedings for repair and maintenance shall thereafter conform to the provisions of ~~chapter 106~~ sections 1 to 92.

Sec. 125. Minnesota Statutes 1984, section 161.28, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Upon the filing of a petition by the commissioner with the appropriate county auditor setting forth that it would be advantageous or desirable in the construction or maintenance of a trunk highway to make a minor alteration or change in a public drainage system directly affecting a trunk highway and that the alteration or change will not affect the functioning or efficiency of the public drainage system, the auditor shall fix a time and place for hearing and give notice of the hearing by publication, as defined in section ~~106.177~~ 46. Upon the filing of the petition the commissioner shall also file a plan showing in detail the alteration or change petitioned for. If upon the hearing it appears to the county board or joint county ditch authority that the alteration or change in the public drainage system will not affect or impair the efficiency of the drainage system, the board or authority shall make its order allowing the commissioner to make the alteration or change petitioned for. Upon the making of the order by the county board or the joint county ditch authority, the commissioner may proceed at the sole cost and expense of the state to make the alterations or changes as may be in the order allowed, damages, if any, for any additional lands necessary for the change or alteration being first duly paid or secured. Upon completion of the alteration or change the commissioner shall file with the appropriate auditor a map drawn to scale showing the change or alteration made and shall also file a profile of all lines of the alteration or change in the ditch showing graphically the elevation of the ground and gradient, whether open or tiled, the size of tile, and the bottom width and side slope of open ditch sections, and such other information as may appear necessary for understanding. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include such alteration or change as a part of it with the same force and effect as though it had been originally so constructed and established.

Sec. 126. Minnesota Statutes 1984, section 163.17, is amended to read:

163.17 [DRAINAGE SYSTEMS AFFECTING HIGHWAYS; ALTER-

ATIONS.]

Upon the filing of a resolution by the county board of any county with the county auditor, in the case of a public ditch system lying wholly within a county, or with the clerk of the district court having jurisdiction over said ditch in the case of a ditch system affecting two or more counties, therein setting forth that it would be advantageous or desirable in the construction or maintenance of a highway under the jurisdiction of the county to make a minor alteration or change in a public ditch system directly affecting the highway, and that the alteration or change will not affect the functioning or efficiency of the ditch system, it shall be the duty of the auditor, or the clerk with the approval of the judge, to fix a time and place for hearing thereon and to give notice of hearing by publication as defined by section ~~106.011~~ 1, subdivision 2 21. Upon the filing of the resolution, the board shall also cause to be filed a plan showing in detail the alteration or change therein described. If upon the hearing it shall appear to the county board or district court that the alteration or change in the public ditch system will not affect or impair the efficiency of the ditch system, the board or court shall make its order authorizing the county to cause the alteration or change to be made. Upon the making of the order by the county board or the court, the county board may proceed at the sole cost and expense of the county to make the alterations or changes as may be in the order allowed; damages, if any, occasioned thereby being first duly paid or secured by the county. Upon completion of the alteration or change, the county board shall cause to be filed with the auditor or clerk, a map and profile drawn to scale showing thereon the change or alteration made. If the map and profile be filed with the clerk, duplicates thereof shall also be filed with the auditor of each county affected. Upon the completion of the alteration or change herein provided for, the ditch shall thereafter include the alteration or change as part thereof with the same force and effect as though it had been originally so constructed and established.

Sec. 127. Minnesota Statutes 1984, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS:] The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, the fee is \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under ~~chapter 106~~ sections 1 to 92, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 128. Minnesota Statutes 1984, section 375.471; is amended to read:

375.471 [LAND CONSERVATION AND UTILIZATION; FEDERAL AID.]

The county boards of the several counties which have been designated as a resource conservation and development project area under 7 USCA, Sec. 1011(e) and acts amendatory thereof, may enter into agreements as necessary with the secretary of agriculture of the United States and other agencies of the federal government for the program of land conservation and land utilization authorized by 7 USCA, Sec. 1010 and acts amendatory thereof, to accept assistance for the program under 7 USCA, Sec. 1011 and acts amendatory thereof, to engage in works of improvement as necessary for the purpose of the acts and to cooperate with the secretary of agriculture and federal agencies so that residents of this state obtain the benefits and advantages available to them and intended by congress to be available by the acts. The county boards shall comply with the requirements of federal law and any rules and regulations promulgated under it and with appropriate state laws to accomplish the purposes intended by this section. If a proceeding is instituted by petition for an improvement under this section, it may be conducted by a board in the same manner provided for the establishment of a drainage system under ~~chapter 106~~ ~~sections 1 to 92~~. A majority of the landowners as defined in section ~~106.034~~ ~~21~~, *subdivision 3*, shall be required for a valid petition. They may also proceed under authority provided by other law.

Sec. 129. Minnesota Statutes 1984, section 471.345, subdivision 3, is amended to read:

Subd. 3. [CONTRACTS OVER \$15,000.] If the amount of the contract is

estimated to exceed \$15,000, sealed bids shall be solicited by public notice in the manner and subject to the requirements of the law governing contracts by the particular municipality or class thereof provided that with regard to repairs and maintenance of ditches, bids shall not be required if the estimated amount of the contract does not exceed the amount specified in section ~~106.471, subdivision 2~~ 81, subdivisions 4, 5, and 6.

Sec. 130. Minnesota Statutes 1984, section 473.877, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed delineated pursuant to subdivision 2, as required by sections 473.875 to 473.883, may provide, in addition to other provisions authorized by section 471.59, for a joint board having:

(a) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of section 473.878;

(b) the authority to review and approve local water management plans as provided in section 473.879;

(c) the authority of a watershed district under chapter 112 to regulate the use and development of land in the watershed when one or more of the following conditions exists: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 473.879 or has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land;

(d) the authority of a watershed district under section 112.65 to accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed, provided that projects may be carried out under the powers granted in chapter ~~106~~, 112, or 473 and sections 1 to 92 and that proceedings of the board with respect to the systems must be in conformance with the watershed plan adopted under section 473.878; and

(e) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Sec. 131. Minnesota Statutes 1984, section 473.878, subdivision 4, is amended to read:

Subd. 4. [CONTENTS.] The plan shall:

(a) Describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

(b) Present information on the hydrologic system and its components, in-

cluding any drainage systems previously constructed under ~~chapter 106 sections 1 to 92~~, and existing and potential problems related thereto;

(c) State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) Describe the effect of the plan on existing drainage systems;

(f) Describe conflicts between the watershed plan and existing plans of local government units;

(g) Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(h) Set out a procedure for amending the plan.

Sec. 132. [EFFECT OF CHANGES IN THIS ACT.]

The legislature intends this act to be a clarification and reorganization of the drainage law. The changes that have been made are not intended to alter the drainage law and shall not be construed by a court or other authority to alter the meaning of the law."

Page 86, line 14, delete "and"

Page 86, line 15, after "106.673" insert "; and 109.38"

ReNUMBER the sections in sequence

Delete the title and insert:

"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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 981: A bill for an act relating to consumer protection; requiring certain information relating to loan and residential real estate closing costs to

be provided to buyers; governing the application of hazard insurance proceeds to a mortgage loan, and clarifying liability for failure to pay premiums; establishing rates for title and mortgage insurance; proposing coding for new law in Minnesota Statutes, chapters 68A, 70A, and 325G.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, after "owner" insert "as his primary residence. Transactions exempt from the Real Estate Settlement Procedures Act, 12, U.S.C. section 2601, et seq, and the regulations thereunder, are also exempt from this act"

Page 2, delete lines 34 to 36

Page 3, delete line 1 and insert "Subdivision 1. [SETTLEMENT STATEMENT.] A draft settlement statement must be made available to a buyer at the lender's or closer's offices at least three business days before the day of settlement, provided that the buyer may waive this requirement in writing any time before settlement. The party who chooses the settlement agent shall make the buyer aware of the location where the draft settlement statement will be available. The draft settlement statement must be so marked, and must be accompanied by a list which clearly indicates those costs, if any, which are subject to change. Any waiver must be in writing, on a separate sheet of paper. The lender must include the following statement, in a minimum 12 point type, on its good faith estimate of settlement costs: YOU HAVE THE RIGHT TO INSPECT A DRAFT SETTLEMENT STATEMENT AT LEAST THREE BUSINESS DAYS BEFORE THE DAY OF YOUR CLOSING. THE DRAFT SETTLEMENT STATEMENT WILL CONTAIN A GOOD FAITH ITEMIZATION OF FINAL CLOSING COSTS."

Page 3, line 5, after the period, insert "If there is more than one buyer, the information may be provided to one of them."

Page 3, delete lines 10 to 13

Renumber the paragraphs in sequence

Page 3, line 18, after "PURCHASE" insert "HAZARD OR TITLE"

Page 3, line 22, delete " , if applicable,"

Page 3, line 23, after "loan" insert "or the servicing of the loan" and delete "general"

Page 3, delete lines 24 and 25 and insert "statement that the sale or assignment does not change the terms of the loan contract or mortgage;"

Page 3, delete lines 26 to 29

Page 3, line 31, delete "a lender" and insert "an"

Page 3, line 32, delete "prepared" and before the period, insert "on the good faith estimate of settlement costs"

Page 3, line 33, delete "need" and insert "may" and delete "only"

Page 3, after line 33, insert:

"Subd. 4. [DISCLOSURE AT TIME OF APPLICATION.] Upon receipt

of an application for a mortgage loan, or at any time prior to receipt, the lender must provide to the buyer an itemized list of the fees the buyer must pay at the time of application, and a statement of which fees will or will not be refunded if the application is withdrawn or denied. If there is more than one buyer, the information may be provided to one of them."

Page 4, line 1, delete "9" and insert "10"

Page 4, line 6, after "for" insert "*establishing a noninterest bearing tax or insurance escrow account or for*"

Page 4, line 14, delete "*habitable*"

Page 4, line 14, after "*condition*" insert "*substantially the same as prior to the damage, and which would not impair the lender's security interest*"

Page 4, delete lines 17 and 18 and insert "*or from applying the proceeds to repair or restore the property to pay sums secured by the security instrument if the mortgagor abandons the property or does not answer within 30 days after written notice from the lender that the insurance carrier has offered to settle the claim.*"

Page 4, line 21, before the period, insert "*, provided that:*

(1) no civil penalties, attorney's fees or investigation costs may be assessed against any person who made a good faith and reasonable effort to comply with this act;

(2) in any class action, the amount of attorney's fees and investigation costs assessed against any person for a violation of this act may not exceed \$10,000; and

(3) a violation of this act does not create a right of rescission and is not a defense to a foreclosure proceeding or an action for unlawful detainer"

Amend the title as follows:

Page 1, line 6, delete "*,* and clarifying liability for"

Page 1, line 7, delete "*failure to pay premiums*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 999: A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 23, delete "345.45" and insert "345.35"

Page 4, line 2; delete "Unless the commissioner"

Page 4, delete line 3

Page 4, line 4, delete "otherwise,"

Page 4, line 6, delete "If the"

Page 4, delete lines 7 to 11

Page 4, line 12, delete "made, whichever amount is greater."

Page 4, line 13, delete "after the expiration of this period"

Page 4, after line 21, insert:

"Sec. 4. [APPLICATION.]

For purposes of determining whether stock or other intangible ownership interests in business associations are presumed abandoned, the seven-year period of abandonment includes any period of abandonment prior to the effective date of this act."

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1007: A bill for an act relating to insurance; health and accident; requiring coverage for scalp hair prostheses in certain circumstances; amending Minnesota Statutes 1984, section 62E.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 944: A bill for an act relating to the state university board; authorizing it to sell and maintain computers and related products; amending Minnesota Statutes 1984, section 136.24.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "(a) In order to" and insert "The state university board may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board."

Page 1, delete lines 17 to 24

Page 1, after line 24, insert:

“Sec. 2. [136.622] [COMPUTER SALES AND MAINTENANCE.]

The state board for community colleges may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board.

Sec. 3. Minnesota Statutes 1984, section 136C.04, is amended by adding a subdivision to read:

Subd. 18. [COMPUTER SALES AND MAINTENANCE.] The state board of vocational technical education may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board.”

Page 2, line 1, delete “Section 1 is” and insert “Sections 1, 2, and 3 are”

Renumber the section in sequence

Delete the title and insert:

“A bill for an act relating to education; authorizing the sale of computers and related products by the state university board, state board for community colleges, and state board of vocational technical education; requiring contracts with private vendors for service, maintenance, and support; amending Minnesota Statutes 1984, sections 136.24; and 136C.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes 1984, chapter 136.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 946: A bill for an act relating to higher education; allowing systems to spend appropriations for scholarships; authorizing the collection and setoff of debts to the state university system; authorizing state universities to make and enforce parking rules on their property; permitting payroll deductions in the state university system for a certain nonprofit university foundation; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [135A.09] [ACADEMIC SCHOLARSHIPS.]

The state university board, state board for community colleges, and state board of vocational technical education may use up to one percent of its direct appropriations for academic scholarships. The scholarships shall be awarded according to board guidelines that consider academic achievement and not financial need. A scholarship may not exceed the amount of tuition for a full-time resident student.

Sec. 2. [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. 3. Minnesota Statutes 1984, section 487.30, is amended by adding a subdivision to read:

Subd. 3a. [JURISDICTION; STUDENT LOANS.] Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:

(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;

(b) the loan or loans are overdue at the time the action is commenced;

(c) the amount of any single loan sought to be recovered does not exceed \$2,500;

(d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.

Notwithstanding any law or rule 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. 4. Minnesota Statutes 1984, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a

deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution including, but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:

(1) the student loan or loans were originally awarded in Hennepin county;

(2) the loan or loans are overdue at the time the action is commenced;

(3) the amount of any single loan sought to be recovered does not exceed \$2,500;

(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.

Notwithstanding any law or rule 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. Minnesota Statutes 1984, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of paragraph (a) or any rule of court to

the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

(d) *Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:*

- (1) the student loan or loans were originally awarded in Ramsey county;*
- (2) the loan or loans are overdue at the time the action is commenced;*
- (3) the amount of any single loan sought to be recovered does not exceed \$2,500;*
- (4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*
- (5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.*

Notwithstanding any law or rule 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. 6. [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. 7. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

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; 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, chapters 135A and 136."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1002: A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "7" and insert "8"

Page 2, after line 12, insert:

"Sec. 5. [STUDY OF FOND DU LAC REGION.]

The director shall study the feasibility of developing the tourist potential of the Fond du Lac region based on its historical character and report to the legislature by January 1, 1987."

Page 2, line 32, delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a study of the tourist potential of the Fond du Lac region;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 624: A bill for an act relating to human rights; adding the Roy Wilkins memorial to the list of state monuments; establishing a memorial to Roy Wilkins for placement in the Capitol complex; providing for a competition to select a designer; appropriating money; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1192: A bill for an act relating to education; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.] *The legislature intends to continue the operation of the residential academies for the deaf, for the blind, and multiple handicapped. The academies shall provide a residential learning program for students with the following handicapping conditions: hearing impairment, visual impairment, and multiple handicaps. The learning program shall be a developmental program that provides instruction to address motor, cognitive, language, emotional, and social development in the classroom and dormitory. The learning program shall be designed to help students acquire knowledge, skills, and positive attitudes toward self and others that will enable them to solve problems, continue learning, and develop maximum potential for leading productive fulfilling lives.*

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. For the purpose of the programs listed in this subdivision, the academies are a school district and may participate in the following:

- (1) basic skills program under section 121.495;
- (2) subject area in-service training under section 121.601;
- (3) instructional effectiveness plan and training under sections 121.608 and 121.609;
- (4) the Minnesota academic excellence act under section 121.612;
- (5) advanced academic credit under section 123.3513;
- (6) ECSUs under section 123.58;
- (7) in-service training programs under section 123.581;
- (8) the planning, evaluating, and reporting process under sections 123.741 to 123.7431;
- (9) gifted and talented aid under section 124.247;
- (10) limited English proficiency program aid under section 124.273;
- (11) chemical abuse aid and instruction under sections 124.246 and 126.031;
- (12) programs of excellence under sections 126.60 to 126.64;
- (13) the pupil fair dismissal act under sections 127.26 to 127.42; and
- (14) all grant programs under chapter 129B.

Participation in programs listed in this subdivision may not result in payment of aid or a grant to the academies and another school district for the same pupil.

Subd. 1b. 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 place the position of the residential school administrator in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a. Professional supervisory staff shall serve in the unclassified service. These schools academies shall be 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 academies shall be 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. Professional 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. Staff employed by the academy for the blind must be knowledgeable in Braille communication.

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. 5a. The state board is encouraged to develop, in cooperation with the Faribault area vocational technical institute and the Austin community college, or any other public post-secondary institution, courses of instruction to train individuals for employment as dormitory staff.

The state board shall develop a statement of necessary qualifications and skills for dormitory staff.

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 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, a child's program at the schools and a child's progress at the schools 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 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.

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, 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 members shall be as provided in section 15.059.

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, ~~and 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 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 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 21 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, ~~and 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 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 development of the variances shall be reported to the state board by December 31, 1985.

Sec. 7. [REPORT.]

By February 15, 1986, the state board shall submit a progress report to the education committees of the legislature on the status of the academies in meeting statutory provisions relating to the academies.

Sec. 8. [EFFECTIVE DATE.]

Section 3, subdivision 3, is effective July 1, 1985."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "authorizing participation in certain state programs; requiring development of a two-year plan; declassifying professional supervisory staff;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 87: A bill for an act relating to agriculture; changing requirements for state livestock weighing services; removing the limitation on certain fees; amending Minnesota Statutes 1984, sections 17A.10, subdivision 2; and 17A.11.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 15, strike "The fee assessed must be the same, and"

Page 2, strike line 16

Page 2, line 17, strike "facilities."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "changing requirements for state livestock weighing services;"

Page 1, line 4, after "fees" insert "for state livestock weighing services"

Page 1, line 5, delete "sections 17A.10, subdivision 2; and" and insert "section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 537 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
537	552				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 537 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 537 and insert the language after the enacting clause of S.F. No. 552, the first engrossment; further, delete the title of H.F. No. 537 and insert the title of S.F. No. 552, the first engrossment.

And when so amended H.F. No. 537 will be identical to S.F. No. 552, and further recommends that H.F. No. 537 be given its second reading and substituted for S.F. No. 552, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 604 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
604	540				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 535 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
535	589				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 535 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 535 and insert the language after the enacting clause of S.F. No. 589, the first engrossment; further, delete the title of H.F. No. 535 and insert the title of S.F. No. 589, the first engrossment.

And when so amended H.F. No. 535 will be identical to S.F. No. 589, and further recommends that H.F. No. 535 be given its second reading and substituted for S.F. No. 589, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 850 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
850	673				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 850 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 850 and insert the language after the enacting clause of S.F. No. 673, the first engrossment; further, delete the title of H.F. No. 850 and insert the title of S.F. No. 673, the first engrossment.

And when so amended H.F. No. 850 will be identical to S.F. No. 673, and further recommends that H.F. No. 850 be given its second reading and substituted for S.F. No. 673, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 28, 1985:

WASTE MANAGEMENT BOARD
Ernest Lund

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1252 and 1351 reports the same back with the recommendation

that the bills be re-referred as follows:

S.F. No. 1252 to the Committee on Transportation.

S.F. No. 1351 to the Committee on Local and Urban Government.

Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1092: A bill for an act relating to human services; establishing a new administration system for certain programs; providing for distribution of system costs; establishing a county services revolving account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 28, 1985, be amended to read: "the bill do pass and be re-referred to the Committee on Finance." Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 945: A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1984, section 135A.07, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for March 28, 1985, be amended to read: "the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Governmental Operations." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 912: 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 Stat-

utes, chapter 246; and proposing coding for new law as Minnesota Statutes, chapter 254B.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 28, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 438: A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 28, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Governmental Operations." Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; extending unclassified coverage to certain employees; giving the transit board condemnation authority; expanding the transit commission to five members and providing per diem compensation for its chair; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1 and 2; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivisions 2, 3, and 7; and 473.408, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 14, insert:

"Sec. 4. Minnesota Statutes 1984, section 174.32, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE RECIPIENTS.] A legislatively established public transit commission; a public authority organized and existing under chapter

398A; a county or statutory or home rule charter city operating, intending to operate, or providing financial assistance to a transit service; a rail authority; or a private operator of public transit is eligible for assistance under the program. *The National Railroad Passenger Corporation, known as Amtrak, is not eligible for assistance under the program.*"

Page 4, line 17, delete "a"

Page 4, delete line 18

Page 4, line 19, delete "commission;"

Pages 7 and 8, delete sections 10 and 11 and insert:

"Sec. 11. [473.395] [METROPOLITAN TAXICAB COMMISSION.]

Subdivision 1. [CREATION.] The metropolitan taxicab commission is created.

Subd. 2. [MEMBERSHIP.] The commission shall consist of seven members appointed by the regional transit board. Membership of the taxicab commission must be representative of the interests of the riding public, the business community in the metropolitan area, the taxicab industry in the metropolitan area, and the local units of government in the metropolitan area. No more than two members may at any time be officials or employees of a municipality or other governmental entity. Appointments to the commission are not subject to the advice and consent of the senate.

Subd. 3. [TERMS.] With the exception of the initial terms of four members, the term of each member shall be three years. The initial terms of members shall commence on August 1, 1985. Three members shall be appointed to an initial term of three years. Two members shall be appointed to an initial term of two years. Two members shall be appointed to an initial term of one year. Members shall serve until a qualified successor is appointed.

Subd. 4. [OFFICERS.] The chair of the board shall name the initial chair of the commission. The initial chair shall serve until January 1987. Thereafter, the commission shall annually elect a chair, and other officers it deems necessary, from its members. The annual election of officers shall occur during the month of January of each year. All meetings of the commission are at the call of the chair. The chair shall preside at all meetings of the commission and may perform other duties assigned by the commission or by law.

Subd. 5. [REMOVAL; VACANCIES.] Members may be removed by the regional transit board only for cause in the manner specified in chapter 351. If the office of a member becomes vacant under the conditions specified in chapter 351, the vacancy must be filled in the same manner in which appointment to that office was made.

Subd. 6. [COMPENSATION.] Each commission member must be compensated as provided in section 473.141, subdivision 7.

Subd. 7. [ADMINISTRATION.] The chair of the commission may appoint a chief administrator to serve at the chair's pleasure subject to the approval of the commission. The chief administrator shall attend all commission meetings but shall not vote. The chief administrator shall hire all employees of the commission. All persons employed by the chief administrator must be public

employees. Compensation and other conditions of employment for employees shall not be governed by any rule applicable to state employees in the classified service unless the commission so provides.

Sec. 12. [473.3951] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 10 to 25 have the meanings given them in this section.*

Subd. 2. [BOARD.] *"Board" means the regional transit board.*

Subd. 3. [COMMISSION.] *"Commission" means the metropolitan taxicab commission.*

Subd. 4. [METROPOLITAN AREA.] *"Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.*

Subd. 5. [LIMOUSINE.] *"Limousine" means a plainly painted, unmarked motor vehicle which carries passengers for hire, is driven by a uniformed chauffeur, is subject to call only from its garage or central place of business, and charges its customers a flat rate by the trip or by the hour, day, or longer period of time which is greater than the taxicab rate for a comparable trip.*

Subd. 6. [PERSON.] *"Person" means an individual, partnership, firm, association, or corporation.*

Subd. 7. [TAXICAB.] *"Taxicab" means a passenger automobile that transports persons and their luggage for hire. Taxicab does not include a limousine, hotel van, or livery.*

Sec. 13. [473.3952] [POWERS; RULES.]

The commission has the power to:

- (1) establish equipment standards for taxicabs;*
- (2) establish safety and service standards, including standards and procedures for vehicle inspection;*
- (3) set rates for fares in the metropolitan area;*
- (4) issue, reissue, suspend, modify, or revoke licenses;*
- (5) set and collect license applications, issuance or reissuance fees, and renewal fees;*
- (6) establish a taxicab driver training program;*
- (7) establish procedures for the assignment or transfer of licenses; and*
- (8) adopt rules of procedure for commission business.*

The commission may adopt equipment, safety, and service standards, including taxicab inspection standards, and set rates for fares and license application, issuance, and reissuance fees only after notice and opportunity for hearing.

Chapter 14 will apply to the commission's exercise of its rulemaking authority. In exercising its powers, the commission shall give due consideration to the economic impact of any proposed action on taxicabs operating in

the metropolitan area before the effective date of this section.

Sec. 14. [473.3953] [LICENSE REQUIRED; RULES.]

After January 1, 1987, no person may operate a taxicab within the metropolitan area without a license issued by the commission. The commission shall adopt rules by May 1, 1986, for the application for licenses; for the issuance, reissuance, suspension, modification, or revocation of licenses; and for the amount of license application, issuance, or reissuance fees.

Sec. 15. [473.3954] [LICENSE SUSPENSION, REVOCATION; HEARING REQUIREMENTS.]

The commission may suspend or revoke a license only after notice and hearing under chapter 14. Every decision and order of the commission regarding suspension or revocation of licenses must be in writing, based on the record, and include findings of fact and conclusions on all material issues. A copy of the decision and order must be served upon each party to the hearing by first class mail. The decision and order of the commission may be appealed to the board.

Sec. 16. [473.3955] [APPEAL PROCEDURE.]

Appeal from the commission's decision and order may be instituted within 30 days by petition served upon the commission and the board. The board shall adopt procedures for review of appeals, by May 1, 1986. The board's review is confined to the record.

Sec. 17. [473.3956] [IDENTIFICATION.]

The commission shall assign a license number to each operator that has been issued a license. The license number must be prominently displayed on both sides of vehicles used by the taxicab operator under the authority of the license. The commission shall annually furnish the operator with an identification card for each vehicle to be operated under the license. The identification card must be carried at all times in the vehicle to which it has been assigned.

Sec. 18. [473.3957] [INSURANCE.]

The operator of a taxicab shall secure and file with the commission evidence of public liability and indemnity insurance in the amount and in the form prescribed by the commission covering injuries and damages to persons and property arising from the operation of the taxicab. Insurance issued to comply with this section must provide the commission with written notice of cancellation or nonrenewal of the policy.

Sec. 19. [473.3958] [RULES FOR SAFETY AND SERVICE.]

The commission shall adopt rules governing taxicab operation, by March 1, 1986. The rules may include standards for vehicle safety, qualification of drivers, installation of safety devices, condition of vehicles, vehicle inspections, display of rates, maximum hours of service for drivers, and other rules necessary to administer and enforce these standards.

Sec. 20. [473.3959] [INSPECTION.]

The commission shall annually inspect or contract for inspection of each vehicle operated or proposed to be operated under a taxicab license.

Sec. 21. [473.396] [DRIVER TRAINING.]

The commission shall establish a program by January 1, 1986, for training metropolitan area taxicab drivers. The training must include instruction in safe driving techniques, first aid, and other emergency techniques. The successful completion of the training program may be required by the commission as a condition of obtaining a taxicab license.

Sec. 22. [473.3961] [FEES.]

The fees collected by the commission for license applications or for the issuance or reissuance of licenses may be used to pay for the administrative and legal costs of the commission.

Sec. 23. [473.3962] [ENFORCEMENT.]

Sections 12 and 16 to 20 may be enforced by the commission by any one or any combination of the following: license suspension or revocation, civil action to compel performance, injunction, or other appropriate action.

Sec. 24. [473.3963] [COOPERATION AGREEMENTS.]

The commission may enter into agreements with local governmental authorities or the regional transit board to exercise all or some of the powers of the commission.

Sec. 25. [473.3964] [RELATIONSHIP TO BOARD.]

Subdivision 1. [REVIEW.] Rules, standards, or procedures proposed by the commission under section 12, 13, 18, 19, or 20 must be reviewed by the board for consistency with the policy and goals set forth in section 473.371 before adoption by the commission.

Subd. 2. [BUDGET.] The commission shall propose an annual budget to the board on November 1, 1986, and August 1 of each year thereafter. The board's budget and financial plan required by section 473.38 must include the commission's budget.

Sec. 26. [473.3965] [LOCAL REGULATION.]

Local regulation of taxicabs and taxicab operators remains in effect until January 1, 1987. Ordinances adopted before the effective date of this section remain in effect until January 1, 1987, except that no new licenses may be issued to a taxicab operator by a municipality and no municipality may limit reciprocity after the effective date of this section. This section does not preclude replacement of taxicabs licensed before the effective date of this section. After January 1, 1987, a city or county in the metropolitan area or the metropolitan airports commission may continue to regulate traffic matters, including taxicab stands."

Page 8, after line 12, insert:

"Sec. 28. Minnesota Statutes 1984, section 473.405, subdivision 12, is amended to read:

Subd. 12. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.401 to 473.451, the commission may, in lieu of directly operating any public transit system or any part thereof, enter into contracts for management services. The contracts may provide for compen-

sation, incentive fees, the employment of personnel, the services provided, and other terms and conditions that the commission deems proper.

The commission may not permit a contract manager to supervise or manage internal audit activities. Internal audit activity must be supervised and managed directly by the commission. The commission shall advertise for bids and select contracts for management services through competitive bidding. The term of the contract may not be longer than two years. The contract must include clear operating objectives, stating the service policies and goals of the commission in terms of the movement of various passenger groups, and performance criteria, by means of which success in achieving the operating objectives can be measured. ~~Employees of a contract manager may serve only in the operations division.~~ The commission shall consider and determine the feasibility and desirability of having all its transit management services provided internally by employees of the commission.

The employees of any public transit system operated pursuant to the provisions of this subdivision for the purpose of resolving any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, may either engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law."

Page 8, after line 28, insert:

"Sec. 30. [LEGISLATIVE REPORT.]

By January 1, 1988, the regional transit board shall report to the legislature on the status of implementation of the metropolitan taxicab licensing program and the economic effects of the program on the taxicab industry. The report may include recommendations for legislative action, if appropriate.

Sec. 31. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the regional transit board for transfer to the metropolitan taxicab commission to administer sections 10 to 25 and 30 to be available until June 30, 1987. The commission is authorized three complement positions."

Page 10, line 14, delete "12" and insert "26"

Page 10, delete line 17, and insert:

"Sections 1 to 9, 26 to 29, 32, and 33 are effective July 1, 1985. Sections 10 to 25, 30, and 31 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, before "extending" insert "limiting the use of transit assistance funds;"

Page 1, line 9, after the semicolon, insert "creating the metropolitan taxicab commission;"

Page 1, delete line 10

Page 1, line 11, delete "its" and insert "the"

Page 1, line 11, after "chair" insert "of the commission"

Page 1, line 14, after the semicolon insert "regulating management contracts;"

Page 1, line 17, delete "and" and insert a comma and after "2" insert "and 3"

Page 1, line 20, delete "subdivisions 2, 3, and" and insert "subdivision"

Page 1, line 20, after "7;" insert "473.405, subdivision 12;"

Page 1, line 21, after "subdivision" insert "; proposing coding for new law in Minnesota Statutes, chapter 473"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1000, 1279, 86, 658, 880, 45, 981, 821, 1007, 944, 87 and 664 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 537, 604, 535 and 850 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Knaak moved that his name be stricken as a co-author to S.F. No. 645. The motion prevailed.

Mr. Merriam moved that the name of Mr. Novak be added as a co-author to S.F. No. 1097. The motion prevailed.

Mr. Vega moved that the names of Messrs. Kroening, Waldorf and Mrs. Lantry be added as co-authors to S.F. No. 1352. The motion prevailed.

Mr. Solon moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1360. The motion prevailed.

Mr. Solon moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1361. The motion prevailed.

Mr. Frederick introduced—

Senate Resolution No. 66: A Senate resolution congratulating the KoMets girls basketball team from Kasson-Mantorville High School for winning third place in the 1985 Class A Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid introduced—

Senate Resolution No. 67: A Senate resolution congratulating the Vernon and Olive Hupf family of rural Dakota county upon being selected Farm Family of the Year.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 14: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED, by the Senate, the House of Representatives concurring:

1. Upon its adjournment on Thursday, April 4, 1985, the Senate may set its next day of meeting for Tuesday, April 9, 1985.

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

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Novak introduced—

S.F. No. 1367: A bill for an act relating to metropolitan government; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, section 473.704, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mr. Sieloff introduced—

S.F. No. 1368: A bill for an act relating to taxation; property; exempting certain property used to store aircraft; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 1369: A bill for an act relating to retirement; authorizing transfer of certain coordinated plan service credit of a public employees retirement association member to the basic plan.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 1370: A bill for an act relating to retirement; authorizing retired St. Paul health bureau employees to rescind previously elected options and elect coverage under the public employees retirement association.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 1371: A bill for an act relating to courts; providing for transcript

fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 1372: A bill for an act relating to real property; providing for federal public land survey monument records; amending Minnesota Statutes 1984, section 381.12, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott introduced—

S.F. No. 1373: A bill for an act relating to retirement; teachers; participation in variable annuity division; amending Minnesota Statutes 1984, section 354.62, subdivision 2; repealing Minnesota Statutes 1984, section 354.621.

Referred to the Committee on Governmental Operations.

Mr. Freeman introduced—

S.F. No. 1374: A bill for an act relating to state parks; concession fees at Fort Snelling State Park.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1375: A bill for an act relating to real property; allowing closed bids to be made by Fond du Lac governing body on tax-forfeited lands within the Fond du Lac reservation; proposing coding for new law in Minnesota Statutes, chapter 282.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. McQuaid introduced—

S.F. No. 1376: A bill for an act relating to education; authorizing the conveyance of certain lands from the state to independent school district No. 270; providing for the release of certain conditions and reservations contained in prior deeds.

Referred to the Committee on Education.

Mr. Johnson, D.J. introduced—

S.F. No. 1377: A bill for an act relating to taxation; exempting electricity sold for residential use from the sales tax; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mehrkens, Belanger, Benson, Bernhagen and Laidig introduced—

S.F. No. 1378: A bill for an act relating to taxation; providing for the computation of interest on tax overpayments; amending Minnesota Statutes 1984, sections 270A.07, subdivision 5; 271.12; 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; 290.936; 290A.07, subdivisions 2a and 3; 291.18; 294.09, subdivision 1; 297A.35; subdivision 1; 298.09, subdivision 4; and 299.05; proposing coding for new law in Minnesota Statutes, chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Mr. Schmitz introduced—

S.F. No. 1379: A bill for an act relating to transportation; county state-aid highway fund; repealing the 24-foot restriction in the calculation of money needs; changing the definitions of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; amending Minnesota Statutes 1984, section 162.07, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapter 162.

Referred to the Committee on Transportation.

Messrs. Willet and Peterson, C.C. introduced—

S.F. No. 1380: A bill for an act relating to game and fish; changing the opening date for the angling season; amending Minnesota Statutes 1984, section 101.41, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C. and Renneke introduced—

S.F. No. 1381: A bill for an act relating to retirement; highway patrol formula; amending Minnesota Statutes 1984, section 352B.08, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C. and Renneke introduced—

S.F. No. 1382: A bill for an act relating to retirement; authorizing reimbursement of retired members of the state patrol retirement fund for the cost of medicare supplemental insurance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 352B.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Freeman introduced—

S.F. No. 1383: A bill for an act relating to natural resources; requiring the state to acquire public access to a lake.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Isackson, Benson and Storm introduced—

S.F. No. 1384: 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.

Referred to the Committee on Health and Human Services.

Mr. Johnson, D.E. introduced—

S.F. No. 1385: A bill for an act relating to energy; providing for the terms of payment for district heating and qualified energy improvement loans; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

Referred to the Committee on Energy and Housing.

Mr. Lessard introduced—

S.F. No. 1386: A bill for an act relating to game and fish; imposing a natural resources surcharge upon fines for game and fish violations; allocating the proceeds; amending Minnesota Statutes 1984, sections 97.49, by adding subdivisions; and 97.81, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Reichgott introduced—

S.F. No. 1387: A bill for an act relating to automobile insurance; requiring specific proof of insurance in motor vehicle registration; amending Minnesota Statutes 1984, section 65B.68, subdivision 2.

Referred to the Committee on Transportation.

Ms. Reichgott introduced—

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 6.

Referred to the Committee on Judiciary.

Mr. DeCramer introduced—

S.F. No. 1389: A bill for an act relating to human services; requiring the state to pay interest on late payments to counties for certain human services programs; amending Minnesota Statutes 1984, section 256.01, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 1390: A bill for an act relating to occupations and professions; barbers; providing for compensation of board members for the performance of their examination duties; amending Minnesota Statutes 1984, section 154.22.

Referred to the Committee on Economic Development and Commerce.

Mr. Bertram introduced—

S.F. No. 1391: A bill for an act relating to veterans; appropriating money

for use by the Military Order of the Purple Heart in assisting veterans to make claims against the United States government.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C.; Messrs. Solon and Chmielewski introduced—

S.F. No. 1392: A bill for an act relating to economic development; creating a state grant program for area labor-management committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Employment.

Mr. Storm introduced—

S.F. No. 1393: A bill for an act relating to independent school district No. 273, Edina, and independent school district No. 274, Hopkins, both in Hennepin county; providing for the transfer of territory from independent school district No. 274 to independent school district No. 273.

Referred to the Committee on Education.

Messrs. Pogemiller, Luther, Spear, Willet and Moe, R.D. introduced—

S.F. No. 1394: A bill for an act relating to the legislature; establishing a legislative public affairs broadcasting network; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Mrs. Lantry introduced—

S.F. No. 1395: A bill for an act relating to health; authorizing inclusion of physical fitness therapies in grant programs for the mentally ill; amending Minnesota Statutes 1984, sections 245.73, by adding a subdivision; and 256E.12, subdivision 1.

Referred to the Committee on Health and Human Services.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m.; Wednesday, April 3, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-THIRD DAY

St. Paul, Minnesota, Wednesday, April 3, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Michael Tegeeder.

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

Adkins	Frank	Kroening	Nelson	Reichgott
Anderson	Frederick	Kronebusch	Novak	Renneke
Berg	Frederickson	Laidig	Olson	Samuelson
Berglin	Freeman	Langseth	Pehler	Sieloff
Bernhagen	Gustafson	Lantry	Peterson, C.C.	Spear
Bertram	Hughes	Lessard	Peterson, D.C.	Storm
Chmielewski	Isackson	Luther	Peterson, D.L.	Stumpf
Dahl	Johnson, D.E.	McQuaid	Peterson, R.W.	Taylor
Davis	Jude	Mehrkens	Petty	Vega
DeCramer	Kamrath	Merriam	Pogemiller	Waldorf
Diessner	Knaak	Moe, D.M.	Purfeerst	Wegscheid
Dieterich	Knutson	Moe, R.D.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. Brataas, Messrs. Belanger, Benson, Schmitz and Solon were excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments and the report on S.F. No. 998. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 691: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "CUSTODY" and insert "PLACEMENT" and

delete "custody" and insert "placement"

Page 4, line 21, after "is" insert "in"

Page 4, line 27, delete "all stages of their" and insert "this and any subsequent stage of its"

Page 4, line 30, delete ", notwithstanding Minnesota"

Page 4, line 31, delete "Statutes, chapter 13" and after the period, insert "The agency shall require execution of an agreement with the tribal social service agency that the tribal social service agency will maintain confidential or private data according to statutory provisions applicable to the data."

Page 5, line 16, delete everything after "review" and insert a period

Page 5, delete lines 17 and 18

Page 5, line 29, delete "CUSTODY" and insert "PLACEMENT"

Page 5, line 32, delete "custody" and insert "placement"

Page 6, line 3, delete "custody" and insert "placement"

Page 7, line 20, delete the second comma

Page 7, lines 21 and 23, delete the comma

Page 7, line 26, delete "agency" and insert "department"

Page 7, line 28, after "1951" insert ", paragraph (b)"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 887: A bill for an act relating to eminent domain; providing for court determination of and payment for pollution of property subject to condemnation; proposing coding for new law in Minnesota Statutes, chapter 117.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 117.025, is amended by adding a subdivision to read:

Subd. 4. [CONDEMNING AUTHORITY.] "Condemning authority" means an entity authorized by law to exercise the right of eminent domain under section 117.035.

Sec. 2. Minnesota Statutes 1984, section 117.025, is amended by adding a subdivision to read:

Subd. 5. [ENVIRONMENTAL IMPAIRMENT.] "Environmental impairment" means a condition that violates an environmental or pollution control law.

Sec. 3. [117.056] [PETITION RELATING TO ENVIRONMENTALLY

IMPAIRED PROPERTY.]

Subdivision 1. [PETITION.] At the time a petition is presented to a district court for condemnation under this chapter, or at any time before the proceedings are completed, the condemning authority may request the court for an order finding that:

- (1) the property being condemned is environmentally impaired;*
- (2) protection of the environment requires that the environmental impairment be mitigated;*
- (3) the condemning authority is not a responsible person for the environmental impairment; and*
- (4) paying for the evaluation and mitigation of the environmental impairment from the compensation determined to be due to the owners as damages for the taking is lawful and appropriate.*

Subd. 2. [NOTICE TO POLLUTION CONTROL AGENCY.] At least 20 days before the condemning authority requests an order under subdivision 1, the condemning authority must notify the director of the pollution control agency to allow the director to intervene in the proceedings. Within 180 days after receipt of the notice, the pollution control agency shall evaluate and determine the sufficiency of a plan that is submitted by a party to the proceedings for mitigation of the environmental impairment, and whether the plan is authorized under section 115B.17, subdivision 12. For purposes of this section, the agency may authorize the mitigation plan without applying the priority rules under section 115B.17, subdivision 13.

Subd. 3. [DEPOSIT.] (a) After requesting an order under subdivision 1, the condemning authority shall deposit with the court an amount equal to the approved appraisal of value of the property to be taken and the cost to mitigate the environmental impairment determined under section 117.085, subdivision 2, paragraph (a), clause 2.

(b) When the order requested under subdivision 1 is issued and the amount necessary to pay for the mitigation is determined by the court at least 150 percent of the estimated cost of the mitigation must remain on deposit. The balance shall be paid to the parties that the court determines are entitled to receive the deposit.

(c) When the mitigation of the environmental impairment is completed, the remaining deposit, if any, shall be paid to the entitled parties.

(d) The amount of the deposit shall bear interest at a rate determined by the court.

Subd. 4. [EXPENSES REIMBURSED.] The condemning authority shall be reimbursed for reasonable expenses incurred to investigate, evaluate, and mitigate the environmental impairment. The condemning authority agencies have a lien against the funds deposited for the reasonable expenses incurred under this section. The lien is superior to the lien of any other lienholder, except the lien of real estate taxes or special assessments levied against the property.

Subd. 5. [INSUFFICIENT DEPOSIT.] If the funds deposited with the court are insufficient to pay the expenses of mitigating the environmental

impairment, the condemning authority may:

(1) offset the award of damages;

(2) be awarded judgment against the owner; and

(3) apply to the pollution control agency for remedial action under section 115B.17, subdivision 13.

A judgment may be enforced by the condemning authority in the same manner as execution by a judgment creditor under chapter 550.

Subd. 6. [APPEAL.] The owner of the property to be condemned may appeal the district court's order by filing a petition with the court of appeals within 30 days of the district court's filing of its order pursuant to subdivision 1.

Subd. 7. [RESPONSIBLE PERSON FOR ENVIRONMENTAL IMPAIRMENT.] Notwithstanding section 115B.03, a condemning authority that acquires a right, title, or interest in property under this section and is not a responsible person for the release or threatened release of a hazardous substance from a facility in or on the property under section 115B.03, subdivision 3, does not become a responsible person by acquiring an interest in the property.

Sec. 4. Minnesota Statutes 1984, section 117.085, is amended to read:

117.085 [COMMISSIONERS, POWERS, DUTIES.]

Subdivision 1. [POWERS.] The commissioners, having been duly sworn and qualified according to law, shall meet as directed by the order of appointment and hear the allegations and proofs of all persons interested touching the matters to them committed. They may adjourn from time to time and from place to place within the county, giving oral notice to those present of the time and place of their next meeting. All testimony taken by them shall be given publicly, under oath, and in their presence. They shall view the premises, and any of them may subpoena witnesses, which shall be served as subpoenas in civil actions are served, and at the cost of the parties applying therefor. If deemed necessary, they may require the petitioner or owner to furnish for their use maps, plats and other information which the petitioner or owner may have showing the nature, character and extent of the proposed undertaking and the situation of lands desired therefor. In proper cases they may reserve to the owner a right of way or other privilege in or over the land taken, or attach reasonable conditions to such taking in addition to the damages given or they may make an alternative award, conditioned upon the granting or withholding of the right specified.

Subd. 2. [DETERMINATION OF ENVIRONMENTAL IMPAIRMENT.] (a) If the commissioners find that there is environmental impairment of the property, in addition to all other factors affecting the value of the property the commissioners shall consider the following:

(1) the extent of the environmental impairment;

(2) the cost to mitigate the environmental impairment; and

(3) the value of the property after the environmental impairment is mitigated.

(b) If the commissioners find that there is an environmental impairment of the property, the award shall specify the cost to mitigate the environmental impairment and determine the extent of any other reduction in value resulting from the environmental impairment.

Subd. 3. [REPORT.] Without unreasonable delay they shall make a separate assessment and award of the damages which in their judgment will result to each of the owners of the land by reason of such taking and report the same to the court. The commissioners, in all such proceedings, may in their discretion allow and show separately in addition to the award of damages, reasonable appraisal fees not to exceed a total of \$300. Upon request of an owner the commissioners shall show in their report the amount of the award of damages which is to reimburse the owner and tenant or lessee for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to the remainder involved, whether or not described in the petition. The amounts awarded to each person shall also be shown separately."

Delete the title and insert:

"A bill for an act relating to the environment; providing procedures for condemnation of property with environmental impairment; amending Minnesota Statutes 1984, sections 117.025, by adding subdivisions; and 117.085; proposing coding for new law in Minnesota Statutes, chapter 117."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. 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 with this subdivision are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall in this subdivision does not apply to the second and fourth judicial districts.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 746: A bill for an act relating to crimes; specifying elements that may be contained in an order for restitution and the procedures for issuing that order; amending Minnesota Statutes 1984, sections 609.14, by adding a subdivision; 611A.04, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 611A.04, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] *An order of restitution may be enforced by any person named in the order to receive the restitution in the same manner as a judgment in a civil action. An order of restitution shall be docketed as a civil judgment by the clerk of the district court in the county in which the order of restitution was entered. A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.*

Sec. 2. [611A.045] [PROCEDURE FOR ISSUING ORDER OF RESTITUTION.]

Subdivision 1. [CRITERIA.] The court, in determining whether to order

restitution and the amount of the restitution, shall consider the amount of the economic loss sustained by the victim as a result of the offense.

Subd. 2. [PRESENTENCE INVESTIGATION.] The court may order that the presentence investigation report made pursuant to section 609.115, subdivision 1, contain information pertaining to the factors set forth in subdivision 1.

Subd. 3. [DISPUTE; EVIDENTIARY BURDEN.] A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution."

Delete the title and insert:

"A bill for an act relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "Does" and insert "Commits"

Page 3, line 16, delete "same or"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 826: A bill for an act relating to crime victims; requiring that crime victims be notified of certain court dates and other information; requiring that the needs of victims and witnesses be considered when criminal cases are scheduled; amending Minnesota Statutes 1984, sections 609.115, subdivision 1c; and 611A.03; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "by telephone on at least two occasions and" and delete "at"

Page 2, line 7, delete "least once"

Page 2, line 33, delete "2" and insert "1a"

Page 3, line 2, reinstate the stricken "2" and delete "3"

Page 3, line 10, delete "by telephone on at least two"

Page 3, line 11, delete "occasions and" and delete "at least once"

Page 3, lines 12 to 16, reinstate the stricken language

Page 3, line 17, reinstate the stricken "609.365, 609.498, 609.561," and insert "609.582" and reinstate the stricken ", and"

Page 3, line 18, reinstate the stricken language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 444: A bill for an act relating to civil judgments; authorizing the court to stay execution of a judgment for a year if it is in the best interest of both the judgment debtor and creditor; amending Minnesota Statutes 1984, section 550.36.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 565.25, subdivision 2, is amended to read:

Subd. 2. (a) Except as otherwise provided in clause (b) and section 2, 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. 2. [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."

Delete the title and insert:

"A bill for an act relating to recovery of possession of personal property; authorizing the court to allow the respondent to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; amending Minnesota Statutes 1984, section 565.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 565."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 506: A bill for an act relating to natural resources; imposing a temporary freeze upon certain lease rates for state-owned campgrounds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete the headnote and insert "LEASE RATE INCREASES."

Page 1, line 8, before "Lease" insert "Increases of" and delete "in effect" and insert "to be effective"

Page 1, line 8, delete "1985" and insert "1986"

Page 1, line 9, delete "not"

Page 1, line 10, delete "increased prior to January 1, 1987" and insert "phased in by three equal annual increments"

Page 1, after line 10, insert:

"Sec. 2. [REPORT.]

The commissioner of natural resources shall inventory the lakeshore leases and prepare a report on any leased land that should be sold. The report

must be submitted by January 1, 1987, to the senate agriculture and natural resources and house of representatives environment and natural resources committees."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "freeze upon" and insert "phasing in"

Page 1, line 3, delete "rates" and insert "rate increases" and after "owned" insert "land."

Page 1, delete line 4

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 685: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, adding a section; dedicating a portion of the state sales tax revenue to the game and fish fund.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 97.49, is amended by adding a subdivision to read:

Subd. 2a. [ADDITIONAL DEPOSIT IN GAME AND FISH FUND.] An amount equal to one-eighth of one percent of the gross receipts from sales at retail that are subject to the state general sales and use tax must be deposited in the game and fish fund."

Delete the title and insert:

"A bill for an act relating to game and fish; dedicating a portion of sales tax receipts to the game and fish fund; amending Minnesota Statutes 1984, section 97.49, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 726: A bill for an act relating to recreational vehicles; requiring registration of snowmobiles; abolishing special registration requirements for collector's snowmobiles; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 84.82, is amended by adding a subdivision to read:

Subdivision 1. [GENERAL REQUIREMENTS.] A person may not operate or transport a snowmobile unless the snowmobile has been registered under this section. A person may not sell a snowmobile without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1984, section 84.82, subdivision 6, is amended to read:

Subd. 6. [EXEMPTIONS.] No registration hereunder shall be required for the following described snowmobiles:

(a) Snowmobiles owned and used by the United States, another state, or a political subdivision thereof.

(b) Snowmobiles registered in a country other than the United States temporarily used within this state.

(c) Snowmobiles covered by a valid license of another state and which have not been within this state for more than 30 consecutive days.

(d) Snowmobiles used exclusively in organized track racing events.

(e) *Snowmobiles in transit by a manufacturer, distributor, or dealer.*

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, section 84.82, subdivision 9, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after final enactment.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “exemption;”

Page 1, line 5, before “by” insert “subdivision 6, and”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 377: A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [92.121] [PERMANENT SCHOOL FUND LANDS.]

The commissioner of natural resources shall exchange permanent school

fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks or state waysides for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 2.

Sec. 2. [120.85] [GOAL OF THE PERMANENT SCHOOL FUND.]

The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the Minnesota constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law.

Sec. 3. [INVENTORY.]

The commissioner of natural resources shall inventory the permanent school fund land located in state parks or state waysides that are not exchanged under section 1, and other permanent school fund lands that are not presently used in a manner compatible with the goal of permanent school fund lands in section 2. By January 15, 1986, the commissioner shall prepare a report containing the inventory and recommendations to use the permanent school fund land in a manner that is compatible with the goal of the permanent school fund land. The report must be submitted to the education, agriculture and natural resources, and finance committees of the senate and the education, environment and natural resources, and appropriations committees of the house."

Amend the title as follows:

Page 1, line 2, delete "the permanent school fund;"

Page 1, line 3, before "fund" insert "permanent school"

Page 1, line 7, delete "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 952: A bill for an act relating to occupations and professions; requiring registration with the commissioner of commerce for those who lay out, install, or maintain alarm and communication systems; providing requirements for registration; imposing certain duties upon the commissioner of commerce; providing a penalty; exempting registrants from regulation by other agencies or political subdivisions of the state; providing for the continuance of business for those presently engaged in laying out, installing, or maintaining alarm and communications systems; proposing coding for new law in Minnesota Statutes, chapter 326.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [326.249] [ALARM AND COMMUNICATION SYSTEMS.]

Sections 326.241 to 326.248 do not apply to a person who lays out, installs, or maintains class II or class III signalling circuits, fire protective circuits, outside wiring for alarm systems, or communication circuits or systems, as covered by articles 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, operating at 24 volts or less, 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, except that a municipality may enact and enforce reasonable ordinances to regulate the permitting, inspection, servicing and monitoring of fire alarm systems.”

Delete the title and insert:

“A bill for an act relating to occupations and professions; exempting installers of alarm and communication systems from regulation under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 326.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 91: A bill for an act relating to state government; ratifying certain salaries approved by the legislative commission on employee relations.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 918: A bill for an act relating to transportation; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, section 222.025, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1186: A bill for an act relating to state government; providing for fees for cooperative purchasing and transfer of state surplus property; amending Minnesota Statutes 1984, sections 16B.09, by adding a subdivision; and 16B.29.

Reports the same back with the recommendation that the bill do pass and be

re-referred to the Committee on Finance. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1170: A bill for an act relating to state government; establishing a management analysis division revolving fund; amending Minnesota Statutes 1984, sections 16B.36, subdivision 1; and 16B.48, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 467: A bill for an act relating to government operations; allowing municipalities to contract to buy sheltered workshop products without getting competitive bids; including sheltered workshops in the small business set-aside program; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision; and 471.345, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "including"

Page 1, delete line 5

Page 1, line 6, delete "program;"

Page 1, line 7, delete everything before "471.345"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1114: A bill for an act relating to economic development; creating a comprehensive economic development strategy commission to review state economic development efforts, to develop a strategy for state investment in economic development, and to report to the governor and the legislature; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "to" insert "*review state economic development efforts and*"

Page 2, line 2, delete "*review state*" and insert a period

Page 2, delete lines 3 to 5

Page 2, line 6, delete "15" and insert "11"

Page 2, lines 9 and 13, delete "*his or her*" and insert "*the commissioner's*"

Page 2, lines 10 and 11, delete "*his or her*" and insert "*the chair's*"

Page 2, line 12, delete "*assistant*"

Page 2, lines 12 and 13, delete "*representing the Minnesota trade office*"

Page 2, line 14, delete everything after "*(d)*"

Page 2, delete line 15

Page 2, line 16, delete "*(e)*"

Page 2, lines 16 and 17, delete "*his or her*" and insert "*the president's*"

Page 2, line 18, delete "*(f) four*" and insert "*(e) three*" and after "*members*" insert "*knowledgeable in commerce and economic development*" and delete "*as follows:*" and insert "*; and*"

Page 2, delete lines 19 to 21

Page 2, line 22, delete "*(g) six*" and insert "*(f) four*"

Page 2, lines 24 and 26, delete "*three*" and insert "*two*"

Page 3, line 26, delete "*employ by*" and delete everything after "*contract*" and insert "*for consulting or research services as necessary to fulfill the purposes of subdivision 1; and*"

Page 3, delete line 27

Page 4, delete lines 12 and 13

Renumber the clauses in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1125: A bill for an act relating to victims of crime; establishing a crime victim and witness advisory board and a crime victim ombudsman; providing the board with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete sections 1 and 2

Page 3, line 14, delete "*3 and 4*" and insert "*1 and 2*"

Page 3, line 18, delete "*4 to 6*" and insert "*2 and 3*"

Page 4, line 1, delete "*office of*" and insert "*governor shall appoint a*"

Page 4, line 2, delete "*is created*"

Page 4, line 3, delete "*attorney general*" and insert "*governor*"

Page 4, line 5, delete "*executive director of the crime*" and insert "*commissioner of corrections.*"

Page 4, delete lines 6 and 7

Page 4, line 22, after the period, insert "*The ombudsman shall establish a procedure for referral to the crime victim crisis centers and other victim assistance programs when services are requested by crime victims or deemed necessary by the ombudsman.*"

Page 4, line 32, delete everything after "(c)"

Page 4, delete lines 33 to 36

Page 5, delete lines 1 to 3

Page 5, line 16, delete everything after "*the*"

Page 5, line 24, delete "*attorney general*" and insert "*commissioner of corrections*"

Page 5, line 32, after "*ombudsman*" insert "*, together with the commissioner of corrections,*"

Page 5, line 33, delete "*attorney*" and insert "*governor*"

Page 5, line 34, delete "*general*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the first "*victim*"

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "*providing*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

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; transferring the financial audits division of the legislative audit commission and its powers, duties, and responsibilities to the state comptroller; renaming the legislative audit commission.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, delete sections 5 and 6

Page 7, line 22, delete "*Sections 4, 5, and 6 are*" and insert "*Section 4 is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete “; transferring the financial audits” and insert a period

Page 1, delete lines 14 to 16

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1027: A bill for an act relating to crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language; amending Minnesota Statutes 1984, sections 169.02, subdivision 1; and 169.121, subdivision 1; repealing Minnesota Statutes 1984, section 169.13, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, before the period, insert “*of this state*”

Page 2, line 2, before the colon, insert “*or upon the ice of any boundary water of this state*”

Page 2, after line 17, insert:

“Sec. 3. Minnesota Statutes 1984, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state *or upon the ice of any boundary water of this state* consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for

a period of one year or until he or she reaches the age of 18 years, whichever is greater;

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater;

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.

Sec. 4. Minnesota Statutes 1984, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the county court."

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 5, delete "and"

Page 1, line 6, after the semicolon insert "169.123, subdivision 2; and 169.129;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 835: A bill for an act relating to crimes; requiring courts to furnish information relating to prior convictions without charge in gross misdemeanor prosecutions of the driving while under the influence of alcohol law; amending Minnesota Statutes 1984, section 169.121, subdivision 3.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 12, after "*information*" insert "*and certified copies of necessary documents*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1043: A bill for an act relating to cooperative associations; providing for the election of the board of directors of certain associations; proposing coding for new law in Minnesota Statutes, chapter 308.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "*Each member of*"

Page 1, line 11, delete "*shall be*" and insert "*may not refuse to seat a member*"

Page 1, line 12, delete "*he or she*" and insert "*the member*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete everything after "*may*"

Page 1, line 14, delete "*corporations*" and insert "*corporation*"

Page 1, line 15, delete "*various*" and after "*trusts*" insert "*or funds*"

Page 1, line 18, after "*trusts*" insert "*or funds*"

Page 1, line 21, after "*trust*" insert "*or fund*"

Page 1, line 22, after "*the*" insert "*common trust*"

Page 2, line 11, delete "*mistakes*" and insert "*mistake*"

Page 2, line 12, delete the first comma and delete "*and prudence*"

Page 2, line 16, delete "*such*"

Page 2, line 23, delete "*added bears*" and insert "*bear*"

Page 2, line 24, delete "*at the time of*"

Page 2, delete line 25

Page 2, line 26, delete "*or fund so added*" and insert "*, including the added trust or fund*"

Page 3, line 22, delete "*therein*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 774: A bill for an act relating to drivers licenses; requiring that drivers license of person be revoked who flees in motor vehicle from peace officer; amending Minnesota Statutes 1984, section 171.17.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1099: A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 917: A bill for an act relating to children and families; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; 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; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 260.011, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 631.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [244.12] [REQUIRING COMMISSION TO DEVELOP GUIDELINE DEPARTURE CRITERIA FOR CERTAIN CRIMINAL SEXUAL CONDUCT CASES.]

The sentencing guidelines commission shall develop mitigating departure criteria for sentencing a defendant convicted under section 609.342, 609.343, 609.344, or 609.345 when that defendant has a familial relationship to the complainant. The commission shall submit the criteria to the legislature by January 1, 1986. The criteria shall be effective on August 1, 1986, unless the legislature by law provides otherwise.

Sec. 2. 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. 3. 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 tempo-

rary 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. 4. 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, or neglected and in foster care petition that contains allegations of child abuse. As used in this subdivision, the term "child abuse" has the meaning given it in section 17, subdivision 2.*

Sec. 5. 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. 6. 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. 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 260.191, 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 a 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. 9. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 2a. [EFFECT OF ORDER.] Any person who provides services to a child under a disposition order, or who is subject to the conditions of a disposition order, is bound by the order and shall be served with a copy of it personally or by first class mail. Service for the child shall be upon the guardian ad litem.

Sec. 10. Minnesota Statutes 1984, section 260.301, is amended to read:

260.301 [CONTEMPT.]

Any person knowingly interfering with an order of the juvenile court ~~is in contempt of court~~ or who is subject to a juvenile court order or process may be punished for contempt by the juvenile court pursuant to chapter 588.

Sec. 11. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 15. [FAMILIAL RELATIONSHIP.] "Familial 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. 12. 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, *except where a familial relationship exists*, 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 any 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

(iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; 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.

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a) or (b), and

that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 13. 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, *except where a familial relationship exists*, 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~~ any 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

(iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; 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.

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a) and (b), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 14. 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, *except where a familial relationship exists*, 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

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section

609.346, if a person is convicted under subdivision 1, clauses (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 15. 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, *except where a familial relationship exists*, 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~~

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 16. 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. 17. 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 alleging child abuse, as defined in subdivi-*

sion 2, whether or not the defendant is in custody;

(2) Indictments or complaints for felony, where the defendant is in custody;

(2) (3) Indictments or complaints for misdemeanor, where the defendant is in custody;

(3) (4) Indictments or complaints for felony, where the defendant is on bail; and

(4) (5) Indictments or complaints for misdemeanor, where the defendant is on bail.

After his plea, the defendant shall be entitled to at least four days to prepare for his trial, if he requires it.

Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.224 if the minor victim is a family or household member of the defendant, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, 609.3644, 609.377, 609.378, or 617.246.

Sec. 18. [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 a violation of section 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, or 609.3644 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. 19. [TASK FORCE ON CHILD SEXUAL ABUSE.]

Subdivision 1. [CREATION; MEMBERSHIP.] The attorney general shall appoint the chair and members of an advisory task force to study the problem of child sexual abuse. The task force shall consist of members who collectively are broadly representative of the judiciary, the interagency child sexual abuse team, county attorneys, public defenders, law enforcement, human services, former victims of child sexual abuse, individuals offering child sexual abuse counseling or therapy services, citizens who have been affected by child sexual abuse laws, and appropriate state agencies.

Subd. 2. [STATEWIDE PLAN.] The task force shall develop a statewide plan to:

(1) educate the public about the nature and scope of child sexual abuse;

(2) educate and train individuals involved in the handling of child sexual

abuse cases as to how to more competently perform their duties, including the development of ongoing training requirements for individuals involved in child sexual abuse cases;

(3) educate individuals involved in providing education and supportive services, such as counseling and treatment, to child sexual abuse victims and their families so that they can more competently perform their duties; and

(4) coordinate the reports and findings of the various state agencies reviewing the area of child sexual abuse.

Subd. 3. [RECOMMENDATIONS.] Based on its findings, the task force shall make recommendations to the legislature by February 1, 1986, on ways to:

(1) balance the rights and protections of children who have been sexually abused with those of parents accused of child sexual abuse;

(2) provide greater protections to child witness victims in child sexual abuse judicial proceedings;

(3) provide minimum competency and training standards for professionals providing counseling and therapy to child sexual abuse victims and their families;

(4) provide minimum competency and training standards for human services personnel involved in child sexual abuse protection;

(5) establish more efficient record keeping and statistical information on the number of child sexual abuse cases and the manner in which those cases are processed by the judicial system; and

(6) establish uniform procedures for investigation and assessment of child sexual abuse cases.

Subd. 4. [EXPIRATION.] The task force expires on July 1, 1986.

Sec. 20. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the attorney general to administer section 19 and is available until June 30, 1986.

Sec. 21. [REPEALER.]

Minnesota Statutes 1984, sections 609.364, 609.3641, 609.3642, 609.3643, and 609.3644, are repealed. Sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3, are repealed August 1, 1986.

Sec. 22. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment.

Sections 2 to 18, 20, and 21 are effective August 1, 1985.

Section 19 is effective the day following final enactment."

Delete the title and insert:

"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; 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."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1026: A bill for an act relating to crimes; clarifying mandatory testing of a driver suspected of driving under the influence of alcohol; amending Minnesota Statutes 1984, section 169.123, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "*Notwithstanding the provisions*"

Page 1, line 12, delete "*of section 481.10,*"

Page 2, lines 15 and 22, strike "*he or she*" and insert "*the person*"

Page 2, line 25, reinstate the stricken "*to*" and insert "*choose another person*" and strike "*have*" and insert "*conduct*"

Page 2, line 26, strike "*made by a person of his own choosing*"

Page 2, line 27, strike "*he refuses to take*" and after "*test*" insert "*is refused*"

Page 2, line 28, strike "*him*" and insert "*the person*"

Page 2, line 33, strike "*his*" and insert "*the person's*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1141: A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county

authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 4, 1985:

**REGIONAL TRANSIT BOARD
CHAIR
Elliott Perovich**

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 327 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		327	646		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 422 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		422	434		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 894 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		894			843

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1216 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1216	1199

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1216 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1216 and insert the language after the enacting clause of S.F. No. 1199, further, delete the title of H.F. No. 1216 and insert the title of S.F. No. 1199.

And when so amended H.F. No. 1216 will be identical to S.F. No. 1199, and further recommends that H.F. No. 1216 be given its second reading and substituted for S.F. No. 1199, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 738 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		738			777

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration.

Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 415 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
415	486				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 759 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
759	231				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 759 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 759 and insert the language after the enacting clause of S.F. No. 231, the first engrossment; further, delete the title of H.F. No. 759 and insert the title of S.F. No. 231, the first engrossment.

And when so amended H.F. No. 759 will be identical to S.F. No. 231, and further recommends that H.F. No. 759 be given its second reading and substituted for S.F. No. 231, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 470 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
470	518				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 470 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 470 and insert the language after the enacting clause of S.F. No. 518, the fourth engrossment; further, delete the title of H.F. No. 470 and insert the title of S.F. No. 518, the fourth engrossment.

And when so amended H.F. No. 470 will be identical to S.F. No. 518, and further recommends that H.F. No. 470 be given its second reading and substituted for S.F. No. 518, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 256 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
256	406				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 256 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 256 and insert the language after the enacting clause of S.F. No. 406, the first engrossment; further, delete the title of H.F. No. 256 and insert the title of S.F. No. 406, the first engrossment.

And when so amended H.F. No. 256 will be identical to S.F. No. 406, and further recommends that H.F. No. 256 be given its second reading and substituted for S.F. No. 406, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 227 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
227	239				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 227 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 227 and insert

the language after the enacting clause of S.F. No. 239, the first engrossment; further, delete the title of H.F. No. 227 and insert the title of S.F. No. 239, the first engrossment.

And when so amended H.F. No. 227 will be identical to S.F. No. 239, and further recommends that H.F. No. 227 be given its second reading and substituted for S.F. No. 239, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 186 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
186	146				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 186 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 186 and insert the language after the enacting clause of S.F. No. 146, the first engrossment; further, delete the title of H.F. No. 186 and insert the title of S.F. No. 146, the first engrossment.

And when so amended H.F. No. 186 will be identical to S.F. No. 146, and further recommends that H.F. No. 186 be given its second reading and substituted for S.F. No. 146, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 315 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
315	282				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 315 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 315 and insert the language after the enacting clause of S.F. No. 282; further, delete the title of H.F. No. 315 and insert the title of S.F. No. 282.

And when so amended H.F. No. 315 will be identical to S.F. No. 282, and

further recommends that H.F. No. 315 be given its second reading and substituted for S.F. No. 282, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 230 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
230			284		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 230 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 230 and insert the language after the enacting clause of S.F. No. 284, the first engrossment; further, delete the title of H.F. No. 230 and insert the title of S.F. No. 284, the first engrossment.

And when so amended H.F. No. 230 will be identical to S.F. No. 284, and further recommends that H.F. No. 230 be given its second reading and substituted for S.F. No. 284, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 216 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
216			229		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 216 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 216 and insert the language after the enacting clause of S.F. No. 229, the first engrossment; further, delete the title of H.F. No. 216 and insert the title of S.F. No. 229, the first engrossment.

And when so amended H.F. No. 216 will be identical to S.F. No. 229, and further recommends that H.F. No. 216 be given its second reading and substituted for S.F. No. 229, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 94 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
94	101				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 94 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 94 and insert the language after the enacting clause of S.F. No. 101, the first engrossment; further, delete the title of H.F. No. 94 and insert the title of S.F. No. 101, the first engrossment.

And when so amended H.F. No. 94 will be identical to S.F. No. 101, and further recommends that H.F. No. 94 be given its second reading and substituted for S.F. No. 101, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 454 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
454	657				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 454 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 454 and insert the language after the enacting clause of S.F. No. 657, the first engrossment; further, delete the title of H.F. No. 454 and insert the title of S.F. No. 657, the first engrossment.

And when so amended H.F. No. 454 will be identical to S.F. No. 657, and further recommends that H.F. No. 454 be given its second reading and substituted for S.F. No. 657, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1344: A bill for an act relating to cable communication; transferring the responsibilities of the cable communications board to the commissioner of administration; allowing municipalities to choose not to be subject to regulation by the commissioner; amending Minnesota Statutes 1984, sections 238.02, subdivision 4; 238.03; 238.05; 238.06; 238.08, subdivisions 2 and 3; 238.09; 238.11, subdivision 1; 238.13; 238.14; 238.15; 238.16, subdivision 1; 238.17, subdivisions 1, 5, 6, and 8; repealing Minnesota Statutes 1984, sections 238.04; and 238.17, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 2

Page 7, lines 15, 20, 30, and 31, reinstate the stricken language and delete the new language

Page 8, lines 3, 5, 6, 7, 21, and 33, reinstate the stricken language and delete the new language

Page 8, line 22, delete "July 1, 1985,"

Page 9, line 10, reinstate the stricken language and delete the new language

Page 13, line 27, delete "July 1, 1985" and insert "January 1, 1986"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "238.03;"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 998: A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete everything after "1." and insert "[APPLICABILITY.] *The definitions in this section apply to sections 1 to 5.*"

Page 1, delete line 13

Page 1, line 16, delete "state"

Page 1, line 17, delete everything after "health" and insert a period

Page 1, after line 17, insert:

"Subd. 4. [ELEVATED BLOOD LEAD LEVEL.] *"Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in*

each deciliter of whole blood."

Page 1, line 18, delete "4" and insert "5"

Page 1, delete lines 23 to 25

Page 2, line 14, delete "*predispose*" and insert "*has exposed them to*"

Page 2, line 17, delete "*, to the extent that funds are available,*"

Page 2, line 19, after "*refer*" insert "*sites*" and after "*commissioner*" delete "*those sites*"

Page 2, line 21, delete "*required*"

Page 2, line 22, after "*refer*" insert "*all sites*" and after "*commissioner*" delete "*all*"

Page 2, line 23, delete "*sites*" and delete everything after "*standard*" and insert a period

Page 2, delete line 24

Page 2, line 27, after "*if*" insert "*the*"

Page 2, line 30, delete everything after the period

Page 2, line 31, delete everything before "*the*" and delete "*shall*" and insert "*must*"

Page 2, line 32, delete everything after "*minimize*" and insert "*soil lead exposure that threatens the health or welfare of susceptible populations.*"

Page 2, line 33, delete "CLEANUP" and insert "RESPONSE ACTIONS"

Page 2, line 35, delete "*must*" and insert "*shall*"

Page 2, line 36, delete "*which poses a threat to*" and insert "*that threatens*"

Page 3, line 1, delete everything after "*populations*" and insert a period

Page 3, line 2, delete everything before "*rules*" and insert "*The*" and delete "*which*" and insert "*that*"

Page 3, line 7, delete "*purposes of*" and delete everything after "*response*" and insert "*actions*"

Page 3, line 8, delete everything before the period and delete "*take into*"

Page 3, line 9, delete "*account*" and insert "*consider*"

Page 3, line 12, delete "*, and*" and insert a period

Page 3, delete line 13

Page 3, line 14, delete everything after "[INTERIM PRIORITIES.]"

Page 3, delete lines 15 and 16

Page 3, line 17, delete everything before "*Until*"

Page 3, line 18, delete everything before the comma and insert "*are adopted*"

Page 3, line 22, delete "of it"

Page 3, delete lines 26 to 32 and insert:

"Subd. 5. [MAINTENANCE OF RESPONSE ACTIONS.] A person may not disturb response actions taken by the agency, or the integrity of any existing ground cover at sites where the soil exceeds the lead level established in subdivision 1, unless the agency finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment."

Page 3, line 33, delete "FUND" and insert "ACCOUNT"

Page 3, line 35, delete "fund" and insert "account" and delete "created" and insert "established" and delete everything after the period

Page 3, delete line 36

Page 4, delete lines 1 and 2

Page 4, line 5, after "spent" insert "by the agency"

Page 4, line 11, after "actions" insert "by the agency"

Page 4, line 30, delete "take appropriate acts to"

Page 4, line 32, delete "in order"

Page 4, line 35, delete "risking" and insert "at risk to"

Page 4, line 36, delete "which" and insert "that"

Page 5, line 1, after "advice" insert "of local lead absorption testing programs" and delete "in order"

Page 5, line 2, delete "those" and insert "the"

Page 5, line 5, delete everything after "sources"

Page 5, line 6, delete everything before the semicolon

Page 5, line 7, delete "for"

Page 5, line 10, delete "of"

Page 5, line 11, delete the first "or" and insert "and"

Page 5, line 12, delete "those" and insert "the" and delete "in order"

Page 5, lines 13 and 14, delete "or" and insert "and"

Page 5, line 15, delete "these" and insert "the"

Page 5, line 21, delete everything after "1." and insert "[APPLICABILITY.] The definitions in this section apply to sections 6 and 7."

Page 5, delete line 22

Page 5, line 24, delete "1974" and insert "1978"

Page 5, line 31, delete "No" and insert "A" and delete "shall" and insert "may not"

Page 5, line 33, delete "any"

Page 5, line 34, delete "No" and insert "A" and delete "shall" and insert "may not" and delete "any"

Page 6, lines 1 and 5, delete "No" and insert "A" and delete "shall" and insert "may not"

Page 6, line 2, delete "on any part of a motor vehicle any" and insert "a" and delete "which" and insert "that"

Page 6, delete lines 8 and 9

Page 6, line 10, delete "6" and insert "5"

Page 6, line 15, delete "7" and insert "6"

Page 6, line 16, delete "gross"

Page 6, after line 16, insert:

"Sec. 8. [REPORT ON RESPONSE ACTIONS.]

By January 1, 1987, the agency shall submit a report to the senate and house committees on health and human services describing the extent of soil lead contamination, the blood lead levels of populations at contaminated sites, the size of the population at risk from soil lead exposure, and an estimate of the cost of response actions required to prevent exposure to lead contaminated soil."

Page 6, line 17, delete "; COMPLEMENT"

Page 6, delete lines 18 and 19, and insert:

"Subdivision 1. [POLLUTION CONTROL AGENCY.]"

Page 6, line 21, delete everything after "control" and insert "account"

Page 6, line 22, delete everything before "available" and insert "to be"

Page 6, line 24, delete "fund" and insert "account"

Page 6, line 33, delete "(d)" and insert "Subd. 2. [COMMISSIONER OF HEALTH.]"

Page 6, line 34, delete everything after "health" and insert "to administer"

Page 6, line 35, delete ". This appropriation is" and insert "; to be"

Page 6, delete line 36

Page 7, delete line 1

Page 7, line 2, before "complement" insert "approved"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Transportation. Mr. Petty questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1118: A bill for an act relating to agriculture; requiring reason for

lender's refusal to respond with letter of commitment; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "any" and insert "the" and reinstate the stricken "lender" and delete "lenders" and insert "that is"

Page 1, line 17, delete "under subdivision 1"

Page 2, line 12, delete the comma

Page 2, delete line 13

Page 2, line 14, delete everything before the period

Page 2, line 15, delete the second "to" and insert "for"

Page 2, line 16, delete "agricultural input" and insert "financing" and delete "furnished" and insert "requested"

Page 2, line 25, before the period, insert ", unless the supplier perfects the agricultural production input lien"

Page 2, line 30, strike "an" and insert "a perfected"

Page 3, after line 3, insert:

"Sec. 5. Minnesota Statutes 1984, section 514.952, subdivision 6, is amended to read:

Subd. 6. [LIEN PRIORITY.] (a) An agricultural production input lien does not have priority over liens that arise under chapter 395 or 514, or over perfected security interests for unpaid rent for the land where the crops were grown. *Perfected* agricultural production input liens ~~are a~~ *have equal priority with other security interest and have priority according to chapter 336, the uniform commercial code, except as provided in subdivision 5 interests in the same crops or livestock or their proceeds for the lesser of:*

(1) *the amount stated in the lien-notification statement;*

(2) *the unpaid retail cost of the agricultural production input identified in the lien-notification statement; or*

(3) *for livestock any limitation in section 514.954, subdivision 2.*

(b) *The crops or livestock or their proceeds must be distributed on a pro rata basis according to the amount of the lien or security interest. If a secured party or lienholder has collateral other than the crops or livestock or their proceeds, for the same debt, upon the petition of any secured party or lienholder, the court shall marshal the collateral."*

Page 3, line 36, delete "in a manner similar to financing" and insert a period

Page 4, delete line 1 and insert:

"Sec. 9. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "commitment" insert "for agriculture production inputs"

Page 1, line 7, delete "and" and after "5" insert ", and 6"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Isackson motion to amend the DeCramer motion and to re-refer S.F. No. 1118 to the Committee on Judiciary.

There were yeas 7 and nays 6, as follows:

Those who voted in the affirmative were: Bernhagen; Bertram; Isackson; Laidig; Peterson, R.W.; Storm and Merriam

Those who voted in the negative were: Davis, Berg, DeCramer, Stumpf, Wegscheid and Willet

The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 691, 887, 830, 746, 583, 826, 444, 506, 726, 377, 952, 918, 467, 1027, 835, 1043, 743, 774, 1099, 1026 and 1141 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 327, 422, 894, 1216, 738, 415, 759, 470, 256, 227, 186, 315, 230, 216, 94 and 454 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Pehler be added as a co-author to S.F. No. 506. The motion prevailed.

Mr. Bertram moved that the his name be stricken as a co-author to S.F. No. 840. The motion prevailed.

Mr. Dicklich moved that the names of Mr. Sieloff and Mrs. Kronebusch be added as co-authors to S.F. No. 876. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Waldorf and Wegscheid be added as co-authors to S.F. No. 1127. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1219. The motion prevailed.

Mr. Willet moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1231. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1285. The motion prevailed.

Mr. Davis moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1286. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pehler be added as a co-author to S.F. No. 1330. The motion prevailed.

Mr. Novak moved that the name of Mr. Freeman be added as a co-author to S.F. No. 1367. The motion prevailed.

Ms. Reichgott moved that the names of Messrs. Freeman and Luther be added as co-authors to S.F. No. 1387. The motion prevailed.

Mr. Isackson moved that S.F. No. 1235 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Vega moved that S.F. No. 1307 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Local and Urban Government. The motion prevailed.

Mr. Waldorf moved that S.F. No. 1328 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Dieterich moved that H.F. No. 953 be withdrawn from the Committee on Public Utilities and State Regulated Industries and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1096. The motion prevailed.

Mr. DeCramer moved that H.F. No. 1065 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1101. The motion prevailed.

CALENDAR

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Nelson	Renneke
Anderson	Frederick	Kronebusch	Novak	Samuelson
Berg	Frederickson	Laidig	Olson	Sieloff
Berglin	Freeman	Langseth	Pehler	Spear
Bernhagen	Gustafson	Lantry	Peterson, C.C.	Storm
Bertram	Hughes	Lessard	Peterson, D.L.	Stumpf
Chmielewski	Isackson	Luther	Peterson, R.W.	Taylor
Dahl	Johnson, D.E.	McQuaid	Petty	Vega
Davis	Jude	Mehrkens	Pogemiller	Waldorf
DeCramer	Kamrath	Merriam	Purfeerst	Wegscheid
Diessner	Knaak	Moe, D.M.	Ramstad	Willet
Dieterich	Knutson	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 679: A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kronebusch	Novak	Renneke
Anderson	Frederickson	Laidig	Olson	Samuelson
Berg	Freeman	Langseth	Pehler	Sieloff
Berglin	Gustafson	Lantry	Peterson, C.C.	Spear
Bernhagen	Hughes	Lessard	Peterson, D.C.	Storm
Bertram	Isackson	Luther	Peterson, D.L.	Stumpf
Chmielewski	Johnson, D.E.	McQuaid	Peterson, R.W.	Taylor
Dahl	Jude	Mehrrens	Petty	Vega
Davis	Kamrath	Merriam	Pogemiller	Waldorf
DeCramer	Knaak	Moe, D.M.	Purfeerst	Wegscheid
Diessner	Knutson	Moe, R.D.	Ramstad	Willet
Dieterich	Kroening	Nelson	Reichgott	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Samuelson introduced—

S.F. No. 1396: A bill for an act relating to natural resources and agriculture; allowing compensation to owners of crops damaged by wild animals; amending Minnesota Statutes 1984, section 3.737, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 1397: A bill for an act relating to the city of Duluth; authorizing the issuance of bonds to purchase capital equipment.

Referred to the Committee on Local and Urban Government.

Mr. Wegscheid, Mmes. Adkins and McQuaid introduced—

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.

Referred to the Committee on Governmental Operations.

Mr. Benson introduced—

S.F. No. 1399: A bill for an act relating to taxation; modifying the pro-

cedure used by the state board of equalization for determining property values for taxes payable in 1986.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 1400: A bill for an act relating to taxation; establishing an income tax checkoff for the purpose of providing funds for organ transplants; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff and Peterson, D.L. introduced—

S.F. No. 1401: A bill for an act relating to creditors' remedies; exempting individual retirement accounts and similar plans from attachment, garnishment, or sale on final process; amending Minnesota Statutes 1984, section 550.37, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Anderson introduced—

S.F. No. 1402: A bill for an act relating to liquor; authorizing the city of Sebeka to issue a temporary on-sale license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Frank introduced—

S.F. No. 1403: A bill for an act relating to taxation; exempting certain nonprofit nursing homes from taxation; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Wegscheid introduced—

S.F. No. 1404: A bill for an act relating to Dakota county; permitting electronic funds transfers.

Referred to the Committee on Local and Urban Government.

Mr. Stumpf introduced—

S.F. No. 1405: A bill for an act relating to state lands; authorizing the sale of certain state lands in Lake of the Woods county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Dicklich and Solon introduced—

S.F. No. 1406: A bill for an act relating to taxation; property; extending the assessment years for which reimbursement may be made to taxing districts for certain refunds or abatements made to railroads; allowing a levy in 1986

for certain abatements or refunds made to railroads; clarifying terms; appropriating money; amending Laws 1984, chapter 502, article 9, section 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kroening introduced—

S.F. No. 1407: A bill for an act relating to transportation; authorizing construction of parking facilities for I-394; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

Messrs. Lessard; Johnson, D.J.; Stumpf and Willet introduced—

S.F. No. 1408: A bill for an act relating to natural resources; providing emergency assistance for loggers of state timber who are in serious distress due to abrupt closure of certain timber processing plants; specifying powers and duties of the commissioner of natural resources; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 1409: A bill for an act relating to game and fish; requiring expenditure data in syllabi accompanying game and fish licenses or stamps; amending Minnesota Statutes 1984, section 97.53, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Novak; Peterson, C.C.; Merriam; Bernhagen and Sieloff introduced—

S.F. No. 1410: A bill for an act relating to taxation; property; changing the assessment ratio for certain utility property; amending Minnesota Statutes 1984, sections 273.13, subdivision 4; and 273.40.

Referred to the Committee on Taxes and Tax Laws.

Mr. Willet introduced—

S.F. No. 1411: A bill for an act relating to the city of Bemidji; permitting the city to contribute to a community seed capital fund.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1412: A bill for an act relating to mines and minerals; prescribing fencing of unused mine pits and shafts; providing exceptions to tort liability in regard to certain water access sites related to mining areas; providing for a study and report; providing penalties; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 180.03, subdivisions 2, 3, and 4; 180.10; and 466.03, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Langseth; Solon; Pogemiller; Peterson, C.C. and Moe, R.D. introduced—

S.F. No. 1413: A bill for an act relating to human services; creating an economic opportunity commission; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Health and Human Services.

Messrs. Jude and Ramstad introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C. and Lessard introduced—

S.F. No. 1415: A bill for an act relating to game and fish; requiring a single annual licensing procedure with stamps; amending Minnesota Statutes 1984, sections 98.49; and 98.50, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson, D.E. introduced—

S.F. No. 1416: A bill for an act relating to retirement; membership of county historical society employees in the public employees retirement association; amending Minnesota Statutes 1984, section 353.01, subdivision 2a.

Referred to the Committee on Governmental Operations.

Mrs. Lantry introduced—

S.F. No. 1417: A bill for an act relating to the city of St. Paul; applying portions of the state ethical practices law to candidates in the city elections.

Referred to the Committee on Elections and Ethics.

Mr. Benson introduced—

S.F. No. 1418: A bill for an act relating to taxation; sales and use; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; 297A.14; 297B.02; and 297B.08.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon; Gustafson; Dicklich; Johnson, D.J. and Nelson introduced—

S.F. No. 1419: A bill for an act relating to education; appropriating money to plan a residential school of science and mathematics in Duluth.

Referred to the Committee on Education.

Messrs. Solon; Johnson, D.J.; Dicklich; Kroening and Waldorf introduced—

S.F. No. 1420: A bill for an act relating to retirement; making permanent

the rule of 85; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C.; Mmes. McQuaid and Kronebusch introduced—

S.F. No. 1421: A bill for an act relating to taxation; sales tax; exempting candy; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1422: A bill for an act relating to utilities; establishing a study of the effects of deregulation of certain gas and electric utility functions; appropriating money.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1423: A bill for an act relating to taxation; providing for the allocation among governmental units of increases in the assessed valuation of commercial-industrial property within the taconite tax relief area; providing a formula for the distribution of additional revenues to municipalities within the taconite tax relief area; proposing coding for new law as Minnesota Statutes, chapter 276A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty, Ms. Peterson, D.C.; Messrs. Spear, Laidig and Ms. Berglin introduced—

S.F. No. 1424: A bill for an act relating to the metropolitan sports facilities commission; renaming it the metropolitan sports and convention facilities commission; authorizing it to acquire, design, construct, equip, improve, control, operate, and maintain convention and trade show facilities and related facilities in the city of Minneapolis and to expend certain money for it; authorizing it to exercise eminent domain; authorizing it to issue bonds to finance the acquisition and betterment of convention and trade show facilities and related facilities; authorizing the city of Minneapolis to expend certain funds, including taxes and tax increments, for commission purposes; authorizing the city of Minneapolis and the metropolitan council to contract with the commission and to exercise powers of the commission and perform other acts; authorizing the city to levy and collect certain taxes and to issue bonds to finance the acquisition and betterment of the facility; authorizing the city to proceed with the convention and trade show facilities if the commission does not; authorizing the council to issue bonds to finance the acquisition and betterment of convention and trade show facilities or to refund outstanding bonds issued to finance certain sports facilities, and to levy taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Economic Development and Commerce.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, April 4, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FOURTH DAY

St. Paul, Minnesota, Thursday, April 4, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Kassel Abelson.

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

Adkins	Dicklich	Knaak	Moe, R.D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, D.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Storm
Bertram	Hughes	Lessard	Peterson, R.W.	Stumpf
Brataas	Isackson	Luther	Petty	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Dieterich and Peterson, C.C. were excused from the Session of today.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. Nos. 1121 and 788. The motion prevailed.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1181: A bill for an act relating to public safety; utilities; providing for funding of 911 emergency telephone service by dedicated fee account; amending Minnesota Statutes 1984, section 403.11.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1 and insert:

“Section 1. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the commissioner of administration to reimburse public utilities for annual recurring costs under Minnesota Statutes, section 403.11, subdivision 1, to be available until June 30, 1987.”

Amend the title as follows:

Page 1, line 3, delete “by”

Page 1, line 4, delete “dedicated fee account”

Page 1, line 4, delete “amending Minnesota Statutes” and insert “appropriating money.”

Page 1, delete line 5

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1096: A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 452: A bill for an act relating to alcoholic beverages; requiring local approval of farm winery licenses in certain instances; amending Minnesota Statutes 1984, section 340.435, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1102: A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1101: A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Re-

port adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, strike "WAGES" and insert "EARNINGS"

Page 1, line 24, before the period, insert "and an additional amount of earnings not to exceed \$100 for each dependent of the debtor claimed as a dependent on the debtor's most recent Minnesota income tax return"

Page 2, line 19, strike "wages" and insert "earnings"

Page 2, line 35, after "employment" insert "or farming"

Page 3, line 28, before the comma, insert "that pay earnings to you"

Page 4, line 1, after the period, insert "In addition, all or part of your earnings may be exempt if you are a family farmer and incurred farm operating expenses to produce the earnings."

Page 4, line 9, before the period, insert "and other third parties that pay earnings to you"

Page 5, after line 19, insert:

"I hereby claim under penalty of perjury that all or part of my earnings may be exempt because I am a family farmer and have incurred the following farm operating expenses to produce farm earnings (list your expenses as the cost to produce each unit of agricultural product that you produce, for example, dollars per bushel)

Product(s)	Cost per unit

Judgment Debtor
Address"

Page 6, lines 26 and 28, delete "debtor's" and insert "person's"

Page 6, after line 30, insert:

"(11) An additional \$100 of a person's after tax earnings for each dependent.

If you are a family farmer your earnings means that part of your earnings remaining after the deduction from those earnings of your operating expenses.”

Page 6, line 32, strike “and (10)” and insert “to (11)”

Page 9, line 15, after “is” insert “operating”

Page 9, line 16, after “corporation” insert a comma

Page 9, line 22, after the period, insert “Disposable earnings of a family farmer means that part of the earnings of a family farmer remaining after the deduction from those earnings of farm operating expenses expended to produce the earnings.”

Page 9, after line 25, insert:

“(If the judgment debtor is a family farmer who claimed an exemption for farm operating expenses under section 571.41, subdivision 6, the notice must include the following:

The judgment debtor is a family farmer who has claimed the following farm operating expenses:

_____	_____
_____	_____
_____	_____
<i>Product(s)</i>	<i>Cost per unit)</i>

Page 10, line 34, strike “wages” and insert “earnings”

Page 11, line 35, after “is” insert “operating”

Page 11, line 36, after the second “corporation” insert a comma

Page 12, line 6, after the period, insert “Disposable earnings of a family farmer means that part of the earnings of a family farmer remaining after deduction from those earnings of farm operating expenses expended to produce the earnings.”

Amend the title as follows:

Page 1, line 5, after the semicolon, insert “providing an additional exemption for dependents;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 921: A bill for an act relating to consumer protection; regulating prepayments of certain funeral and burial goods and services; amending Minnesota Statutes 1984, section 149.11.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 11, strike everything after the comma

Page 1, line 12, strike "his behalf," and insert "*that person or another*"

Page 1, line 16, strike "for or related to the disposition of his body,"

Page 1, line 17, after "property" insert "*related to the funeral services or the burial, cremation, or other disposition of human remains*" and strike "delivered"

Page 1, line 18, strike "upon his death" and insert "*used upon the death of the person for whom the property is to be used*" and after "or" insert "when"

Page 1, line 20, strike "so" and strike "such" and insert "the"

Page 1, line 23, strike everything after "until"

Page 1, strike line 24

Page 1, line 25, strike everything before the comma and insert "*the death of the person for whose benefit the money was paid*"

Page 2, line 1, strike "his"

Page 2, line 2, strike "so"

Page 2, line 3, after the period, insert "*The person, partnership, association or corporation holding the money in trust shall inform the person on whose behalf the money is held that all money paid plus all accrued earnings will be held in trust until the death of that person or until a request for a refund is made if made prior to death.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "action" insert "*, or with respect to contracts providing for a fluctuating rate of interest, the law existing at any time during each separate rate of interest applied.*"

Page 1, line 21, delete "and" and insert a comma and before the period insert "*, 53 and 56*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 767: A bill for an act relating to Otter Tail county; authorizing the county board to adopt an ordinance for the control of dogs and cats.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1984, section 343.11, is amended to read:
343.11 [ACQUISITION OF PROPERTY, APPROPRIATIONS.]

Every county society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, or the council of any city, in which such societies exist, may, in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriated, ~~not exceeding \$4,800 in any one year~~ *not to exceed in any one year the sum of \$4,800 or the sum of 50 cents per capita based upon the county's population as of the most recent federal census, whichever is greater*; provided, that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.”

Page 2, line 8, delete “*This act*” and insert “*Section 1 is effective the day following final enactment. Section 2*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “Otter Tail county” and insert “local government” and after the semicolon, insert “allowing for an increase in the appropriation a county may make for a county humane society in any year;”

Page 1, line 3, after “board” insert “of Otter Tail county”

Page 1, line 4, after “cats” insert “”; amending Minnesota Statutes 1984, section 343.11”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 689: A bill for an act relating to Ramsey county; providing for the creation, organization, powers, and duties of a personnel system; providing penalties; amending Minnesota Statutes 1984, sections 383.405; and 383A.41, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 8, after the semicolon, insert “and”

Page 3, line 9, delete “and”

Page 3, delete line 10

Page 8, line 18, delete "REINSTATMENT" and insert "REINSTATEMENT"

Page 17, line 15, after "shall" insert "request the chief administrative law judge to"

Page 17, line 26, delete "of receipt of the", and insert "after the close of the hearing record"

Page 17, line 27, delete everything before the comma

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 634: A bill for an act relating to local government; providing for transfer of certain federal payments in lieu of taxes from the county to the city or town; proposing coding for new law in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 536: A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1138: 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.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 890: A bill for an act relating to local government; establishing a grant program for the planning and provision of joint municipal services by local governmental units; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete "75" and insert "50"

Page 2, delete lines 1 to 8

Page 2, delete lines 13 to 15 and insert:

"Sec. 3. [REPEALER.]

Minnesota Statutes 1984, section 471.595, is repealed on July 1, 1988."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 950: A bill for an act relating to towns; providing funds for the preparation of a handbook of town laws; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete everything after "of" and insert "administration"

Page 1, line 9, delete "Association of Townships" and after "prepare" insert "and distribute"

Page 1, after line 9, insert:

"Sec. 2. [AGRICULTURAL LAND PRESERVATION AND CONSERVATION HANDBOOK.]

§ _____ is appropriated from the general fund to the department of agriculture to prepare a local government handbook on agricultural land preservation and conservation."

Amend the title as follows:

Page 1, line 2, delete "towns" and insert "local government"

Page 1, line 3, after "laws" insert "and a local government handbook on agricultural land preservation and conservation"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 684: A bill for an act relating to health; requiring insurance coverage for special dietary treatment for phenylketonuria; providing an educational testing program; allowing a deduction for the costs of the special dietary treatment; amending Minnesota Statutes 1984, sections 62E.06, subdivision 1; and 290.089, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62A and 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, delete "prescribed" and insert "recommended"

Page 4, line 29, delete "prescribed" and insert "recommended"

Page 4, line 32, delete "EDUCATION PROGRAMS AND"

Page 4, line 33, delete "TESTS" and insert "TESTING PROGRAM"

Page 4, delete lines 34 to 36

Page 5, delete lines 1 to 8

Page 5, line 9, delete "Subd. 2. [TESTING.]"

Page 5, line 10, delete "screening, diagnostic, and" and insert ", without charge to the recipient,"

Page 5, delete lines 14 to 18

Page 5, delete lines 22 to 24

Page 5, line 25, delete "(2)" and insert "(1)"

Page 5, line 26, after "family" insert "is uninsured and, because of a lack of available income,"

Page 5, line 28, delete "(3)" and insert "(2)"

Page 5, line 31, delete "(4)" and insert "(3)"

Page 6, line 29, delete "prescribed" and insert "recommended"

Page 6, line 30, after "phenylketonuria" insert "which is not reflected in other deductions"

Page 7, after line 17, insert:

"Sec. 6. [APPROPRIATION.]

§_____ is appropriated from the general fund to the commissioner of health for the purposes of sections 3 and 4 to be available until June 30, 1987."

Amend the title as follows:

Page 1, line 4, delete "an educational" and insert "a"

Page 1, line 6, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 997: A bill for an act relating to health; requiring a biennial report concerning health care markets; appropriating money; amending Minnesota Statutes 1984, sections 144.695; 144.70; and 144.703, subdivision 1; repealing Minnesota Statutes 1984, sections 62D.25; 62D.26; 62D.28; 62D.29; and 62E.17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Page 2, line 19, after "1." insert "[CONTENT.]"

Page 3, line 23, after "2." insert "[INTERAGENCY COOPERATION.]"

Page 4, after line 1, insert:

"Sec. 3. [MANDATED BENEFITS COMMISSION.]

In the event that the governor, during fiscal year 1986, establishes a special commission to study and make recommendations concerning the appropriate content of the mandated or minimum benefits to be required of health plans in Minnesota, representation on such commission shall include:

(1) one member from the state planning agency, who shall chair the commission;

(2) two members from the senate of the state of Minnesota, one from the majority party and one from the minority party;

(3) two members from the house of representatives of the state of Minnesota, one from the majority party and one from the minority party;

(4) one member from the Minnesota department of commerce;

(5) one member from the Minnesota department of health;

(6) one member representing Minnesota counties;

(7) one member representing Minnesota employers;

(8) one member representing health insurance companies, and one member representing health maintenance organizations;

(9) two members representing the providers of health services;

(10) one member representing labor; and

(11) one member representing low income consumers."

Page 4, line 26, delete "the next and subsequent editions of" and after "Statutes" insert "1986"

Page 4, line 28, delete "62D.27" and insert "62D.24"

Page 4, line 35, after the period, insert "Minnesota Rules 1983, parts 4685.3500 to 4685.5600, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "144.695;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 621: A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1;

243.55, subdivision 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 966: A bill for an act relating to human services; requiring the commissioner of human services to establish services for the care of brain damaged adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 252B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 914: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 28, delete "therapy" and insert "services"

Page 4, delete lines 8 to 10

Page 4, line 11, delete "10" and insert "9"

Page 4, line 21, delete "a" and insert "their"

Page 4, line 22, delete "revised"

Page 5, delete subdivisions 1 and 2 and insert:

"Subdivision 1. [MONEY AVAILABLE DUE TO TRANSFER; MINIMUM FUNDING LEVEL.] A county must not receive less in state aids under the permanency planning grant program in calendar years 1986 and 1987 than the amount of reimbursement received under title IV-E foster care

and children under state guardianship accounts in state fiscal year 1984. Beginning calendar year 1988, the reimbursement received under title IV-E foster care and children under state guardianship accounts must be distributed according to the formula in subdivision 3.

Subd. 2. [ADDITIONAL MONEY.] Additional money appropriated for family-based services, together with an amount as determined by the commissioner of title IV-B funds distributed to Minnesota according to the Social Security Act, United States Code, title 42, section 621, must be distributed to counties according to the formula in subdivision 3.

Subd. 3. [FORMULA.] The amount of money distributed to counties under subdivision 2 must be based on the following two factors:

(1) the population of the county under age 19 years as compared to the state as a whole as determined by the most recent data from the state demographer's office; and

(2) the county's percentage share of the number of minority children in substitute care as determined by the most recent department of human services annual report on children in foster care.

The amount of money allocated according to formula factor (1) must not be less than 80 percent of the total distributed under subdivision 2."

Renumber the subdivisions in sequence

Page 6, line 27, delete "their" in both places and insert "its" in both places

Page 6, line 29, delete "person who will provide" and insert "provider of"

Page 7, line 12, delete "SCREENING TEAM" and insert "REVIEW"

Page 7, line 13, delete "screening team" and insert "review procedure"

Page 7, line 16, delete "requesting" and insert "making"

Page 7, line 17, delete "screening" and insert "preplacement review"

Page 7, line 18, delete "team determines" and insert "has determined"

Page 7, line 21, delete "team" and insert "agency"

Page 7, line 24, after the semicolon, insert "and"

Page 7, delete lines 25 to 27

Page 7, line 28, delete "(3)" and insert "(2)"

Page 7, delete lines 31 to 36

Page 8, delete lines 1 to 5

Page 8, line 13, delete "72 hours" and insert "30 calendar days within any 12-month period"

Renumber the subdivisions in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 584: A bill for an act relating to commerce; granting motor fuel retailers the option to purchase from wholesalers other than the refiner; proposing coding for new law in Minnesota Statutes, chapter 80C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, after "*retailer*" insert a comma

Page 2, line 2, after "*refiner*" insert a comma

Page 2, line 3, delete "*also purchases*" and insert "*makes available to that retailer*"

Page 2, line 4, after "*quality*" insert "*purchased*"

Page 2, line 5, delete "*VOID*"

Page 2, line 7, delete "*is null and void*" and insert "*may be satisfied by purchases of motor fuel either from the refiner or from a wholesaler who purchases motor fuel of similar grade and quality from the same refiner*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*makes*" and insert "*extends credit under*"

Page 1, line 16, delete "*has*" and insert "*obtains credit*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1148: A bill for an act relating to commerce; defining "trade secret"; amending Minnesota Statutes 1984, section 325C.01, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1262: A bill for an act relating to health; prohibiting misrepresentation of certain third-party payments and billing practices; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 146.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete “, or a county or town”

Page 3, line 33, delete “the state of Minnesota,”

Page 4, line 10, delete “any exercise”

Page 4, delete lines 11 to 20

Page 5, line 11, delete everything after the period

Page 5, delete line 12

Page 6, line 17, after the period, insert “The department of natural resources shall review all project plans which involve dewatering of underground formations for construction and operation of mined underground space to determine the effects of the proposal on the quality and quantity of underground waters in and adjacent to the areas where the mined underground space is to be developed.”

Page 6, line 21, delete “potentially suitable” and insert “designated”

Page 6, after line 29, insert:

“Subd. 4. [PERMITS FOR WATER REMOVAL.] No mined underground space project involving or affecting the quality and quantity of underground waters may be developed until a permit for the appropriation of

waters pursuant to Minnesota Statutes, section 105.41, has been granted by the commissioner of natural resources."

Page 16, line 28, delete the first comma and insert "or" and delete everything after the second "city"

Page 16, line 30, delete "7" and insert "8"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1119: A bill for an act relating to local government; increasing the amount that a county board may credit to the sheriff's contingency fund; amending Minnesota Statutes 1984, section 387.212.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "\$2,000" and insert "\$3,000"

Page 1, line 16, after the period, insert "Any balance remaining at the end of the year shall be transferred to the revenue fund."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 639: A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; amending Minnesota Statutes 1984, sections 16B.62, by adding a subdivision; 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 365 and 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, line 14, after "users" insert "if the users and the town board agree on the amount to be charged"

Page 3, line 6, delete "five" and insert "two"

Page 3, lines 11 to 13, reinstate the stricken language

Page 3, line 13, strike ", alter,"

Page 3, line 15, after the period, insert "A town board may alter a town road by resolution."

Page 5, line 20, after the period, insert "A *special emergency, for the purposes of this section, is a situation where immediate action must be taken, essential to the health, safety, or welfare of the community.*"

Page 6, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "16B.62, by adding a subdivision;"

Page 1, line 13, delete "chapters 365 and" and insert "chapter"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1330: A resolution memorializing the President, Congress, and Secretary of Labor of the United States in support of increased funding for training grants for displaced workers and summer youth employment.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 850: A bill for an act relating to vocational rehabilitation; providing for hi-tech capitalization and technical assistance grants to improve sheltered worker wages, productivity, and transferable skills; appropriating money; amending Minnesota Statutes 1984, section 129A.08, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 188: A bill for an act relating to workers' compensation; changing the amount of certain benefits; amending Minnesota Statutes 1984, section 176.101, subdivisions 3a and 3b.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 13, before "An" insert "(a)"

Page 2, lines 23 to 36, reinstate the stricken language and delete the new language

Page 3, lines 1 and 2, reinstate the stricken language and delete the new language

Page 3, after line 7, insert:

“(b) The schedule amounts in paragraph (a) shall be adjusted October 1, 1985, and annually thereafter in the same manner as benefits are adjusted under section 176.645. An employee's compensation under this subdivision shall be based on the schedule amounts in effect on the date of the injury and shall not be affected by any adjustment made following the date of injury.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “subdivisions 3a and” and insert “subdivision”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, after the stricken “or” insert a semicolon

Page 2, line 33, strike “or agents”

Page 12, delete lines 6 to 11 and insert:

“Subd. 8. Neither the commissioner nor any employee of the department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection except in enforcement proceedings brought under this chapter. All written information, documentation and reports gathered or prepared by the department pursuant to an occupational safety and health inspection are public information once the departmental inspection file is closed.”

Page 14, after line 4, insert:

“Sec. 15. [EFFECTIVE DATE.]

The repeal of the small business exemption in section 3 is effective November 26, 1985.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1256: A bill for an act relating to public safety; creating a division of elevator inspection in the department of labor and industry; providing for

duties, powers, and fees; providing for annual, statewide, certified inspections of elevators by qualified inspectors; allowing municipalities with qualified elevator inspection programs to be exempt from state inspection; establishing a study of elevator safety inspections; requiring a report to the legislature; prescribing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 183.

Reports the same back with the recommendation that the bill be amended as follows:

- Pages 1 to 3, delete sections 1 to 5
- Page 4, line 2, delete the second "a"
- Page 4, line 3, delete "division of"
- Page 4, line 17, delete "under this act"
- Page 4, line 20, delete everything after "inspections"
- Page 4, line 21, delete "operational"
- Page 4, line 22, delete "municipalities likely to be exempted" and insert "the adequacy"
- Page 4, line 23, delete "under section 5 and comparison" and delete "their" and insert "municipal"
- Page 4, line 36, delete "6" and insert "1"
- Page 5, line 3, delete "6" and insert "1"
- Page 5, delete lines 6 and 7 and insert "Sections 1 and 2 are effective the day following final enactment."
- Renumber the sections in sequence
- Amend the title as follows:
 - Page 1, line 2, delete everything after the semicolon
 - Page 1, delete lines 3 to 8
 - Page 1, line 10, after the semicolon, delete "prescribing a"
 - Page 1, line 11, delete "penalty;"
 - Page 1, line 11, after "money" delete "; proposing coding for new"
 - Page 1, delete line 12 except the period

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 762: A bill for an act relating to local government; providing for fees of the county recorder and registrar of titles; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 357.18, subdivision 1, and by adding a subdivision; 386.77; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 and 3, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 1984, section 270.69, is amended by adding a subdivision to read:

Subd. 9. [LIEN SEARCH FEES.] Upon request of any person, the filing officer shall issue a certificate showing whether there is on file, on the date and hour stated in the certificate, any notice of lien or certificate or notice affecting any lien filed after June 30, 1979, naming a particular person, and giving the date and hour of filing of each notice or certificate naming the person. The fee for a certificate shall be as provided by section 336.9-407 or 357.18, subdivision 1, clause (3). Upon request, the filing officer shall furnish a copy of any notice of state lien, or notice or certificate affecting a state lien, for a fee of 50 cents per page.

Sec. 3. Minnesota Statutes 1984, section 272.483, is amended to read:

272.483 [DUTIES OF FILING OFFICER.]

(a) If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in clause (b) is presented to a filing officer who is:

(1) the secretary of state, he shall cause the notice to be marked, held, and indexed in accordance with the provisions of section 336.9-403, clause (4) of the uniform commercial code as if the notice were a financing statement within the meaning of that code; or

(2) any other officer described in section 272.481, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the file number of the lien, and the total amount appearing on the notice of lien.

(b) If a certificate of release, non-attachment, discharge, or subordination of any lien is presented to the secretary of state for filing he shall:

(1) cause a certificate of release or non-attachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code, but the notice of lien to which the certificate relates may not be removed from the files; and

(2) cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code.

(c) If a refiled notice of federal lien referred to in clause (a) or any of the certificates or notices referred to in clause (b) is presented for filing to any other filing officer specified in section 272.481, he shall permanently attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any

notice of lien or certificate or notice affecting any lien filed on or after July 1, 1971, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is ~~\$5 per name appearing on the search request, if on the standard form prescribed by the secretary of state, and otherwise, \$10 for the first name and \$5 for each name in excess of one shall be that provided by section 336.9-407 or 357.18, subdivision 1, clause (3).~~ Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of 50 cents per page.

Sec. 4. Minnesota Statutes 1984, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of his file for any effective financing statements naming a particular debtor and any statement of assignment thereof. He shall report what he finds as of that date and hour by issuing:

(a) His certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;

(b) Photocopies of the original documents on file; or,

(c) Upon request, both his certificate and photocopies of the statements.

The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. *Another fee, at the same rate, shall also be charged for conducting a search and preparing a certificate showing federal and state tax liens on file with the filing officer naming a particular debtor.* There shall be an additional fee of 50 cents for each financing statement and each statement of assignment or tax lien listed on the certificate and for each photocopy that he prepares in excess of the first five.

Sec. 5. Minnesota Statutes 1984, section 357.18, subdivision 1, is amended to read:

Subdivision 1. The fees to be charged by the county recorder shall be as follows:

(1) For indexing and recording any deed or other instrument \$1 for each page of an instrument, with a minimum fee of ~~\$5~~ \$10;

(2) For certified copies of any records or papers, \$1 for each page of an instrument with a minimum fee of \$3;

(3) For an abstract of title, ~~\$1.50~~ \$3 for every transfer, ~~\$15~~ \$30 for certificate, ~~\$2 per name for tax lien certificates~~, and ~~\$4~~ \$2 per page for each exhibit included within an abstract as a part of an abstract entry; provided that county

boards may, by resolution duly adopted, establish lower fees for such services rendered by the county recorder, at his request, in their respective counties;

(4) For a copy of an official plat filed pursuant to section 505.08, the fee shall be \$9.50 and an additional 50 cents shall be charged for the certification of each plat;

(5) For filing a condominium floor plan in accordance with section 515.13, the fee shall be 50 cents per apartment with a minimum fee of \$15 \$30;

(6) For a copy of a condominium floor plan filed pursuant to section 515.13, the fee shall be \$1 for each page of the floor plan with a minimum fee of \$10 and an additional 50 cents shall be charged for the certification of each condominium floor plan."

Page 5, line 33, delete "*Subdivision 1. [AMOUNTS.]*"

Page 7, delete lines 26 to 32

Page 8, line 2, before "After" insert "*A certified copy of the application shall be delivered to the examiner of titles.*"

Page 8, lines 8 and 9, delete the new language.

Page 9, line 23, delete "*Subdivision 1. [AMOUNTS.]*"

Page 11, delete lines 17 to 23

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "local government" and insert "public records"

Page 1, line 3, delete "registrar of titles" and insert "secretary of state"

Page 1, line 5, after "1;" insert "270.69, by adding a subdivision; 272.483; 336.9-407;"

Page 1, line 5, delete ", and by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

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

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 886: A bill for an act relating to transportation; directing the commissioner of transportation to arrange for studies of highway jurisdiction and to submit a state jurisdiction plan; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1284: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, delete "section" and insert "sections"

Page 2, line 23, delete the comma and after "and" insert "4,"

Page 5, line 6, delete "\$300" and insert "\$120"

Page 5, after line 6, insert:

"(i) For vehicles granted a special permit under section 4, a fee of \$15 for a 36-hour period."

Page 5, delete lines 11 to 23 and insert *"three-vehicle combination consisting of a truck tractor and two semitrailers. The combination of vehicles may not exceed an overall length, unladen or with load, of 110 feet; a maximum total gross weight of 105,000 pounds; or maximum axle weight restrictions under this chapter. This combination of vehicles may not travel more than 15 miles from the western border of Minnesota.*

The commissioner may rescind the permit if the condition of the road begins to deteriorate or show signs of damage.

Sec. 4. Minnesota Statutes 1984, section 169.86, is amended by adding a subdivision to read:

Subd. 8. [SPECIAL INTERSTATE PERMIT.] (a) The commissioner may issue a special permit for a three-vehicle combination consisting of a truck tractor and two semitrailers for a 36-hour period to travel on the interstate highway system; except that the three-vehicle combinations may not travel on or within the twin cities area bounded by connecting rights-of-way commonly known as I-494 and I-694 and the portion of I-94 connecting I-494 to I-694 at the northwestern corner of the twin cities area.

(b) The three-vehicle combination may not exceed an overall length, unladen or with load, of 110 feet; a maximum total gross weight of 105,000 pounds; or maximum axle weight restrictions under this chapter.

(c) Before granting a special permit under this subdivision, the commissioner shall consider the motor carrier's record of safety including its: (1) safety program, (2) maintenance program, (3) safety history, with emphasis on experience with and safe operation of three-vehicle combinations, and (4) record of satisfactory compliance with other traffic and operational laws and rules, such as driver qualification requirements.

(d) The commissioner, with approval of the local road authority having jurisdiction, shall designate interchanges used for access to interstate highways."

Amend the title as follows:

Page 1, line 5, delete "if used for transporting motor" and insert "under certain conditions; prescribing fees;"

Page 1, delete line 6

Page 1, line 7, delete everything before "amending"

Page 1, line 9, delete "a subdivision" and insert "subdivisions"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1156: A bill for an act relating to natural resources; establishing a youth conservation corps to promote employment of youths and young adults; redefining hazardous waste; increasing the tax on cigarettes; appropriating money for various natural resource-related projects, a youth conservation corps, and lime sludge removal; amending Minnesota Statutes 1984, sections 116.06, subdivision 13; 297.02, subdivision 1; and 297.22, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 84C.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 10, delete sections 1 to 5 and insert:

"Section 1. [84C.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 6.

Subd. 2. [BUREAU.] "Bureau" means the bureau of conservation corps programs of the department of natural resources.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.

Subd. 4. [CORPS.] "Corps" means the Minnesota conservation corps established under section 2.

Subd. 5. [CORPS MEMBER.] "Corps member" means an individual enrolled in the corps under section 3.

Subd. 6. [DIRECTOR.] "Director" means the administrator of the bureau.

Subd. 7. [DIRECTOR'S STAFF.] "Director's staff" means the full-time management employees.

Subd. 8. [PUBLIC LANDS.] "Public lands" means any lands or waters owned or administered by the state or a political subdivision.

Subd. 9. [SPECIALIST.] "Specialist" means a corps member that serves

in a leadership or training capacity, or provides specialized services. Specialists include summer youth camp directors, crew leaders, assistant crew leaders, educational and work coordinators, and cooks. Specialist does not include a camp director in the young adult program that is on the director's staff.

Subd. 10. [YOUNG ADULT PROGRAM.] "Young adult program" means the program employing individuals age 18 to 26.

Subd. 11. [YOUTH PROGRAM.] "Youth program" means the summer program employing individuals age 16 to 18.

Sec. 2. [84C.03] [MINNESOTA CONSERVATION CORPS PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a Minnesota conservation corps program within the department of natural resources. The corps shall direct and administer a program for conservation, rehabilitation, and improvement of public lands. The commissioner shall appoint a director to administer the corps program.

Subd. 2. [COMMISSIONER'S DUTIES AND AUTHORITY.] The commissioner may adopt rules to administer the corps program. The commissioner may:

- (1) employ staff, specialists, and corps members;*
- (2) adopt criteria for the selection of corps members that includes the department of natural resources affirmative action plan;*
- (3) contract for corps employment;*
- (4) contract with federal agencies, state agencies, political subdivisions, and nonprofit organizations to furnish the services of the corps;*
- (5) contract with private entities to furnish the services of the corps if the services are compensated for and it serves a public purpose;*
- (6) contract for necessary services, equipment, materials, and property;*
- (7) cooperate with other state agencies and political subdivisions; and*
- (8) apply for and accept grants and contributions.*

Subd. 3. [PROJECTS INCLUDED.] The corps may perform the following projects:

- (1) forestry and nursery operations;*
- (2) prairie land conservation, rehabilitation, and improvement;*
- (3) wildlife habitat conservation, rehabilitation, and improvement;*
- (4) urban revitalization;*
- (5) historical and cultural site identification, preservation, and maintenance;*
- (6) recreational area development, maintenance, improvement, and beautification;*
- (7) road and trail maintenance and improvement;*

- (8) soil conservation work;
- (9) flood, drought, and storm damage assistance and relief;
- (10) stream, lake, waterfront harbor, and port, improvement and pollution control;
- (11) fish habitat maintenance and improvement;
- (12) insect, disease, rodent, and other pestilence control;
- (13) improvement of abandoned railroad rights-of-way;
- (14) land reclamation and improvement, landscaping, and tree planting;
- (15) energy conservation;
- (16) emergency disaster assistance; and
- (17) other conservation, rehabilitation, and improvement of public lands.

Subd. 4. [PROJECT PRIORITIES.] The commissioner shall give preference to projects that:

- (1) provide long-term public benefit;
- (2) provide productive work experience to corps members;
- (3) are labor-intensive; and
- (4) are effective.

Subd. 5. [RESIDENTIAL CAMPS.] The commissioner may establish residential camps for corps members.

Subd. 6. [CORPS MEMBERS MAY NOT DISPLACE OTHER WORKERS.] The commissioner may not assign corps members to projects that will displace currently employed workers or result in the failure to recall an employee that is on lay-off from the same or equivalent job. An assignment may not partially displace workers by reducing hours of nonovertime work, wages, or other employment benefits. Agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee to use a corps member or use a corps member to replace an employee that is on lay-off from the same or equivalent job.

Sec. 3. [84C.04] [ELIGIBILITY FOR ENROLLMENT IN THE CORPS.]

Subdivision 1. [PERSONAL QUALIFICATIONS.] Except for specialists, an individual may enroll in the corps only if the individual is:

- (1) a resident of the state;
- (2) unemployed;
- (3) at least age 16, but not older than age 26;
- (4) capable of adjusting to the standards, discipline, and requirements of the corps; and
- (5) for the young adult program, a holder of a high school diploma or its equivalent, or agrees to work towards a graduation equivalency diploma while enrolled in the corps.

Subd. 2. [SELECTION CRITERIA.] In the selection of corps members,

preference must be given to individuals residing in areas where substantial unemployment exists. Special efforts must be made to recruit individuals who are economically, socially, physically, or educationally disadvantaged. The commissioner shall follow the department of natural resources affirmative action plan.

Sec. 4. [84C.05] [TERMS AND CONDITIONS OF SERVICE.]

The following terms and conditions of service apply to corps members:

(1) corps members must be paid the federal minimum wage, but specialists may be paid up to 2-1/2 times the federal minimum wage;

(2) corps members may not serve more than 24 months in the young adult program;

(3) corps members may not receive state retirement, unemployment compensation, or other benefits, except workers' compensation; and

(4) corps members living in a residential camp must pay a reasonable portion of their room and board costs.

Sec. 5. [EDUCATION AND TRAINING.]

(a) The commissioner must enhance educational opportunities for corps members in the young adult program by:

(1) providing training and reference materials;

(2) attempting to develop agreements with educational institutions to award academic credit for programs; and

(3) encouraging corps members to continue studies to complete high school graduation equivalency diploma courses and post-secondary courses for job skills training.

(b) The commissioner shall use services available from the University of Minnesota, the state universities, community colleges, area vocational technical institutes, and school districts. The commissioner may cooperate with the department of economic security to enhance training opportunities.

Sec. 6. [EDUCATIONAL VOUCHERS.]

The commissioner shall prescribe standards to reward a corps member that satisfactorily serves for at least one year with a one-time incentive payment of \$250 or an education voucher worth \$750 upon completion of service. The education voucher must be valid for three years after the date it is issued and must provide for the payment of tuition and fees at any post-secondary institution. The commissioner may authorize a partial incentive payment or education voucher to a corps member in the young adult program that serves for less than one year if the commissioner determines that service was terminated because of special circumstances.

Sec. 7. Minnesota Statutes 1984, section 86.03, is amended to read:

86.03 [FUNDS.]

Subdivision 1. [FUNDS FROM TAX.] This legislature anticipates the tax hereinafter provided will be adequate to insure funds for carrying out the program herein contemplated for the period of years necessary for its ac-

accomplishment.

Subd. 2. [AGRICULTURAL RESEARCH FUNDS.] (a) An amount equal to 1.0 mill of the tax collected under: (1) section 13, subdivision 1, clause (1); (2) section 13, subdivision 1, clause (2); (3) section 14, subdivision 1, clause (1); and (4) section 14, subdivision 1, clause (2), shall be designated each year for agricultural research and allocated pursuant to the recommendations of the commission. The commission shall notify all public and private post-secondary educational institutions in the state to submit proposals for grants to conduct agricultural research.

(b) The commission shall consider the following criteria for making agricultural research grants:

- (1) the effect of the research on state farmers; and*
- (2) the effect of the research on state agricultural policy, especially policies relating to the family farm.*

Sec. 8. Minnesota Statutes 1984, section 86.07, subdivision 1, is amended to read:

Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] The commission hereby created shall consist of ~~14~~ 18 members appointed as follows:

- (1)** ~~Seven~~ Nine members of the senate to be appointed by the committee on committees to be chosen before the close of each regular session of the legislature and to serve until their successors are appointed;
- (2)** ~~Seven~~ Nine members of the house to be appointed by the speaker to be chosen before the close of each regular session of the legislature and to serve until their successors are appointed;
- (3)** Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.

Sec. 9. Minnesota Statutes 1984, section 86.07, is amended by adding a subdivision to read:

Subd. 4. [SUBCOMMITTEES.] The commission may establish subcommittees to carry out the functions of the commission. The commission must establish an agricultural subcommittee with at least two members from the senate agricultural subcommittee and two members from the house agricultural committee.

Sec. 10. Minnesota Statutes 1984, section 86.11, is amended by adding a subdivision to read:

Subd. 10. [AGRICULTURAL RESEARCH.] The commission shall study state funding of agricultural research and how the research affects state agricultural policies.

Sec. 11. [LEGAL ASSISTANCE PROGRAM.]

Subdivision 1. [AUTHORITY TO CONTRACT FOR LEGAL ASSISTANCE PROGRAM.] *The commissioner of agriculture shall contract with an eligible nonprofit organization to provide legal assistance to financially*

distressed farmers. The contract must be awarded within 30 days after this act becomes effective. The contract may be terminated by the commissioner, or denied for renewal, upon reasonable written notice and for good cause.

Subd. 2. [ELIGIBLE ORGANIZATION.] *To be eligible, an organization must:*

- (1) be a nonprofit organization chartered in the state;*
- (2) have attorneys admitted to practice in the Minnesota state bar and the United States district court; and*
- (3) have experience and demonstrated expertise in agricultural legal problems and agricultural finance affecting financially distressed farmers.*

Subd. 3. [PROGRAM REQUIREMENTS.] *The commissioner must require the organization contracting to provide legal assistance to:*

- (1) direct representation of individual farmers in litigation and administrative cases;*
- (2) technical support to individual farmers;*
- (3) legal support for attorneys in this state who represent farmers;*
- (4) legal support and advice to farm advocates employed by the commissioner of agriculture;*
- (5) education and training for farmers, private attorneys, farm advocates employed by the commissioner of agriculture, legal service staff, and the public;*
- (6) an information and referral network among farmers, farmer advocates employed by the commissioner of agriculture, attorneys, policymakers, and others concerned about the economic crisis in agricultural areas; and*

(7) an incoming statewide toll-free telephone line for state callers to contact the legal assistance contractor for advice and referral.

Subd. 4. [PERSONS ELIGIBLE FOR LEGAL ASSISTANCE.] *A person may obtain legal representation and legal assistance from the contractor if the person:*

- (1) is a state resident;*
- (2) is a farmer, or a family shareholder of a family farm corporation, and has an occupation of farming;*
- (3) represents a farm business that has a debt to asset ratio greater than 40 percent; and*

(4) received less than \$20,000 of taxable income in the last taxable year and is financially unable to acquire legal assistance.

Subd. 5. [REPORT.] *(a) The contractor shall establish priorities, and a working plan, for the accomplishment of these objectives. The plan must be submitted to the commissioner of agriculture within 60 days after the contract is awarded. The contractor shall provide a report each six months of the contract to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee. The report must describe how the contractor has met the requirements*

in subdivision 3.

(b) *The contractor shall submit a report to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house of representatives agriculture committee by December 31 of each year of funding. The report must show the amounts of the contract spent during the year and a summary of additional legal representation needed by financially distressed family farmers.*

Page 11, line 16, delete "11.5" and insert "12.5"

Page 11, line 18, delete "20.5" and insert "21.5"

Page 11, line 25, delete "11.5" and insert "12.5"

Page 11, line 27, delete "20.5" and insert "21.5"

Page 11, after line 27, insert:

"Sec. 15. [ALCOHOL FUEL PILOT PROJECT.]

The Pine Technical Institute of Independent School District No. 578 at Pine City shall conduct a two-year pilot program for alcohol fuel. The purposes of the program are to help farmers find alternative profitable uses for grain, to train 15 farmers and ten students to manage and operate an alcohol fuel plant, to train 15 farmers and ten students to use a greenhouse heated by the fuel plant, to educate farmers in how to use and manage grain mash and sweetwater to feed livestock, to find efficient ways to manufacture alcohol fuel in Minnesota, to educate 25 farmers a year about alcohol fuel plants and greenhouses to determine their business possibilities and to find additional ways to provide jobs for Minnesotans.

Sec. 16. [REGIONAL HISTORICAL CENTER.]

Subdivision 1. [NEED.] The legislature recognizes the need for a regional historical center for region 7E which tells the story of the history of travel, the oldest military road in Minnesota, outdoor education, hydroelectric power, and sandstone quarries in the region.

Subd. 2. [PLANNING TEAM.] The state and local agencies cooperating in the study concerning a regional historical center are the department of natural resources, the Minnesota historical society, the department of energy and economic development, and the county historical societies in region 7E.

Subd. 3. [LOCATION AND PROGRAM THEMES.] The feasibility study for a region 7E historical center shall address such themes as:

(1) *the history of travel;*

(2) *hydroelectric power;*

(3) *energy use and conservation;*

(4) *sandstone quarries;*

(5) *historic military roads; and*

(6) *outdoor preservation and survival. The site may include the land on both sides of the Kettle River about one mile south of Sandstone and the old United States government road.*

Subd. 4. [REPORT.] The planning team shall report the results of the fea-

sibility study to the legislature by January 1, 1986."

Page 11, line 32, delete "7 and 8" and insert "13 and 14"

Page 17, after line 19, insert:

"Subd. 22. AGRICULTURAL RESEARCH

For the University of Minnesota to conduct agricultural research 12,000,000"

Page 17, delete section 10 and insert:

"Sec. 18. [APPROPRIATION.]

\$_____ is appropriated to the commissioner of natural resources from the general fund for establishing and operating the Minnesota conservation corps under sections 1 to 6, to be available until June 30, 1987."

Page 17, after line 33, insert:

"Sec. 20. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the commissioner of agriculture to contract for legal assistance to farmers as provided by section 11, to be available until June 30, 1987.

Sec. 21. [MOOSE LAKE-WINDEMERE SEWER DISTRICT APPROPRIATION.]

\$80,000 is appropriated from the general fund to the Moose Lake and Windemere area sanitary sewer district to discharge the costs of preparations for sewer works made useless by changes in the conditions for federal funding.

Sec. 22. [APPROPRIATION.]

\$399,700 is appropriated from the general fund to the Pine Technical Institute for the purposes of section 15. This appropriation expires June 30, 1987.

Sec. 23. [APPROPRIATION.]

\$100,000 is appropriated from the general fund to the planning team for the purposes of section 16, to be available until June 30, 1987.

Sec. 24. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the commissioner of agriculture to administer and carry out the agricultural land preservation program under chapter 40A.

Sec. 25. [AGRICULTURAL LAND PRESERVATION AND CONSERVATION HANDBOOK.]

\$_____ is appropriated from the general fund to the department of agriculture to prepare a local government handbook on agricultural land preservation and conservation."

Page 17, line 35, delete "5" and insert "6"

Page 17, line 36, after the period, insert "Section 7 is effective for appro-

priations beginning July 1, 1987."

Page 17, line 36, delete "6 and 11" and insert "12 and 19"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "adults;" insert "providing for agricultural research grants; establishing a legal assistance program for financially distressed farmers;"

Page 1, line 5, after the semicolon, insert "providing for an alcohol fuel pilot project; providing for a feasibility study for a region 7E historical center;"

Page 1, line 7, delete "and" and before the semicolon, insert "the Moose Lake and Windemere area sanitary sewer district, and the agricultural land preservation program"

Page 1, line 8, after "sections" insert "86.03; 86.07, subdivision 1, and by adding a subdivision; 86.11, by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 928 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		928	726		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 928 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 928 and insert the language after the enacting clause of S.F. No. 726, the first engrossment; further, delete the title of H.F. No. 928 and insert the title of S.F. No. 726, the first engrossment.

And when so amended H.F. No. 928 will be identical to S.F. No. 726, and further recommends that H.F. No. 928 be given its second reading and substituted for S.F. No. 726, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-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 board 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 rulemaking authority; providing for audits of the program; 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; appropriating money; amending Minnesota Statutes 1984, sections 86.33, by adding subdivisions; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 129A.03; 129A.04; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.01, subdivision 4; 256.736; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.35; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapter 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; 256.737; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.80; and 268.81.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 8, insert:

“Sec. 4. Minnesota Statutes 1984, section 116J.035, is amended by adding a subdivision to read:

Subd. 3. [BIENNIAL PLAN.] The commissioner shall prepare a biennial plan which must cover the community development corporation program and which must be available to the full productivity and opportunity coordinator for use in developing a biennial statewide employment and training plan.”

Page 3, line 12, after “shall” insert “upon request”

Page 3, line 13, delete “administrative” and insert “support”

Pages 3 to 6, delete sections 7 and 8

Page 7, line 35, delete “a separate” and insert “its own activity”

Page 12, line 23, reinstate the stricken colon and delete the new language

Page 12, delete line 24

Page 12, line 25, reinstate the stricken language

Page 12, line 26, reinstate the stricken “redetermination of that action to be made by”

Page 12, line 27, after the stricken "agency" insert "*the commissioner*," and reinstate the stricken period

Page 12, line 28, reinstate the stricken "(2)"

Page 12, line 32, reinstate the stricken "If further appeal is deemed necessary by the applicant"

Page 12, lines 33 to 36, reinstate the stricken language

Page 13, lines 1 to 5, reinstate the stricken language

Pages 13 to 15, delete section 15

Page 15, strike lines 18 to 20

Page 15, after line 20, insert:

"Subd. 1a. [COMMISSIONER.] The commissioner of employment and training shall administer, on behalf of the commissioner of human services, those aspects of the aid to families with dependent children program, excluding categorical and financial eligibility, which directly relate to:

(1) recipients' participation in employment and training programs;

(2) requirements for and conditions of participating in employment and training programs;

(3) the design and administration of such programs; and

(4) the supervision of county boards in carrying out responsibilities related to employment and training programs.

The commissioner of employment and training and the commissioner of human services are authorized to implement those programs and authorities, including supported work programs and other demonstration projects which are authorized under federal regulations to increase services or federal reimbursement available for providing employment and training services for recipients of aid to families with dependent children."

Page 15, lines 21 to 29, strike the old language and delete the new language

Page 15, delete lines 30 to 36

Page 16, delete lines 1 to 12

Page 16, lines 17 and 19, strike "welfare agencies" and insert "boards"

Page 17, line 19, strike "welfare department" and insert "boards"

Page 20, after line 14, insert:

*"Sec. 15. 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, im-

plementation, 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, *except those in Morrison, Otter Tail, and Itasca counties*, 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. *Projects in Morrison, Otter Tail, and Itasca counties must end no later than June 30, 1986, and a preliminary report made to the legislature on those projects by February 15, 1986.*"

Page 20, strike line 21

Page 20, line 22, strike "offices and"

Page 22, lines 23 and 35, delete "48" and insert "50"

Page 22, line 31, delete "and"

Page 22, line 32, delete "employment expenses"

Page 22, line 36, after "plus" insert "100 percent of the"

Page 23, line 1, after "commissioner" insert "of employment and training" and before the period, insert "and necessary equipment costs"

Page 23, line 6, delete "full-time"

Page 23, line 20, delete "FULL-TIME"

Page 23, line 24, reinstate the stricken commas and delete "or"

Page 23, line 25, reinstate the stricken "or public" and delete "full time"

Page 24, line 1, delete the new language and insert "or service provider certified by the full productivity and opportunity coordinator"

Page 24, line 25, delete "full-time" and delete "or" and insert a comma and before "the" insert "or in an employment and training program,"

Page 24, line 26, after "advised" insert "after he or she has received public assistance for six months"

Page 24, line 27, delete "48" and insert "50"

Page 24, line 32, after "expenses" insert "and necessary equipment costs"

Page 26, after line 26, insert:

“Sec. 24. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

Subd. 34. [COORDINATOR.] “Coordinator” means the full productivity and opportunity coordinator.

Sec. 25. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

Subd. 35. [LOCAL SERVICE UNIT.] “Local service unit” means a county, joint power agreement, city of the first class, or service delivery area.”

Page 26, line 27, delete “BOARD” and insert “COUNCIL”

Page 26, lines 29, 30, and 31, delete “board” and insert “council”

Page 26, line 31, delete “governor” and insert “commissioner”

Page 26, line 32, delete “Board” and insert “Council”

Page 26, lines 35 and 36, delete “three” and insert “two”

Page 27, lines 2 and 4, delete “board” and insert “council”

Page 29, line 14, delete everything after “(5)”

Page 29, delete lines 15 and 16 and insert “*the employer may not terminate, lay off, or reduce the hours of any employee for the purpose of hiring an individual with funds available, and may not hire an individual if any other person is on layoff from the same or substantially equivalent job.*”

Page 30, line 22, after “guidelines” insert “. Funds must be used to support employment under this section”

Page 30, line 26, delete “48” and insert “50”

Page 30, line 29, before the period, insert “*and for support services for eligible youths placed in private-sector summer employment*”

Page 30, line 30, after the period, insert “*The commissioner shall determine and make use of the most effective means to assure that income earned under the program is not included as family income for aid to families with dependent children purposes.*”

Page 31, line 10, strike “powers”

Page 32, line 1, after “funds” insert “*proportionally*”

Page 32, line 6, delete “*number of unemployed*” and insert “*unemployment rate*”

Page 32, line 7, strike “families” and insert “*children*”

Page 32, line 12, strike “GOVERNOR” and insert “*COORDINATOR*”

Page 32, line 19, strike “governor” and insert “*coordinator*”

Page 32, line 20, delete “*odd-*” and insert “*even-*”

Page 33, line 27, delete “*profound*”

Page 34, line 3, after “*of*” insert “*simultaneously*”

Page 34, line 20, before "*community*" insert "*and*"

Page 34, line 21, after "*programs*" insert "*, supported work programs, and occupational industrialization centers*"

Page 34, line 28, after the second comma, insert "*disability determination unit,*"

Page 34, line 29, delete "*blind,*"

Page 34, line 30, delete "*service support*" and insert "*services*"

Page 34, line 36, delete "*PROVIDERS*" and insert "*PROVIDER*" and delete "*providers*" and insert "*provider*" and after "*means*" insert "*a*"

Page 35, line 1, delete "*agencies*" and insert "*agency*" and delete "*are*" and insert "*is*"

Page 35, line 6, delete "*SUBSIDY PROGRAMS*" and insert "*SUBSIDIES*"

Page 35, lines 6 and 9, delete "*subsidy programs*" and insert "*subsidies*"

Page 35, line 7, delete everything after "*means*"

Page 35, line 8, before "*wages*" insert "*of*"

Page 35, line 10, delete "*1 to 10*" and insert "*3 to 7, and 9*"

Page 35, line 11, delete "*clause*" and insert "*clauses*" and after "*(a)*" insert "*; (c), (d), (e), and (f)*"

Page 35, line 19, after "*governor*" insert "*, with the advice and consent of the senate,*"

Page 35, line 22, delete "*first*" and after "*range*" insert "*established for the commissioner of finance*"

Page 35, line 26, delete "*36 to 39*" and insert "*37 to 40*"

Page 36, lines 2 and 10, delete "*37*" and insert "*38*"

Page 36, delete clauses (7) and (8)

Page 36, line 18, delete "*subsidy programs*" and insert "*subsidies*"

Page 36, line 24, delete everything after "*(11)*"

Page 36, delete lines 25 and 26 and insert "*require agencies to submit any emergency or permanent rule that relates to programs or activities included in section 38, subdivisions 4, 5, and 8, for the coordinator's approval or disapproval before the publication of the notice of intent required by sections 14.22 or 14.30, and prevent any rule disapproved by the coordinator taking effect,*"

Page 36, line 27, delete everything after "*(12)*" and insert "*based on*"

Page 36, line 28, after "*performance*" insert "*related to*"

Page 36, line 30, before "*may*" insert "*with the approval of the governor*"

Page 36, line 35, delete everything after "*percent*" and insert a semicolon

Page 36, delete line 36

Page 37, line 8, delete "assume responsibility" and insert "contract with another service provider"

Renumber the clauses in sequence

Page 37, line 25, delete the comma and insert "state agencies and"

Page 37, line 32, delete "provide" and insert "review" and after "criteria" insert "established by the department of employment and training and the department of human services" and delete everything after "for" and insert "receipt of state funds designated for employment, training, and income maintenance programs included in section 38, subdivisions 4, 5, and 8;"

Page 37, delete line 33

Page 38, line 4, delete "oversee" and insert "design" and before "of" insert "and administration" and delete "an information" and insert "the intake,"

Page 38, line 5, delete "and" and after "referral" insert ", and inventory"

Page 38, line 14, delete "rules" and insert "guidelines"

Page 38, line 16, delete "and"

Page 38, line 18, delete everything after "include" and insert "realistic goals for reducing or managing"

Page 38, line 19, delete the period and insert a semicolon

Page 38, after line 19, insert:

"(16) work with the commissioner of administration to coordinate databases and information systems among state agencies, including, but not limited to, the departments of energy and economic development, employment and training, human services, transportation, natural resources, and the state planning agency; and

(17) seek input from representatives of local service units, business, and labor on the delivery and development of employment and training programs."

Page 38, line 22, after "plan" insert "serves as a basis for the development of the governor's budget proposal for employment, training, and income maintenance. After the legislature has acted, and before July 1 of each odd-numbered year, the coordinator shall revise the biennial plan to incorporate legislative action. Upon approval by the governor, the revised plan"

Page 38, line 28, delete "human" and insert "income maintenance and support"

Page 39, line 4, after "INTAKE," insert "REFERRAL, AND" and delete ", AND REFERRAL"

Page 39, line 6, after "intake," insert "referral, and" and delete ", and"

Page 39, line 7, delete "referral" and before the period, insert "(IRIS)" and delete everything after the second "system"

Page 39, line 8, delete "operations, but it" and after "provide" insert

“for”

Page 39, line 10, after “include” insert “information on”

Page 40, line 12, after “funds” insert “twice each fiscal year”

Page 40, after line 25, insert:

“Where federal and state law allow, wage subsidy funds may be pooled and used in combination with funds from other employment and training or income maintenance programs for the purpose of enhancing clients’ opportunities to obtain full-time employment and achieve economic independence.”

Page 41, line 17, before “and” insert “a representative of organized labor,” and after “the” insert “president of the”

Page 41, line 25, delete “are ordered to” and insert “shall”

Page 41, delete section 42

Page 42, lines 19 and 20, delete “, in written orders filed with the secretary of state,”

Page 43, line 19, delete the period and insert “; and

(6) establish administrative standards and payment conditions for providers of employment and training services.”

Page 45, after line 2, insert:

“Sec. 45. [268A.03] [GENERAL DUTIES WITH RESPECT TO APPLICANTS FOR AND RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN, GENERAL ASSISTANCE, AND FOOD STAMPS.]

Subdivision 1. The commissioner may develop grant diversion processes for both aid to families with dependent children and general assistance recipients. In selecting employers, priorities shall be given to small businesses, businesses which have the potential for offering new jobs on a long-term basis, and businesses which make use of Minnesota resources and which operate primarily in Minnesota. Businesses shall be subject to the terms and conditions of sections 268.681, subdivision 3, and 268.682.

Subd. 2. Under the direction of the coordinator, the commissioner shall supervise the counties in the administration of the community investment programs to meet the needs and circumstances of public assistance recipients.

Subd. 3. (a) The department shall register clients within time limits necessary to avoid delaying a client’s receipt of assistance, denying benefits, or reducing the amounts of benefits.

(b) The department shall assure that a client’s employment status is appraised within 30 days and that a written employability development plan is prepared for each participating recipient in consultation with the recipient within 90 days of the referral from the local agency.

The plan must be designed to aid the recipient in obtaining suitable permanent employment, training, or work skills necessary to secure suitable em-

ployment, and may include an arrangement with another service provider or agency for specialized employment, education, training, or support services.

A copy of the plan must be given to the recipient at the time it is prepared; an additional copy must be given to the local agency for its files.

(c) If either the recipient or the local agency disagrees with the determination that the individual is lacking work skills or training, the individual or the county may appeal the decision to the commissioner.

Subd. 4. The commissioner has emergency and permanent rulemaking authority to implement this section."

Page 45, line 3, after "45." insert "[268A.04]"

Page 45, line 4, before the period, insert ", GRANT DIVERSION, AND WAGE SUBSIDIES"

Page 45, line 11, after "long-term" insert "unemployment or"

Page 45, line 24, delete "must" and insert "will" and delete "day" and insert "with child"

Page 45, line 25, delete "appropriate" and insert "necessary" and delete "available" and insert "in relation to their eligibility and the availability of funds"

Page 45, line 26, delete "[268A.03]" and insert "[268A.05]"

Page 45, delete lines 29 to 36

Page 46, delete lines 1 to 36

Page 47, delete lines 1 to 24 and insert:

"Subdivision 1. The commissioner shall develop and administer employment and training programs to assist appropriate recipients of aid to families with dependent children, food stamps, and general assistance to become economically independent. The programs shall have as their objective improving clients' opportunities for economic independence through permanent employment. The programs shall provide sufficient employment and training options to allow local service units to effectively meet the support services, educational, and training needs of their public assistance clients.

Subd 1a. Under agreements necessary to comply with federal regulations, the commissioner shall administer employment and training programs for applicants for or recipients of aid to families with dependent children and food stamps on behalf of the commissioner of human services. The commissioner shall administer employment and training services and programs for general assistance recipients in consultation with the commissioner of human services.

Subd. 2. The commissioner shall establish, by rule, the conditions under which individuals participate in programs, their rights and responsibilities while participating, and the standards by which the programs must be administered, and shall provide fair hearings procedure governing participation.

Subd. 3. In administering the work incentive program under section 256.736, the commissioner shall assure that no later than July 1, 1986, at

least 25 percent of all state and federal funds appropriated to that program must be spent for direct client services, including child care, transportation, institutional training, and on-the-job training. Seventy-five percent or less of the funds must be spent for services provided directly by state or county staff.

Subd. 4. In developing employment and training programs and services, the commissioner shall identify and incorporate, to the extent possible, funding from both federal and state income maintenance, employment and training, and educational programs.

Sec. 48. [268A.06] [LOCAL DELIVERY OF EMPLOYMENT AND TRAINING PROGRAMS AND SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS.]

Subdivision 1. Unless otherwise determined by the coordinator, the counties are responsible for the delivery of employment and training programs for public assistance recipients. In carrying out the employment and training programs in sections 43 to 57, counties shall contract with an established and certified public, nonprofit, or private employment and training agency or capable post-secondary education institution and, unless the county already operates the job training partnership act program, shall not develop new administrative bodies or assign responsibilities to existing county departments. In contracting, counties must give preference, whenever possible, to state employment and training providers, including, but not limited to, job service, occupational industrialization centers, displaced home-maker programs, work incentive programs, and job training partnership act programs.

Subd. 1a. The counties are responsible for enforcing employment and training requirements for recipients of aid to families with dependent children, food stamps, and general assistance, and must include provisions for enforcement of these requirements in any contracts with providers under subdivision 1.

Subd. 2. In establishing a contract, the county shall agree to out-station income maintenance and social service staff as necessary to accept applications and determine eligibility, monitor ongoing client eligibility, and authorize services and grants available under programs administered by the county social service or income maintenance agencies that are related to employment and training or the client's successful participation in employment and training activities.

Subd. 3. The commissioner of employment and training shall furnish sufficient co-located staff as are necessary to make the services provided through the department of employment and training and the programs it administers or supervises available to clients being served by the contract agency.

Subd. 4. The commissioner shall have emergency and permanent rule-making authority to implement this section."

Page 47, line 25, delete "[268A.04]" and insert "[268A.07]"

Page 48, line 1, delete "Priority" and insert "Strong consideration"

Page 48, line 10, delete "[268A.05]" and insert "[268A.08]"

Page 48, line 15, before the period, insert "and who have been receiving public assistance for six months"

Page 48, line 31, delete "and" and insert "or"

Page 48, line 34, before "In" insert "In developing community invest-

ment plans, counties shall consult with the exclusive representatives of their employees."

Page 49, line 1, after "for" insert "50 percent of the" and delete "are receiving" and insert "have for six months received"

Page 49, line 11, after the comma, insert "county emergency jobs program,"

Page 50, line 8, after "hours" insert "and maximum allowable travel distances"

Page 51, line 10, delete "(a)"

Page 51, delete lines 15 to 25

Pages 51 and 52, delete section 49 and insert:

"Sec. 51. [268A.09] [STATE FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.]

Subdivision 1. Any administrative aid for employment and training programs administered under sections 43 to 57 must be paid to the counties by the commissioner according to the formula established in rules by the commissioner. The rules must provide that 50 percent of the funds are allocated among counties based on general assistance caseloads of individuals not exempt from work requirements as forecast by the department of human services and that 50 percent are allocated in a way that encourages full-time, private-sector job placement, program completion by public assistance clients, and other performance characteristics.

Subd. 2. The commissioner has emergency and permanent rulemaking authority to implement this section."

Page 52, line 22, delete "[268A.07]" and insert "[268A.10]"

Page 53, line 22, delete "[268A.08]" and insert "[268A.11]"

Page 54, line 3, delete "[268A.045]" and insert "[268A.12]"

Page 54, line 15, delete "welfare agencies" and insert "boards" and delete "human services" and insert "certified service providers"

Page 54, line 16, delete "boards"

Page 54, line 31, delete "odd-numbered" and insert "even-numbered"

Page 55, line 14, delete "The county board"

Page 55, line 15, delete "shall make" and after "services" insert "must be"

Page 55, line 28, after the period, insert "Services to families whose incomes are below the threshold for eligibility for aid to families with dependent children, but that are not receiving aid to families with dependent children, must be made available without cost to the families."

Page 55, line 31, delete "board's" and insert "sliding fee"

Page 56, line 20, after the period, insert "By rule, the commissioner may require each county to pay to the state treasurer the portion of sliding fee allocations paid by the state for which the county is responsible. The county shall advance its portion of sliding fee costs, based upon allocations made by the commissioner for that county for expenditures in the succeeding month. Adjustments of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any

succeeding month.”

Page 57, line 17, delete “52” and insert “54”

Page 57, line 24, delete “52” and insert “54”

Page 57, delete lines 33 to 36

Page 58, delete lines 1 to 36

Page 59, delete lines 1 to 20 and insert:

“A	B
268.014	268A.13
268.021	268A.14
268.026	268A.15
268.03	268A.16
268.04	268A.17
268.05	268A.18
268.06	268A.19
268.061	268A.2
268.07	268A.21
268.071	268A.22
268.072	268A.23
268.08	268A.24
268.081	268A.25
268.09	268A.26
268.10	268A.27
268.11	268A.28
268.12	268A.29
268.121	268A.3
268.13	268A.31
268.14	268A.32
268.15	268A.33
268.16	268A.34
268.17	268A.35
268.18	268A.36
268.20	268A.37
268.21	268A.38
268.22	268A.39
268.23	268A.4, subdivision 1
268.231	268A.4, subdivision 2
268.24	268A.4, subdivision 3
268.25	268A.4, subdivision 4
268.31	268A.4, subdivision 5
268.32	268A.4, subdivision 6
268.33	268A.401
268.34	268A.402
268.35	268A.41
268.36	268A.411
268.37	268A.412
268.38	268A.42
268.52	268A.43
268.53	268A.44
268.54	268A.45
268.60	268A.46
268.61	268A.47
268.62	268A.48

268.63	268A.49
268.64	268A.5
268.671	268A.51
268.672	268A.52
268.673	268A.53
268.674	268A.54
268.675	268A.55
268.676	268A.56
268.677	268A.57
268.678	268A.58
268.679	268A.59
268.68	268A.6
268.681	268A.61
268.682	268A.62
268.683	268A.63
268.685	268A.64
268.82	268A.65
268.83	268A.66
268.84	268A.67"

Page 60, after line 11, insert:

- “(o) For community development corporations _____
- (p) For occupational industrialization centers _____
- (q) For the displaced homemaker program _____”

Page 60, line 14, delete “256.737” and insert “256.736, subdivisions 1 and 2”

Page 60, line 19, delete “53” and insert “55”

Page 60, line 20, delete “35” and insert “36” and delete “12” and insert “11” and delete “16” and insert “14”

Page 60, line 21, delete “52” and insert “54”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 20 and 21, delete “providing for audits of the program;”

Page 1, line 26, after the semicolon, insert “116J.035, by adding a subdivision;”

Page 1, line 28, delete “129A.03; 129A.04;”

Page 1, lines 30 and 31, delete “256.01, subdivision 4;”

Page 1, line 31, after the second semicolon, insert “256.737;”

Page 1, line 34, after the semicolon, insert “268.04, by adding subdivisions;”

Page 1, line 41, delete “256.737” and insert “256.736, subdivisions 1 and 2”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Frederickson amendment to S.F. No. 818.

There were yeas 4 and nays 8, as follows:

Those who voted in the affirmative were: Frederickson, Knaak, McQuaid and Renneke

Those who voted in the negative were: Berglin; Jude; Lantry; Moe, D.M.; Peterson, C.C.; Pogemiller; Spear and Wegscheid

The Frederickson amendment was not adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "*Wars*" insert "*provided that at least one appointee is a Vietnam veteran*"

Page 2, line 27, delete "*and is exempt from*"

Page 2, delete line 28

Page 2, line 29, delete everything before the period

Page 3, line 2, after "*property*" insert "*at market value*"

Page 3, line 24, delete "*warranty*" and insert "*quitclaim*" and delete "*and*" and insert "*in a form approved by the attorney general.*" and delete "*free of all real*"

Page 3, line 25, delete "*estate*" and insert "*exempt from all*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 115: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, strike "*promulgate by rule, in*"

Page 3, line 8, strike "*accordance with the provisions of chapter 14,*" and insert "*establish*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1121: A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1276: A bill for an act relating to human services; requiring licensure of facilities for children and handicapped persons in need of treatment; providing for licensure of certain facilities by the department of human services; allowing licensing of day care units for five or more nonresidents; amending Minnesota Statutes 1984, sections 245.782, subdivision 2; and 245.791; proposing coding for new law in Minnesota Statutes, chapter 245.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete the new language

Page 2, line 13, strike "adults defined as" and delete "handicapped" and strike "persons" and before "or" insert "adult persons in need of treatment for mental retardation, mental illness, chemical dependency, or physical handicap"

Page 2, line 14, delete "adults defined as" and insert "adult" and strike "in"

Page 2, line 15, strike everything before the stricken "who"

Page 6, line 1, delete "health" and insert "human services"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1028: A bill for an act relating to human services; expanding time of eligibility for aid for unborn children; authorizing prenatal care payments; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete ", clause 4"

Page 2, line 5, delete the new language

Page 2, line 6, delete the new language

Page 2, line 9, after the period, insert "*The commissioner shall, according to rules, make payments for medically necessary prenatal care of the pregnant woman and the unborn child.*"

Amend the title as follows:

Page 1, line 2, delete "expanding time of" and insert "clarifying"

Page 1, line 3, delete "; authorizing" and insert "and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1024: A resolution memorializing the President and Secretary of Agriculture of the United States to insist to the government of Canada on fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

Reports the same back with the recommendation that the resolution be amended as follows:

Page 2, line 1, delete "invasion" and insert "influx"

Amend the title as follows:

Page 1, line 3, delete "insist to" and insert "require"

Page 1, line 4, delete the first "on" and insert "to comply with the"

And when so amended the resolution do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1140: A bill for an act relating to agriculture; requiring the inspection of certain animals to ensure their compliance with Minnesota standards; amending Minnesota Statutes 1984, section 31A.03.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [35.055] [SWINE IDENTIFICATION.]

Subdivision 1. [REQUIREMENT.] A 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, and stags as prescribed by the board. If the specific herd of origin cannot be determined, the unidentified sows, boars, and stags and other swine in the same shipment may not be slaughtered for a period of seven days or until laboratory results on 20 percent of the animals indicate they meet United States department of agriculture standards, whichever is earlier.

Subd. 2. [RULES.] The board shall adopt rules for the identification of swine under this section for disease control and meat inspection.

Sec. 2. [RULE ADOPTION.]

The board must adopt rules to implement section 1 by July 1, 1985.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Amend the title as follows:

Page 1, line 2, delete "the inspection of"

Page 1, delete lines 3 to 5 and insert "swine herd identification for disease control and meat inspection; proposing coding for new law in Minnesota Statutes, chapter 35."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1171: A bill for an act relating to state lands; conveying land to Olmsted county.

Reports the same back with the recommendation that the bill be amended 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.] 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, 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.

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 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 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 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 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. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, 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 applications and less frequent program reporting; rescinding permission for poison control centers to contract with centers in other states; amending Minnesota Statutes 1984, section 145.93, subdivisions 1, 3, 4, and 6; repealing Minnesota Statutes 1984, section 145.93, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike "establishing a" and delete the new language

Page 1, line 19, delete the new language and strike "poison information" and strike the comma

Page 1, line 19, before "organized" insert "establishment of a single integrated poison control system, consisting of one or more regional poison information centers"

Page 1, line 25, reinstate the stricken language and delete the new language

Page 3, line 4, after "annually" insert "information"

Page 3, lines 8 and 10, strike "3" and insert "4"

Page 3, line 10, strike "he" and insert "the commissioner"

Page 3, after line 14, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "applications and less frequent"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1116: A bill for an act relating to human services; clarifying the subsidy program requirements for families with mentally retarded children; authorizing the commissioner to adopt rules to govern the program; amending Minnesota Statutes 1984, sections 252.291, subdivisions 2 and 3; 252.32; 256B.092, subdivisions 2, 3, 7, and by adding a subdivision; 256B.19, by adding a subdivision; and 256B.501, subdivision 8; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 7, after the stricken "SUBSIDY" insert "SUPPORT"

Page 3, delete lines 8 to 36

Page 4, delete lines 1 to 7 and insert:

"Subdivision 1. [PROGRAM ESTABLISHED; APPLICATION.] Within the limits of appropriations, the commissioner of human services may provide subsidies to families with mentally retarded children in order to enable those families to continue caring for the children in their own homes. The commissioner may establish criteria for determining eligibility for a subsidy and subsidy amounts and conditions for use of subsidies. The commissioner of human services shall establish a program to provide subsidies to families to enable them to care for their dependents with handicaps in their own home. This program must be limited to families whose dependents are under the age of 22 and who are mentally retarded and otherwise would require or be eligible for placement in a licensed residential facility as set forth in section 245.782, subdivision 6.

Applications for the subsidy shall be made by the county social service agency to the department of human services. The application shall specify the needs of the family and how the subsidy will be used.

Subd. 2. [INDIVIDUAL SERVICE PLAN.] An individual service plan for the dependent shall be developed by the county social service agency and agreed upon by the parents. A transitional plan shall be developed for the dependent when the dependent turns age 17 in order to assure an orderly transition to other services when the family terminates services from this program.

Subd. 3. [SUBSIDY AMOUNT; USE.] Subsidy amounts shall be determined by the commissioner of human services. The subsidy may be used to cover the costs of special equipment, special clothing or diets, related trans-

portation, therapy, medications, respite care, medical care, diagnostic assessments, modifications to the home and vehicle, and other services or items that assist the family and dependent. The maximum monthly amount shall be \$250. A variance may be granted by the commissioner to exceed \$250 for special or emergency circumstances."

Page 4, line 12, after "social," insert "habilitative."

Page 4, delete section 5

Page 5, line 5, after "services" insert "appropriate to the client's needs"

Page 5, line 8, after "services" insert "to an individual"

Page 5, line 10, after "based" insert "on the review of the individual service plan and"

Page 5, line 27, after "retarded" insert ", intermediate care facility,"

Page 5, line 30, after "persons" insert ", intermediate care facility,"

Page 5, line 36, after the period, insert "A qualified mental retardation professional is not required for persons being discharged from one community intermediate care facility for mentally retarded persons to another if the admitting facility is less restrictive and less costly."

Page 6, line 4, delete "A"

Page 6, delete lines 5 to 8

Pages 6 and 7, delete section 8

Page 8, delete lines 11 to 15

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "2,"

Page 1, line 8, delete "256B.19, by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1006: A bill for an act relating to mental health; establishing a legislative commission to study the need for regulation of psychotherapists.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "A legislative"

Page 1, line 10, delete "study commission" and insert "An advisory task force" and after "report" insert "to the commissioner of health and the legislature"

Page 1, line 13, delete "15" and insert "16" and delete "two"

Page 1, delete lines 14 and 15

Page 1, line 16, delete "*appointed under rules of the senate.*"

Page 1, line 19, delete "*governor*" and insert "*commissioner of health*"

Page 1, line 24, after "*members*" insert "*knowledgeable about psychotherapy or the regulation of occupations and professions*"

Page 1, line 25, delete "*three*" and insert "*seven*" and delete "*represent*" and insert "*have knowledge and expertise in the procedures and issues related to the regulation of occupations and professions.*"

Page 2, delete lines 1 and 2

Page 2, line 4, after "*the*" insert "*commissioner of health and the*"

Page 2, line 5, after "*to*" insert "*addressing the criteria for regulation specified in section 214.001, subdivision 2, and*"

Page 2, after line 12, insert:

"Sec. 2. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the commissioner of health for the purposes of section 1, to be available until June 30, 1987."

Amend the title as follows:

Page 1, line 2, delete "*legislative*"

Page 1, line 4, after "*psychotherapists*" insert "*; appropriating money*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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; appropriating money; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 19, after "*services*" insert "*, as defined in section 2, subdivision 1;*" and delete everything after the period

Page 2, delete lines 20 to 23

Page 2, line 26, delete "*those*"

Page 2, line 27, after "*for*" insert "*and abilities of*"

Page 2, line 28, delete everything after "*their*" and insert "*homes, families, and communities. Independent living*"

Page 3, delete lines 1 and 2, and insert:

"(5) *surveys, directories, referral, and other activities and assistance to*

identify and make use of”

Page 3, line 3, delete the first “and” and insert a comma and after “transportation” insert a comma

Page 3, line 6, delete “living” and insert “live”

Page 3, line 7, delete “participating” and insert “participate”

Page 3, line 10, delete “such” and insert “attendant”

Renumber the clauses in sequence

Page 3, after line 12, insert:

“Subd. 2. [COMPOSITION OF BOARD OF DIRECTORS.] *Each center for independent living must have a board of directors that is composed of community representatives. At least 51 percent of the members of the board must be individuals who are either severely disabled themselves or the parents or spouses of severely disabled persons.*”

Page 3, line 13, delete “2” and insert “3”

Page 3, lines 14 and 15, delete “department” and insert “commissioner”

Page 3, line 17, delete “funds” and insert “money”

Page 3, line 18, delete “purpose” and insert “purposes” and delete “effectuating”

Pages 3 and 4, delete subdivisions 3 and 4 and insert:

“Subd. 4. [CERTIFICATION.] *No applicant center for independent living may receive money under this section unless it has been certified by the division of vocational rehabilitation. The division of vocational rehabilitation, in consultation with disabled consumers and other interested persons, shall consider performance evaluation criteria and adopt rules for certification by July 1, 1986. The division of vocational rehabilitation shall review the programs of centers of independent living receiving money under this section to determine whether they adhere to standards adopted by rule. If the standards are substantially met, the division must issue appropriate certifications.*”

Subd. 5. [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 form prescribed by the division. When applying, each center for independent living shall agree to provide reports and records, including records for an audit, as 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.*”

Page 4, line 8, delete “Subd. 5.” and insert “Sec. 3.” and begin a paragraph with “\$_____”

Page 4, line 9, delete everything after the second “the”

Page 4, line 10, delete “the department” and insert “commissioner” and delete “this”

Page 4, line 11, after "section" insert "2" and delete "funds" and insert "money"

Page 4, line 13, delete "become" and insert "becomes" and delete "will" and insert "must"

Page 4, line 14, delete "that" and insert "the" and after "amount" insert "of the money received"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 942: A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 15, delete "equal"

Page 5, line 18, delete everything after "that" and insert "\$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 the children's trust fund account. 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 children's trust fund. The sum of the amounts designated to be paid shall be credited to the children's trust fund account."

Page 5, delete lines 19 to 36

Page 6, delete lines 1 to 3

Pages 6 and 7, delete sections 6 and 7

Page 7, line 9, delete "8" and insert "6"

Page 7, delete section 9

Delete the title and insert:

"A bill for an act relating to human services; establishing a children's trust fund for the prevention of child abuse and neglect; establishing an income tax checkoff to provide money for the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 257 and 290."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 938: A bill for an act relating to energy; increasing the amount of the loans for design and construction costs of district heating and qualified energy improvements available to certain counties; amending Minnesota Statutes 1984, section 116J.36, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 788: A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 79.37, is amended to read:

79.37 [BOARD OF DIRECTORS.]

A board of directors of the reinsurance association is created and is responsible for the operation of the reinsurance association consistent with the plan of operation and sections 79.34 to 79.42. The board consists of 13 directors. Four directors shall represent insurers, ~~six~~ *two* directors shall represent employers, ~~at least one, but not more than three of whom~~ *two* shall represent self-insurers; ~~and three~~ *two* directors shall represent employees; ~~the commissioner of finance and the executive director of the state board of investment or their designees shall serve as directors; and one director shall represent the public.~~ *Insurer members of the reinsurance association shall elect the directors who represent insurers; self-insurer members of the reinsurance association shall elect the directors who represent self-insurers; and the commissioner of commerce labor and industry shall appoint the remaining directors who represent employers and employees for the terms authorized in the plan of operation. Each director is entitled to one vote. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.*

A majority of the directors currently holding office constitutes a quorum. Action may be taken by a majority vote of the directors present.

Sec. 2. [TRANSFER OF POWERS.]

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 com-

merce'' 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 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 his designee shall replace an employee director whose term expires within the next year; and the executive director of the state board of investment or his 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."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "transferring certain powers of the department of commerce to the department of labor and industry;"

And when so amended the bill do pass. Mr. Moe, D. M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 998: A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 3, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance." Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1096, 452, 1102, 1101, 401, 921; 1045, 767, 689, 634, 536, 1138, 584, 1067, 1148, 1262, 925, 1119, 1330, 188, 1254, 954, 115, 565, 1276, 1028, 1024, 1140, 1171, 1320 and 938 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 621 and 928 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. DeCramer be shown as chief author to S.F. No. 335. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Moe, D.M. be added as a co-author to S.F. No. 1006. The motion prevailed.

Mrs. Lantry moved that the names of Messrs. Novak; Benson; Johnson, D.E. and Petty be added as co-authors to S.F. No. 1364. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Jude be added as a co-author to S.F. No. 1401. The motion prevailed.

Pursuant to Rule 40, Mrs. Brataas moved that S.F. No. 1294 be withdrawn from the Committee on Employment and placed on General Orders.

CALL OF THE SENATE

Mrs. Brataas imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the motion of Mrs. Brataas.

The roll was called, and there were yeas 24 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kamrath	McQuaid	Renneke
Belanger	Frederickson	Knaak	Mehrrens	Sieloff
Benson	Gustafson	Knutson	Olson	Storm
Bernhagen	Isackson	Kronebusch	Peterson, D.L.	Taylor
Brataas	Johnson, D.E.	Laidig	Ramstad	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Peterson, R.W.	Stumpf
Berg	Frank	Luther	Petty	Vega
Berglin	Freeman	Merriam	Pogemiller	Waldorf
Bertram	Hughes	Moe, D.M.	Purfeerst	Wegscheid
Chmielewski	Johnson, D.J.	Moe, R.D.	Reichgott	Willet
Dahl	Jude	Nelson	Samuelson	
Davis	Kroening	Novak	Schmitz	
DeCramer	Langseth	Pehler	Solon	
Dicklich	Lantry	Peterson, D.C.	Spear	

The motion did not prevail.

Mr. Pogemiller moved that S.F. No. 925, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

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

CALENDAR

H.F. No. 1216: A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act;

amending Laws 1985, chapter 4, section 3, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Samuelson
Anderson	Diessner	Knutson	Nelson	Schmitz
Belanger	Frank	Kroening	Novak	Sieloff
Benson	Frederick	Kronebusch	Olson	Solon
Berg	Frederickson	Laidig	Pehler	Spear
Berglin	Freeman	Langseth	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Stumpf
Bertram	Hughes	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Mehrrens	Purfeerst	Willet
Davis	Jude	Merriam	Ramstad	
DeCramer	Kamrath	Moe, D.M.	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Lessard moved that S.F. No. 868 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Local and Urban Government. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Johnson, D.J.; Novak; Peterson, C.C. and Belanger introduced—

S.F. No. 1425: A bill for an act relating to levy limits; providing a levy base adjustment for loss of revenue sharing funds; amending Minnesota Statutes 1984, section 275.51, subdivision 3h.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 1426: A bill for an act relating to natural resources; designating the white-tailed deer as the official state mammal; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer, Wegscheid, Stumpf, Davis and Peterson, D.L. introduced—

S.F. No. 1427: A bill for an act relating to taxation; income; exempting capital gains from farm foreclosure sales; amending Minnesota Statutes 1984, section 290.01, subdivision 20b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Gustafson introduced—

S.F. No. 1428: A bill for an act relating to the city of Thomson; providing a one-time levy limit increase.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, R.W.; Knaak and Dieterich introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Wegscheid and Renneke introduced—

S.F. No. 1430: A bill for an act relating to retirement; providing for payment of an amount equal to the costs of Medicare Plan B supplemental medical coverage for retirees of the Minnesota state retirement system; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Spear, Ms. Reichgott, Messrs. Frank, Ramstad and Moe, R.D. introduced—

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.

Referred to the Committee on Rules and Administration.

Mr. Frank introduced—

S.F. No. 1432: A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; prohibiting the keeping of disorderly houses; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 609 and 617; repealing Minnesota Statutes 1984, sections 609.33; 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 1433: A bill for an act relating to cable communications; facilitating the activation of the metropolitan area interconnected regional cable channel; appropriating money; amending Minnesota Statutes 1984, sections 238.05, subdivision 2; 473.129, subdivision 6; proposing coding for new law as Minnesota Statutes, chapter 238A.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Jude introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Stumpf, Novak, Dahl, Willet and Moe, R.D. introduced—

S.F. No. 1435: A resolution memorializing the President and Congress of the United States and the Secretary of Transportation of the need for continued funding of Amtrak.

Referred to the Committee on Transportation.

Messrs. Ramstad and Peterson, C.C. introduced—

S.F. No. 1436: A bill for an act relating to liquor; requiring persons selling and serving intoxicating liquor to attend a training course established by the commissioner of public safety; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 340.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Solon and Gustafson introduced—

S.F. No. 1437: A bill for an act relating to independent school district No. 709; requiring the establishment of a police skills course at the Duluth area vocational technical institute; requiring local approval.

Referred to the Committee on Education.

Messrs. Gustafson and Solon introduced—

S.F. No. 1438: A bill for an act relating to the city of Duluth; modifying lien rights in connection with the collection of installment payments on municipal home energy loans; amending Laws 1981, chapter 223, section 4, subdivisions 2 and 3.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1439: A bill for an act relating to government operations; mandating a full-time auditor to be assigned by the legislative auditor to the iron range resources and rehabilitation board; amending Minnesota Statutes 1984, section 298.22, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.J. introduced—

S.F. No. 1440: A bill for an act relating to transportation; municipal state-aid streets; allowing cities with a population decrease to continue to receive municipal state-aid for streets; amending Minnesota Statutes 1984, section 162.09, subdivision 4.

Referred to the Committee on Transportation.

Messrs. Wegscheid; Johnson, D.E.; Frederick and Nelson introduced—

S.F. No. 1441: A bill for an act relating to human services; providing for computer services to comply with long-term sheltered employment program evaluation criteria and for training and employment of persons with disabilities; appropriating money.

Referred to the Committee on Employment.

Mr. Dahl introduced—

S.F. No. 1442: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 1443: A bill for an act relating to missing children; authorizing the development of voluntary fingerprinting programs in schools; requiring schools to develop policies on notifying parents whose children are absent from school; requiring that certain documents be provided to schools when new students enroll; requiring the commissioner of public safety to distribute information bulletins on missing children; amending Minnesota Statutes 1984, section 299C.53, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Messrs. Anderson, Knutson, Renneke and Isackson introduced—

S.F. No. 1444: A bill for an act relating to labor and employment; establishing a youth conservation corps to promote employment of youths and young adults; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 84C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Dicklich and Solon introduced—

S.F. No. 1445: A bill for an act relating to taxation; providing for state reimbursement of local taxing districts for property tax refunds paid to railroads; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 278.

Referred to the Committee on Taxes and Tax Laws.

Mr. Novak introduced—

S.F. No. 1446: A bill for an act relating to intoxicating liquor; requiring the licensing of industry representatives; proposing coding for new law in Minnesota Statutes, chapter 340.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Langseth introduced—

S.F. No. 1447: A bill for an act relating to the city of Breckenridge; per-

mitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

Referred to the Committee on Local and Urban Government.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 14: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1985

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Tuesday, April 9, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIFTH DAY

St. Paul, Minnesota, Monday, April 8, 1985

The House of Representatives met on Monday, April 8, 1985, which was the Thirty-Fifth Legislative Day of the Seventy-Fourth Session of the Minnesota State Legislature. The Senate did not meet on this date.

THIRTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, April 9, 1985

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Tim Baltes.

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

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Peterson, R.W.	Taylor
Chmielewski	Isackson	McQuaid	Petty	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D.M.	Reichgott	
Dicklich	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

February 21, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the State Designer Selection Board is hereby respectfully submitted to the Senate for confirmation as required by law:

John D. Nagel, 4127 York Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective February 11, 1985, for a term expiring the

first Monday in January, 1989.

(Referred to the Committee on Governmental Operations.)

March 11, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the State Board of Education are hereby respectfully submitted to the Senate for confirmation as required by law:

Eunice Johnson, Rt. 2, Box 64, Butterfield, Watonwan County, has been appointed by me, effective February 27, 1985, for a term expiring the first Monday in January, 1987.

Thomas R. Lindquist, 12393 Flag Ave. S., Savage, Scott County, has been appointed by me, effective February 27, 1985, for a term expiring the first Monday in January, 1989.

Douglas Wallace, 5009 Wentworth Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective February 27, 1985, for a term expiring the first Monday in January, 1989.

Marjorie Johnson, Box 224, Lake Park, Becker County, has been appointed by me, effective February 27, 1985, for a term expiring the first Monday in January, 1988.

(Referred to the Committee on Education.)

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 247.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1985

Mr. President:

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

S.F. No. 546: A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

Senate File No. 546 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1985

CONCURRENCE AND REPASSAGE

Mr. Wegscheid moved that the Senate concur in the amendments by the House to S.F. No. 546 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 546 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Merriam	Reichgott
Anderson	Dicklich	Kamrath	Moe, D. M.	Renneke
Belanger	Diessner	Kroening	Moe, R. D.	Samuelson
Benson	Dieterich	Kronebusch	Nelson	Schmitz
Berg	Frank	Laidig	Olson	Sieloff
Berglin	Frederickson	Langseth	Pehler	Solon
Bernhagen	Freeman	Lantry	Peterson, C.C.	Spear
Bertram	Gustafson	Lessard	Peterson, D.C.	Stumpf
Chmielewski	Hughes	Luther	Peterson, R.W.	Taylor
Dahl	Isackson	McQuaid	Petty	Wegscheid
Davis	Johnson, D.J.	Mehrkens	Purfeerst	

Mr. Waldorf voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 122, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 122: A bill for an act relating to retirement; public employees retirement association; setting the salary range of the executive director; changing the membership of the board; providing qualifications for the executive director; requiring advice and consent of the senate for appointment of the executive director; defining the duties of the board; ending the terms of current board members; defining the duties of the executive director; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 43A.10, subdivision 6; and 353.03, subdivisions 1, 1a, 2, 3, 3a, and 5; proposing coding for new law in Minnesota Statutes, chapter 353.

Senate File No. 122 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 10, 86, 91, 991, 234, 245, 360, 379, 611, 729, 796, 930, 825, 848, 960, 982, 1019, 1032, 1095, 1145, 1152,

1242, 876, 831, 835 and 855.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 4, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 18, 852, 968, 985, 645, 1025, 1093, 1117, 1150, 1193, 1197, 1254 and 1319.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

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

Referred to the Committee on Governmental Operations.

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

Referred to the Committee on Governmental Operations.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 139, now on General Orders.

H.F. No. 991: A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1102, now on the Consent Calendar.

H.F. No. 234: A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 802, now on General Orders.

H.F. No. 360: A bill for an act relating to retirement; changing the method

for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

Referred to the Committee on Governmental Operations.

H.F. No. 379: A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 365, now on General Orders.

H.F. No. 611: A bill for an act relating to retirement; refunding excess employee contributions to retired St. Paul health bureau employees.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Governmental Operations.

H.F. No. 796: A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1141, now on the Consent Calendar.

H.F. No. 930: A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, by adding a subdivision.

Referred to the Committee on Governmental Operations.

H.F. No. 825: A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

Referred to the Committee on Economic Development and Commerce.

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.

Referred to the Committee on Finance.

H.F. No. 960: A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.04.

Referred to the Committee on Governmental Operations.

H.F. No. 982: A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1185, now on General Orders.

H.F. No. 1019: A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; and 5.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1138, now on the Consent Calendar.

H.F. No. 1095: A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34; by adding a subdivision.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 1152: A bill for an act relating to Winona county; authorizing the sale of certain property.

Referred to the Committee on Local and Urban Government.

H.F. No. 1242: A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund association.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 831: A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 803, now on General Orders.

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.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 855: A bill for an act relating to retirement; police and salaried firefighters relief associations; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 852: A bill for an act relating to state lands; directing conveyance of an easement over certain state lands to the city of Duluth.

Referred to the Committee on Agriculture and Natural Resources.

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.

Referred to the Committee on Education.

H.F. No. 985: A bill for an act relating to human services; expanding time of eligibility for aid for unborn children; authorizing prenatal care payments; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1028, now on the Consent Calendar.

H.F. No. 645: A bill for an act relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in chapter 611A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 746, now on General Orders.

H.F. No. 1025: A bill for an act relating to public utilities; deregulating

providers of coin telephone service; imposing a penalty; amending Minnesota Statutes 1984, section 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 1093: A resolution memorializing the President and Secretary of Agriculture of the United States to insist to the government of Canada on fair trade regulations on hogs, or impose quotas and strict tariffs on Canadian hog imports.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1024, now on General Orders.

H.F. No. 1117: A bill for an act relating to gifts to minors; permitting securities to be registered in the name of a broker or financial institution; amending Minnesota Statutes 1984, sections 527.02, subdivision 1; and 527.04, subdivision 7.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1150: A bill for an act relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1193: A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

Referred to the Committee on Health and Human Services.

H.F. No. 1197: A bill for an act relating to cities of Circle Pines and Lino Lakes; permitting cities to determine the size of Circle Pines utilities commission.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 920, now on General Orders.

H.F. No. 1254: A bill for an act relating to local government; permitting insurance and indemnification of certain municipal electric power personnel; correcting a statutory cross reference; amending Minnesota Statutes 1984, section 453.55, subdivision 11.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 1319: A bill for an act relating to St. Louis county; providing a retirement contribution exemption for emergency jobs program employees; amending Laws 1984, chapter 501, section 1.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted with the exception of the reports on S.F. Nos. 357, 1424, 134, 1093, 1242 and 928. The motion prevailed.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 1145: A bill for an act relating to elections; clarifying the term "corporation" as it relates to campaign contributions; amending Minnesota Statutes 1984, section 210A.34, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 1224: A bill for an act relating to elections; clarifying the provision of time off to vote; amending Minnesota Statutes 1984, section 204C.04.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 1325: A bill for an act relating to elections; making certain changes in the ethics in government act; changing the time when certain campaign bills must be rendered; amending Minnesota Statutes 1984, sections 10A.02, subdivision 11, and by adding a subdivision; 10A.04, subdivision 4a; 10A.18; 10A.20, subdivisions 3, 5, and 12; 10A.24; 10A.27, subdivision 1; and 210A.24; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1984, sections 10A.02, subdivision 11a; and 10A.25, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 1151: A bill for an act relating to elections; adopting the court-ordered apportionment plan, but changing Ottawa township in LeSeuer county from the second to the first congressional district; repealing Minnesota Statutes 1984, sections 2.741 to 2.811.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "*LeSeur*" and insert "*LeSueur*"

Amend the title as follows:

Page 1, line 4, delete "*LeSeuer*" and insert "*LeSueur*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was re-referred

S.F. No. 99: A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter

288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 19 to 26

Page 2, delete lines 1 and 2 and insert:

“Park reserve district commissioners shall be appointed by the county board by a majority vote of the full board. A park reserve district commissioner shall be a resident of the county and shall serve for a four-year term. In appointing park reserve district commissioners, the board of commissioners shall appoint a person from each county commissioner district. Appointments to fill vacancies shall be for the unexpired term.”

Sec. 2. [TRANSITION TO APPOINTED BOARD.]

Notwithstanding any law to the contrary, the terms of Hennepin county park reserve district commissioners appointed or elected pursuant to Laws 1979, chapter 288, shall expire on December 31, 1986, and no election shall be held in 1986 to elect new commission members. The terms of park reserve district commissioners appointed pursuant to section 1 shall begin on January 1, 1987.”

Page 2, line 3, after “2.” insert “[REPEALER.]”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “election” and insert “appointment”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1103: A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; amending Laws 1984, chapter 626, section 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 340.11, subdivision 10a, is amended to read:

Subd. 10a. [OFF-SALE LICENSES; CERTAIN COUNTIES.] (1) (a) Off-sale licenses may be issued for the sale of intoxicating liquors by certain counties herein provided for.

(2) (b) A county board of any county containing unorganized area may issue an off-sale liquor license within any unorganized area of the county to an exclusive liquor store with the approval of the commissioner of public safety.

(c) A county board of any county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) A county board of any county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340.11, subdivision 10. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(e) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(f) A county board may not issue a license under this subdivision to a person for an establishment located within three miles of the boundary of any city. This paragraph does not apply to establishments that were issued licenses by any town board within three miles of any city prior to January 1, 1985.

(g) All licenses issued pursuant to this ~~clause~~ subdivision shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided herein. The license fee for an off-sale license issued pursuant to this section shall be fixed by the county board in an amount not to exceed \$500. The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

Sec. 2. [REPEALER.]

Minnesota Statutes 1984, section 340.11, subdivision 10b, is repealed."

Delete the title and insert:

"A bill for an act relating to intoxicating liquor; permitting counties to issue off-sale licenses and combination licenses in towns; amending Minnesota Statutes 1984, section 340.11, subdivision 10a; repealing Minnesota Statutes, section 340.11, subdivision 10b."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 786: A bill for an act relating to agriculture; appropriating money for clean-up of pseudorabies infected swine herds.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

“Section 1. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the board of animal health, to be available until June 30, 1987, for the testing of swine herds infected with pseudorabies. The board of animal health shall coordinate the testing of infected herds by local veterinarians and pay the testing costs and laboratory fees.”

Amend the title as follows:

Page 1, line 3, delete “clean-up” and insert “testing”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 335: A bill for an act relating to animals; changing certain duties and powers of the board of animal health; increasing certain penalties; amending Minnesota Statutes 1984, sections 35.03; 35.05; and 35.069.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete “may” and insert “shall” and delete “emergency or permanent”

Page 1, line 15, delete “Minnesota's”

Page 1, line 15, delete everything after the period

Page 1, delete lines 16 to 22

Page 2, line 10, delete “or poultry”

Page 2, line 10, delete “Any”

Page 2, lines 11 to 27, delete the new language and reinstate the stricken language

Page 2, line 31, delete “In addition to other penalties,”

Page 2, line 35, delete “a related” and insert “any” and after “rule” insert “adopted by the board”

Page 2, line 35, delete “gross”

Amend the title as follows:

Page 1, lines 3 and 4, delete “increasing certain penalties;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 670: 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.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1167: A bill for an act relating to the city of New Brighton; providing an exception from the New Brighton police civil service system for the chief and deputy chief of police.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1152: A bill for an act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1086: A bill for an act relating to local government; providing for the arbitration of water price disputes between the city of St. Paul and the cities of Maplewood and Mendota Heights.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 357: A bill for an act relating to Pine county; permitting the county to participate separately in the community health services system.

Reports the same back with the recommendation that the bill do pass. Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1197: A bill for an act relating to agriculture; creating an exception to the corporate farming law; amending Minnesota Statutes 1984, section 500.24, subdivision 3.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 453: A bill for an act relating to natural resources; reducing fees for camping spaces within a state park and state park motor vehicle permits for physically handicapped persons; amending Minnesota Statutes 1984, section 85.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 9, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective June 1, 1985.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1244: A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 7 to 10 and insert “*Notwithstanding any law to the contrary, the city of Burnsville may issue 5 on-sale intoxicating liquor licenses in addition to the number authorized under Minnesota Statutes, section 340.11, subdivision 5a.*”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1365: A bill for an act relating to charitable gambling; providing for local licensing and statewide regulation; authorizing the department of revenue to collect the tax imposed; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.12, subdivisions 11 and 16; 349.14; 349.16; 349.17; 349.18, subdivisions 1 and 2; 349.19; 349.20; 349.21; 349.211, subdivision 3; 349.212, as amended; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.151; 349.161; 349.162; and 349.213, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 297A.25, is amended by adding a subdivision to read:

Subd. 6. The gross receipts from the conduct of lawful gambling by an organization exempt under section 349.214 shall be exempt from taxation under this chapter.

Sec. 2. 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 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, *advertising costs up to one percent of an organization's gambling receipts in a calendar year, legal costs, accounting services, security services, and insurance. An organization exempt under section 349.214, subdivision 2, may deduct from gross receipts the costs of any food or beverages provided at the event.*

Sec. 3. Minnesota Statutes 1984, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] The board has the following powers and duties:

(1) to issue, revoke, and suspend licenses to organizations and suppliers under sections 349.16 and 349.161;

(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) to make rules, including emergency rules, required by this chapter;

(5) to register gambling equipment and issue registration stamps under section 349.162;

(6) 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~~

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing charitable gambling; *and*

(8) *impose civil penalties of not more than \$500 per violation on organizations and suppliers for failure to comply with any provision of sections 349.12 to 349.23 or any rule of the board.*

Sec. 4. Minnesota Statutes 1984, section 349.16, is amended by adding a subdivision to read:

Subd. 4. [LOCAL INVESTIGATION FEE.] *An organization applying for a license under this section shall pay to the board, in addition to any other fee required by this section, an investigation fee which the board shall remit to the local unit of government notified under section 349.213, subdivision 2. The investigation fee shall be \$75 if an organization is applying for a license to conduct all forms of gambling, \$50 for all forms except bingo, and \$25 for bingo only.*

Sec. 5. Minnesota Statutes 1984, section 349.161, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No per-

son may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for ~~bingo~~ lawful gambling exempt from licensing under section ~~340.19~~ 349.214, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Sec. 6. 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 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 on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. *If an organization's tax liability under section 349.212 is \$500 or less in any quarter, any reports required to be filed with the board or to its membership may be filed quarterly.* The reports must be on a form the board prescribes.

Sec. 7. Minnesota Statutes 1984, section 349.212, subdivision 2, is amended to read:

Subd. 2. [COLLECTION; DISPOSITION.] The tax must be paid to the board at times and in a manner the board prescribes by rule, *provided that if an organization's tax liability under this section is \$500 or less in any quarter the tax may not be required to be paid more frequently than quarterly.* The proceeds, along with the revenue received from all license fees and other fees under sections 349.11 to ~~349.21~~ and ~~349.211~~, ~~349.212~~, and 349.213, *except fees received under section 5*, must be paid to the state treasurer for deposit in the general fund.

Sec. 8. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [RAFFLES.]

(a) 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. Merchandise prizes must be valued at their fair market value.

(b) *Raffles may be conducted by an organization without complying with section 349.14, or sections 349.151 to 349.212 if the organization or each chapter of the organization conducts no more than one raffle in a calendar year. The organization may also conduct pull-tabs, tipboards, and paddle-wheels in conjunction with the raffle without complying with section 349.14 or sections 349.151 to 349.212. The prizes awarded in the raffle or pull-tabs,*

paddlewheel, or tipboards at the event, may not exceed \$25,000, with no more than \$2,000 being cash, and at least 50 percent of the prizes being donated to the organization. Merchandise prizes must be valued at fair market value. An organization exempt under this paragraph must file with the board a copy of the annual report required to be filed with the department of commerce under chapter 309.

Sec. 9. Minnesota Statutes 1984, section 349.214, is amended by adding a subdivision to read:

Subd. 1a. [BINGO; CERTAIN ORGANIZATIONS.] Bingo may be conducted within a nursing home or 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. 10. 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 or an organization exempt from licensing under section 349.214.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 11. [TAX AMNESTY; NONPROFIT ORGANIZATIONS.]

For an organization who has an unpaid liability for sales tax due under Minnesota Statutes, chapter 297A, arising out of lawful gambling conducted under Minnesota Statutes, chapter 349, between March 1, 1982, and February 28, 1985, the commissioner of revenue shall accept as full payment of the

liability, a certified check, cashier's check, or money order in the amount of 50 percent of the liability incurred, plus interest. Payment must be received by the commissioner of revenue before January 1, 1986. For delinquent returns filed under this section, the civil and criminal penalties imposed by law are waived.

Sec. 12. [SALES TAX EXEMPTION.]

The gross receipts from the conduct of lawful gambling conducted under Minnesota Statutes, chapter 349, received prior to March 1, 1982, shall be exempt from taxation under Minnesota Statutes, chapter 297A. No refunds shall be paid pursuant to this section unless the organization can demonstrate to the commissioner of revenue that the refunds will be paid to those who paid the tax.

Sec. 13. [EFFECTIVE DATE.]

This act is effective June 1, 1985."

Delete the title and insert:

"A bill for an act relating to charitable gambling; exempting certain organizations from regulation by the charitable gambling control board; exempting certain organizations who conduct bingo and raffles from the sales tax; clarifying what expenses may be deducted from gross receipts; permitting the board to impose civil penalties; requiring organizations to pay an investigation fee; changing reporting requirements; providing for a tax amnesty for organizations who have conducted lawful gambling; amending Minnesota Statutes 1984, sections 297A.25, by adding a subdivision; 349.12, subdivision 13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.161, subdivision 1; 349.19, subdivision 5; 349.212, subdivision 2; 349.214, subdivision 2, and by adding a subdivision; and 609.75, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1334: A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete "section" and insert "sections"

Page 1, line 18, delete ", et seq." and insert "to 717z"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 283: A bill for an act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and nonintoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1984, section 340.11, subdivision 20.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 17, insert:

“Sec. 2. [REPEALER.]

Laws 1979, chapter 200, is repealed.”

Amend the title as follows:

Page 1, line 6, before the period, insert “; repealing Laws 1979, chapter 200”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1360: A bill for an act relating to taxation; segregating certain sales tax revenues; providing for the establishment of a national class state convention center in the city of Duluth; authorizing the issuance of bonds and appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, line 18, delete “shall” and insert “may”

Page 2, lines 7 and 18, delete “2” and insert “1”

Page 2, line 8, delete “\$20,000,000” and insert “\$_____”

Page 2, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after “to”

Page 1, line 3, delete “revenues” and insert “economic development”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1424: A bill for an act relating to the metropolitan sports facilities commission; renaming it the metropolitan sports and convention facilities commission; authorizing it to acquire, design, construct, equip, improve, control, operate, and maintain convention and trade show facilities and related facilities in the city of Minneapolis and to expend certain money for it; authorizing it to exercise eminent domain; authorizing it to issue bonds to finance the acquisition and betterment of convention and trade show facilities and related facilities; authorizing the city of Minneapolis to expend certain funds, including taxes and tax increments, for commission purposes; authorizing the city of Minneapolis and the metropolitan council to contract with the commission and to exercise powers of the commission and perform other acts; authorizing the city to levy and collect certain taxes and to issue bonds to finance the acquisition and betterment of the facility; authorizing the city to proceed with the convention and trade show facilities if the commission does not; authorizing the council to issue bonds to finance the acquisition and betterment of convention and trade show facilities or to refund outstanding bonds issued to finance certain sports facilities, and to levy taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 31, delete "may" and insert "shall"

Page 4, line 33, delete "not exceeding four" and insert "of three"

Page 5, line 1, delete "may" and insert "shall"

Page 10, line 5, delete "states" and insert "statutes"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 598: A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 325F.665, subdivisions 1, 3, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "warranty" insert "*; in the case of a second purchase of an agricultural vehicle within the warranty period, the sale must be made through an authorized farm equipment dealer*"

Page 3, line 1, delete the new language

Page 3, delete line 2

Page 3, line 3, delete the new language and after the period, insert "For

agricultural vehicles, "reasonable allowance for prior use" means the fair rental value of the agricultural vehicle calculated in accordance with the "Tractor and Farm Equipment Trade-In Guide" published by the national farm and power equipment dealers association and is the sum of:

(1) the amount attributable to use by the consumer prior to the consumer's first report of the nonconformity to the manufacturer or its authorized dealers;

(2) the amount attributable to use by the consumer during any period subsequent to the report when the vehicle is not out of service by reason of repair of the reported nonconformity; and

(3) the amount attributable to use by the consumer of the farm tractor provided by the manufacturer or its authorized dealers while the farm tractor is out of service by reason of repair of the reported nonconformity."

Page 3, line 27, after "days" insert ". for agricultural vehicles the vehicle is out of service for a cumulative total of 60 or more business days,"

Page 4, line 5, after "period" insert "or the 60-day period for an agricultural vehicle"

Page 4, after line 26, insert:

"(g) For an agricultural vehicle, other than a farm tractor defined in section 169.01, subdivision 8, and a farm truck defined in section 168.011, subdivision 17, the manufacturer's and dealer's duty to repair, replace, or refund under this section applies only to the motor and power train of the agricultural vehicle."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1355: A bill for an act relating to economic development; providing a state advocacy function for business license applicants; amending Minnesota Statutes 1984, section 116J.76.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, delete "business license applicants,"

Page 2, line 9, delete "especially" and delete the first comma

Amend the title as follows:

Page 1, line 3, after "for" insert "small"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1200: A bill for an act relating to economic development; creating an enterprise zone to be designated by the city of Cottage Grove.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 3, delete "Sec. 2." and insert "Section 1."

Page 2, line 15, delete everything after "is"

Page 2, delete lines 16 to 21 and insert "*subject to Minnesota Statutes, section 273.1314, subdivisions 9 to 17, and is considered to have been designated an enterprise zone by the commissioner of energy and economic development within the meaning of those subdivisions. The enterprise zone is not subject to the funding limitations of section 273.1314, subdivision 8.*"

Page 2, line 22, delete "section" and insert "subdivision"

Page 2, line 30, delete "Sec. 3. [LOCAL APPROVAL.]" and insert "Sec. 2. [EFFECTIVE DATE.]"

Page 2, line 31, delete everything after "effective"

Page 2, delete lines 32 and 33 and insert "*the day following final enactment and is repealed two years from the effective date.*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 134: A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

Reports the same back with the recommendation that the resolution do pass. Mr. Moe, R.D. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 876: A bill for an act relating to the Minnesota historical society; appropriating money for the institute for invention and innovation.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1051: A bill for an act relating to auto insurance; increasing the maximum benefit for funeral expenses; amending Minnesota Statutes 1984, section 65B.44, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 885: 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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1047: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection program; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2, 3, 7, and by adding a subdivision; 62E.53, subdivisions 1, 2, 3, and 4; and 62E.531, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“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, whose household assets do not exceed the limits imposed under the medical assistance program, and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified 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~~ \$1,000, 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 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.

Sec. 3. Minnesota Statutes 1984, section 62E.53, subdivision 1, is amended to read:

Subdivision 1. Any person who believes that he is or will become an eligible person may submit an application for state assistance to the commissioner. 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.*

Sec. 4. 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 shall pay

(1) 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) ~~40~~ 25 percent of his household income under ~~\$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~~ \$1,000;

whichever is greater 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. 5. Minnesota Statutes 1984, section 62E.531, subdivision 2, is amended to read:

Subd. 2. Where a third party may be liable in whole or in part for payment for health services, the commissioner may consider the charges for the health services to be qualified expenses if the eligible person assigns any rights accruing by virtue of any third party liability to the commissioner to the extent necessary to reimburse the state for any payments made under the provisions of this section.

Eligible persons are encouraged to seek third-party coverage and to maintain this coverage. Insurance premiums may be included in the expenses used in determination of eligibility under sections 62E.51 to 62E.55.

Sec. 6. [APPROPRIATION.]

The sum of \$_____ is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1987, for the purposes of sections 1 to 5. If a public health fund or similar fund is established with revenues from a cigarette and tobacco products tax or similar tax, this appropriation is from the public health fund rather than from the general fund, to the extent of the money available in the fund. If the money available in the public health fund is insufficient, the balance is appropriated from the general fund."

Delete the title and insert:

"A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 975: A bill for an act relating to children; requiring those who treat child abuse to register with the department of health; requiring persons who treat victims of child abuse to maintain malpractice insurance; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 12 and 20, after "person" insert "not regulated by a health licensing board"

Page 2, line 5, delete "gross"

Page 2, line 7, delete "any"

Page 2, after line 7, insert:

"Sec. 2. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the commissioner of health for purposes of section 1, to be available until June 30, 1987."

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1050: A bill for an act relating to health; providing that the county coroner may conduct certain autopsies under certain circumstances; amend-

ing Minnesota Statutes 1984, section 390.11, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 612: A bill for an act relating to human services; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of a work exemption under general assistance; amending Minnesota Statutes 1984, sections 256D.03, subdivision 4; and 256D.111, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, before "and" insert "services"

Page 1, line 23, after "services" insert "as covered in chapter 256B"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 752: A bill for an act relating to state government; restructuring the capitol area architectural and planning board; creating the position of state capitol architect; requiring the designation of employees of the department of administration as preservation architect and capitol engineer; creating the state capitol user committee; creating an art works jury within the Minnesota state historical society; appropriating money; amending Minnesota Statutes 1984, sections 15.50, subdivisions 1 and 2, and by adding subdivisions; 16B.24, subdivisions 1 and 2; 16B.31, subdivision 4; 16B.32; and 138.68; repealing Minnesota Statutes 1984, section 15.50, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 33 and 35, delete "north" and insert "south"

Page 3, line 9, delete everything after "extended"

Page 3, line 10, delete "north" and insert "south" and before the comma insert "of Interstate Highway 94"

Page 3, line 11, delete "north" and insert "south"

Page 3, lines 11 and 12, delete "Cedar" and insert "Wabasha"

Page 3, line 27, delete "the state capitol architect" and insert "a chairman, who may be a public officer,"

Page 3, line 28, before "Section" insert "At least three members shall be residents of the city of St. Paul, and one of them shall be a resident of the district planning council area containing the capitol area."

Page 3, lines 30 and 31, delete "The state capitol architect is the chairman

of the board.”

Page 3, line 34, delete “state capitol architect” and insert “chairman”

Page 4, line 25, delete everything after “shall”

Page 4, delete lines 26 and 27

Page 4, line 28, delete everything before “advise”

Page 4, line 29, delete the comma

Page 4, line 30, delete everything before the period

Page 4, line 32, delete “a full-time” and insert “an”

Page 7, line 16, strike “projects” and insert “any new building”

Page 7, line 17, delete “\$5,000,000” and insert “\$2,000,000”

Page 8, lines 27 and 28, strike “the commissioner of energy and economic development and”

Page 9, line 14, after “society” insert “and the commissioner of administration”

Page 10, line 15, after “board” insert “, act on requests for use of the capitol or the capitol area, and, in coordination with the commissioner of administration, schedule and make provision for use of the capitol or the capitol area”

Page 11, lines 7 and 8, delete the new language and insert “Except for the capitol and the state office building,”

Page 11, line 9, strike “the capitol and”

Page 11, line 12, after “supervisor” insert “, who shall be an employee of the department of administration,”

Page 11, delete section 7

Page 12, line 9, after the comma, insert “who shall be an employee of the department of administration and”

Page 13, line 26, after “Subd. 2.” insert “[STATE CAPITOL ARCHIVES.] The Minnesota state historical society shall manage and administer the state capitol archives, which are the original capitol architectural plans, samples of capitol furnishings, and Cass Gilbert papers:

Subd. 3.”

Page 13, after line 35, insert:

“Sec. 11. [138.69] [PUBLIC AREAS OF THE CAPITOL.]

The Minnesota historical society is designated the research agency and is responsible for the interpretation of the public areas of the capitol. This responsibility involves conducting or approving public programs and tours in the capitol and related buildings, including exhibits held in the capitol; providing informational services; approving architectural plans and specifications that relate to repair or remodeling; establishing the appropriate custodial policies; and maintaining and repairing all works of art in the capitol and on the capitol area.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "engineer" and insert "building supervisor"

Page 1, line 12, delete the second "subdivisions" and insert "subdivision" and delete "and 2"

Page 1, line 13, before "repealing" insert "proposing coding for new law in Minnesota Statutes, chapter 138;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 708: A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1984, sections 3.095; 3.29, subdivision 7; 3.30, subdivision 2; 3.3025, subdivision 2; 3.303, subdivision 3; 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.24; 16B.58, subdivision 6; 43A.18, subdivision 6; 86.08, subdivision 1; 115A.14, subdivision 2; 161.1419, subdivision 4; and 298.22, subdivision 2; Laws 1983, chapter 199, section 17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1984, section 3.304, subdivisions 1 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "section" and insert "sections" and before the comma, insert "and 16B.07"

Page 2, line 21, delete "section" and insert "sections" and before the comma, insert "and 16B.07"

Page 3, line 12, delete "section" and insert "sections" and before the comma, insert "and 16B.07"

Page 3, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 1984, section 3.303, is amended by adding a subdivision to read:

Subd. 5. The commission shall appoint a director of protocol services who shall serve at the pleasure of the commission. The director shall:

(1) assist state agencies in making arrangements for the accommodation and appropriate recognition of individuals or groups visiting Minnesota as direct or indirect representatives of foreign governments, other states, or any of the subdivisions or agencies of foreign governments or other states; and

(2) provide other services as designated by the commission.

Subject to sections 3.305 and 16B.07, the director shall employ staff and

obtain office space, equipment, and supplies necessary to perform the designated duties."

Page 5, lines 6 and 8, delete "*uniform*"

Page 6, lines 2, 8, 16, 20 and 28, delete "*section*" and insert "*sections*" and before the comma, insert "*and 16B.07*"

Page 6, line 29, reinstate the first stricken "*commission*" and delete "*council*"

Page 8, line 12, delete "*section*" and insert "*sections*" and before the comma, insert "*and 16B.07*"

Pages 8 to 12, delete section 18 and insert:

"Sec. 18. [15.0592] [EXPIRATION DATES FOR LEGISLATIVE COMMISSIONS.]

Subdivision 1. [APPLICATION.] Legislative commissions listed in subdivision 2 shall expire according to the schedule provided in that subdivision. The speaker of the house of representatives and the senate majority leader shall set termination dates for new legislative commissions so as not to extend the existence of a body beyond three years from the date of its creation.

Subd. 2. [SCHEDULE.] (a) The following legislative commissions shall expire June 30, 1988:

(1) advisory committee to the Minnesota-Wisconsin boundary area commission;

(2) capitol area architectural and planning board;

(3) great lakes commission;

(4) interstate cooperation commission;

(5) legislative commission on Minnesota resources;

(6) legislative commission to review administrative rules;

(7) legislative commission on long-term health care;

(8) midwestern education board; and

(9) legislative commission on waste management.

(b) The following legislative commissions shall expire June 30, 1989:

(1) legislative commission on the economic status of women;

(2) education compact commission of the states;

(3) Indian affairs intertribal board;

(4) legislative advisory commission;

(5) legislative commission on employee relations;

(6) legislative commission on pensions and retirement;

(7) legislative coordinating commission;

(8) legislative commission on energy;

(9) legislative commission on public education; and

(10) *Mississippi river parkway commission.*"

Page 14, line 4, delete "section" and insert "sections" and before the comma, insert "and 16B.07"

Pages 14 and 15, delete section 24

Page 15, line 10, delete "section" and insert "sections" and before the comma, insert "and 16B.07"

Page 15, delete section 27

Page 16, line 2, delete "27" and insert "25"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "establishing the position of director of protocol services; providing expiration dates for legislative commissions and boards;"

Page 1, line 6, delete "subdivision 3" and insert "by adding a subdivision"

Page 1, line 11, delete "16B.24;"

Page 1, line 13, after "2;" insert "and" and delete "and 298.22,"

Page 1, line 14, delete "subdivision 2;"

Page 1, line 16, delete "chapter" and insert "chapters" and after "1" insert "and 15" and delete "; repealing Minnesota"

Page 1, line 17, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1093: 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; creating the governor's nuclear waste council; providing coordination with the federal government's nuclear waste site planning; providing for emergency preparedness to nuclear incidents; amending Minnesota Statutes 1984, sections 116C.705; 116C.71, by adding subdivisions; 116C.72; 116C.723; 116C.724; and 116C.731; proposing coding for new law in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1984, section 116C.71, subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 116C.71, is amended by adding a subdivision to read:

Subd. 14a. [COUNCIL.] "Council" means the governor's nuclear waste council.

Sec. 2. [116C.711] [NUCLEAR WASTE COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] The governor's nuclear waste council is established.

Subd. 2. [MEMBERSHIP.] The council shall have at least 9 members, consisting of:

(1) the commissioners of the departments of health, transportation, and natural resources, and the director of the pollution control agency;

(2) four citizen members appointed by the governor;

(3) the director of the Minnesota geological survey;

(4) one additional citizen from each potentially impacted area may be appointed by the governor if potentially impacted areas are designated in Minnesota; and

(5) one Indian who is an enrolled member of a federally recognized Minnesota Indian tribe or band may be appointed by the governor if potentially impacted areas are designated in Minnesota and if those areas include Indian country as defined in U. S. Code, Title 18, Section 11.54.

At least two members of the council shall have expertise in the earth sciences.

Subd. 3. [CHAIRPERSON.] A chairperson shall be appointed by the governor from the members of the council.

Subd. 4. [ADVISORY TASK FORCE.] The council may create advisory task forces under section 15.014, as are necessary to carry out its responsibilities under chapter 116C.

Subd. 5. [MEMBERSHIP REGULATION.] Section 15.059 governs terms, compensation, removal, and filling of vacancies of members appointed by the governor. Section 15.059, subdivision 5, does not govern the expiration date of the council.

Sec. 3. [116C.712] [POWERS AND DUTIES.]

Subdivision 1. [DUTY.] The council's duty shall be to monitor the federal high-level radioactive waste disposal program under the Nuclear Waste Policy Act, Public Law Number 97-425 and advise the governor and the legislature on all policy issues relating to the federal high-level radioactive waste disposal program.

Subd. 2. [EXPIRATION DATE.] The council shall terminate when the department of energy eliminates Minnesota from further siting consideration for disposal of high-level radioactive waste.

Subd. 3. [COUNCIL STAFF.] Staff support for council activities shall be provided by the state planning agency. All state departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chairperson of the council, the governor may, by order, require any state department or agency to furnish assistance necessary to carry out the council's functions under chapter 116C.

Subd. 4. [CONTRACTS.] The council may employ and fix the compensation of consultants necessary to carry out its responsibilities under chapter 116C. The chairperson of the council may contract with persons, firms, corporations, organizations, units of government, state agencies or institutions of higher learning for doing any of the work of the council. Contracts made pursuant to this section are not subject to the provisions of chapter 16B relating to competitive bidding.

Subd. 5. [FEDERAL AND OTHER FUNDS.] The chairperson of the council may apply for, receive, and expend funds made available from federal sources or other sources for the purpose of carrying out the council's responsibilities under chapter 116C.

Sec. 4. Minnesota Statutes 1984, section 116C.72, is amended to read:

116C.72 [RADIOACTIVE WASTE MANAGEMENT FACILITY.]

~~Notwithstanding any provision of chapter 116H, to the contrary,~~ No person shall construct or operate a radioactive waste management facility within Minnesota unless expressly authorized by the Minnesota legislature.

Sec. 5. Minnesota Statutes 1984, section 116C.731, is amended by adding a subdivision to read:

Subd. 2a. [NOTIFICATION OF NEW ROUTE APPROVAL.] Upon notification to the state that a shipper or carrier has filed an application with the nuclear regulatory commission for approval of a new route within or through the state for the transportation of high level radioactive waste, the commissioner of public safety shall immediately give written notice of the application to the mayors of affected statutory and home rule charter cities and to the county board chairpersons of counties located along the proposed transportation route. Written notice shall also be given by publication in at least one newspaper of general circulation in each affected county. The commissioner of public safety shall give the affected cities and counties an adequate opportunity to transmit to the commissioner, data, objections, concerns, and other information relevant to the selection of the route. The commissioner shall forward the data, objections, concerns, and other information to the nuclear regulatory commission.

Sec. 6. Minnesota Statutes 1984, section 116C.731, subdivision 3, is amended to read:

Subd. 3. [TRANSPORTATION FEE.] A person who intends to transport high level radioactive waste shall submit a transportation fee to the commissioner of public safety in the amount of \$1,000 for each vehicle carrying high level radioactive waste in each shipment with the required information ~~required in subdivision 1.~~ For irradiated reactor fuel, the transportation fee shall be \$1,000 per irradiated reactor fuel assembly. The fees shall be deposited by the commissioner into the general fund.

Sec. 7. Minnesota Statutes 1984, section 116C.731, subdivision 4, is amended to read:

Subd. 4. [EMERGENCY RESPONSE PLAN.] The commissioner of public safety shall consult with the commissioners of health and transportation, the director of the pollution control agency, and representatives of the federal nuclear regulatory commission, the federal emergency management agency,

and the United States department of transportation and before December 1, 1984, shall prepare a plan for emergency response to a high level radioactive waste transportation accident, including plans for evacuation and cleanup. *The plan shall be revised annually to achieve conformity with the response system described in the nuclear regulatory commission document number NUREG/CR-2225, entitled "An unconstrained overview of critical elements in a model state system for emergency response to radiological rail transportation incidents."* The commissioner of public safety shall report by January 1 of each year to the ~~legislature~~ *senate agriculture and natural resources and house of representatives environment and natural resources committees* on the status of the plan and the ability of the state to respond adequately to an accident.

Sec. 8. Minnesota Statutes 1984, section 116C.731, is amended by adding a subdivision to read:

Subd. 4a. [INSPECTION.] The commissioners of health and transportation shall inspect all equipment of the shipper and carrier as it enters the state or departs from a point of origin within the state.

Sec. 9. Minnesota Statutes 1984, section 116C.731, is amended by adding a subdivision to read:

Subd. 4b. [HEALTH INSPECTION.] The commissioner of health shall monitor surface radioactivity to determine whether radiation levels are within legally permissible limits.

Sec. 10. Minnesota Statutes 1984, section 116C.731, is amended by adding a subdivision to read:

Subd. 4c. [TRANSPORTATION EQUIPMENT INSPECTION.] The commissioner of transportation shall inspect the equipment transporting high level radioactive waste for compliance with federal regulations contained in Code of Federal Regulations, title 49, sections 174, 176, and 177.

Sec. 11. Minnesota Statutes 1984, section 116C.731, is amended by adding a subdivision to read:

Subd. 4d. [RULES.] The commissioner of public safety shall adopt rules relating to nuclear waste shipments including:

(1) the speeds at which the waste is to be shipped and, for rail shipments, a plan for sidetracking or stopping all opposing trains during shipments;

(2) required documentation that shows all roadways, railroad tracks, bridges, and locks coinciding with proposed routes comply with federal regulations in Code of Federal Regulations, title 49, parts 171 to 199;

(3) the qualifications and training in emergency procedures of shipper and carrier personnel directly involved in each proposed shipment, including repair and maintenance crews;

(4) health and safety measures implemented specifically to protect shipper and carrier personnel involved in each shipment; and

(5) requiring a state health physicist to accompany each shipment to monitor radiation and make a complete written report to the commissioner.

Sec. 12. Minnesota Statutes 1984, section 216B.243, is amended by

adding a subdivision to read:

Subd. 9. [NUCLEAR FISSION ELECTRICAL GENERATING POWER PLANT.] The commission must not issue a certificate of need for construction of a nuclear fission electrical generating power plant until the following conditions are met:

(1) the commission finds that the construction of the nuclear generating plant is economically feasible;

(2) the commission finds that there has been developed and the United States through its authorized agency has approved, and there exists a demonstrated method for the permanent disposition of high-level nuclear waste; and

(3) the commission reports its findings to the legislature and the legislature expressly permits the commission by law to grant a certificate of need to construct a nuclear fission electrical generating power plant.

Sec. 13. [APPROPRIATION.]

Subdivision 1. [COMMISSIONER OF PUBLIC SAFETY.] \$_____ is appropriated from the general fund to the commissioner of public safety, to be available until June 30, 1987, for high level nuclear waste emergency response and preparedness, and nuclear waste shipment inspections.

Subd. 2. [STATE PLANNING AGENCY.] \$_____ is appropriated from the general fund to the state planning agency, to be available until June 30, 1987, for the duties and functions of the governor's nuclear waste council.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 12 are effective the day following enactment."

Delete the title and insert:

"A bill for an act relating to environment; creating the governor's nuclear waste council; providing for the inspection of shipping and designation of transportation routes; providing coordination with the federal government's nuclear waste site planning; providing for emergency preparedness to nuclear incidents; requiring legislative approval for construction of a nuclear fission electrical generating plant in Minnesota; appropriating money; amending Minnesota Statutes 1984, sections 116C.71, by adding a subdivision; 116C.72; 116C.731, subdivisions 3 and 4, and by adding subdivisions; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116C."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 433: A bill for an act relating to crimes; permitting crime victims suffering certain types of property damage to file claims for reparations; amending Minnesota Statutes 1984, sections 611A.52; 611A.53, subdivision 2; 611A.54; and 611A.60.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 560: A bill for an act relating to civil actions; authorizing aggregation of the fault of multiple defendants in comparative fault actions; amending Minnesota Statutes 1984, section 604.01, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "not"

Page 1, line 13, strike the comma and insert "only"

Page 1, line 14, strike "not" and delete "one or"

Page 1, line 15, delete "more other" and insert "all"

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1984, section 604.02, subdivision 1, is amended to read:

Subdivision 1. When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award. *Provided, however, that a person whose fault is less than that of a claimant is liable to the claimant only for that portion of the judgment that represents the percentage of fault attributable to that person.*

Sec. 3. Minnesota Statutes 1984, section 604.02, subdivision 3, is amended to read:

Subd. 3. In the case of a claim arising from the manufacture, sale, use or consumption of a product, an amount uncollectible from any person in the chain of manufacture and distribution shall be reallocated among all other persons in the chain of manufacture and distribution but not among the claimant or others at fault who are not in the chain of manufacture or distribution of the product. ~~Provided, however, that a person whose fault is less than that of a claimant is liable to the claimant only for that portion of the judgment which represents the percentage of fault attributable to him.~~

Page 1, line 24, delete "Section 1 is" and insert "Sections 1 to 3 are" and delete "applies" and insert "apply"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "limiting the application of joint and several liability in certain cases;" and delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; and 604.02, subdivisions 1 and 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1126: A bill for an act relating to crimes; transferring administration of crime victim crisis centers and the crime victims reparations board to the office of attorney general; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.53, subdivision 2; 611A.54; 611A.55, subdivision 1; and 611A.56, subdivision 1; repealing Minnesota Statutes 1984, section 611A.42.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2, lines 31 to 33; delete the new language

Page 2, after line 34, insert:

"The limitations contained in clauses (a) and (d) do not apply to victims of domestic child abuse as defined in section 260.015, subdivision 24."

Pages 3 and 4, delete sections 5 to 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 4 and insert "changing reparations provisions for crime victims;"

Page 1, line 5, delete "611A.41,"

Page 1, line 6, delete "subdivision 2; 611A.44;" and after the third semicolon, insert "and"

Page 1, line 7, delete everything after "611A.54" and insert a period

Page 1, delete lines 8 and 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1049: A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions and records provisions; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 5, 8, 9, 10, 11, 12, 15, 17, and 19, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 626.557, 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 context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; a ~~mental health program receiving funds pursuant to section 245.64~~; or a home health agency certified for participation in Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) who is a resident or inpatient of a facility;

(2) who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) who receives services from a home health agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq; or

(4) who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or by agreement.

(d) "Abuse" means:

(1) any act which constitutes a violation under sections 609.221 to 609.223, 609.23 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) ~~The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress~~ nontherapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not accidental, or any repeated conduct which produces or could reasonably be expected to produce mental or emotional distress;

(3) any sexual contact between a facility staff person and a resident or client of that facility; or

(4) the illegal use of a vulnerable adult's person or property for another

person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including but not limited to situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud.

(e) "Neglect" means:

(1) failure by a caretaker to supply ~~the~~ a vulnerable adult with necessary food, clothing, shelter, health care or supervision; ~~or~~

(2) the absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult; ~~or~~

(3) *the absence or likelihood of absence of necessary financial management to protect a vulnerable adult against abuse as defined in paragraph (d), clause (4).*

(f) "Report" means any report received by ~~the~~ a local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) the commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) the commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) any agency responsible for credentialing human services occupations.

Sec. 2. Minnesota Statutes 1984, section 626.557, subdivision 5, is amended to read:

Subd. 5. [IMMUNITY FROM LIABILITY.] ~~A~~ Any person, including a person voluntarily making reports a report and a person required to make reports a report under subdivision 3, ~~participating~~ who participates in good faith in making or investigating a report or enforcing the law pursuant to this section shall have immunity from any civil liability that otherwise might result from making or investigating the report or enforcing the law.

Sec. 3. Minnesota Statutes 1984, section 626.557, 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 who has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect, ~~he~~ shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. 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, ~~and, if applicable, each licensing agency.~~

Sec. 4. Minnesota Statutes 1984, section 626.557, subdivision 10, is

amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON A RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies may enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the situation in which the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify ~~the each~~ appropriate licensing agency ~~or agencies~~, and provide ~~the each~~ licensing agency with a copy of the report and of its investigative findings.

(c) When necessary in order to protect a vulnerable adult from serious harm, the local agency shall immediately intervene on behalf of that adult to help the family, victim, or other interested person by seeking any of the following:

(1) a restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to section 518B.01;

(2) the appointment of a guardian or conservator pursuant to sections 525.539 to 525.6198, or guardianship or conservatorship pursuant to chapter 252A;

(3) replacement of an abusive or neglectful guardian or conservator and appointment of a suitable person as guardian or conservator, pursuant to sections 525.539 to 525.6198; or

(4) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609.

The expenses of legal intervention must be paid by the county in the case of indigent persons, under section 525.703 and chapter 563.

In proceedings under sections 525.539 to 525.6198, if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee shall present the petition with representation by the county

attorney. The county shall contract with or arrange for a suitable person or nonprofit organization to provide ongoing guardianship services. If the county presents evidence to the probate court that it has made a diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator. The county shall not retaliate against the employee for any action taken on behalf of the ward or conservatee even if the action is adverse to the county's interest. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and shall be entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.

Sec. 5. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

Subd. 11a. [DUTIES OF PROSECUTING AUTHORITIES.] Upon receipt of a report from a social service or licensing agency, the prosecuting authority shall immediately investigate, prosecute when warranted, and transmit its findings and disposition to the referring agency."

Delete the title and insert:

"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, 5, 9, and 10, and by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 901: A bill for an act relating to human services; increasing incentives for enforcing and collecting child support; amending Minnesota Statutes 1984, sections 256.74, subdivision 5; 256.87, subdivisions 1a and 3; 257.58, subdivision 1; 518.551, subdivision 7; 518.611, subdivisions 2, 4, and 6; and 518.645; repealing Minnesota Statutes 1984, section 518.611, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1984, section 256.74, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based on the method of budgeting required in Public Law No. 97-35, Section 2315, 42 U.S.C. 602, as amended and federal regulations at 45 C.F.R. Section 233. In making its

determination the county agency shall disregard the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student, and not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(2) All educational grants and loans awarded pursuant to a federal law when public assistance was considered in making the award and the award was made on the basis of financial need; and that part of any other educational grant or loan which is used for educational purposes, such as tuition, fees, equipment, transportation and child care expenses necessary for school attendance;

(3) The first \$75 of each individual's earned income. In the case of an individual not engaged in full-time employment or not employed throughout the month the commissioner shall prescribe by rule a lesser amount to be disregarded. For self-employed persons, the expenses directly related to producing goods and services and without which the goods and services could not be produced shall be disregarded pursuant to rules promulgated by the commissioner;

(4) An amount equal to the actual expenditures but not to exceed \$160 for the care of each dependent child or incapacitated individual living in the same home and receiving aid. In the case of a person not engaged in full-time employment or not employed throughout the month, the commissioner shall prescribe by rule a lesser amount to be disregarded; and

(5) Thirty dollars plus one-third of the remainder of each individual's earned income not already disregarded for individuals found otherwise eligible to receive aid or who have received aid in one of the four months before the month of application. With respect to any month, the county welfare agency shall not disregard under this clause any earned income of any person who has:

(a) Reduced his earned income without good cause within 30 days preceding any month in which an assistance payment is made; or

(b) Refused without good cause to accept an offer of suitable employment; or

(c) Left employment or reduced his earnings without good cause and applied for assistance so that he might later return to employment with the advantage of the income 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. To again qualify for this earned income disregard, the individual must not be a recipient of aid for a period of 12 consecutive months. If an individual becomes ineligible for aid because this earned income disregard has been applied to income for four consecutive months and will no longer be applied to income, the local agency shall inform the individual of the medical assistance program, its standards of eligibility, and the circumstances under which the individual would be eligible for medical assistance.

(6) The commissioner shall increase the standard of need for persons with earned income in effect on January 1, 1982, by 35 percent for each assistance unit. The maximum amount paid to an assistance unit shall be no more than 74 percent of the increased standard of need. Whenever the commissioner increases the maximum payment amount for all assistance units, the commissioner shall increase the maximum standard of need by an equal percentage.

To determine the amount of assistance to be paid to an assistance unit, net income shall be determined in a manner consistent with this chapter and applicable federal law. Net earned income shall be subtracted from the increased standard of need for an assistance unit of the appropriate size and composition to determine the grant amount, except that the grant shall not exceed the standard of need in effect on January 1, 1982 for an assistance unit of the same size and composition. Unearned income shall be subtracted from the maximum payment amount for an assistance unit of the appropriate size and composition to determine the grant amount.

Medical assistance eligibility for medically needy persons who are eligible for aid to families with dependent children shall be determined according to the standard of need in effect on January 1, 1982.

The first \$50 of periodic support payments collected by the public authority responsible for child support enforcement from a person with a legal obligation to pay support for a member of the assistance unit shall be paid to the assistance unit within 15 days of the collection of such periodic support payments and shall be disregarded in determining the amount of assistance."

Page 4, line 7, delete ", or an"

Page 4, delete line 8

Page 4, line 23, strike "TO OBLIGOR OF CONDITIONS" and insert "OF INCOME WITHHOLDING"

Page 4, line 32, after the second "of" insert "*income withholding, showing*" and after "arrearage" insert a comma

Page 4, line 33, strike "determination" and insert "*notice of income withholding*"

Page 4, line 36, after the stricken "or" insert "*fails*" and reinstate the

stricken "to move the court"

Page 5, line 2, after the stricken "support" insert "*to deny withholding on the grounds that an arrearage of at least 30 days does not exist as of the date of the notice of income withholding, or on other grounds limited to mistakes of fact,*" and reinstate the stricken "and, ex parte, to stay service on the payor of funds"

Page 5, line 3, reinstate the stricken "until the motion to" and after the stricken "modify" insert "*deny withholding*" and reinstate the stricken "is heard" and insert "*. Within 45 days from the date of the notice of income withholding, the court shall hold the hearing on the motion to deny withholding and notify the parties of its decision;*" and reinstate the stricken "and" and delete the new language

Page 5, delete lines 4 to 11

Page 5, line 13, strike "determination of arrearage." and insert "*notice of income withholding*"

Page 5, line 16, strike "determination of arrearage" and insert "*notice of income withholding*"

Page 5, line 19, delete "provided" and insert "*of income withholding*"

Page 5, line 20, delete "*in paragraph (a), clause (2)*"

Page 5, after line 28, insert:

"Sec. 8. Minnesota Statutes 1984, section 518.611, subdivision 3, is amended to read:

Subd. 3. ~~[MODIFICATION ORDERS WITHHOLDING HEARING.]~~ An order issued after the hearing on the motion to modify under subdivision 2, paragraph (c), of this section, shall provide that payments be made outright by withholding. ~~The conditions precedent to withholding of subdivision 2 do not apply~~ At the hearing to deny withholding, if the court finds that there was no mistake of fact, the court shall order income withholding to begin no later than the first pay period that occurs after 14 days following the date of the hearing. If the court finds that an arrearage of at least 30 days existed as of the date of the notice of income withholding, but finds a mistake in the amount of arrearage, the court shall order income withholding, but it shall correct the amount of arrearage to be withheld under subdivision 2, paragraph (b)."

Page 6, after line 29, insert:

"Sec. 11. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read:

Subd. 9. ~~[FORMS.]~~ The commissioner of human services shall prepare and make available to courts and obligors a form to be submitted by the obligor in support of a motion to deny withholding under this section. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form."

Page 7, line 22, after "notice" insert "*of income withholding*"

Page 7, line 23, strike "of its" and insert "*showing the*"

Page 7, line 25, after "notice" insert "*of income withholding*"

Page 7, line 26, reinstate the stricken "move the"

Page 7, line 27, reinstate the stricken "Court"

Page 7, line 29, after the stricken "maintenance" insert "*to deny withholding on the grounds that an arrearage of at least 30 days does not exist as of the date of the notice of income withholding or on other grounds limited to mistakes of fact*" and reinstate the stricken "and, ex parte, to stay service of withholding on the"

Page 7, line 30, reinstate the stricken "employer or other payor of funds until the motion to"

Page 7, line 30, after the stricken "modify" insert "*deny withholding*" and reinstate the stricken "is"

Page 7, line 31, reinstate the stricken "heard" and insert "*. Within 45 days from the date of the notice of income withholding, the court shall hold the hearing on the motion to deny withholding and notify the parties of its decision*" and delete the new language

Page 7, delete lines 32 to 36

Page 8, delete line 1

Page 8, line 2, delete "*notice provided in paragraph (b)*"

Page 8, line 3, strike "fifteen" and insert "15"

Page 8, line 4, strike "in paragraph (b)" and insert "*of income withholding*"

Page 8, line 5, strike "its determination of a thirty-day" and insert "*the notice of income withholding*"

Page 8, line 6, strike "delinquency"

Page 8, line 17, after "date" insert "*of mailing*" and after "notice" insert "*to the employer or other payor of funds*" and after "and" insert "*from that date to the employer or other payor of funds*"

Page 8, line 34, after the first "address" insert "*of record*" and after the first "and" insert "*, if known, the*"

Page 8, line 35, delete "*if known*"

Page 9, after line 5, insert:

"Sec. 13. Minnesota Statutes 1984, section 543.20, is amended to read:

543.20 [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]

Subdivision 1. [SERVICE.] In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment or at a post-secondary education institution in which he or she is enrolled. The employer shall make the individual available for the purpose of delivering a copy. The post-secondary education institution must make the individual's class schedule available to the process server

or make the individual available for the purpose of delivering a copy. No employer or post-secondary education institution shall deny a process server admittance to the employer's or post-secondary education institution's premises for the purpose of making service under this section.

No service shall be allowed under this section unless such service is made personally on the individual.

Subd. 2. [APPLICABILITY.] Service of an employee at a place of employment or of a student at a post-secondary education institution applies only to: (a) summons in an action for dissolution, annulment, legal separation, or under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform Reciprocal Enforcement of Support Act as well as for contempt of court for failure to pay child support; (c) petitions under the Domestic Abuse Act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service.

Subd. 3. [RETALIATION PROHIBITED.] An employer shall not discharge or otherwise discipline an employee, nor shall a post-secondary education institution dismiss or discipline a student as a result of service under this section.

Subd. 4. [DEFINITION.] For purposes of this section "post-secondary education institution" means any state university, community college, area vocational technical institution, private college, private post-secondary school, or the University of Minnesota."

Page 9, line 7, delete "518.611, subdivision 3" and insert "257.62, subdivision 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions 1 and"

Page 1, line 6, before "4" insert "3,"

Page 1, line 7, after "6" insert ", and by adding a subdivision" and delete the second "and"

Page 1, line 7, after "518.645;" insert "and 543.20;"

Page 1, line 8, delete "518.611, subdivision 3" and insert "257.62, subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1404: A bill for an act relating to Dakota county; permitting electronic funds transfers.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1308: A bill for an act relating to Olmsted county; providing for sales, leases, and conveyances; providing certain exceptions to public bidding requirements.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "*purposes*" insert "*or properties to be leased to a governmental unit, agency, or instrumentality of the state or the United States for law enforcement purposes*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1242: A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1220: A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1208: A bill for an act relating to the city of Gaylord; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of municipal buildings.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1075: A bill for an act relating to local government; permitting land transfer between Ramsey county and town of White Bear.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [RAMSEY COUNTY; WHITE BEAR; LAND

TRANSFERS.]

Ramsey county and the town of White Bear may transfer to each other either or both of the following described parcels of real property

(a) Parcel One

That part of the South 600 feet of the East 300 feet of the SE quarter of the SE quarter of Section 9, Township 30, Range 22, lying north of a line described as follows: beginning at a point on the East line of the said SE quarter, 370 feet north of the South line of said Section 9 thence westerly to a point on the West line of said East 300 feet thereof, and 513 feet north of said South section line, and there terminating.

(b) Parcel Two

Subject to Hammond Road, the west 237 feet of the East 537 feet of the South 233 feet of the SE quarter of the SE Quarter of Section 9, Township 30, Range 22.

This section supersedes any inconsistent provision of Minnesota Statutes, section 383A.07, or other law.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective after approval by the governing body of Ramsey county and the town board of White Bear the day after their compliance with Minnesota Statutes, section 645.021, subdivision 3."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete everything after "3." and insert "A statutory or home rule charter city or county may impose a reasonable area or response time residency requirement on any person employed as a volunteer or as a member of a nonprofit firefighting corporation if there is a demonstrated, job-related necessity."

Page 1, delete lines 11 to 13

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 928: A bill for an act relating to occupations and professions; establishing a state board of hearing instrument dispensing; providing for licensure of persons engaged in the sale of hearing instruments; appropriating

money; providing penalties; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reports the same back with the recommendation that the bill be amended 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 15, 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. Cochlear implants 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 15 or any of the rules adopted to implement sections 1 to 15;
- (5) perform any other duties and exercise other powers required by sections 1 to 15.

For the purposes of clauses (1) to (5) the department shall adopt rules to carry out sections 1 to 15.

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 15.

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; and (9) indications suggesting the need for referral to competent medical personnel for diagnosis and treatment of any disease or injury. 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 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 15. 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, 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 has the qualifications set forth in section 5;

(3) conduct a business engaged in the fitting, dispensing, or sale of hearing instruments at retail without a licensed hearing instrument dispenser or audiologist 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. THIS PRESCRIPTION MAY BE FILLED BY THE DISPENSER OF YOUR CHOICE.**

A prescription or written recommendation shall include 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. [153A.14] [INTERNSHIP.]

The commissioner shall license as an intern any natural person who has satisfied the department that he or she is of good moral character, is not physically or mentally unfit, and meets the requirements for intern licensure prescribed by the department. The intern's experience must be supervised by a licensed hearing instrument dispenser. No person may be licensed as an intern for more than 12 calendar months, and the license must not be renewed or otherwise extended by the department. No more than three intern licensees shall be permitted to hold an intern license to practice hearing instrument dispensing under the supervision of any 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 any intern licensee involved in the transaction.

Sec. 15. [153A.15] [VIOLATION A MISDEMEANOR.]

Any person violating sections 1 to 14, or rules adopted under them, is

guilty of a misdemeanor.

Sec. 16. [APPLICATION.]

Sections 3 and 7 of this act have no application to persons licensed under chapter 147 or to audiologists who hold the Certificate of Clinical Competence of the American Speech-Language-Hearing Association, except that those persons shall be required to pay to the department the license and renewal fees provided in sections 3 and 7.

Sec. 17. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the department of commerce to implement sections 1 to 15, to be available until June 30, 1987.

Sec. 18. [EFFECTIVE DATES.]

Sections 1 to 8, 10, 11, 13, 14, and 16 are effective July 1, 1985. Sections 9, 12, and 15 are effective July 1, 1986.

Amend the title as follows:

Page 1, lines 2 and 3, delete "establishing a state board of hearing instrument dispensing;"

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete everything before "proposing"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 1307: A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 1189: A bill for an act relating to local government; fixing conditions of certain energy improvement loans; amending Minnesota Statutes 1984, section 471.65.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1165: A bill for an act relating to regional development commissions; providing for dissolution of a commission upon petition by cities,

counties, and towns; amending Minnesota Statutes 1984, section 462.398, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike everything after the period

Page 1, strike line 19

Page 1, line 20, strike the old language before "Any" and delete "or town"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 3

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1291: A bill for an act relating to the city of Harmony; allocating money from state-aid funds to replace bridge.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "162.07" and insert "174.50"

Page 1, lines 9, 13, and 22, delete "city" and insert "town"

Page 1, line 10, delete "county state-aid" and insert "Minnesota state transfer"

Amend the title as follows:

Page 1, line 2, delete "city" and insert "town"

Page 1, line 3, delete "state-aid" and insert "state transfer"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1064: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 30, insert:

“Sec. 3. [CITY OF MCGREGOR; DEBT LIMIT.]

The city of McGregor may incur net debt of \$100,000 in excess of that permitted by Minnesota Statutes, chapter 475, for the construction of a library and related facilities.”

Page 2, line 32, before “Pursuant” insert “Subdivision 1.”

Page 2, after line 34, insert:

“Subd. 2. Section 3 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of McGregor.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after “units” insert “; providing for the debt limit of the city of McGregor”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1411: A bill for an act relating to the city of Bemidji; permitting the city to contribute to a community seed capital fund.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, after “1.” insert “[465.77]” and delete “BEMIDJI;” and insert “COMMUNITY” and after “CAPITAL” insert “FUND”

Page 1, line 7, delete the second “the” and insert “a home rule or statutory” and delete “of Bemidji”

Page 1, delete section 2

Amend the title as follows:

Page 1, line 2, delete “the city of Bemidji” and insert “local government” and delete “the” and insert “a home rule or statutory”

Page 1, line 3, before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 465”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "equally" and insert "equitably"

Page 1, line 16, after the period, insert "The following factors may be taken into consideration when determining an equitable share of maintenance expenses: the frequency of use, the type and weight of the vehicles or equipment, and the distance traveled on the cartway to the individual's property. The town board may determine the maintenance costs to be apportioned to each property owner if the property owners cannot agree on the division of the costs."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1298: A bill for an act relating to natural resources; altering certain revenue and fee provisions for state parks, recreation areas, and waysides; amending Minnesota Statutes 1984, sections 85.05, subdivisions 1 and 2; and 85.22, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1984, section 85.05, subdivision 1, is amended to read:

Subdivision 1. [RULES, FEES.] (a) The commissioner may make rules and charge fees for the use of state parks and charge appropriate fees and for these uses, as hereinafter specified, related services and facilities including:

(1) Provide special parking space for automobile or automobiles and other motor-driven vehicle vehicles in any state park or state recreation area;

(2) Provide special parking spurs and camp grounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for the space according to the daily rates which shall be determined and fixed by the commissioner consistent with the type of facility provided for the accommodation of guests in any particular park and with similar facilities offered for tourist camping in the area;

(3) Improve improving and maintain maintaining golf courses already established in state parks, and charge reasonable fees for the use thereof;

(4) Charge a fee for entrance to any pageant grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the commissioner of any other authorized agency.

When deemed necessary the commissioner, for the purpose of better car-

rying out state park pageants, may stage the pageants in any municipal park or other lands near or adjoining any state park, and all receipts from the pageants shall be used in the same manner as though the pageants were carried on in a state park;

(5) Provide water, sewer, and electric service to trailer or tent camp sites and charge a reasonable fee therefor.

(b) Any individual age 65 or over who is a resident of the state of Minnesota who furnishes satisfactory proof of age and residence shall be exempt from payment of one-half of the fees set pursuant to clause 2 on Monday Sunday through Thursday of each week. Fees paid pursuant to this section and gross receipts derived from sales, rentals, and leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund land, shall be deposited in the state park maintenance and operation account in the state treasury."

Page 3, line 14, delete the comma and insert a semicolon

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1032: A bill for an act relating to agriculture; changing the agricultural land preservation pilot county program; amending Minnesota Statutes 1984, sections 40A.03, subdivisions 1 and 2; 40A.15, subdivisions 2 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40A.01, subdivision 1, is amended to read:

Subdivision 1. [GOALS.] The goals of this chapter are to:

(1) preserve and conserve agricultural land, including forest land, for long-term agricultural use in order to protect the productive natural resources of the state, maintain the farm and farm-related economy of the state, and assure continued production of food and timber and other agricultural products uses;

(2) preserve and conserve soil and water resources; and

(3) encourage the orderly development of rural and urban land uses.

Sec. 2. Minnesota Statutes 1984, section 40A.02, subdivision 3, is amended to read:

Subd. 3. [AGRICULTURAL USE.] "Agricultural use" means the production of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. "Agricultural use" also includes wetlands, pasture, forest land, wildlife land, and other

uses that depend on the inherent productivity of the land.

Sec. 3. Minnesota Statutes 1984, section 40A.02, subdivision 11, is amended to read:

Subd. 11. [FOREST LAND.] "Forest land" has the meaning given in ~~section 88.01, subdivision 7~~ means land that is at least ten percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water regime; land that the trees described above have been removed from to less than ten percent stocking and that has not been developed for other use; and afforested areas.

Sec. 4. Minnesota Statutes 1984, section 40A.02, subdivision 15, is amended to read:

Subd. 15. [OFFICIAL CONTROLS.] "Official controls" or "controls" has the meaning given in ~~section 462.352~~ 394.22, subdivision ~~15~~ 6.

Sec. 5. Minnesota Statutes 1984, section 40A.04, is amended to read:

40A.04 [STATEWIDE AGRICULTURAL LAND PRESERVATION.]

Subdivision 1. [COUNTIES.] *After January 1, 1987, each county with a completed county soil survey, except for counties in a county located outside of the metropolitan area, may submit to the commissioner and to the regional development commission in which it is located, if one exists, a proposed agricultural land preservation plan and proposed official controls implementing the plan. The remaining counties located outside of the metropolitan area may submit a proposed plan and proposed controls. To the extent practicable, submission of the proposal must coincide with the completion of the county soil survey. The commissioner, in consultation with the regional development commission, shall review the plan and controls for consistency with the elements in this chapter and shall submit written comments to the county within 90 days of receipt of the proposal. The comments must include a determination of whether the plan and controls are consistent with the elements in this chapter. The commissioner shall notify the county of its determination. If the commissioner determines that the plan and controls are consistent, the county shall adopt the controls within 60 days of completion of the commissioner's review. If the commissioner determines that the plan and controls are not consistent, the comments must include the additional elements that must be addressed by the county. The county shall amend its plan and controls to include the additional elements and adopt the amended controls within 90 days of completion of the commissioner's review.*

Subd. 2. [NONMETROPOLITAN CITY.] A city that is located partially within a county in the metropolitan area but is not included in the definition of the metropolitan area may elect to be governed by this section. The city may:

(1) request the county outside of the metropolitan area where it is partially located to include the city in the agricultural land preservation plan and official controls of the county, ~~using the joint planning board process under section 462.3585~~ 394.32; or

(2) perform the duties of a county independently under this section.

If the city does not elect to be governed by this section, the city ~~shall~~ may perform the duties of an authority under chapter 473H.

Sec. 6. Minnesota Statutes 1984, section 40A.05, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The plans and official controls prepared under this chapter *must be adopted in accordance with the provisions of chapters 394 or 462 that apply to comprehensive plans and official controls and must address the elements contained in this section.*

Sec. 7. Minnesota Statutes 1984, section 40A.05, subdivision 2, is amended to read:

Subd. 2. [PLAN.] A plan must address at least the following elements:

(1) integration with comprehensive county *and municipal* plans;

(2) *relationship with shoreland, surface water, and other land use management plans;*

~~(2)~~ (3) identification of land currently in agricultural use, including the type of agricultural use, the relative productive value of the land based on the crop equivalent rating, and the existing level of investment in buildings and equipment;

(4) *identification of forest land;*

~~(3)~~ (5) identification of areas in which development is occurring or is likely to occur during the next 20 years;

~~(4)~~ (6) identification of existing and proposed public sanitary sewer and water systems;

~~(5)~~ (7) classification of land suitable for long-term agricultural use and its current and future development;

~~(6)~~ (8) determination of present and future housing needs representing a variety of price and rental levels and an identification of areas adequate to meet the demonstrated or projected needs; and

~~(7)~~ (9) a general statement of policy as to how the county will achieve the goals of this chapter.

Sec. 8. Minnesota Statutes 1984, section 40A.06, is amended to read:

40A.06 [CONTESTED CASE HEARINGS; JUDICIAL REVIEW.]

If a county or a municipality in the county disputes the determination of the commissioner relating to *whether the plan and controls address* the elements under this chapter, the county or municipality may request that the commissioner initiate a contested case proceeding under chapter 14 within 30 days after receiving the determination. In addition, ten or more eligible voters of the county who own real estate within the county may request a contested case proceeding. The commissioner shall initiate the proceeding within 30 days after receiving the request. Judicial review of the contested case decision is as provided in chapter 14.

Sec. 9. Minnesota Statutes 1984, section 40A.07, subdivision 2, is amended to read:

Subd. 2. [RELATIONSHIP TO OTHER LAWS.] *Notwithstanding any law to the contrary, official controls adopted by a county under this chapter*

are binding within the incorporated limits of a municipality whether or not the municipality requests the county to adopt controls on its behalf. Nothing in this chapter limits a municipality's power to plan or ~~zone~~ adopt official controls under other laws or to adopt official controls that are consistent with or more restrictive than those enacted by the county.

Sec. 10. [40A.071] [AMENDED PLAN AND CONTROLS.]

A county or municipality that has adopted a plan and official controls under this chapter may amend the plan and controls under the initial review procedure contained in section 40A.04.

Sec. 11. [40A.121] [ANNEXATION PROCEEDINGS.]

Subdivision 1. [ANNEXATION PROHIBITED.] Land within an exclusive agricultural use zone that is within a township may not be annexed to a municipality under chapter 414, unless the Minnesota municipal board finds that either:

(1) the owner or the county has initiated termination of the zone under section 40A.11;

(2) because of size, tax base, population or other relevant factors, the township would not be able to provide normal governmental functions and services; or

(3) the zone would be completely surrounded by lands within a municipality.

Subd. 2. [EXCEPTION.] This section does not apply to annexation agreements approved by the Minnesota municipal board prior to creation of the zone.

Sec. 12. [40A.122] [EMINENT DOMAIN ACTIONS.]

Subdivision 1. [APPLICABILITY.] An agency of the state, a public benefit corporation, a local government, or any other entity with the power of eminent domain under chapter 117, shall follow the procedures in this section before:

(1) acquiring land or an easement in land with a total area over 10 acres within an exclusive agricultural use zone; or

(2) advancing a grant, loan, interest subsidy, or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve structures in areas that are not for agricultural use, that require an acquisition of land or an easement in an exclusive agricultural zone.

Subd. 2. [NOTICE OF INTENT.] At least 60 days prior to an action described in subdivision 1, notice of intent must be filed with the environmental quality board containing information and in the manner and form required by the environmental quality board. The notice of intent must contain a report justifying the proposed action, including an evaluation of alternatives that would not affect land within an exclusive agricultural use zone.

Subd. 3. [REVIEW AND ORDER.] The environmental quality board, in consultation with affected local governments, shall review the proposed action to determine its effect on the preservation and enhancement of agricul-

ture and agricultural uses within the zone and the relationship to local and regional comprehensive plans. If the environmental quality board finds that the proposed action might have an unreasonable effect on a zone, the environmental quality board shall issue an order within the 60-day period under subdivision 2 for the party to refrain from the proposed action for an additional 60 days.

Subd. 4. [PUBLIC HEARING.] During the additional 60 days, the environmental quality board shall hold a public hearing concerning the proposed action at a place within the affected zone or easily accessible to the zone. Notice of the hearing must be published in a newspaper having a general circulation within the area of the zone. Individual written notice must be given to the local governments with jurisdiction over the zone, the agency, corporation or government proposing to take the action, the owner of land in the zone, and any public agency having the power of review or approval of the action.

Subd. 5. [JOINT REVIEW.] The review process required in this section may be conducted jointly with any other environmental impact review by the environmental quality board.

Subd. 6. [SUSPENSION OF ACTION.] The environmental quality board may suspend an eminent domain action for up to one year if it determines that the action is contrary to the purposes of this chapter and that there are feasible and prudent alternatives that may have a less negative impact on a zone.

Subd. 7. [TERMINATION OF ZONE.] Designation as an exclusive agricultural use zone and all benefits and limitations under this chapter, including the restrictive covenant for the portion of the zone taken, ends on the date the final certificate is filed with the clerk of district court under section 117.205.

Subd. 8. [ACTION BY ATTORNEY GENERAL.] The environmental quality board may request the attorney general to bring an action to enjoin an agency, corporation or government from violating the provisions of this section.

Subd. 9. [EXCEPTION.] This section does not apply to an emergency project that is immediately necessary for the protection of life and property.

Sec. 13. [40A.123] [LIMITATION ON CERTAIN PUBLIC PROJECTS.]

Subdivision 1. [PROJECTS AND ASSESSMENTS PROHIBITED; EXCEPTION.] Notwithstanding any law to the contrary, construction projects for public sanitary sewer systems, public water systems, and public drainage systems are prohibited in exclusive agricultural use zones. New connections between land or buildings in a zone and public projects are prohibited. Land in a zone may not be assessed for public projects built in the vicinity of the zone.

Subd. 2. [EXCEPTION; OWNER OPTION.] Subdivision 1 does not apply (1) to public projects necessary to serve land primarily in agricultural use; or (2) if the owner of land in an exclusive agricultural use zone elects to use and benefit from a public project.

Subd. 3. [RECAPTURE OF DEFERRED ASSESSMENT.] If assessments are not levied against property under subdivision 1, the local government shall file a certificate with the county recorder containing a legal description of the property and the amount deferred. If the property is terminated as an exclusive agricultural use zone under section 40A.11, the deferred assessments plus interest are payable within 90 days after termination of the zone. If the deferred assessment is not paid within 90 days, the county auditor shall include the deferred assessment plus a 10 percent penalty on the tax list for the current year.

Sec. 14. Minnesota Statutes 1984, section 40A.13, subdivision 1, is amended to read:

Subdivision 1. [CONSERVATION PRACTICES TO PREVENT SOIL LOSS REQUIRED.] An owner of agricultural land in an exclusive agricultural use zone shall manage the land with sound soil conservation practices that prevent excessive soil loss. ~~Soil loss is excessive if it is greater than the soil loss tolerance for each soil type described in the United States soil conservation service field office technical guide or if the soil loss is greater than the soil loss allowed in an ordinance of the county according to the model ordinance adopted by the commissioner. The model ordinance and sections 40.19 to 40.28 and sections adopted under chapter 40 relating to soil loss apply to all land in an exclusive agricultural zone. A sound soil conservation practice prevents excessive soil loss or reduces soil loss to the most practicable extent. The county shall enforce this subdivision.~~

Sec. 15. [40A.151] [MINNESOTA CONSERVATION FUND.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota conservation fund is established as an account in the state treasury. Money from counties under section 16 must be deposited in the state treasury and credited to the Minnesota conservation fund account.

Subd. 2. [USE OF FUND.] Money in the fund is annually appropriated to the commissioner of revenue to reimburse taxing jurisdictions as provided in section 17 and section 473H.10.

Sec. 16. [40A.152] [COUNTY CONSERVATION FEE; ACCOUNT.]

Subdivision 1. [FEE.] A county shall impose an additional fee of \$3 per transaction on the recording or registration of a mortgage subject to the tax under section 287.05 and an additional \$3 on the recording or registration of a deed subject to the tax under section 287.21. One-half of the fee must be deposited in a special conservation account to be created in the county general revenue fund and one-half must be transferred to the commissioner of revenue for deposit in the state treasury and credited to the Minnesota conservation fund.

Subd. 2. [USE OF ACCOUNT.] Money from the county conservation account shall be spent by the county to reimburse the county and taxing jurisdictions within the county for revenue lost under the conservation tax credit under section 17 or the valuation of agricultural preserves under section 473H.10. Money remaining in the account after those payments may be spent for the following purposes:

(1) agricultural land preservation and conservation planning and imple-

mentation of official controls under this chapter or chapter 473H;

(2) soil conservation activities and enforcement of soil loss ordinances;

(3) incentives for landowners who create exclusive agricultural use zones;

(4) payments to municipalities within the county for the purposes of clauses (1) to (3).

Subd. 3. [TRANSFER TO STATE FUND.] Money in the county conservation account that is not encumbered by the county within one year of deposit in the account must be transferred to the commissioner of revenue for deposit in the Minnesota conservation fund.

Sec. 17. [273.118] [CONSERVATION TAX CREDIT.]

Subdivision 1. [ELIGIBILITY; AMOUNT OF CREDIT.] Land located in an exclusive agricultural use zone created under chapter 40A is eligible for a property tax credit of \$1.50 per acre. To qualify for the tax credit in any year the owner shall file with the assessor by June 30 of that year a record of the restrictive covenant received by the owner under section 40A.10, subdivision 3. An owner who has given notice of termination of the exclusive agricultural use zone under section 40A.11, subdivision 2, is not eligible for the credit. The assessor shall indicate the amount of the property tax reduction on the property tax statement of each taxpayer receiving a credit under this section.

Subd. 2. [REIMBURSEMENT FOR LOST REVENUE.] The county may transfer money from the county conservation account created in section 16 to the county revenue fund to reimburse the fund for the cost of the property tax credit. The county auditor shall certify to the commissioner of revenue on or before June 1 of each year the amount of tax lost to the county from the property tax credit under subdivision 1 and the extent that the tax lost exceeds funds available in the county conservation account. On or before July 15 of each year, the commissioner shall reimburse the county from the Minnesota conservation fund under section 15 for the taxes lost in excess of the county account. If money in the Minnesota conservation fund is insufficient to make the reimbursement, there is annually appropriated from the general fund to the commissioner of revenue an amount sufficient to make the remaining reimbursement.

Sec. 18. Minnesota Statutes 1984, section 473H.10, subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF TAX; STATE REIMBURSEMENT.] (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 build-

ings 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 may transfer money from the county conservation account created in section 16 to the county revenue fund to reimburse the fund for the tax lost as a result of this subdivision or to pay taxing jurisdictions within the county for the tax lost. The county auditor shall certify to the commissioner of revenue on or before June 1 the total amount of tax lost to the county and taxing jurisdictions located within his county as a result of this subdivision and the extent that the tax lost exceeds funds available in the county conservation account. Payments shall be made by the state annually on or before July 15 to each of the affected taxing jurisdictions if the county conservation account is insufficient to make the reimbursement. There is annually appropriated from the ~~general fund in the state treasury~~ Minnesota conservation fund under section 15 to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision. If money in the fund is insufficient to make the reimbursements the appropriation is from the general fund.

Sec. 19. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the commissioner of agriculture for the administration and implementation of agricultural land preservation and conservation under chapter 40A.

Sec. 20. [REPEALER.]

Minnesota Statutes 1984, sections 40.19, subdivisions 3, 4, 10, 12, 14, and 15; and 40A.13, subdivisions 2, 3, 4, and 5, are repealed.

Sec. 21. [EFFECTIVE DATE.]

Section 17 is effective for taxes levied in 1987 and payable in 1988 and after. Section 18 is effective June 1, 1987."

Delete the title and insert:

"A bill for an act relating to agriculture; clarifying provisions relating to state agricultural land preservation and conservation; providing for benefits and restrictions on the use of land in exclusive agricultural use zones; creating a Minnesota conservation fund; authorizing a county conservation fee; providing for a tax credit; conforming soil loss limit standards; appropriating money; amending Minnesota Statutes 1984, sections 40A.01, subdivision 1; 40A.02, subdivisions 3, 11, and 15; 40A.04; 40A.05, subdivisions 1 and 2; 40A.06; 40A.07, subdivision 2; 40A.13, subdivision 1; and 473H.10, subdivision 3; repealing Minnesota Statutes 1984, sections 40.19, subdivisions

3, 4, 10, 12, 14, and 15; and 40A.13, subdivisions 2, 3, 4, and 5; proposing coding for new law in Minnesota Statutes, chapters 40A and 273."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1062: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "which" and insert "that" and delete "as"

Page 2, line 8, delete "which" and insert "that" and delete "no longer" and insert "not"

Page 2, after line 11, insert:

"Sec. 2. [REPEALER.]

Laws 1984, chapter 502, article 13, section 15, is repealed.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "repealing a prior land conveyance;"

Page 1, line 4, after "3" insert "; repealing Laws 1984, chapter 502, article 13, section 15"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1347: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Koochinching County.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "KOOCHINCHING" and insert "KOOCHICHING"

Page 1, line 15, delete "Larson" and insert "Larsen, the owner of the adjoining property."

Page 1, lines 19 and 24, delete "Larson" and insert "Larsen"

Amend the title as follows:

Page 1, line 4, delete "Koochinching" and insert "Koochiching"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 846: A bill for an act relating to fish and game; providing a gross misdemeanor penalty for persons who knowingly disregard certain trespass laws; revoking hunting privileges for two years for a person convicted of trespass; reducing the interval between signs that prohibit trespass in certain areas; amending Minnesota Statutes 1984, section 100.273, subdivisions 6 and 9.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 756: A bill for an act relating to financial institutions; authorizing the department of administration to provide for the use of certain motor vehicles by the department of commerce; providing for the classification and disclosure of records; modifying the definition of financial institutions to include branches and detached facilities; regulating the closing of financial institutions; providing for the deposit of securities in lieu of bonds; simplifying the recording requirements of credit union certificates or bylaw amendments; providing for certain industrial loan and thrift loan disclosures; providing for the liquidation of safe deposit companies; eliminating a certain motor vehicle finance company assessment; modifying the licensing requirements of regulated lenders; regulating changes of business locations of regulated lenders; providing for the recovery of examination and investigation costs from motor vehicle sales finance companies; increasing the time price differentials on motor vehicle sales; regulating payments in advance on retail installment contracts; and providing for the notice and publication of, and hearings on, bank applications; amending Minnesota Statutes 1984, sections 16B.54, subdivision 2; 46.041, subdivision 1; 46.042; 46.07, subdivision 2, and by adding a subdivision; 46.131, subdivision 2; 47.015, subdivision 1; 47.0151, subdivision 3; 48.13; 49.05, by adding subdivisions; 52.02, subdivision 3; 53.04, by adding a subdivision; 55.095; 56.04; 56.07; 168.705; 168.72, subdivisions 1 and 2; 168.73; and 168.74; proposing coding for new law in Minnesota Statutes, chapter 47; repealing Minnesota Statutes 1984, sections 47.20, subdivisions 11 and 12; 48.19; 48.57; and 48.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 23, insert:

“Sec. 6. Minnesota Statutes 1984, section 47.0152, is amended to read:

47.0152 [POWER OF COMMISSIONER.]

Whenever the commissioner is of the opinion that an emergency exists, or is impending, in the state or in a part of it, he may, by proclamation, authorize financial institutions located in the affected area to close any or all of their offices. In addition, if the commissioner is of the opinion that an emergency exists, or is impending, which affects, or may affect, a particular financial institution or a particular office of it, but not financial institutions located in the area generally, he may authorize the particular financial institution or office affected, to close *or to temporarily relocate*. The office closed shall remain closed until the commissioner proclaims that the emergency has ended, or until an earlier time when the officers of the financial institution determine that an office, closed because of the emergency, should reopen, and, in either event, for the further time reasonably necessary to reopen. *The provisions of section 47.101 shall be waived for a temporary location established due to an emergency.*”

Page 6, line 26, delete “banks” and insert “financial institutions”

Page 6, line 29, delete “in his or her discretion,”

Page 6, line 31, delete “banking” and insert “financial”

Page 7, after line 34, insert:

“Sec. 12. Minnesota Statutes 1984, section 52.24, subdivision 1, is amended to read:

Subdivision 1. [INSURANCE ACCOUNTS.] Every credit union under the supervision of the commissioner of commerce shall at all times maintain in effect insurance of member share and deposit accounts under the provisions of title II of the national credit union act, ~~or a legally constituted state credit union share insurance corporation~~. A credit union which fails to meet this requirement for insurance of its share and deposit accounts shall either dissolve, *or* merge with another credit union which is insured under title II of the national credit union act ~~or a legally constituted share insurance corporation~~.

Sec. 13. Minnesota Statutes 1984, section 52.24, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATE OF APPROVAL.] No credit union shall be granted a certificate of approval by the commissioner of commerce unless the credit union has obtained a commitment for insurance of its member share and deposit accounts under the provisions of title II of the national credit union act ~~or a legally constituted state credit union share insurance corporation~~.

Page 8, line 5, after the period, insert “*The references must be to the chapter number in the case of chapter 53 or chapter 56, or to the particular section or sections in the case of chapter 47 or chapter 334. On loans made*”

under the authority of subdivision 3a and not under the authority of chapter 334."

Page 8, after line 8, insert:

"Sec. 15. Minnesota Statutes 1984, section 53.10, is amended to read:

53.10 [MANDATORY INSURANCE OR GUARANTEE OF ACCOUNTS.]

Subdivision 1. [REQUIREMENT.] Not later than July 1, 1983 1987, every industrial loan and thrift company operating under this chapter with consent or holding a certificate of authorization, which includes the right to sell and issue for investment certificates of indebtedness, savings accounts, and savings deposits, ~~other than those to be pledged as security for a loan made contemporaneously therewith,~~ shall obtain a commitment for insurance or guarantee of the certificates, accounts, or deposits by ~~or through an insurance company or guarantee fund acceptable to the commissioner of commerce.~~ The insurance or guarantee shall provide for the redemption of the investment of certificate, account, or deposit holders in the event of liquidation, insolvency or bankruptcy of the industrial loan and thrift company. The amount of insurance or guarantee benefit to each certificate, account, or deposit holder, as an individual or multiparty account, shall at all times be in full force and equal to the lesser of the industrial loan and thrift company's liability under a certificate, account, or deposit or \$100,000. For purposes of this section, an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts *the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or otherwise eligible to insure the savings accounts and savings deposits in industrial loan and thrift companies operating pursuant to this chapter.*

Subd. 2. The commissioner of commerce shall grant additional time or times to obtain the commitment for insurance or guarantee upon satisfactory evidence that the industrial loan and thrift company has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time or times shall not extend later than July 1, 1985 1988.

Subd. 3. No industrial loan and thrift company shall hereafter be granted consent, or issued a certificate of authorization which includes the right to issue for investment certificates of indebtedness, savings accounts, and savings deposits, ~~other than those to be pledged as security for a loan made contemporaneously therewith,~~ unless the industrial loan and thrift company has obtained a commitment for insurance or guarantee of such certificates which meets the conditions of subdivision 1.

Subd. 4. [TRANSITIONAL REQUIREMENT; CONTINUING REQUIREMENT.] *Until the time the requirements of subdivisions 1 and 2 are fully satisfied, any existing insurance or guarantee approved by the commissioner of commerce pursuant to Laws 1980, chapter 503, section 3, must*

be maintained as a condition to continued operations. Thereafter every industrial loan and thrift company shall at all times maintain in effect insurance of its accounts by the federal deposit insurance corporation, an agency of this state or a federal agency established for the purpose of insuring deposits in banks or otherwise eligible to insure the accounts of industrial loan and thrift companies operating pursuant to this chapter. If it appears to the commissioner that an industrial loan and thrift company has failed to meet the requirements of this section, the commissioner shall issue an order pursuant to sections 46.24 to 46.33 requiring compliance or the noncompliant industrial loan and thrift company to cease and desist from accepting savings or deposit accounts and submit a plan to the commissioner for the orderly and timely divestiture of all existing savings and deposit accounts."

Page 8, after line 35, insert:

"Sec. 17. Minnesota Statutes 1984, section 334.021, is amended to read:

334.021 [CORPORATION PROHIBITED FROM INTERPOSING DEFENSE OF USURY.]

No corporation shall hereafter interpose the defense of usury in any action. The term "corporation," as used in this section, includes any cooperative corporation, cooperative association, or limited partnership ~~organized under chapter 322A~~, and further includes any association or joint stock company having any of the powers and privileges of corporations not possessed by an individual or a partnership."

Page 9, line 4, delete "13" and insert "18"

Page 9, line 6, delete "11" and insert "14"

Page 11, after line 16, insert:

"Sec. 4. Minnesota Statutes 1984, section 168.66, subdivision 5, is amended to read:

Subd. 5. "Motor vehicle" means any device propelled or drawn by any power other than muscular power, in, upon, or by which any person or property is, or may be transported or drawn upon a highway, excepting building and road construction equipment not subject to motor vehicle registration fees, snowmobiles, *three-wheel off-road vehicles, boat, snowmobile, and other utility trailers*, farm tractors, and agricultural machinery not designed primarily for highway transportation, but which may incidentally transport persons or property on a public highway, *or any other device which may not be lawfully operated upon a highway at the time of sale.*

Sec. 5. Minnesota Statutes 1984, section 168.66, subdivision 9, is amended to read:

Subd. 9. "Cash sale price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include any taxes, charges for delivery, servicing, repairing or improving the motor vehicle, including accessories and their installation, and any other charges agreed upon between the parties. *The cash price may not include a documentary fee or document administration fee for*

services actually rendered to, for, or on behalf of, the retail buyer in preparing, handling, and processing documents relating to the motor vehicle and the closing of the retail sale."

Page 12, after line 14, insert:

"Sec. 7. Minnesota Statutes 1984, section 168.71, is amended to read:

168.71 [RETAIL INSTALLMENT CONTRACTS.]

(a) (1) Every retail installment contract shall be in writing, shall contain all the agreements of the parties, shall be signed by the retail buyer and seller, and a copy thereof shall be furnished to such retail buyer at the time of the execution of the contract.

(2) No provisions for confession of judgment or power of attorney therefor contained in any retail installment contract or contained in a separate agreement relating thereto, shall be valid or enforceable.

(3) The holder of a *precomputed* retail installment contract may, if the contract so provides, collect a delinquency and collection charge on each installment in arrears for a period not less than ten days in an amount not in excess of five percent of each installment or \$5, whichever is the less. In addition to such delinquency and collection charge, the retail installment contract, *whether interest-bearing or precomputed*, may provide for the payment of attorneys' fees not exceeding 15 percent of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employee of the holder of the contract for collection plus the court costs.

(4) Unless written notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

(5) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

(b) The retail installment contract shall contain the following items:

(1) The cash sale price of the motor vehicle which is the subject matter of the retail installment contract;

(2) The amount of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods;

(3) The difference between items one and two;

(4) The charge, if any, included in the transaction for any insurance and other benefits, specifying the types of coverage ~~and benefits and taxes, fees and charges that actually are or will be paid to public officials or government agencies for perfecting, releasing, or satisfying a security interest;~~

(5) Principal balance, which is the sum of item three and item four;

(6) The amount of the time price differential;

(7) The time balance payable by the retail buyer to the retail seller and the number of installment payments required and the amount of each installment expressed in dollars or percentages, and date of each payment necessary finally to pay the time balance which is the sum of item five and item six.

Provided, however, that said items one to seven inclusive need not be stated in the sequence or order set forth above and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the retail buyer.

(c) Every retail seller or sales finance company, if a charge for insurance on the motor vehicle is included in a retail installment contract shall within 30 days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of the insurance. The buyer of a motor vehicle under a retail installment contract shall have the privilege of purchasing such insurance from an agent or broker of his own selection and selecting an insurance company mutually acceptable to the seller and the buyer; provided, however, that the inclusion of the cost of the insurance premium in the retail installment contract when the buyer selects the agent, broker or company, shall be optional with the seller.

(d) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be mutually agreed upon between them.

(e) An acknowledgment by the retail buyer of the delivery of any such copy or notice as required in subsection (a) of this section contained in the body of the statement or contract shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract."

Page 12, line 22, delete "14.5" and insert "18"

Page 12, line 31, after "balance" insert "outstanding from time to time"

Page 12, line 31, after "as" insert "originally"

Page 13, line 8, strike "having"

Page 13, lines 9 to 13, strike the old language and delete the new language and insert "*Retail installment contracts may be interest-bearing or precomputed. For precomputed retail installment contracts, the time price differential may be calculated in advance on the assumption that all scheduled payments will be made when due and the effect of prepayment in full will be governed by section 168.73. To compute time for the purpose of calculating interest under this section and section 168.73, a day may be considered 1/30th of a month when calculation is made for a fraction of a calendar month. A year is 12 calendar months. A calendar month is that period from a given date in one month to the same numbered date in the following month, and if there is no same-numbered date, to the last day of the following month. When a period of time includes a whole month and a fraction of a month, the fraction of a month is considered to follow the whole month.*"

Page 14, line 10, after "a" insert "*precomputed*"

Page 14, lines 11 and 12, strike "schedules" and insert "*scheduled*"

Page 14, line 25, delete "4" and insert "6"

Page 14, line 26, delete "5, 6, and 7" and insert "8, 9 and 10"

Page 17, line 18, delete "*or at his or her discretion*"

Page 17, line 19, after "*hearing*" insert "*conducted pursuant to the provisions of chapter 14*"

Page 18, line 2, delete "*otherwise*" and insert "*upon other information submitted*"

Page 18, line 27, strike "or" and insert a comma

Page 18, line 28, before the period, insert "*, or when the application is made for the incorporation of a new bank in the same locality coincidental with the closing of an existing bank by the commissioner or federal authorities*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "providing for insurance of certain accounts; clarifying the limited partnership exemption from the usury defense;"

Page 1, line 24, after the semicolon, insert "providing fees; providing for the relocation of failing financial institutions; exempting certain motor vehicles from installment sales provisions;"

Page 1, line 28, after the second semicolon, insert "47.0152;"

Page 1, line 29, after the second semicolon, insert "52.24, subdivisions 1 and 2;"

Page 1, line 30, after the first semicolon, insert "53.10;" and after the fourth semicolon insert "168.66, subdivisions 5 and 9;"

Page 1, line 31, after the first semicolon, insert "168.71;" and delete the second "and"

Page 1, line 31, delete "subdivisions" and insert "subdivision" and delete "and 2"

Page 1, line 32, after the semicolon, insert "and 334.021;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 172: A bill for an act relating to education; removing the age limits on the apportionment of the school endowment fund; amending Minnesota Statutes 1984, section 124.09.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

FOUNDATION AID AND TEACHER RETIREMENT CONTRIBUTIONS

Section 1. Minnesota Statutes 1984, section 122.531, subdivision 5, is amended to read:

Subd. 5. [~~REPLACEMENT FIFTH TIER LEVY AND AID.~~] For purposes of computing the ~~replacement~~ *fifth tier* levy limitation under section ~~275.125 124A.14~~, subdivision ~~6e 5a~~, and ~~replacement~~ *fifth tier* aid under section ~~424.2124 124A.14~~, subdivision 6, the ~~replacement entitlement~~ *fifth tier allowance* of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, shall equal the quotient obtained by dividing:

(1) the sum of the amounts derived by performing the following multiplication for each component district:

(a) the ~~replacement entitlement~~ *fifth tier allowance* of the component district, times

(b) the number of actual ~~and AFDC~~ pupil units from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

(2) the total number of actual ~~and AFDC~~ pupil units in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective.

Sec. 2. Minnesota Statutes 1984, section 122.531, subdivision 6, is amended to read:

Subd. 6. [~~AID DEDUCTIONS.~~] (1) For purposes of determining deductions from ~~basic foundation, grandfather, replacement, and discretionary~~ aid pursuant to section 124A.035, subdivision 1, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, in the year when the consolidation or dissolution and attachment becomes effective, there shall be used in lieu of the ratio of the district's actual levy to its permitted levy in the applicable year, the quotient obtained by dividing:

(a) the sum of the products derived for each component district by multiplying the component district's actual levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district; by

(b) the sum of the products derived for each component district by multiplying the component district's permitted levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district.

Sec. 3. Minnesota Statutes 1984, section 124.17, subdivision 1, is amended to read:

Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) *In a program approved by the commissioner, for each handicapped prekindergarten pupil, one-half pupil unit for up to 437 hours of education services in the school year as provided in the pupil's individual education plan or, for more than 437 hours of education services, a number of pupil units equal to the ratio of the number of hours of education service required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;*

(2) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) (3) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

Sec. 4. Minnesota Statutes 1984, section 124A.02, subdivision 7, is amended to read:

Subd. 7. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. ~~The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. The basic maintenance mill rate shall be .024 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year.~~ The basic maintenance mill rate shall be .0235 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year. ~~The basic maintenance mill rate shall be .0235 for the 1985 payable 1986 levies and for foundation aid for the 1986-1987 school year. The basic maintenance mill rate shall be .0235 for the 1986 payable 1987 levies and for foundation aid for the 1987-1988 school year.~~

Sec. 5. Minnesota Statutes 1984, section 124A.02, subdivision 8, is amended to read:

Subd. 8. [EQUALIZING FACTOR.] "Equalizing factor" means a number equal to the minimum EARC valuation per actual and AFDC pupil unit which disqualifies a district from earning any basic foundation aid. The equalizing factor for each school year and for levies for use in that school year equals the ratio, rounded to the nearest dollar, of the foundation aid formula allowance for that school year to the basic maintenance mill rate for

that school year. However, the equalizing factor for discretionary and replacement aids for the 1982-1983 school year shall be \$61,565.

Sec. 6. Minnesota Statutes 1984, section 124A.02, subdivision 9, is amended to read:

Subd. 9. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. ~~The formula allowance shall be \$1,475 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year.~~ The formula allowance shall be \$1,475 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year. The formula allowance shall be \$1,585 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year. ~~The formula allowance shall be \$1,845 for the 1985 payable 1986 levies and for foundation aid for the 1986-1987 school year.~~ ~~The formula allowance shall be \$1,935 for the 1986 payable 1987 levies and for foundation aid for the 1987-1988 school year.~~

Sec. 7. Minnesota Statutes 1984, section 124A.06, subdivision 1, is amended to read:

Subdivision 1. [COST DIFFERENTIAL TIER ALLOWANCE.] "Cost differential tier allowance" means the amount of revenue per actual pupil unit used to compute the cost differential tier aid for a school year and levy for use in the same school year. A district's cost differential tier allowance shall be the result of the following computation:

(a) Divide the amount of aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, section 124.224, as amended by section 124.2124, subdivision 1, had been effective for the 1980-1981 school year by the actual pupil units in the district in the 1980-1981 school year.

(b) For the 1984-1985 school year, multiply the result in clause (a) by one. For the 1985-1986 school year and school years thereafter, multiply the result in clause (a) by two.

(c) Divide the formula allowance for the school year by \$1265.

(d) Multiply the result in clause (b) by the result in clause (c).

(e) Subtract 1.25 from the training and experience index, and multiply the difference by \$300 for the 1984-1985 school year, or \$400 for the 1985-1986 school year and thereafter.

(f) Select the greater of the result in clause (e) or zero.

(g) Add the results of clauses (d) and (f) *sum of the sparsity allowance and the training and experience allowance.*

Sec. 8. Minnesota Statutes 1984, section 124A.06, is amended by adding a subdivision to read:

Subd. 1a. [SPARSITY ALLOWANCE.] *A district's sparsity allowance shall be the result of the following computation:*

(a) *Multiply two times the district's sparsity replacement component for the 1980-1981 school year, assuming that Minnesota Statutes 1982, section*

124.2124, subdivision 1, had been effective for the 1980-1981 school year.

(b) Divide the result in clause (a) by the actual pupil units in the district for the 1980-1981 school year.

(c) Divide the formula allowance for the school year by \$1,265.

(d) Multiply the result in clause (b) by the result in clause (c).

Sec. 9. Minnesota Statutes 1984, section 124A.06, is amended by adding a subdivision to read:

Subd. 1b. [TRAINING AND EXPERIENCE ALLOWANCE.] A district's training and experience allowance shall be the greater of zero or the result of the following computation:

(a) Subtract 1.25 from the training and experience index.

(b) Multiply the result in clause (a) by \$300 for the 1984-1985 school year, by \$400 for the 1985-1986 school year, or by \$550 for the 1986-1987 school year and each school year thereafter.

Sec. 10. Minnesota Statutes 1984, section 124A.10, subdivision 1, is amended to read:

Subdivision 1. [THIRD TIER ALLOWANCE.] "Third tier allowance" means the amount of revenue per actual pupil unit used to compute the third tier aid for a particular school year and the corresponding levy for that school year. The third tier allowance is shall be the sum of \$100 and the third tier retirement allowance.

Sec. 11. Minnesota Statutes 1984, section 124A.10, is amended by adding a subdivision to read:

Subd. 1a. [THIRD TIER RETIREMENT ALLOWANCE.] The third tier retirement allowance shall be \$0 for the 1984-1985 and 1985-1986 school years, \$100 for the 1986-1987 school year, and \$105 for the 1987-1988 school year.

Sec. 12. Minnesota Statutes 1984, section 124A.12, subdivision 1, is amended to read:

Subdivision 1. [FOURTH TIER ALLOWANCE.] "Fourth tier allowance" means the amount of revenue per actual pupil unit used to compute the fourth tier aid for a particular school year and the corresponding levy for that school year. The fourth tier allowance is \$100 for the 1984-1985 school year and for the 1986-1987 school year and thereafter. For the 1985-1986 school year and thereafter, the fourth tier allowance is the result of the following computation:

(a) Subtract 1.25 from the training and experience index, and multiply the difference by \$150.

(b) Select the greater of the result in clause (a) or zero.

(c) Add \$100 to the result of clause (b).

Sec. 13. Minnesota Statutes 1984, section 124A.14, subdivision 1, is amended to read:

Subdivision 1. [TOTAL TIER ALLOWANCE DEFINITIONS.] "Total tier allowance" shall mean the sum of the cost differential tier allowance,

second tier allowance, third tier allowance, and fourth tier allowance, as defined in this chapter. *“Third tier retirement allowance” shall have the meaning given it in section 124A.10.*

Sec. 14. Minnesota Statutes 1984, section 124A.14, subdivision 3, is amended to read:

Subd. 3. [MINIMUM INCREASE.] *For the 1984-1985 and 1985-1986 school years, “minimum increase” shall mean the amount equal to \$25 times the 1984-1985 total pupil units, divided by the 1984-1985 actual pupil units. For the 1986-1987 school year and each school year thereafter, “minimum increase” shall mean the amount equal to \$50 times the 1984-1985 total pupil units divided by the 1984-1985 actual pupil units.*

Sec. 15. Minnesota Statutes 1984, section 124A.14, subdivision 4, is amended to read:

Subd. 4. [FIFTH TIER ALLOWANCE.] *“Fifth tier allowance” means the amount of revenue per actual pupil unit used to compute the fifth tier aid for a particular school year and the corresponding levy for that school year. For the 1984-1985 and 1985-1986 school years, the fifth tier allowance shall equal the previous formula amount plus the minimum increase minus the total tier allowance for the current year basic fifth tier allowance. If this result is less than zero, the fifth tier allowance shall equal zero. For the 1986-1987 school year and each school year thereafter, the fifth tier allowance shall equal the sum of the basic fifth tier allowance and the fifth tier retirement allowance.*

Sec. 16. Minnesota Statutes 1984, section 124A.14, is amended by adding a subdivision to read:

Subd. 4a. [BASIC FIFTH TIER ALLOWANCE.] *The basic fifth tier allowance shall equal the previous formula amount plus the minimum increase plus the third tier retirement allowance minus the total tier allowance for the current year. If this result is less than zero, the basic fifth tier allowance shall equal zero.*

Sec. 17. Minnesota Statutes 1984, section 124A.14, is amended by adding a subdivision to read:

Subd. 4b. [FIFTH TIER RETIREMENT ALLOWANCE.] *The fifth tier retirement allowance shall equal the greater of zero or the result of the following computation:*

(a) *Add all payments made by the department of finance in fiscal year 1985 for employer contributions to a teacher retirement fund, according to sections 354.43, subdivision 1 and 354A.12, subdivision 2, on behalf of the district's employees, excluding payments made on behalf of teachers employed at an area vocational technical institute.*

(b) *Add all payments made by the state in fiscal year 1985 for employer contributions to social security, according to sections 355.208, 355.287, and 355.46, subdivision 3 on behalf of the district's employees, excluding payments made on behalf of teachers employed at an area vocational technical institute.*

(c) *Add the result in clause (a) to the result in clause (b).*

(d) *Add the product of \$160 times the 1984-1985 total pupil units and the product of \$90 times the 1984-1985 actual pupil units.*

(e) Subtract the result in clause (d) from the result in clause (c).

(f) Divide the result in clause (e) by the 1984-1985 actual pupil units.

Sec. 18. Minnesota Statutes 1984, section 124A.16, is amended to read:

124A.16 [COMMENCEMENT OF TIER REVENUE.]

Subdivision 1. [DEFINITIONS.] "Total tier allowance," "third tier retirement allowance," "previous formula amount," and "minimum increase," and "fifth tier retirement allowance" shall have the meanings given them in section 124A.14.

Subd. 2. [TOTAL REVENUE PER ACTUAL PUPIL UNIT.] The total revenue per actual pupil unit permitted from the tiers specified in sections 124A.06, 124A.08, 124A.10, 124A.12, and 124A.14 shall equal the sum of the previous formula amount, *third tier retirement allowance*, and *fifth tier retirement allowance*, plus the greater of:

(a) the minimum increase; or

(b) 25 percent of the difference between the total tier allowance and the *sum of the previous formula amount and the third tier retirement allowance* in the 1984-1985 school year, 50 percent of the difference in the 1985-1986 school year, 75 percent of the difference in the 1986-1987 school year, or 100 percent of the difference in the 1987-1988 school year and subsequent school years.

Subd. 3. [LOWEST TIER FIRST.] The revenue permitted by this section shall be accorded to the lowest numbered tiers, beginning with the cost differential tier.

Subd. 4. [UNIT REVENUE BEFORE REDUCTION.] The permitted total revenue per actual pupil unit specified in subdivision 2 shall be determined prior to the reduction according to section ~~124A.03~~ 124A.08, subdivision 3 5.

Sec. 19. 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), 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 year or the 1983-1984 school year, whichever is greater, less the product of ~~two~~ $1\frac{3}{4}$ 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~~ $1\frac{3}{4}$ 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. 20. Minnesota Statutes 1984, section 354.092, is amended to read:

354.092 [SABBATICAL LEAVE.]

If a member is granted a sabbatical leave, he may receive allowable service credit not exceeding three years in any ten consecutive years toward a retirement annuity by paying into the fund employee contributions during the period of leave. The employee contribution shall be based upon the appropriate rate of contributions and the salary received during the year immediately preceding the leave. This payment shall be made by the end of the fiscal year following the fiscal year in which the leave of absence terminated, and shall be without interest. A member shall not accrue more than three years allowable service by reason of this section unless the allowable service credit was paid for by the member prior to July 1, 1962. A sabbatical leave for the purpose of this section shall be compensated by a minimum of one-third of the salary the member received for a comparable period during the prior fiscal year. If the employee contributions during the period of the leave are less than the contributions based on the salary received during the year immediately preceding the leave, the formula service credit of the member shall

be prorated according to section 354.05, subdivision 25, clause (3), except that if the member is paid full salary for any sabbatical leave of absence, either past or prospective, the formula service credit shall not be prorated. *For sabbatical leaves taken after June 30, 1986, the required employer contribution, including the amortization amount specified in section 354.42, subdivisions 3 and 5, shall be paid by the employing unit within 30 days after notification by the association of the amount due.*

Sec. 21. Minnesota Statutes 1984, section 354.094, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT CONTRIBUTIONS.] A member granted an extended leave of absence pursuant to section 125.60 or 136.88, except as provided in subdivision 1a or 1b, may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter, for each year of the leave provided the member and the employing board make the required employer contribution in any proportion they may agree upon, during the period of the leave which shall not exceed five years. Except as provided in subdivision 1a or 1b, the state shall not pay employer contributions into the fund for any year for which a member is on extended leave. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received *or within 30 days after notification by the association of the amount due, whichever is later.*

Sec. 22. Minnesota Statutes 1984, section 354.43, subdivision 3, is amended to read:

Subd. 3. Each school district, state university, community college and any other employing authority of members of the fund shall be obligated for pay employer contributions *at least once each month* in accordance with the provisions of sections 354.42, subdivisions 3 and 5, and 355.46, subdivision 3, *as provided in this section.* With respect to state employees, each department and agency shall pay the amounts required by section 354.42, subdivisions 3 and 5 from the accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing, for the payment of salaries and in the same proportion as it pays therefrom the amounts of the salaries. The payments shall be charged as an administrative cost by these units of state government. ~~For other reporting units, that portion of the employer contributions based on salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27 shall be remitted to the teachers retirement association. The remittance shall be accompanied by a satisfactory certification which shows the total of all salaries paid which are subject to teachers retirement deductions. The certification shall also show the total amount of salaries paid from normal school operating funds and the total amount of salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27. For each individual salary included in the total of all salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27, the certification shall show each person's name, his salary or related portion of salary and remittance of employer contributions related to the salary for each person~~

included in the actual remittance.

Sec. 23. Minnesota Statutes 1984, section 354.53, subdivision 1, is amended to read:

Subdivision 1. Any employee given a leave of absence to enter military service and who returns to teaching service upon discharge from military service as provided in section 192.262, shall obtain credit for the period of military service but shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty. The member shall obtain credit by paying into the fund an employee contribution based upon the salary of the member at the date of return from military service. The amount of this contribution shall be as follows:

Period	Basic Member	Coordinated Member
July 1, 1973 thru June 30, 1979	8 percent	4 percent
July 1, 1979 and thereafter	8.5 percent	4.5 percent

The contributions specified in this subdivision shall be multiplied by the number of years of military service together with interest thereon at the rate of six percent compounded annually from the time the military service was rendered to the first date of payment. The employer contribution and additional contribution provided in section 354.42 shall be paid by the ~~state~~ *employing unit* in the manner provided in section 354.43.

Sec. 24. Minnesota Statutes 1984, section 354.66, subdivision 4, is amended to read:

Subd. 4. [RETIEMENT CONTRIBUTIONS.] Notwithstanding any provision to the contrary in this chapter relating to the salary figure to be used for the determination of contributions or the accrual of service credit, a teacher assigned to a part-time position pursuant to this section shall continue to make employee contributions to and to accrue allowable service credit in the retirement fund during the period of part-time employment on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full-time basis provided that, except as provided in subdivision 4a, prior to June 30 each year, *or within 30 days after notification by the association of the amount due, whichever is later*, the member and the employing board make that portion of the required employer contribution to the retirement fund, in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the teacher had been employed on a full-time basis and the amount of compensation actually received by the teacher for the services rendered in the part-time assignment. The ~~state~~ *employing unit* shall make that portion of the required employer contributions to the retirement fund on behalf of the teacher that is based on the amount of compensation actually received by the teacher for the services rendered in the part-time assignment in the manner described in section 354.43, ~~subdivisions 1 and 5~~ *subdivision 3*. The employee and employer contributions shall be based upon the rates of

contribution prescribed by section 354.42. Full accrual of allowable service credit and employee contributions for part-time teaching service pursuant to this section and section 354A.094 shall not continue for a period longer than ten years.

Sec. 25. Minnesota Statutes 1984, section 354A.12, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed ~~and the state shall assume the total employer obligation.~~

The ~~state~~ *employing units* shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the ~~state~~ *employing unit* shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the ~~state~~ *employing unit* shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	5.79 percent
Minneapolis teachers retirement fund association	4.50 percent
St. Paul teachers retirement fund association	4.50 percent

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the ~~state~~ *employing unit* shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	13.35 percent
St. Paul teachers retirement fund association	12.63 percent

The ~~state~~ employer contributions shall be remitted directly to each teachers retirement fund association each month ~~in accordance with the procedures described in section 354.43, subdivisions 4 and 5.~~

Once each month the executive secretary of each teachers retirement fund association shall determine the amount of money necessary and presently needed to meet the state obligation as provided in this subdivision by applying the percentage of payroll figure to the estimated payroll amounts for the current month and shall certify the amount to the commissioner of finance. The

moneys required to meet the amounts certified by each executive secretary of a teachers retirement fund association shall be remitted directly to the applicable teachers retirement fund association from the general fund each month. If subsequent actual experience deviates from the anticipated experience upon which the amount certified was determined, the allocation to the first class city teachers retirement fund association involved next following the discovery of the deviation shall be adjusted. If the state makes an excess employer contribution to a teachers retirement fund association as the result of a false or wrongful certification, the state shall be entitled to recover the excess employer contribution by any appropriate means, including recovery from future state allocations, state aid or other funds payable to the school district in which the association is located. If an employee of that school district is responsible for the false or wrongful certification, any excess employer contribution recovered by the state shall be the obligation of the school district.

Sec. 26. Minnesota Statutes 1984, section 355.208, is amended to read:

355.208 [EMPLOYER CONTRIBUTIONS.]

Contributions required under the agreement or modification entered into pursuant to section 355.207 to be made by political subdivisions employing teachers, and payments required by section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the *state political subdivisions*.

Sec. 27. Minnesota Statutes 1984, section 355.209, is amended to read:

355.209 [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.]

After the date the agreement or modification is entered into pursuant to section 355.207, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the *state and each political subdivision* in respect thereto. Failure to deduct such contribution shall not relieve the employee ~~of the state~~ or the political subdivision of liability therefor.

Sec. 28. Minnesota Statutes 1984, section 355.287, is amended to read:

355.287 [EMPLOYER CONTRIBUTIONS.]

Contributions required under the agreement or modification entered into pursuant to section 355.286 to be made by political subdivisions employing teachers, and payments required by section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the *state political subdivision*.

Sec. 29. Minnesota Statutes 1984, section 355.288, is amended to read:

355.288 [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.]

After the date the agreement or modification is entered into pursuant to section 355.286, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the

Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee of the state or the political subdivision of liability therefor.

Sec. 30. Minnesota Statutes 1984, section 355.46, subdivision 3, is amended to read:

Subd. 3. [SOCIAL SECURITY CONTRIBUTIONS.] The employer taxes due with respect to employment by educational employees who have made their selection pursuant to section 218(d) (6) (C) of the Social Security Act, shall be paid in the following manner:

(a) ~~Contributions required for retroactive coverage shall be made in the manner provided in subdivision 2.~~

(b) ~~Contributions required to be made for current service by political subdivisions employing educational employees and payments required by section 355.49 shall be paid by the state political subdivision. The state's obligation for services performed subsequent to the date of the agreement or modification shall be paid by the commissioner of employee relations at such times and in such amounts as may be determined by the state agency to be necessary state shall make payments for services rendered prior to July 1, 1986.~~

(c) ~~(b) Contributions required to be made with respect to educational employees of state departments and institutions and payments required by section 355.49 shall be paid by the departments and institutions in accordance with the provisions of sections 355.49 and 355.50.~~

Sec. 31. [STUDY OF COST DIFFERENTIAL REVENUE.]

The department of education shall study the amount of revenue available to school districts from the various provisions of the cost differential tier of foundation aid. The study shall include an analysis of whether the training and experience allowance and the sparsity allowance adequately meet the revenue needs for salary obligations for teachers on which the training and experience allowance is computed. The study shall also include a comparison of the revenue that would be provided by the parity allowance provided for in S. F. No. 1290 introduced in the 1985 legislative session or similar provisions. The department shall report its findings and recommendations to the education committees of the legislature by January 15, 1986.

Sec. 32. [JORDAN PUPIL UNIT LOSS; ADDITIONAL FOUNDATION AID.]

Subdivision 1. [DETERMINING PUPIL UNIT LOSS.] For independent school district No. 717, Jordan, the commissioner of education shall estimate the loss in pupil units for the 1984-1985 school year resulting from pupils leaving the district because of the Minnesota sexual abuse reporting law, legal investigations regarding sexual abuse, and related factors.

Subd. 2. [1985-1986 ADJUSTMENT.] In the 1985-1986 school year, the commissioner shall increase the district's foundation aid entitlement by an amount equal to the loss in pupil units, according to subdivision 1, times the sum of the formula allowance and the district's total tier allowance for the year.

Subd. 3. [1986-1987 ADJUSTMENT.] In the 1986-1987 school year, the commissioner shall increase the district's foundation aid entitlement by an amount equal to one-half of the loss in pupil units, according to subdivision 1, times the sum of the formula allowance and the district's total tier allowance for the year.

Sec. 33. [ISOLATED SCHOOL AID.]

In the 1984-1985 and 1985-1986 school years, a district having more than 2,500 square miles in area and operating six or more secondary schools shall be entitled to additional foundation aid. The additional aid shall equal \$50 times the actual pupil units in that school year.

Sec. 34. [STATE PAYMENT OF EMPLOYER RETIREMENT CONTRIBUTIONS.]

Notwithstanding any law to the contrary, the state shall pay the employer contributions to the teacher retirement fund after June 30, 1986, for the circumstances listed in this section. Payments shall be made according to Minnesota Statutes 1984, section 354.43, subdivision 1. The state shall pay employer contributions:

(1) for salaries paid to other than state employees for services rendered prior to July 1, 1986;

(2) for leaves of absence taken prior to July 1, 1986, and which are eligible for state payment of the employer contribution; and

(3) for eligible shortages in contributions for services rendered prior to July 1, 1986, which are eligible for state payment of the employer contribution.

Sec. 35. [INSTRUCTION TO REVISOR.]

The revisor of statutes is requested to change the headnote for section 355.46 to read "[SOCIAL SECURITY CONTRIBUTIONS]."

Sec. 36. [APPROPRIATION FOR FOUNDATION AID.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:

\$689,583,700 _____ 1986,

\$966,971,500 _____ 1987.

The appropriation for 1986 includes \$81,869,500 for aid for fiscal year 1985 payable in fiscal year 1986, and \$607,714,200 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$105,132,200 for aid for fiscal year 1986 payable in fiscal year 1987, and \$861,839,300 for aid for fiscal year 1987 payable in fiscal year 1987.

Subd. 3. [CANCELLATION.] Except as provided in section 124.14, subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.

Sec. 37. [APPROPRIATIONS FOR TEACHER RETIREMENT.]

The sum of \$214,725,900 is appropriated from the general fund to the commissioner of finance 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. The sum is available until June 30, 1987.

Sec. 38. [REPEALER.]

Subdivision 1. Minnesota Statutes 1984, sections 122.531, subdivision 3a; 124A.02, subdivisions 4a, 17, and 18; 126.60, subdivision 4; and 126.64, subdivision 1, are repealed.

Subd. 2. Minnesota Statutes 1984, sections 354.43, subdivisions 4 and 5; 354.66, subdivision 4a; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47, are repealed on July 1, 1986.

Sec. 39. [EFFECTIVE DATE.]

Section 3 is effective for the 1986-1987 school year and thereafter. Section 34 is effective July 1, 1986. Sections 20 to 30 are effective July 1, 1985, for covered employees of area vocational technical institutes, and July 1, 1986, for all other covered employees of school districts.

ARTICLE 2

TRANSPORTATION

Section 1. Minnesota Statutes 1984, section 121.912, subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] ~~No~~ *Except as provided in this subdivision and section 6 of article 7, a school district shall may not permanently transfer money from (1) an operating fund to a nonoperating fund except as provided in this subdivision; (2) a nonoperating fund to another nonoperating fund; or (3) a nonoperating fund to an operating fund. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet or a substantial portion of a fleet, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner. The levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.*

Sec. 2. Minnesota Statutes 1984, section 123.39, is amended by adding a subdivision to read:

Subd. 8d. School districts may provide bus transportation along regular school bus routes when space is available for participants in early childhood family education programs if these services do not result in an increase in the district's expenditures for transportation. The costs allocated to these services, as determined by generally accepted accounting principles, shall be considered part of the authorized cost for regular transportation for the purposes of section 124.225.

Sec. 3. Minnesota Statutes 1984, section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid

is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] Transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils, *excluding pupils enrolled in a nonresident district under section 1 of article 5*, who reside two miles or more from the public schools which they could attend; *transportation of nonresident pupils enrolled in the district under section 1 of article 5, from the border of the district of attendance to the school actually attended*; transportation to, from, or between the schools the resident pupils attend pursuant to a program approved by the commissioner of education; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils from home or from school to other buildings, including *centers such as developmental achievement centers*, hospitals and treatment centers where special instruction or services required by section 120.17 are provided, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that elementary pupils reside at least one mile from school and secondary pupils reside at least two miles from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING; NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a ~~state board approved~~ summer school program *eligible for aid and levy under sections 124A.03 and 124A.033*;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 4. Minnesota Statutes 1984, section 124.225, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "Authorized cost for regular transportation" means the sum of:

(1) all expenditures for transportation in the regular category, as defined in clause (e)(1), for which aid is authorized in section 124.223, plus

(2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning, plus

(4) ~~beginning in fiscal year 1984~~, an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.44, subdivision 15, which were purchased after July 1, 1982 for authorized transportation of pupils, with the prior approval of the commissioner, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses.

(c) "Adjusted authorized predicted cost per FTE" means the authorized cost predicted by a multiple regression formula determined by the department of education, and adjusted pursuant to subdivision 7a.

(d) "Aid entitlement per FTE" means the adjusted authorized predicted cost per FTE, inflated pursuant to subdivision 7b.

(e) *For the 1984-1985 and 1985-1986 school years*, "transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a ~~state board approved~~ summer school program *eligible*

for aid and levy under sections 124A.03 and 124A.033. For purposes of this section, transportation categories are as follows:

(1) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(2) During-day transportation is transportation services between schools provided under section 124.223, clause (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(3) Handicapped transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6), and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(4) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(5) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

(6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

(7) Nonregular transportation is transportation services provided between schools under section 124.223, clause (1); and transportation services provided under section 124.223, clauses (3), (4), (5), (6), (7), (9), and (10).

For the 1986-1987 school year and thereafter, "transportation category" means a category of transportation service provided to pupils. For purposes of this section, transportation categories are as follows:

(1) Regular transportation is transportation services provided during the regular school year under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(2) Nonregular transportation is transportation services provided between schools under section 124.223, clause (1); and transportation services provided under section 124.223, clauses (3), (4), (5), (6), (7), (8), (9), and (10).

(f) "Pupil weighting factor" means the ratio of the actual district average cost per FTE in a particular transportation category in the base year to the actual district average cost per FTE in the regular transportation category in the base year.

(g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932,

subdivision 9.

(i) "Percent excess handicapped FTE's transported" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) (i) "Current year" means the school year for which aid will be paid.

(k) (j) "Base year" means the second school year preceding the school year for which aid will be paid.

(l) (k) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

(m) (l) "Predicted base cost" means the base cost as predicted by subdivision 3.

Sec. 5. Minnesota Statutes 1984, section 124.225, subdivision 3, is amended to read:

Subd. 3. [FORMULA.] For each school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. The department of education shall conduct multiple regression analysis using the terms specified in subdivision 4a for the 1982-1983 and 1983-1984 school years, and using the terms specified in subdivision 4b for the 1984-1985 school year and each school year thereafter to predict the base cost for each district. Each year a formula shall be derived based upon the regression analysis, but excluding the factor described in subdivision 4a, clause (9), in the formula for the 1983-1984 school year. Each year the formula and shall be used to determine a predicted base cost for each district. The amount determined for each district shall be adjusted according to the provisions of subdivisions 7a and 7b.

Sec. 6. Minnesota Statutes 1984, section 124.225, subdivision 4b, is amended to read:

Subd. 4b. [FORMULA TERMS, 1984-1985 AND AFTER.] To predict the logarithm of the base cost for each district pursuant to subdivision 3 for the 1984-1985 school year and each school year thereafter, the multiple regression formula shall use the following terms for each district:

(1) The logarithm of the lesser of (a) the number of authorized FTE's per square mile transported by the district in the regular transportation category, or (b) 200;

(2) Whether the district is nonrural, based upon criteria established by the department of education; and

(3) The logarithm of the percentage of all FTE's transported in the regular

category using buses that are not owned by the district.

Sec. 7. Minnesota Statutes 1984, section 124.225, subdivision 7a, is amended to read:

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) For fiscal year 1983, each district's predicted base cost determined according to subdivision 3 shall be adjusted as provided in this clause to determine adjusted authorized predicted cost per FTE for the base school year.

(a) If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

(b) If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

(2) For fiscal year 1984 and each year thereafter, Each district's predicted base cost determined for each school year according to subdivision 3 shall be adjusted as provided in this clause to determine the district's adjusted authorized predicted cost per FTE for that year.

(a) If the base cost of the district is within five percent of the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to the base cost.

(b) If the base cost of the district is more than five percent greater than the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to 105 percent of the predicted base cost, plus 40 percent of the difference between (i) the base cost, and (ii) 105 percent of the predicted base cost. However, in no case shall a district's adjusted authorized predicted cost per FTE be less than 80 percent of base cost.

(c) If the base cost of the district is more than five percent less than the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to 95 percent of the predicted base cost, minus 40 percent of the difference between (i) 95 percent of predicted base cost, and (ii) the base cost. However, in no case shall a district's adjusted authorized predicted cost per FTE be more than 120 percent of base cost.

Sec. 8. Minnesota Statutes 1984, section 124.225, subdivision 7b, is amended to read:

Subd. 7b. [INFLATION FACTORS.] The adjusted authorized predicted cost per FTE determined for a district under subdivision 7a for the base year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year, by 11.7 percent to determine the district's aid entitlement per FTE for the 1983-1984 school year, and by 10.3 percent to determine the district's aid entitlement per FTE for the 1984-1985 school year, by 9.4 percent to determine the district's aid entitlement per FTE for the 1985-1986 school year, and by 8.3 percent to determine the district's aid entitlement per FTE for the 1986-1987 school year.

Sec. 9. Minnesota Statutes 1984, section 124.225, subdivision 8a, is amended to read:

Subd. 8a. [AID.] For the 1982-1983 and 1983-1984 school years, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, its during-day transportation aid pursuant to subdivision 8g, and its closed-school transportation aid pursuant to subdivision 8h, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. For the 1983-1984 school year transportation aid for a district which contracted for pupil transportation services in the 1981-1982 school year shall be reduced by an amount equal to \$18 times the number of FTE pupils transported on contracted school buses in the base year in the regular transportation category. A district may levy less than the amount raised by two mills. Transportation aid shall be computed as if the district had levied the amount raised by two mills. Aid for the 1982-1983 and 1983-1984 school years shall also be reduced by the following amount: the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to subdivision 7b, times the ratio of average daily membership used in subdivision 8b.

For the 1984-1985 *each* school year and thereafter, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its nonregular transportation aid pursuant to subdivision 8i, and its nonregular transportation levy equalization aid pursuant to subdivision 8j, minus its contracted services and reduction pursuant to subdivision 8k, minus the amount raised by 1.75 mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. A district may levy less than the amount raised by 1.75 mills. Transportation aid shall be computed as if the district had levied the amount raised by 1.75 mills.

If the total appropriation for transportation aid for any fiscal year is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion.

Sec. 10. Minnesota Statutes 1984, section 124.225, subdivision 8b, is amended to read:

Subd. 8b. [BASIC AID COMPUTATION.] For the 1982-1983 and 1983-1984 school years, a district's basic transportation aid pursuant to this section for the school year shall equal the district's aid entitlement per FTE deter-

mined according to subdivision 7b times the total number of authorized weighted FTE's transported in the regular and handicapped transportation categories in the district in the base year times the ratio of average daily membership in the district in the current year to the average daily membership in the district in the base year.

For the 1984-1985 school year and thereafter, A district's basic transportation aid pursuant to this section for each school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times the total number of authorized FTE's transported in the regular category in the district in the current school year.

Sec. 11. Minnesota Statutes 1984, section 124.225, subdivision 10, is amended to read:

Subd. 10. [DEPRECIATION.] Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each type one or type two bus or mobile unit until the original cost of each type one or type two bus or mobile unit is fully amortized, plus 20 percent of the original cost of each type three bus included in the district's authorized cost under the provisions of subdivision 1, clause (b)(4), until the original cost of each type three bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of

(1) the district's total transportation aid without the reduction pursuant to subdivision 8a, plus

(2) for each fiscal year years 1983 and 1984, an amount equal to two mills times the adjusted assessed valuation which is used to compute the levy limitation for the levy attributable to that year, or for fiscal year 1985 and thereafter 1.75 mills times the adjusted assessed valuation of the district for the preceding year. Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

Sec. 12. Minnesota Statutes 1984, section 275.125, subdivision 5b, is amended to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] In fiscal years 1983 and 1984 if the transportation levy in a district attributable to each fiscal year of two mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following each of those fiscal years, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills

times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

In fiscal year 1985 and each fiscal year thereafter, if the basic transportation levy in a district attributable to a particular fiscal year of 1.75 mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8i, 8j, and 8k, the district's levy limitation shall be adjusted as provided in this subdivision. In the year following each fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) 1.75 mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8i, 8j, and 8k, and the amount of any subtraction made from special state aids pursuant to section 124.2138, subdivision 2, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

For the levies certified in 1983 and 1984, the following additional amount shall be subtracted:

the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to section 124.225, subdivision 7b, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.

Sec. 13. Minnesota Statutes 1984, section 275.125, subdivision 5c, is amended to read:

Subd. 5c. [NONREGULAR TRANSPORTATION LEVY.] A school district may also make a levy for unreimbursed nonregular transportation costs pursuant to this subdivision. The amount of the levy shall not exceed the product of:

(a) the district's unreimbursed nonregular transportation revenue determined pursuant to section 124.225, subdivision 8j, clause (a), times

(b) the lesser of

(i) one, or

(ii) the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year to which the levy is attributable, to 90 percent of the equalizing factor for the school year to which the levy is attributable.

Sec. 14. Minnesota Statutes 1984, section 275.125, subdivision 5d, is amended to read:

Subd. 5d. [EXCESS TRANSPORTATION LEVY.] A school district may also make an excess transportation levy pursuant to this clause, which shall be the sum of:

(a) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation to and from school of secondary pupils who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended, plus

(b) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation costs or other related services which are necessary because of extraordinary traffic hazards, *excluding the costs in paragraph (a)*; plus

(c) the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year beginning in the calendar year following the calendar year the levy is certified; plus

(d) an amount equal to the aid subtraction computed pursuant to section 124.225, subdivision 8k, for the school year beginning in the year the levy is certified; except that for the 1983 payable 1984 levy, this amount shall be based upon the aid subtraction for the 1984-1985 school year. These amounts shall be placed in the transportation fund and used for any lawful purpose.

Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.

Sec. 15. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:

\$89,472,300 _____ 1986,
\$96,436,100 _____ 1987.

The appropriation for 1986 includes \$12,284,400 for aid for fiscal year 1985 payable in fiscal year 1986 and \$77,187,900 for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$13,621,400 for aid for fiscal year 1986 payable in fiscal year 1987 and \$82,814,700 for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$90,809,300 for fiscal year 1986 and \$97,429,100 for fiscal year 1987.

Subd. 3. [PRORATION.] Except as provided in section 124.14, subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for any purposes indicated plus the amount of any transfers made according to section 124.14, subdivision 7, is insufficient, the aid for that year shall be prorated among all qualifying districts in the manner prescribed in Minnesota Statutes, section 124.225, subdivision 8a.

Sec. 16. [REPEALER.]

Minnesota Statutes 1984, section 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h are repealed.

ARTICLE 3

SPECIAL EDUCATION

Section 1. Minnesota Statutes 1984, section 120.03, subdivision 1, is amended to read:

Subdivision 1. Every child who is ~~deaf, hard of hearing, blind, partially seeing, crippled or who has defective~~ *has a hearing impairment, visual handicap, speech or who is otherwise physically impaired in body or limb so that he or language impairment, physical handicap, other health impairment, mental handicap, emotional/behaviorial disorder, specific learning disability, or deafblind handicap and needs special instruction and services, but who is educable,* as determined by the standards of the state board, is a handicapped child.

Sec. 2. Minnesota Statutes 1984, section 120.03, is amended by adding a subdivision to read:

Subd. 6. Every child under the age of four who is developmentally delayed for whom a primary disability cannot be determined, and for whom the need for special instruction and services for up to one year is imperative, is a handicapped child.

Sec. 3. Minnesota Statutes 1984, section 120.17, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE.] Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03. School age means ~~the ages of four years~~ *birth to 21 years for children who are handicapped as defined in section 120.03 and shall not extend beyond secondary school or its equivalent. For purposes of this subdivision, the age of a handicapped child shall be his the age as of September 1 of the calendar year in which the school year for which he the child seeks special instruction and services commences. Every district may provide special instruction and services for handicapped children who have not attained school age. Local health, education, and social service agencies shall refer children under age five who are suspected of needing special instruction and services to the school district. A school district is encouraged to contract with a developmental achievement center when the center is cost efficient for the district and when the center provides continuity of special instruction and services for handicapped children under the age of five and their families. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence range of programs for education, training and services for handicapped children as defined in section 120.03. This subdivision does not require a child under seven or over 16 years of age to attend school.*

Sec. 4. Minnesota Statutes 1984, section 120.17, subdivision 2, is

amended to read:

Subd. 2. [METHOD OF SPECIAL INSTRUCTION.] Special instruction ~~or training~~ and services for handicapped children may be provided by one or more of the following methods:

(a) ~~Special instruction and services~~ in connection with attending regular elementary and secondary school classes;

(b) ~~The~~ establishment of special classes;

(c) ~~Instruction and services~~ at the home or bedside of the child;

(d) ~~Instruction and services~~ in other districts;

(e) ~~Instruction and services~~ in a state university laboratory school or a University of Minnesota laboratory school;

(f) ~~Instruction and services~~ in a state residential school or a school department of a state institution approved by the commissioner; ~~or by any other method approved by him;~~

(g) ~~Instruction and services~~ in other states;

(h) ~~Contract by contracting~~ with public, private or voluntary agencies;

(i) for children under age five and their families, programs and services established through collaborative efforts with other agencies or within the district; and

(j) any other method approved by the commissioner.

The primary responsibility for the education of a handicapped child shall remain with the district of the child's residence regardless of which method of providing special instruction ~~or training~~ and services is used.

Sec. 5. Minnesota Statutes 1984, section 120.17, subdivision 3, is amended to read:

Subd. 3. [RULES OF THE STATE BOARD.] The state board shall promulgate rules relative to qualifications of essential personnel, courses of study ~~or training~~, methods of instruction ~~and training~~, pupil eligibility, size of classes, rooms, *health standards*, equipment, supervision, parent consultation, and any other rules ~~and standards~~ it deems necessary, for instruction of handicapped children. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b. These rules shall also provide standards for the discipline, control, management and protection of handicapped children. *The state board, in consultation with the departments of health and human services, may adopt emergency rules and shall adopt permanent rules for instruction and services for children under age five and their families. A developmental achievement center contracting with a school district to provide special instruction and services is eligible for variance from rules relating to personnel licensure. The licensure variance for a developmental achievement center shall be granted according to the same procedures and criteria used for granting a variance to a school district.* The state board shall, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request whether the request for the variance has been granted or denied. If a request is denied, the board shall

specify the program standards used to evaluate the request and the reasons for denying the request.

Sec. 6. Minnesota Statutes 1984, section 120.17, subdivision 3a, is amended to read:

Subd. 3a. [SCHOOL DISTRICT OBLIGATIONS.] Every district shall ensure that:

(a) All handicapped children are provided the special instruction and services which are appropriate to their needs;

(b) *Handicapped children under age five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;*

(c) Handicapped children and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment and educational placement of handicapped children;

(~~e~~) (d) To the maximum extent appropriate, handicapped children, including those in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(~~d~~) (e) In accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of classification and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory; and

(~~e~~) (f) The rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

Sec. 7. Minnesota Statutes 1984, section 120.17, is amended by adding a subdivision to read:

Subd. 12. [INTERAGENCY EARLY LEARNING COMMITTEE.] *A district, group of districts, or special education cooperative shall establish an interagency early learning committee for handicapped children under age five and their families: Members of the committee shall be representatives of local and regional health, education, and county human service agencies; developmental achievement centers; current service providers; parents of young handicapped children; and other private or public agencies as appropriate. The committee shall elect a chair from among its members and shall meet regularly. The committee shall perform the following ongoing duties:*

(1) *identify current services and funding being provided within the community for handicapped children under the age of five and their families;*

(2) *establish and evaluate the identification, referral, and community learning systems to recommend, where necessary, alterations and improvements;*

(3) *facilitate the development of interagency individual education plans*

when necessary to appropriately serve handicapped children under the age of five and their families;

(4) review and comment on the early learning section of the total special education system for the district; and

(5) review and comment on the funding sources that currently exist for the services being provided to handicapped children under the age of five and their families in the area.

Sec. 8. Minnesota Statutes 1984, section 120.17, is amended by adding a subdivision to read:

Subd. 13. [DISTRICT PLAN FOR CHILDREN UNDER AGE FIVE.] Every district's total special education services plan shall include a plan for the delivery of special instruction and services to handicapped children under age five in accordance with applicable rules of the state board. This plan shall be developed only after receiving the report and recommendations of the interagency early learning committee, as specified in subdivision 12. The district's plan shall document the findings and recommendations of the committee. The plan shall include procedures for:

(1) processing of all referrals for special instruction and services for handicapped children under the age of five;

(2) assurance that formal and informal assessments are given by appropriate personnel trained in the area of the suspected handicap;

(3) assurance that special instruction and services are available to all eligible handicapped children under age five and their families; and

(4) assurance that, where county funding has existed in the past for handicapped children under the age of five and their families, a county and school district collaborative funding program will be considered.

Sec. 9. Minnesota Statutes 1984, section 120.17, is amended by adding a subdivision to read:

Subd. 14. [MAINTENANCE OF EFFORT.] A local or regional health or human services agency or county board providing services to handicapped children under age five and their families through a developmental achievement center or other delivery system shall not decrease the level of services or the dollar amount provided for the services below the level of services or the dollar amount provided by it in fiscal year 1985 for the 1985-1986 school year. Beginning with the 1986-1987 school year a local or regional health or human services agency or county board shall not decrease the level of services or the dollar amount provided for those services below the level of services or the dollar amount provided by it in fiscal year 1985 unless the county and school district have entered into an agreement for funding services to handicapped children under the age of five and their families and a copy of the agreement has been filed with the departments of education, health, and human services. This prohibition applies to all funding levels regardless of the source.

For the 1985-1986 school year the departments of education, health, and human services shall not reduce the level of funding for services for handicapped children under age five and their families below the level of funding

provided in fiscal year 1985.

This subdivision applies only to services that are special instruction and services, within the meaning of this section, and that reasonably would be the responsibility of a school district.

Sec. 10. [120.183] [INTERAGENCY OFFICE ON TRANSITION SERVICES.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education shall establish an interagency office on transition services to:

(1) gather and coordinate data on transition services for secondary age handicapped pupils;

(2) provide information, consultation, and technical assistance to state and local agencies involved in the delivery of services to handicapped pupils in transition from secondary school programs to employment and post-secondary training programs;

(3) assist agencies in establishing local, interagency agreements to assure the necessary services for efficient and appropriate transition from school to work or post-secondary training programs; and

(4) assist regions and local areas in planning interagency inservice training to develop and improve transition services.

Sec. 11. Minnesota Statutes 1984, section 124.32, subdivision 1b, is amended to read:

Subd. 1b. [~~1983-1984~~ TEACHERS SALARIES.] ~~Beginning in the 1983-1984 school year and~~ Each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children 70 percent of the salary ~~of not to exceed \$18,500 for each full-time person employed as essential personnel for the normal regular school year for each full time person employed,~~ or a 70 percent of the salary or a pro rata amount of \$18,500 for a each part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

Sec. 12. Minnesota Statutes 1984, section 124.32, subdivision 1d, is amended to read:

Subd. 1d. [CONTRACT SERVICES.] (1) ~~Except for the 1982-1983 school year,~~ For special instruction ~~or training~~ and services provided ~~for during the regular school year~~ to any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than ~~Minnesota~~ school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.

(2) ~~Except for the 1982-1983 school year,~~ For special instruction ~~or training~~ and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil.

Sec. 13. Minnesota Statutes 1984, section 124.32, subdivision 2, is amended to read:

Subd. 2. [SUPPLY AND EQUIPMENT AID.] ~~Except for the 1982-1983 school year,~~ The state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to one-half of the sum actually expended by the district but not to exceed an average of \$50 in any one school year for each handicapped child receiving instruction.

Sec. 14. Minnesota Statutes 1984, section 124.32, is amended by adding a subdivision to read:

Subd. 2b. [TRAVEL AID.] The state shall pay each district one-half of the sum actually expended by a district for necessary travel of essential personnel providing home-based services to handicapped children under age five and their families.

Sec. 15. Minnesota Statutes 1984, section 124.32, subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL AID.] When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. ~~Except for the 1981-1982 regular school year,~~ The aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. ~~Except for 1982 summer school programs,~~ The aid for summer school programs for each handicapped child placed in a residential facility shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child. ~~Aid for these programs shall be paid on a reimbursement basis by October 31 following completion of the program.~~ No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state-;

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state-; and

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 16. Minnesota Statutes 1984 section 124.32, subdivision 7, is amended to read:

Subd. 7. [PROGRAM AND AID APPROVAL.] Before June 1 of each year, each district providing special instruction and services to handicapped

children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel ~~he determines~~ *determined* to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. By August 31, ~~when the first aid payment is made,~~ the commissioner shall approve, disapprove or modify each application, and notify each applying district of the action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw the program or aid approval and withhold aid pursuant to this section without proceeding according to section 124.15 at any time the commissioner determines that the program does not comply with rules of the state board or that any facts concerning the program or its budget differ from the facts in the district's approved application.

Sec. 17. Minnesota Statutes 1984, section 124.32, subdivision 10, is amended to read:

Subd. 10. [SUMMER SCHOOL.] The state shall pay aid for summer school programs for handicapped children on the basis of the sections of ~~Minnesota Statutes~~ providing aid for handicapped children for the preceding school year. By March 15 of each year, districts shall submit separate applications for program and budget approval for summer school programs. The review of these applications shall be as provided in subdivision 7. By May 1 of each year, the commissioner shall approve, disapprove or modify the applications and notify the districts of the action and of the estimated amount of aid for the summer school programs. ~~Aid for these programs shall be paid by November 15 after the summer when the programs are conducted.~~

Sec. 18. Minnesota Statutes 1984, section 124.574, subdivision 2b, is amended to read:

Subd. 2b. [SALARIES.] ~~For the 1983-1984 school year and~~ Each year ~~thereafter,~~ the state shall pay to any district or cooperative center 70 percent of the ~~salaries paid to~~ *salary not to exceed \$18,500 for each full-time person*

employed as essential licensed personnel in that school year or 70 percent of the salary or a pro rata amount of \$18,500 for a part-time person or a person employed for a limited time for services rendered in that district or center's secondary vocational education programs for handicapped children.

Sec. 19. [EVALUATION OF AMERICAN INDIAN EDUCATION.]

The department of education shall conduct a comprehensive evaluation of the various education programs and services for American Indians. The purpose of the evaluation is to determine exemplary programs and practices as well as issues and needs related to the adaptation of the exemplary programs and practices within schools. The department shall report on the evaluation to the education committees of the legislature by November 30, 1986.

Sec. 20. [COLLECTION OF INFORMATION AND DATA.]

For fiscal years 1986 through 1988, the departments of health, education, and human services shall collect information and data, at each age level, on the revenues and expenditures for serving handicapped children under age five and their families. The department of education data shall be collected using the uniform financial accounting and reporting system.

Sec. 21. [TIMING FOR LICENSURE OF CERTAIN PERSONNEL.]

Notwithstanding any law to the contrary, the board of teaching shall allow employees of developmental achievement centers three years to meet the licensure requirements. This section shall apply only to personnel employed on the effective date of this act.

Sec. 22. [SPECIAL EDUCATION REPORT.]

The department of education shall prepare (1) guidelines for pre-referral to special education, (2) criteria for determining the presence of a specific learning disability as a handicapping condition, and (3) entrance and exit criteria for specific learning disability programs in school districts. The department shall report the guidelines and criteria and its recommendations to the education committees of the legislature by January 15, 1986.

Sec. 23. [REPORT TO LEGISLATURE ABOUT TRANSITION.]

The commissioner of education shall report to the legislature about the transition of handicapped pupils from school to post-secondary training and employment by February 1, 1987.

Sec. 24. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:

\$136,126,400 _____ 1986,

\$140,157,900 _____ 1987.

The appropriation for 1986 includes \$20,719,600 for aid for fiscal year 1985 payable in fiscal year 1986, and \$115,406,800 for aid for fiscal year

1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$20,773,600 for aid for fiscal year 1986 payable in fiscal year 1987 and \$119,744,300 for aid for fiscal year 1987, payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$135,772,800 for fiscal year 1986 and \$140,875,600 for fiscal year 1987.

Subd. 3. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:

\$4,233,500 _____ 1986,

\$4,554,600 _____ 1987.

The appropriation for 1986 is for 1985 summer school programs.

The appropriation for 1987 is for 1986 summer school programs.

Subd. 4. [TRAVEL FOR HOME-BASED SERVICES.] For aid for teacher travel for home-based services for handicapped children under age five and their families there is appropriated:

\$456,000 _____ 1987.

The appropriation is based on aid entitlement of \$536,400.

Subd. 5. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:

\$1,354,000 _____ 1986,

\$1,414,000 _____ 1987.

Subd. 6. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency pursuant to section 124.273 there is appropriated:

\$3,059,000 _____ 1986,

\$3,300,800 _____ 1987.

The appropriation for 1986 includes \$431,200 for aid for fiscal year 1985 payable in fiscal year 1986, and \$2,627,800 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$463,700 for aid for fiscal year 1986 payable in fiscal year 1987 and \$2,837,100 for aid for fiscal year 1987, payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$3,091,500 for fiscal year 1986 and \$3,337,700 for fiscal year 1987.

Subd. 7. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:

\$587,400 _____ 1986,

\$613,400 _____ 1987.

The appropriation for 1986 includes \$85,200 for aid for fiscal year 1985

payable in fiscal year 1986, and \$502,200 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$88,600 for aid for fiscal year 1986 payable in fiscal year 1987 and \$524,800 for aid for fiscal year 1987, payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$590,800 for fiscal year 1986 and \$617,400 for fiscal year 1987.

Subd. 8. [HEARING IMPAIRED SUPPORT SERVICES AID.] For payment of support services for hearing impaired persons pursuant to section 121.201 there is appropriated:

\$65,000 _____ 1986,

\$74,000 _____ 1987.

The appropriations are based on aid entitlements of \$65,000 for fiscal year 1986 and \$74,000 for fiscal year 1987.

Subd. 9. [AMERICAN INDIAN EDUCATION STUDY.] For the American Indian education study there is appropriated:

\$50,000 _____ 1986.

Subd. 10. [SECONDARY VOCATIONAL HANDICAPPED.] For aid for secondary vocational education for handicapped pupils according to section 124.574, there is appropriated:

\$3,576,700 _____ 1986,

\$3,655,800 _____ 1987.

The appropriation for 1986 includes \$551,700 for aid for fiscal year 1985 payable in fiscal year 1986. This amount also includes \$3,025,000 for aid for fiscal year 1986 payable in fiscal year 1986. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1986 of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.

The appropriation for 1987 includes \$533,800 for aid for fiscal year 1986 payable in fiscal year 1987. This amount also includes \$3,122,000 for aid for 1987 payable in fiscal year 1987. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1987 of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.

The appropriations are based on aid entitlements of \$3,558,800 for fiscal year 1986 and \$3,673,000 for fiscal year 1987.

Subd. 11. [OFFICE ON TRANSITION SERVICES.] For the interagency office on transition services there is appropriated:

\$75,000 _____ 1986,

\$85,000 _____ 1987.

Subd. 12. [CANCELLATION.] Except as provided in section 124.14,

subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.

Subd. 13. [PRORATION.] If the appropriation amount in subdivisions 2, 3, 4, 5, 6, or 10 of this section attributable to either year for the purpose indicated plus the amount of any transfers made according to section 124.14, subdivision 7, is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 25. [APPROPRIATIONS FOR DEFICIENCIES.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years indicated for the payment of deficiencies in funds available for the purposes indicated. These sums shall be added to the sums appropriated for fiscal year 1985 for the same purposes.

Subd. 2. [SPECIAL EDUCATION AID.] For special education aid deficiency there is appropriated:

\$15,396,200 _____ 1985.

Of this amount, \$3,295,900 is for aid for fiscal year 1984 payable in fiscal year 1985, and \$12,100,300 is for aid for fiscal year 1985 payable in fiscal year 1985.

Subd. 3. [HEARING IMPAIRED SUPPORT SERVICES AID.] For support services for hearing impaired people according to section 121.201 there is appropriated:

\$15,000 _____ 1985.

Subd. 4. [SECONDARY VOCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN.] For payments according to section 124.574 there is appropriated:

\$822,000 _____ 1985.

Sec. 26. [REPEALER.]

Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4, and 124.32, subdivision 9a, are repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 7, 9, and 25 are effective the day following final enactment. Sections 2 to 6 and 14 are effective for the 1986-1987 school year and thereafter.

ARTICLE 4

COMMUNITY AND ADULT EDUCATION

Section 1. Minnesota Statutes 1984, section 121.88, is amended to read:

121.88 [DISTRICT COMMUNITY EDUCATION PROGRAMS; CITIZENS ADVISORY COUNCIL.]

Subdivision 1. [AUTHORIZATION.] The board of education of each school district of the state is hereby authorized to initiate a community education program in its district and to provide for the general supervision of said

the program. Each board may, as it considers appropriate, employ community education directors and coordinators to further the purposes of the community education program. The salaries of the directors and coordinators shall be paid by the board.

Subd. 2. [ADVISORY COUNCIL.] Each board shall provide for a citizens advisory council to consist of members who represent: the various service organizations; churches; private schools; local government; park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community education program in the school district.

Subd. 3. [COOPERATION.] The council shall function in cooperation with the community education director in an advisory capacity in the interest of promoting the goals and objectives of sections 121.85 to 121.88.

Subd. 4. [DUPLICATION POLICY.] Each council shall adopt a policy to reduce and eliminate program duplication within the district.

Subd. 5. [SUMMER SCHOOL PROGRAMS.] Notwithstanding any law to the contrary, during the summer a school district may offer community education programs to elementary and secondary pupils. The district may use community education revenue received pursuant to sections 124.271 and 275.125, subdivision 8 and charge fees for the cost of the programs.

Subd. 6. [PROGRAMS FOR HANDICAPPED ADULTS.] *A school board may offer, as part of a community education program, a program for handicapped adults. Boards are encouraged to offer programs cooperatively with other districts and organizations. Programs may not be limited to district residents. Programs may include:*

(1) *services enabling the adults to participate in community activities or community education classes;*

(2) *classes specifically for handicapped adults;*

(3) *outreach activities to identify adults needing service;*

(4) *activities to increase public awareness of the roles of handicapped people;*

(5) *activities to enhance the role of handicapped people in the community;*
and

(6) *other direct and indirect services and activities benefitting handicapped adults.*

Subd. 7. [PROGRAM APPROVAL.] *To be eligible for handicapped adult program revenue a program and budget must receive approval from the community education section in the department of education. Approval may be for one or two years. For programs offered cooperatively, the request for approval must include an agreement on the method by which local money is to be derived and distributed. The department may not exceed the amount appropriated when approving programs and budgets. A request for approval must include all of the following:*

(1) *characteristics of the people to be served;*

(2) *description of the program services and activities;*

- (3) program budget and amount of aid requested;
- (4) participation by handicapped adults in developing the program;
- (5) assessment of the needs of handicapped adults; and
- (6) cooperative efforts with community organizations.

Sec. 2. Minnesota Statutes 1984, section 121.882, is amended to read:

121.882 [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] A district that provides a community education program may establish an early childhood and family education program. Two or more districts, each of which provides a community education program, may cooperate to jointly provide an early childhood and family education program.

Subd. 2. [PROGRAM CHARACTERISTICS.] Early childhood and family education programs are programs for children in the period of life from birth to kindergarten and, for the parents of such children, and for expectant parents. The programs may include the following:

- (1) programs to educate parents about the physical, mental, and emotional development of children;
- (2) programs to enhance the skills of parents in providing for their children's learning and development;
- (3) learning experiences for children and parents;
- (4) activities designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems;
- (5) educational materials which may be borrowed for home use;
- (6) information on related community resources; or
- (7) other programs or activities.

The programs shall not include activities for children that do not require substantial involvement of the children's parents. *The programs shall be reviewed periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs shall encourage parents to be aware of practices that can reduce equitable development of children.*

Subd. 3. [SEPARATE ACCOUNTS.] The district shall maintain a separate account within the community education fund for money for early childhood and family education programs.

Subd. 4. [PARTICIPANTS' FEES.] A district may charge a reasonable fee but it shall waive the fee for a participant unable to pay.

Subd. 5. [ADDITIONAL FUNDING.] A district may receive funds from any governmental agency or private source.

Subd. 6. [COORDINATION.] A district is encouraged to coordinate the program with its special education and vocational education programs and with related services provided by other governmental agencies and nonprofit agencies.

Subd. 7. [DISTRICT ADVISORY COUNCILS.] The school board shall appoint an advisory council from the area in which the program is provided. A majority of the council shall be parents participating in the program. The council shall assist the board in developing, planning, and monitoring the early childhood and family education program. The council shall report to the school board and the community education advisory council.

Subd. 8. [TEACHERS.] A school board shall employ necessary qualified teachers for its early childhood and family education programs.

Subd. 9. [ASSISTANCE.] The department of education shall provide assistance to districts with programs described in this section.

Subd. 10. [RULES.] The state board of education may adopt rules about program facilities, staff, services, and procedures.

Sec. 3. Minnesota Statutes 1984, section 124.175, is amended to read:

124.175 [AFDC PUPIL COUNT.]

Each year by March 1, the department of human services shall certify to the department of education, for each school district, (a) *the number of children from families receiving aid to families with dependent children who were under age five and not enrolled in any school on October 1 of the preceding year, and (b) the number of pupils from families receiving aid to families with dependent children who were enrolled in a public school on October 1 of the preceding year.*

Sec. 4. Minnesota Statutes 1984, section 124.26, is amended to read:

124.26 [EDUCATION PROGRAMS FOR ADULTS.]

Subdivision 1. [COMPENSATION.] For ~~evening schools~~ *adult basic* and continuing education programs, the state shall pay aids on a current funding basis. ~~Except For the 1982-1983 1984-1985~~ *1984-1985* school year, aid shall be 90 percent of the compensation paid each teacher for services in the programs up to \$8,000 per year as approved in the current year application. Aid may also be paid for an alternative method of providing programs if the method is determined by the commissioner of education to be cost-effective. Not more than two and one-half percent of the amount appropriated for evening schools and continuing education programs may be for alternative programs.

Beginning with the 1985-1986 school year, aid shall be 75 percent of the compensation paid each adult education teacher and volunteer coordinator for services in the programs; and 75 percent of other necessary expenditures as approved in the current year application. All classes and other learning options shall be tuition free when taught by teachers subsidized under this section. No charge for registration, materials and supplies may be made except a security deposit for the return of materials, supplies, and equipment. Evening school *Adult basic* and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the ~~full time~~ elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Subd. 2. Each district *or group of districts* providing ~~evening school~~ *adult*

basic and continuing education programs shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these programs. All aid received pursuant to this section shall be utilized solely for the purposes of ~~evening school~~ *adult basic* and continuing education programs. In no case shall a district pursuant to this section receive more than *90 percent* of the actual cost of providing these programs.

Subd. 6. [APPLICATIONS; PRORATION.] By August 1 of each fiscal year, the commissioner shall approve or disapprove all applications for funding for that year pursuant to subdivision 4 under this section that were received by the preceding June 1, and shall notify the applicant districts of the decision. In any fiscal year when the total amount requested by districts for approved programs exceeds the amount appropriated, the commissioner shall, to the extent possible, fully fund the programs which were approved by August 1, and shall prorate any remaining funds among programs which are approved after August 1.

Sec. 5. Minnesota Statutes 1984, section 124.271, subdivision 2b, is amended to read:

Subd. 2b. [AID; 1985 1986, 1987 AND AFTER.] (1) Each fiscal year a district which is operating a community education program in compliance with rules promulgated by the state board shall receive community education aid. For fiscal year 1985 1986, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

(i) \$7,000, or

(ii) \$5 \$5.25 times the population of the district.

For fiscal year 1986 and each fiscal year thereafter 1987, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

(i) \$7,000 \$7,315, or

(ii) \$5-25 \$5.50 times the population of the district.

For fiscal year 1988 and each fiscal year thereafter, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

(i) \$7,680, or

(ii) \$5.75 times the population of the district.

(2) However, for any district which certifies less than the maximum permissible levy under the provisions of section 275.125, subdivision 8, clause (1), the district's community education aid under clause (1) of this subdivision shall be reduced by multiplying the aid amount computed pursuant to clause (1) of this subdivision by the ratio of the district's actual levy under section 275.125, subdivision 8, clause (1), to its maximum permissible levy under section 275.125, subdivision 8, clause (1). For purposes of computing the aid reduction pursuant to this clause, the amount certified pursuant to section 275.125, subdivision 8, clause (1), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

(3) In addition to the amount in clause (1), in fiscal year 1985 a district which makes a levy for community education programs pursuant to section 275.125, subdivision 8, shall receive additional aid of 50 cents per capita.

Sec. 6. Minnesota Statutes 1984, section 124.271, is amended by adding a subdivision to read:

Subd. 7. [HANDICAPPED ADULT PROGRAM AID.] A district or group of districts offering an approved program for handicapped adults shall receive aid equal to the lesser of \$25,000 or one-half of the amount of the approved budget. A district or group of districts shall provide the remaining half from other public or private sources, the levy authorized in section 275.125; subdivision 8, clause (4), or combinations of sources.

Sec. 7. Minnesota Statutes 1984, section 124.2711, is amended to read:

124.2711 [EARLY CHILDHOOD AND FAMILY EDUCATION AID.]

Subdivision 1. [DEFINITION OF MAXIMUM REVENUE.] ~~Beginning~~ For fiscal year 1986 ~~and each year thereafter~~ the "maximum revenue" for early childhood ~~and~~ family education programs for a school year means the amount of revenue equal to the product of five percent of the foundation aid formula allowance for the current school year, times the greater of (a) 150, or (b) the number of people under five years of age residing in the district on September 1 of the preceding school year. *For fiscal year 1987 and each year thereafter, the maximum revenue for early childhood family education programs for a school year means the amount of revenue equal to the product of 4-1/2 percent of the foundation aid formula allowance for the current school year, times the greater of (a) 150, or (b) the number of people under five years of age residing in the district on September 1 of the preceding school year.*

Subd. 2. [POPULATION.] For the purposes of subdivision 1, data reported to the department of education according to the provisions of section 120.095 may be used to determine the number of people under five years of age residing in the district. The commissioner, with the assistance of the state demographer, shall review the number reported by any district operating an early childhood ~~and~~ family education program. If requested, the district shall submit to the commissioner an explanation of its methods and other information necessary to document accuracy. If the commissioner determines that the district has not provided sufficient documentation of accuracy, the commissioner may request the state demographer to prepare an estimate of the number of people under five years of age residing in the district and may use

this estimate for the purposes of subdivision 1.

Subd. 3. [AID.] ~~In fiscal year 1986 and thereafter,~~ If a district complies with the provisions of section 121.882, it shall receive early childhood and family education aid equal to:

(a) the difference between the maximum revenue, according to subdivision 1, and the permitted levy attributable to the same school year, according to section 275.125, subdivision 8b, times

(b) the ratio of the district's actual levy to its permitted levy attributable to the same school year, according to section 275.125, subdivision 8b.

Subd. 4. [USE OF REVENUE RESTRICTED.] The proceeds of the aid authorized by this section and the levy authorized by section 275.125, subdivision 8b, shall be used only for early childhood and family education programs.

Sec. 8. Minnesota Statutes 1984, section 275.125, subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (1) ~~Each year~~ *In 1985,* a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of

~~(a) \$5.25~~ *\$5.50* times the population of the district, or

~~(b) \$7,000~~ *\$7,315.*

(2) In 1986 and each year thereafter, a district that has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of \$5.75 times the population of the district, or \$7,680.

~~(2)~~ (3) In addition to the levy authorized in clause (1), in 1983 a district may levy an additional amount for community education programs equal to the difference obtained by subtracting

(a) the sum in fiscal year 1984 of

(i) the district's estimated maximum permissible revenue for fiscal year 1985 from community education aid under section 124.271, subdivision 2b, clause (1), and

(ii) the community education levy authorized in clause (1) of this subdivision, from

(b) the sum in fiscal year 1983 of

(i) the district's maximum permissible revenue from community education aid under section 124.271, subdivision 2, excluding any reductions from community education aid made pursuant to Laws 1981, Third Special Session chapter 2, article 2, section 2, clause (mm), and Laws 1982, Third Special Session chapter 1, article 3, section 6, and

(ii) the maximum community education levy authorized in this subdivision for the district for the levy made in 1981, payable in 1982, before any reduc-

tion in the levy pursuant to subdivision 9.

(3) (4) ~~In 1984 and~~ Each year thereafter, in addition to the levy authorized in clause (1) or (2), a district may levy an amount equal to the amount the district was entitled to levy pursuant to clause ~~(2)~~ (3) in 1983.

(5) *In addition to the levy amounts authorized in this subdivision a district having an approved program and budget may levy for a handicapped adult program. The levy amount may not exceed the lesser of one-half of the amount of the approved budget for the program for the fiscal year beginning after the levy is certified or \$25,000 for one program. In the case of a program offered by a group of districts, the levy amount shall be divided among the districts according to the agreement submitted to the department. The proceeds of the levy shall be used only for a handicapped adult program or, if the program is subsequently not offered, for community education programs. For programs not offered, the department of education shall reduce the community education levy by the amount levied the previous year for handicapped adult programs.*

(4) (6) The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to 121.88 and 129B.06 to 129B.09, and section 121.882. A school district may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

(5) (7) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 9. Minnesota Statutes 1984, section 275.125, subdivision 8b, is amended to read:

Subd. 8b. [EARLY CHILDHOOD AND FAMILY EDUCATION LEVY.] A district may levy for its early childhood and family education program. The amount levied shall not exceed the lesser of:

(a) .4 mill times the adjusted assessed valuation of the district for the year preceding the year the levy is certified, or

(b) the maximum revenue as defined in section 124.2711, subdivision 1, for the school year for which the levy is attributable.

Sec. 10. [1985 LEVY FOR HANDICAPPED ADULT PROGRAMS.]

In addition to the levy authorized in Minnesota Statutes, section 275.125, subdivision 8, clause (4), as amended, a district may levy in 1985 for a handicapped adult program for fiscal year 1986 according to this section. The additional levy amount shall not exceed the lesser of one-half of the program budget or \$25,000. In the case of a program offered by a group of districts,

the levy amount shall be divided among the districts according to their agreement. The proceeds of the levy shall be used only for a handicapped adult program or, if the program is subsequently not offered, for community education programs. For programs not offered, the department of education shall reduce the community education levy authorized in 1986 by the amount levied in 1985 for handicapped adult programs.

Sec. 11. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26 there is appropriated:

\$2,046,000 _____ 1986,

\$2,241,000 _____ 1987.

The amount appropriated for fiscal year 1986 includes \$286,000 for aid for fiscal year 1985 payable in fiscal year 1986, and \$1,760,000 for aid for fiscal year 1986 payable in fiscal year 1986.

The amount appropriated for fiscal year 1987 includes \$310,000 for aid for fiscal year 1986 payable in fiscal year 1987, and \$1,931,000 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$2,070,034 for fiscal year 1986 and \$2,271,100 for fiscal year 1987.

Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 124.271 there is appropriated:

\$1,671,800 _____ 1986,

\$1,903,200 _____ 1987.

The amount appropriated for fiscal year 1986 includes \$424,200 for aid for fiscal year 1985 payable in fiscal year 1986, and \$1,247,600 for aid for fiscal year 1986 payable in fiscal year 1986.

The amount appropriated for fiscal year 1987 includes \$220,200 for aid for fiscal year 1986 payable in fiscal year 1987, and \$1,683,000 for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$1,467,800 for fiscal year 1986 and \$1,980,000 for fiscal year 1987.

Subd. 4. [EARLY CHILDHOOD FAMILY EDUCATION AID.] For early childhood family education aid according to section 124.2711 there is appropriated:

\$5,245,400 _____ 1986,

\$8,003,600 _____ 1987.

The appropriation for 1986 is for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$925,600 for aid for fiscal year 1986

payable in fiscal year 1987, and \$7,078,000 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$6,171,000 for fiscal year 1986 and \$8,327,000 for fiscal year 1987.

Subd. 5. [ADULT HANDICAPPED PROGRAM AID.] For aid for handicapped adult programs:

\$250,000 _____ 1986,

\$350,000 _____ 1987.

Of the amount appropriated in fiscal year 1987, \$100,000 shall be for new programs beginning in that year.

The appropriations are based on aid entitlements of \$250,000 for fiscal year 1986 and \$350,000 for fiscal year 1987.

Subd. 6. [DEPARTMENT ASSISTANCE FOR EARLY CHILDHOOD FAMILY EDUCATION.] For the department to provide assistance to districts in planning, implementing and evaluating early childhood family education programs:

\$70,000 _____ 1986,

\$70,000 _____ 1987.

The department shall use the appropriation for personnel service contracts and expenses of conferences and workshops.

Subd. 7. [PRORATION.] Except as provided in section 124.14, subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated plus the amount of any transfers made according to section 124.14, subdivision 7, is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any additional amount for these purposes.

Sec. 12. [APPROPRIATION FOR DEFICIENCY.]

There is appropriated from the general fund to the department of education the sum of \$399,600 for fiscal year 1985 for the payment of a deficiency in funds available for the payment of adult education aid in that fiscal year. This sum shall be added to the sum appropriated for fiscal year 1985 for this purpose in Laws 1983, chapter 314, article 4, section 11, subdivision 2.

Sec. 13. [REPEALER.]

Minnesota Statutes 1984, sections 124.271, subdivisions 2, 2a, and 2c, and 129B.03 are repealed.

Sec. 14. [EFFECTIVE DATE.]

Section 12 is effective the day following final enactment.

ARTICLE 5

ACCESS TO EXCELLENCE

Section 1. [120.076] [OPEN ENROLLMENT.]

Subdivision 1. [PURPOSE.] It is the intention of the legislature to foster

academic excellence for pupils in secondary schools. To that end, a pupil may enroll according to this section in a school district in which the pupil does not reside. The purpose of enrolling shall be to participate in the curricular offerings of the district. The pupil may participate in extracurricular or cocurricular activities as determined by the authority having jurisdiction over the activity.

Subd. 2. [PART-TIME ATTENDANCE.] A pupil may attend a nonresident school district without enrolling full time in the district. The purpose of attending shall be to participate in one or more of the curricular offerings for credit. The pupil may attend the nonresident district without the consent of the resident school district. A nonresident district may deny the pupil's attendance if there is not space available in the curricular offering.

Subd. 3. [NOTICE TO DEPARTMENT.] By July 1 each year, each school board shall notify the department of education whether it will allow nonresident pupils to enroll in the district during the following school year.

Subd. 4. [APPLICATION PROCEDURES AND DEADLINES.] A request to enroll in a nonresident district under this section shall be made on department of education forms. The department shall supply forms to each district. The form shall include demographic data and a description or name of the school or program in which the pupil wishes to enroll. The form shall be signed by the pupil's parent or guardian. The parent shall submit the application to the superintendent of the nonresident district by December 1 or, for a district with a desegregation plan, by November 1, for enrollment for the following school year. The superintendent of the nonresident district shall send a copy of each application it receives to the superintendent of each resident district within ten days of receiving the application. After the school board of the nonresident district approves or disapproves the request, it shall send a written notice to the parent of each pupil by mail by January 15 or, for a district with a desegregation plan, by November 20. The notice shall be a copy of the application form and shall specify the school or program in which the pupil may enroll.

Subd. 5. [SCHOOL BOARD APPROVAL.] The school board of the district of attendance shall approve or disapprove each request by a nonresident pupil to enroll in the district. The board shall designate the program or school the pupil may attend. In making the designation, the board shall assure that resident pupils have the same opportunity to participate in a program or enroll in a school as a nonresident pupil. The board may give preference to resident pupils to participate in a program or enroll in a school and may give preference to a nonresident pupil who would be returning to the program or school previously attended. The board may require requests from nonresident pupils to be submitted each year. The board may disapprove a request only because there is not space available in a program or school and according to subdivision 6. If the board receives more timely requests for a program or school than there is space available, the board shall approve requests on an equitable basis, including approval by lot.

Subd. 6. [RACIAL BALANCE.] A pupil wishing to transfer into or out of a district that has a desegregation plan for its schools shall apply, on the form described in subdivision 4, to the district having the desegregation plan by November 1 of each year for the following school year. If the number of

requests to transfer in and out of the district that has a desegregation plan would mean that the district would not be in compliance with state board rules about desegregation, the district shall propose limits on the number of majority and minority pupils as defined by state board rules, who may transfer into or out of each school building within the district. The district shall report its proposed transfer limits to the commissioner of education by November 10. The commissioner shall review the proposed transfer limits to determine whether they comply with state board rules, and to determine whether the proposed transfer limits conform to the district's desegregation plan. The commissioner shall either approve or modify the number of transfers to be permitted into or out of each school building, and shall notify the district thereof by November 15. Transfers allowed or disallowed under this subdivision shall not be a violation of chapter 363. Failure to comply with the limits established by the commissioner shall be a violation of this section. Within the limits established, selection of individual pupils shall be based on equitable criteria and may be made by lot. Written notice of approval or disapproval to transfer into or out of the district shall be sent by mail to the applicants by November 20.

Subd. 7. [ACCEPTANCE PROCEDURES AND DEADLINES.] The parent shall send a written notice by mail by February 1 to the superintendent of the nonresident district indicating whether the pupil will enroll in the district. By February 10 the superintendent of the nonresident district shall send written notice by mail to each superintendent of a resident district indicating each pupil who will enroll in the nonresident district the following school year.

Subd. 8. [FAILURE TO MEET DEADLINES.] If the parent does not send a written notice by February 1, the pupil shall not enroll in a nonresident district unless the pupil obtains written approval of the school board of the nonresident district and the school board of the resident district on a form provided by the department of education. Notwithstanding subdivision 7 or this subdivision, a pupil may enroll in the district of residence at any time.

Subd. 9. [PUPIL RIGHTS AND DISTRICT RESPONSIBILITIES.] A pupil enrolled in a nonresident district according to this section shall have the same rights to participate in curricular programs as a resident pupil. The provisions of sections 127.26 to 127.39 shall apply to the pupil and nonresident district during the time the pupil is enrolled. A pupil may not reenroll in the district of residence until after the time of suspension, exclusion, or expulsion has concluded.

Subd. 10. [CREDITS AND GRADUATION.] A pupil who is enrolled in a nonresident district under this section shall meet the course requirements of the nonresident district. A nonresident district shall accept credits awarded by the resident district and count them toward the graduation requirements of the district. The pupil may graduate from the nonresident district unless the nonresident and resident district agree otherwise.

Subd. 11. [INFORMATION.] A district allowing nonresident pupils to enroll under this section is encouraged to make information about district offerings available to parents and prospective pupils. A district may make other information available to help the parents and pupils make informed decisions. The department shall provide technical assistance to all districts

preparing information and to parents and pupils.

Subd. 12. [APPLICATION FORMS AND ENROLLMENT LIMITATIONS.] Notwithstanding the provisions of sections 363.03, subdivision 5, clause (3), and 127.08, a school district may use forms designating the race and handicapping condition of a pupil if such forms are developed by the department and are for the purpose of collecting information that will be used either to maintain racial balance in accordance with state board rules or to plan for the special education needs of a handicapped pupil. Notwithstanding any law to the contrary, it is not an unfair discriminatory practice for a school board to restrict or prevent enrollment in a school, program, or the district by restricting the number of or preventing handicapped pupils with a particular disability according to the space available in a school, program, or the district. Notwithstanding any law to the contrary, it is not an unfair discriminatory practice for a school board that has a desegregation plan for its schools to restrict or prevent enrollment in a school, program, or the district by restricting the number of or preventing majority or minority group pupils according to the space available in a school, program, or the district.

Subd. 13. [HANDICAPPED PUPILS.] The provisions of sections 120.17, subdivisions 6 and 7, and 120.181 regarding placement of handicapped and nonhandicapped pupils for care and treatment shall not be altered by this section. A handicapped pupil shall be provided special instruction and services by the nonresident district according to the eligibility standards and procedures of the nonresident district. The nonresident district may not bill the resident district for any costs related to a handicapped pupil enrolled under this section. The nonresident district shall be paid federal aid for a nonresident handicapped pupil enrolled in the district. If a nonresident district determines it will no longer have space available in a program for the following school year for all or some of the handicapped pupils who have been enrolled, the nonresident district shall not be responsible for providing special instruction and services after the school year ends for that pupil, notwithstanding any law, rule, or contents of an individual education plan to the contrary. When a handicapped pupil enrolled in a nonresident district will be enrolled in another nonresident district or the district of residence, the current nonresident district shall convene a team meeting by May 1 with the parent and the district in which the handicapped pupil will be enrolled. The team meeting shall facilitate development of an individual education plan for the following school year.

Sec. 2. [123.3514] [ENROLLMENT IN POST-SECONDARY INSTITUTIONS.]

Subdivision 1. [ENROLLMENT.] An eleventh or twelfth grade pupil may enroll in programs or courses in any public post-secondary institution in the state. A pupil may enroll for post-secondary credit in one or more programs or courses or may enroll as a full-time student in a degree or certificate program. A pupil may enroll in courses or programs selected by the pupil if there is space available. Credit shall be granted by the district according to section 123.3511. The institution shall not charge tuition, fees, or other charges to a pupil. No pupil may attend a public post-secondary institution under this section after the pupil has completed the equivalent of twelfth grade, even if the pupil has not graduated from high school.

Subd. 2. [TRANSPORTATION.] A district of attendance shall provide

transportation on regular school bus routes to any pupil enrolled part time or full time in a post-secondary institution if the transportation does not interfere with transportation of pupils to or from school or other authorized transportation of pupils. The district of attendance may provide transportation to any pupil enrolled in a post-secondary institution but shall not receive aid under section 124.225. The district of attendance shall reimburse the cost of transportation for a pupil who demonstrates financial need and who attends a post-secondary school part time or full time. The one-way mileage limit for reimbursement is 30 miles. The state shall pay a school district for the amounts paid to pupils demonstrating financial need.

Sec. 3. Minnesota Statutes 1984, section 123.39, is amended by adding a subdivision to read:

Subd. 14. [CERTAIN NONRESIDENTS.] The district of attendance shall provide transportation within the district for a pupil enrolled full time under section 1. The state shall pay transportation aid according to section 124.225 to the district of attendance. A district of residence is not required to provide or pay for transportation between a pupil's residence and the border of the district of attendance. A pupil enrolled full time under section 1 who demonstrates financial need shall be reimbursed by the district of attendance for the cost of transportation to and from the pupil's residence to the border of the district of attendance.

For a part-time pupil who demonstrates financial need, the district of attendance shall reimburse the cost of transportation to and from the pupil's residence or secondary school in the district of residence, as applicable, and the secondary school in a nonresident district. The one-way mileage limit for reimbursement is 30 miles. The state shall pay a school district for the amounts paid to part-time pupils demonstrating financial need.

Sec. 4. [124.275] [ARTS EDUCATION AID.]

Subdivision 1. [PURPOSE AND ELIGIBILITY.] Arts education aid is to enable a school district to improve and enrich its elementary arts education program. To be eligible for aid under this section a district shall either have completed a comprehensive arts planning program according to sections 129B.17 to 129B.21 or have an approved arts education plan and submit an application to the department of education according to subdivision 2. A district may not use the aid to supplant funding for arts programs in existence before the 1985-1986 school year. Districts are encouraged to offer cooperative programs and share staff with other districts when appropriate to maximize the use of the aid.

Subd. 2. [APPLICATION FOR AID.] A district may apply for aid by completing an application and submitting it to the department of education. The application must include at least the following:

(1) a description of the proposed use of the aid; and

(2) a verification that the district has completed the comprehensive arts planning program or has a long-range plan for arts education. This long-range plan must be approved by the planning, evaluation, and reporting committee, the comprehensive arts planning committee, or an advisory committee about arts education, composed of district and community people and appointed by the school board. The plan must be adopted by the school

board.

Subd. 3. [APPROVAL OF APPLICATION.] The department shall prescribe the time and form for a district to apply for aid. The department shall review the application for completeness according to subdivision 2 and criteria for use of aid according to subdivision 4. The department shall notify a district within 30 days of receiving an application whether or not the application is approved.

Subd. 4. [USE OF AID.] Aid shall be used for elementary arts education programs such as creative dramatics, dance, creative writing, music, visual arts, and film and video arts. The aid shall be used for either or both of the following purposes:

(1) to increase the number of elementary arts teachers, with a goal of at least one full-time art teacher and one full-time music teacher for 400 pupils in grades kindergarten to six; or

(2) to provide professional development for teachers to increase their arts skill level and to enable them to provide improved opportunities for pupils to learn in, about, and through the arts.

Subd. 5. [AID AMOUNT.] Arts education aid shall equal \$2 times the number of pupils in grades kindergarten to six in average daily membership for the 1985-1986 school year. No district shall receive less than \$2,000. Aid shall be paid within 30 days of department approval of the application.

Subd. 6. [MATCHING FUNDS.] A district is encouraged to match the amount of aid by using its funds or by obtaining funds from other sources.

Sec. 5. Minnesota Statutes 1984, section 124A.036, is amended by adding a subdivision to read:

Subd. 5. [CERTAIN NONRESIDENTS.] (a) Foundation aid, as defined in section 124A.01, clauses (a) to (f), shall be adjusted for pupils enrolled in a nonresident district under section 1 or attending part-time under section 1, subdivision 2. The adjustment shall be made according to this subdivision.

(b) Foundation aid paid to the district of residence shall be reduced by an amount equal to the sum of (1) the formula allowance, and (2) the tier revenue of that district per actual pupil unit, multiplied by the number of pupil units of resident pupils enrolled in another district or a pro rata share for resident pupils attending part-time in another district.

(c) Foundation aid paid to the district of attendance shall be increased by an amount equal to the sum of (1) the formula allowance, and (2) the tier revenue of that district per actual pupil unit, multiplied by the number of pupil units of nonresident pupils enrolled in school in the district under section 1 or a pro rata share for nonresident pupils attending part-time in the district.

(d) If the amount of the net reduction to be made from the foundation aid of the district of residence is greater than the amount of foundation aid otherwise due the district, the excess reduction shall be made from other state aids. Any net reduction required under this subdivision for a district that does not receive foundation aid and tier aid shall be made from other state aids or credits paid to the district.

(e) The state shall pay a school district that does not receive basic founda-

tion aid according to section 124A.02, subdivision 5, the amount of net increase computed under this subdivision. This adjustment shall not affect the computation of basic maintenance levy equity under section 124A.037.

Sec. 6. Minnesota Statutes 1984, section 124A.036, is amended by adding a subdivision to read:

Subd. 6. [ATTENDANCE AT PUBLIC POST-SECONDARY INSTITUTIONS.] Notwithstanding any law to the contrary, the foundation aid for pupils attending public post-secondary institutions under section 2 shall be reduced by an amount equal to the difference between the formula allowance plus the total tier revenue attributable to that pupil and an amount computed by multiplying the formula allowance plus the total tier revenue attributable to that pupil by a ratio. The ratio to be used is the total number of hours that that pupil is enrolled in courses in the secondary school during the regular school year over 1,050. The department of education shall transfer to the higher education coordinating board an amount for payments to post-secondary institutions that shall not exceed the sum of all reductions made under this subdivision.

Sec. 7. [126.56] [SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.]

Subdivision 1. [ESTABLISHMENT.] A scholarship program is established to enable secondary students to attend summer programs sponsored by post-secondary institutions.

Subd. 2. [ELIGIBLE STUDENT.] To be eligible for a scholarship, a student shall:

- (1) be a resident of Minnesota;*
- (2) attend an eligible program;*
- (3) have been in the previous school year in a grade between 7 and 12 inclusive;*
- (4) have earned at least a B average during the semester or quarter prior to application; and*
- (5) demonstrate need for financial assistance.*

Subd. 3. [FINANCIAL NEED.] Need for financial assistance shall be based on family income, family size, and special necessary expenditures of the family. The higher education coordinating board shall determine the financial need of each pupil based on the actual charges made by the institution sponsoring the summer program and shall award scholarships within the limits of the appropriation for this section. If the amount appropriated is insufficient to make a full award to each applicant, the board shall allocate the amount appropriated in the manner it determines. Scholarships shall not be less than \$100 or more than \$1,000.

Subd. 4. [ELIGIBLE PROGRAMS.] A scholarship may be used only for an eligible program. An eligible program shall be approved by the state board of education. An eligible program shall be sponsored by a post-secondary institution that:

- (1) is accredited by the North Central Association of Colleges;*

(2) offers at least an associate or baccalaureate degree program approved under section 136A.65, subdivision 1; and

(3) is located in Minnesota.

An eligible program shall, as its primary purpose, provide academic instruction for student enrichment in curricular areas including, but not limited to, communications, humanities, social studies, social science, science, mathematics, art, or foreign language. The program shall not be offered for credit to post-secondary students. It shall not provide remedial instruction. Additional requirements for eligibility may be established by the state board of education and the higher education coordinating board.

Subd. 5. [ADVISORY COMMITTEE.] An advisory committee shall assist the state board of education in approving eligible programs and shall assist the higher education coordinating board in planning, implementing, and evaluating the scholarship program. The committee shall consist of eleven members, to include the executive director of the higher education coordinating board or a representative, the commissioner of education or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of education, the executive director of the academic excellence foundation, a private college representative appointed by the president of the Minnesota private college council, a community college representative appointed by the community college chancellor, a state university representative appointed by the state university chancellor, and a University of Minnesota representative appointed by the president of the University of Minnesota.

Subd. 6. [INFORMATION.] The academic excellence foundation shall assemble and distribute information about scholarships and eligible programs. It may seek nonstate funds to perform its duties.

Subd. 7. [ADMINISTRATION.] The state board of education and the higher education coordinating board shall determine the time and manner for scholarship applications, awards, and program approval.

Subd. 8. [EXEMPTION FROM RULEMAKING.] Sections 14.01 to 14.47 do not apply to this section.

Sec. 8. Minnesota Statutes 1984, section 129B.17, is amended to read:

129B.17 [AUTHORIZATION COMPREHENSIVE ARTS PLANNING PROGRAM.]

The department of education shall prescribe the form and manner of application for recipients of by school districts to be designated as a site to participate in the comprehensive arts in education planning grants program. Up to 40 sites may be selected. The state board department of education shall award grants designate sites in consultation with the Minnesota alliance for arts in education and the Minnesota state arts board.

Sec. 9. Minnesota Statutes 1984, section 129B.20, is amended to read:

129B.20 [CRITERIA FOR GRANT APPROVAL COMPREHENSIVE ARTS PLANNING PROGRAM SITES.]

Subdivision 1. [FUNDING.] Up to 30 grants of \$1,000 each may be approved for programs which include: Each site shall receive \$2,500 each year

for two years. Before receiving money for the second year, a long-range plan for arts education must be submitted to the department.

Subd. 2. [CRITERIA.] The department of education, in consultation with the Minnesota alliance for arts in education, shall establish criteria for site selection. Criteria shall include at least the following:

(1) a needs assessment of arts education and planning in the school district a willingness by the district to designate a program chair for comprehensive arts planning with sufficient authority to implement the program;

(2) creation of a community-based arts education team of eight individuals from the a willingness by the district to create a committee comprised of school district and the community people whose function will be is to promote comprehensive arts education in the school district;

(3) participation by commitment on the part of committee members of the arts education team to participate in training offered by the department of education; and

(4) establishment of an evaluation component a commitment of the committee to conduct a needs assessment of arts education;

(5) commitment by the committee to evaluating its involvement in the program;

(6) a willingness by the district to adopt a long-range plan for arts education in the district;

(7) no previous involvement of the district in the comprehensive arts planning program; and

(8) location of the district to assure representation of urban, suburban, and rural districts and distribution of sites throughout the state.

Subd. 3. [PROGRAM ACCOUNTS.] A district receiving funds shall maintain a separate account for the receipt and disbursement of all funds relating to the program. The funds shall be spent only for the purpose of arts education programs, including teacher release time.

Subd. 4. [ADDITIONAL FUNDING.] A district receiving funds may receive funds for the program from private sources and from other governmental agencies, including any state or federal funds available for arts education.

Sec. 10. Minnesota Statutes 1984, section 129B.21, is amended to read:

129B.21 [DEPARTMENT RESPONSIBILITY.]

The department of education, in cooperation with the Minnesota alliance for arts in education and the Minnesota state arts board, shall:

(1) provide materials, training, and assistance to the arts education teams committees in the school districts;

(2) provide consultation and technical assistance to districts which receive arts in education planning grants; and

(3) submit a report to the education committees of the senate and house of representatives by January 1, 1985. The report shall include the status and

implementation of comprehensive arts in education planning grants and the department's plans to promote arts education in the schools. The department may contract with the Minnesota alliance for arts in education for its involvement in providing services, including staff assistance, to the program.

Sec. 11. [129B.24] [MINNESOTA ARTS RESOURCE CENTER.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota arts resource center is established.

Subd. 2. [GOVERNANCE.] The Minnesota arts resource center shall be governed by a board consisting of 15 persons. The members of the board shall be appointed by the governor with the advice and consent of the senate. At least one member must be appointed from each congressional district.

Subd. 3. [TERMS, COMPENSATION, AND OTHER.] The membership terms, compensation, removal of members, and filling of vacancies shall be as provided for in section 15.0575. A member may serve not more than two consecutive terms.

Subd. 4. [POWERS AND DUTIES OF BOARD.] The board has the powers necessary for the care, management, and control of the Minnesota arts resource center. The powers shall include, but are not limited to, the following:

(1) to determine the exact location and site for the Minnesota arts resource center and any additional related facilities, including authority to acquire, construct, or remodel buildings;

(2) to employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the resource center;

(3) to establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance;

(4) to provide for the payment of all just claims against the board in cases provided by law;

(5) in all proper cases, to prosecute and defend actions by or against the board;

(6) to establish or coordinate evening, continuing education, extension, and summer programs through the resource center for teachers and pupils;

(7) to publish revenue and expenditure budgets annually;

(8) to establish advisory committees as needed to advise the board on policies and issues related to the resource center;

(9) to consult regularly with other state and local organizations providing educational or arts programs; and

(10) to report annually to the state board of education on the status and operation of the Minnesota arts resource center.

Subd. 5. [RESOURCE CENTER.] Programs shall be offered through the resource center that are directed at improving arts education in elementary

and secondary schools throughout the state. The programs offered shall include at least summer institutes offered in various regions of the state, in-service workshops for teachers, leadership development programs for teachers, teacher exchange programs between school districts, and programs to enable exchange of pupil productions and artistic works between districts. The board shall establish a resource center advisory council composed of elementary and secondary arts educators, representatives from post-secondary educational institutions, department of education, state arts board, regional arts councils, educational cooperative service units, school district administrators, parents, and other organizations involved in arts education. The advisory council shall include representatives from a variety of arts disciplines and from various areas of the state. The advisory council shall advise the board about the activities of the center. Programs offered through the resource center shall promote and develop arts education programs offered by school districts and arts organizations and shall assist school districts and arts organizations in developing innovative programs. The board may contract with nonprofit arts organizations to provide programs through the resource center. The advisory council shall advise the board on contracts and programs related to the operation of the resource center.

Sec. 12. [136A.90] [PAYMENT TO POST-SECONDARY INSTITUTIONS.]

The higher education coordinating board shall make payments to each post-secondary institution in which pupils are enrolled under section 2. The payment shall be based on the average tuition costs of the respective post-secondary systems and shall be made each term following documentation by the institution of the number of full time equivalent secondary pupils enrolled under section 2 according to enrollment as of the tenth day of instruction. The payment for any pupil shall not exceed the actual tuition cost for that pupil. For the purpose of section 135A.03, a pupil attending a post-secondary institution shall not be included in the institution's student enrollment. The post-secondary institution shall provide textbooks and other materials required for the course at no charge to the pupil. In no case shall the payment for tuition costs, textbooks, and materials exceed the total revenue allowance attributable to a pupil.

Sec. 13. [TIMING FOR DISTRICT NOTIFICATION FOR 1986-1987.]

Notwithstanding section 1, subdivision 3, a school board shall notify the department of education by October 1, 1985 whether it will allow nonresident pupils to enroll during the 1986-1987 school year.

Sec. 14. [RULES FOR TRANSPORTATION REIMBURSEMENT.]

According to its authority in Minnesota Statutes, section 121.11, subdivision 7, the state board of education shall adopt rules relating to financial need for reimbursement for transportation costs for pupils attending nonresident districts full time or part-time and post-secondary institutions.

Sec. 15. [REPORTS AND EVALUATION.]

The commissioner of education shall annually monitor the data submitted by school districts to ensure that segregation is not occurring on a district by district basis.

Each district shall submit a report to the state board of education. The

report shall contain the reasons a school board did not allow pupils to enroll under the open enrollment program. For districts that allowed pupils to enroll, the report shall include the number of pupils who left the district and the number of pupils who entered and the reasons pupils made changes. The report may include problems the district encountered in implementing the open enrollment program and recommendations for changes. The department of education shall submit a detailed summary of district reports to education committees of the legislature.

The department of education shall collect information about pupils attending post-secondary institutions under sections 123.3511 and 2, whether full time or part time.

By January 15, 1986, the department of education shall submit a progress report about implementing the open enrollment program and the post-secondary enrollment program. By January 15, 1987, and April 1, 1987, the department shall submit a report to the education committees of the legislature about the implementation of both programs and its recommendations.

Sec. 16. [TIMING FOR ARTS EDUCATION SITES AND AID.]

Comprehensive arts planning sites shall be selected by November 1, 1985, for the 1985-1986 and 1986-1987 school years. Funds for use during the 1985-1986 school year shall be paid by January 15, 1986. Funds for use during the 1986-1987 school year shall be paid by August 15, 1986.

Sec. 17. [APPROPRIATIONS TO DEPARTMENT OF EDUCATION.]

Subdivision 1. [TO DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [COMPREHENSIVE ARTS PLANNING PROGRAMS.] For comprehensive arts planning programs there is appropriated:

\$200,000 _____ 1986,

\$200,000 _____ 1987.

The unencumbered balance remaining from fiscal year 1986 shall not cancel but shall be available for fiscal year 1987.

Subd. 3. [ARTS EDUCATION AID.] For arts education aid there is appropriated:

\$1,000,000 _____ 1986,

\$1,000,000 _____ 1987.

The unencumbered balance remaining from fiscal year 1986 shall not cancel but shall be available for fiscal year 1987.

Subd. 4. [RESOURCE CENTER.] For operation of the resource center there is appropriated:

\$500,000 _____ 1986,

\$600,000 _____ 1987.

The unencumbered balance remaining from fiscal year 1986 shall not can-

cel but shall be available for fiscal year 1987.

Subd. 5. [TRANSPORTATION REIMBURSEMENT FOR SECONDARY ENROLLMENT.] For transportation reimbursement for pupils enrolled in or attending secondary schools in nonresident districts there is appropriated:

\$666,000 _____ 1987.

Subd. 6. [TRANSPORTATION REIMBURSEMENT FOR POST-SECONDARY ATTENDANCE.] For transportation reimbursement for pupils attending post-secondary institutions there is appropriated:

\$100,000 _____ 1987.

Sec. 18. [APPROPRIATION TO HIGHER EDUCATION COORDINATING BOARD.]

\$500,000 is appropriated in fiscal year 1986 from the general fund to the higher education coordinating board for administration and for scholarship awards for 1986 and 1987 summer programs. The sum shall be available until June 30, 1987.

Sec. 19. [REPEALER.]

Minnesota Statutes 1984, sections 123.35, subdivision 14, 129B.18, and 129B.19, are repealed.

Sec. 20. [EFFECTIVE DATE:]

Section 4 is effective for the 1985-1986 school year and thereafter.

Sections 1 and 2 are effective for pupils in eleventh and twelfth grades for the 1986-1987 school year and thereafter. Section 1 is effective for pupils in the ninth and tenth grades for the 1988-1989 school year and thereafter.

ARTICLE 6

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1984, section 121.151, is amended to read:

121.151 [STANDARDS FOR REMOVAL OF HAZARDOUS SUBSTANCES.]

Prior to using the revenue obtained according to sections 123.36, subdivision 13, 124.245, subdivisions ~~3~~ 3 and ~~4~~ 4, and 275.125, subdivisions 11b and 11c, a school district shall obtain approval from the department of education for its method of removal or encapsulation of asbestos or cleanup or disposal of polychlorinated biphenyls. The department of education shall consult with the pollution control agency, health department, environmental protection agency, or other appropriate governmental agency in approving or disapproving a district's method. If the pollution control agency or other appropriate governmental agency adopts rules establishing standards for asbestos removal or encapsulation or cleanup or disposal of polychlorinated biphenyls, the department of education shall approve only those district methods which are in compliance with the adopted rules.

Sec. 2. Minnesota Statutes 1984, section 123.705, subdivision 1, is amended to read:

Subdivision 1. [AID AMOUNTS.] The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$15 ~~\$16.20~~ per child screened in fiscal year 1983, ~~\$15 per child screened in fiscal year 1984,~~ 1986 and ~~\$15.60~~ 16.95 per child screened in fiscal year ~~1985~~ 1987.

Sec. 3. Minnesota Statutes 1984, section 124.247, subdivision 3, is amended to read:

Subd. 3. [AID.] A district ~~which~~ *that* establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to ~~\$16.18 in the 1982-1983 school year, \$18.25 in the 1983-1984 school year, and \$19.00 in the 1984-1985 school year,~~ \$45 for the 1985-1986 school year and \$47 for the 1986-1987 school year times the number of gifted and talented students in the district. *No district that establishes a program shall receive less than \$500.* No more than five percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the ~~moneys received by a district pursuant to this subdivision~~ aid may be expended for the purpose of administration ~~of by the district to administer the program for gifted and talented students.~~

Sec. 4. Minnesota Statutes 1984, section 124.245, is amended to read:

124.245 [CAPITAL EXPENDITURE EQUALIZATION AID.]

Subdivision 1. [BASIC COMPUTATION.] (a) ~~Each~~ For fiscal year 1986 the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the number of actual pupil units has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must have levied seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

(b) The aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds \$90 per pupil unit or, in districts where the number of actual pupil units has increased from the prior year, \$95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Subd. 2. [BASIC COMPUTATION.] (a) *Each year the state shall pay a school district basic capital expenditure aid equal to the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts in which the number of actual pupil units has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by three mills times the adjusted assessed valuation of the taxable property in the district for*

the preceding year.

(b) The aid under clause (a) for any district operating an approved secondary vocational program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit that is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year and its capital expenditure aid, if any, under this subdivision for that school year exceeds \$90 per pupil unit or, in districts where the number of actual pupil units has increased from the prior year, \$95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Subd. ~~4b~~ 3. [SPECIAL PURPOSE COMPUTATION.] ~~For the 1983-1984 school year and each year thereafter,~~ The state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must levy ~~the maximum permissible amount~~ pursuant to section 275.125, subdivision 11b for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11b may be used.

Subd. ~~4c~~ 4. [HAZARDOUS SUBSTANCE COMPUTATION.] ~~For the 1984-1985 school year and each year thereafter,~~ The state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must levy ~~the maximum permissible amount~~ pursuant to section 275.125, subdivision 11c for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11c may be used.

Subd. 5. [PROPORTIONATE AID.] *For any district that does not levy the maximum permissible levy under section 275.125, subdivision 11a, 11b, or 11c, the aid under subdivision 2, 3, or 4 that is attributable to the same school year shall be reduced by multiplying the aid amount by the ratio of the district's actual levy to its maximum permissible levy.*

Subd. ~~2~~ 6. [PUPIL UNITS.] As used in this section, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.

Subd. 3. [PAYMENT DEADLINE.] All capital expenditure equalization aid shall be distributed prior to November 1 of each year.

Subd. 4. [PAYMENT SCHEDULE.] Starting in 1982-1983, Eighty-five percent of a district's capital expenditure equalization aid for each school year shall be distributed prior to November 1 of that school year. The final aid distribution to each district shall be made prior to November 1 of the following school year.

Sec. 5. [124.248] [ESTABLISHMENT OF EDUCATION DISTRICTS.]

Subdivision 1. [DECLARATION OF POLICY.] It is the intent of the legislature to encourage improved efficiency and effectiveness of education in Minnesota and to maximize the use of educational faculty and educational facilities. It is the policy of the legislature to encourage educational institutions, districts, and systems to work together cooperatively.

Subd. 2. [EDUCATION DISTRICT DEFINITION.] An education district is a school district with a total enrollment of more than 10,000 pupils in average daily membership or a group of school districts that has either an agreement pursuant to section 122.541, 123.351, 136D, 471.59, or an agreement to provide educational services cooperatively and that has:

- (1) at least 4 school districts;*
- (2) at least 5,000 pupils; or*
- (3) at least 2,000 square miles.*

A variance from clauses (1), (2), and (3) may be approved by the state board of education in accordance with criteria established by the board.

Subd. 3. [EDUCATION DISTRICT PLAN.] The board of an education district, established according to subdivision 4, shall develop a comprehensive plan for learning within the education district. The plan shall provide for coordination of member district programs and education district programs for community education, early childhood family education, improved learning, secondary vocational education, programs for handicapped pupils, programs for gifted and talented pupils, and low incidence programs. The plan may provide methods for secondary pupils to enroll in courses in post-secondary institutions. The plan may include provisions for staff development. School districts participating in an education district shall work cooperatively to extend, combine, or expand current educational and curriculum opportunities for all students in the education district. Efforts shall be made to encourage cooperation and partnerships with post-secondary educational systems and business and industry. Efforts shall also be made to improve efficiency and cost effectiveness and maximize the use of administrative and instructional personnel within the education district. The plan must be submitted to the state board for approval in accordance with criteria established by the board.

Subd. 4. [ATTENDANCE IN OTHER DISTRICTS] An education district board may arrange for a pupil, who is a resident of a district that is a member of the education district, to attend programs or courses offered by another district that is a member of the education district. A pupil must receive the recommendation of a career teacher, according to section 129B.46, or a counselor to attend the nonresident district. The education district board may develop procedures to reimburse a district for the cost of providing instruction to a nonresident pupil or the board may follow the provisions of section 124.18, subdivision 2. The resident district shall count its resident pupils attending programs or courses in another district for the purpose of state aid and levy limitations. A resident district may provide transportation and receive transportation aid for its resident pupils attending programs or courses in another district.

Subd. 5. [ATTENDANCE AT POST-SECONDARY INSTITUTIONS.]

An education district board may arrange for secondary pupils who are residents of member districts to enroll in courses at post-secondary institutions. Pupils must receive the recommendation of a career teacher, according to section 129B.46, or a counselor to enroll in courses at post-secondary institutions. Credit shall be determined according to sections 123.3512 and 123.3513. Reimbursement for instruction offered at the post-secondary institution shall be determined according to an agreement between the post-secondary institution and the education district board. A resident and nonresident district may provide transportation on a regular school bus route for any pupil enrolled in courses at a post-secondary institution.

Subd. 6. [TEACHERS WITHIN EDUCATION DISTRICT.] Notwithstanding any other law to the contrary, a district in an education district may arrange for a teacher to teach one or more courses in another district in the education district.

Subd. 7. [EDUCATION DISTRICT BOARD.] An education district board shall coordinate the manner in which the agreement is carried out. The board shall consist of one or two representatives appointed by the full membership of each of the boards of the districts forming the education district, except that the boards of the districts forming the education district may designate a board already established pursuant to section 123.33, 123.351; 123.51, 123.58, 136D, or 471.59 to be the education district board. If an already established board is designated to be the education district board, it must represent the same districts as those forming the education district.

Subd. 8. [ADVISORY COUNCIL.] An advisory council consisting of representatives from the following areas shall be appointed by the education board: improved learning program, early childhood and family education program, gifted and talented program, community education program, curriculum advisory committee, special education, vocational education, parent associations, teachers, principals, and public and private post-secondary institutions in the education district area.

Subd. 9. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] If requested, educational cooperative service units shall provide assistance to districts in establishing education districts. The assistance may include determination of appropriate boundaries of the education district and development of the comprehensive plan for learning.

Subd. 10. [ELIGIBLE DISTRICTS.] Beginning in the 1986-1987 school year, a district shall be eligible for education district aid if it has entered an education district according to subdivision 2 and the education district has developed a comprehensive plan for learning that has been approved by the state board of education according to subdivision 3.

Subd. 11. [REVENUE.] (a) A district's education district revenue shall equal the lesser of:

(1) \$52.25 times the actual pupil units in the district for that school year;

(2) \$52,250; or

(3) the estimated cost to the district of the education district program for the school year to which the levy is attributable.

(b) A district's education district levy limitation means its levy limitation

computed according to section 11.

Subd. 12. [EDUCATION DISTRICT AID.] A district's education district aid for any school year shall equal:

(a) the difference between its education district revenue and its education district levy limitation for the levy for that school year; multiplied by

(b) the ratio of the amount actually levied to the amount of the permitted levy.

Subd. 13. [INTERMEDIATE DISTRICTS.] School districts that receive elementary or secondary education services from an intermediate district established in chapter 136D and in which a levy for secondary education services is certified according to section 136D.27, 136D.74, or 136D.87 are not eligible for revenue under subdivision 8;

Subd. 14. [REPORT.] By January 15, 1987, and January 15 of each year thereafter, the department of education shall report to the education committees of the legislature on the education districts established.

Sec. 6. Minnesota Statutes 1984, section 124.573, subdivision 2, is amended to read:

Subd. 2. [SALARIES; EQUIPMENT AND TRAVEL.] ~~Except for the 1982-1983 school year, the state shall pay to any district or cooperative center 45 percent of~~ *The eligible expenses for secondary vocational aid are: (1) the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs- Except for the 1982-1983 school year, the state shall pay 45 percent of; (2) the costs of necessary travel between instructional sites by secondary vocational education teachers and 45 percent of; and (3) the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. For the 1981-1982 school year, the state shall pay 45 percent of the costs of necessary equipment for these programs. No secondary vocational equipment aid shall be paid for the 1982-1983 school year and thereafter. The state shall pay to any district or cooperative center 40 percent of the eligible expenses for the 1985-1986 school year and 39 percent of the eligible expenses for the 1986-1987 school year. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source. In no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.*

Sec. 7. Minnesota Statutes 1984, section 124.573, subdivision 3a, is amended to read:

Subd. 3a. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services. ~~Except for the 1982-1983 school year,~~ The state shall pay each district or cooperative center 40 percent of the amount of a contract

entered into pursuant to this subdivision. The state board shall promulgate rules relating to program approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 4, the district or cooperative center contracting for these services shall be construed to be providing the services. For the purposes of subdivision 5, aid for these contracts shall be distributed on the same basis as aids for salaries and travel.

Sec. 8. Minnesota Statutes 1984, section 129B.04, is amended by adding a subdivision to read:

Subd. 3. [DECLINING GRANT AMOUNTS.] A grant awarded by the council on quality education shall be limited to three years. The grant amount for the third year of a program shall not exceed 50 percent of the grant amount for the first year. Prior to awarding a grant the council shall notify an applicant that it is expected to continue successful programs after the third year.

Sec. 9. Minnesota Statutes 1984, section 136D.27, is amended to read:

136D.27 [TAX LEVIES, CERTIFICATES OF INDEBTEDNESS.]

The joint school board may each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational technical schools, certify to each participating school district the tax levy specified in section 275.125, subdivision 13, clause (2). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for special education and .7 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education *provided, however, if the members of the board of the intermediate district have entered an education district according to section 5 and developed a comprehensive plan for learning pursuant to section 5, subdivision 3, the proceeds of these additional levies may be used for any expense of implementing the plan.* Each participating school district shall include such tax levies in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such levies to the board promptly when received. Such levies shall not be included in computing the limitations upon the levy of any district under 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. The board may, any time after such levies have been certified to the participating school districts, issue and sell certificates of indebtedness in anticipation of the collection of such levies, but in aggregate amounts such as will not exceed the portion of the levies which is then not collected and not delinquent.

Sec. 10. Minnesota Statutes 1984, section 136D.74, subdivision 2, is amended to read:

Subd. 2. [TAX LEVY.] The intermediate school board may in each year for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred certify to each county auditor of each county in which said intermediate school district shall lie, as a single taxing district, the tax levy specified in section 275.125, subdivision 13, clause (2). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for expenses for special

education and .5 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education *provided, however, if the members or the board of the intermediate district have entered an education district according to section 5 and developed a comprehensive plan for learning pursuant to section 5, subdivision 3, the proceeds of these additional levies may be used for any expense of implementing the plan.* Said annual tax levies shall be certified pursuant to section 124.02. Upon such certification the county auditor or auditors and other appropriate county officials shall levy and collect such levies and remit the proceeds of collection thereof to the intermediate school district as in the case with independent school districts. Such levies shall not be included in computing the limitations, if any, upon the levy of the intermediate district or any of the participating districts under 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.

Sec. 11. Minnesota Statutes 1984, section 136D.87, is amended to read:

136D.87 [TAX LEVIES, CERTIFICATES OF INDEBTEDNESS.]

The joint school board may each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational technical schools, certify to each participating school district the tax levy specified in section 275.125, subdivision 13, clause (2). Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of adjusted assessed valuation for expenses for special education and .5 mills on each dollar of adjusted assessed valuation for expenses for secondary vocational education *provided, however, if the members or the board of the intermediate district have entered an education district according to section 5 and developed a comprehensive plan for learning pursuant to section 5, subdivision 3, the proceeds of these additional levies may be used for any expense of implementing the plan.* Each participating school district shall include such tax levies in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such levies to the board promptly when received. Such levies shall not be included in computing the limitations upon the levy of any district under 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. The board may, any time after such levies have been certified to the participating school districts, issue and sell certificates of indebtedness in anticipation of the collection of such levies, but in aggregate amounts such as will not exceed the portion of the levies which is then not collected and not delinquent.

Sec. 12. Minnesota Statutes 1984, section 275.125, is amended by adding a subdivision to read:

Subd. 8c. [EDUCATION DISTRICT LEVY.] Each year, a district that is eligible for revenue pursuant to section 5, subdivision 9, may levy the amount of the estimated cost to the district of the education district program for the year to which the levy is attributable, but the levy shall not exceed the lesser of:

(1) \$52.25 times the actual pupil units for that year;

(2) \$52,250; or

(3) one mill times the adjusted assessed valuation of the district for the preceding year. In 1985, a district may certify an education district levy if it certifies to the department of education its interest to develop a plan according to section 5, subdivision 3, and to be part of an education district for the 1986-1987 school year. The proceeds of the levy may only be used to pay for costs of cooperation incurred in providing the programs resulting from the education district plan.

Sec. 13. Minnesota Statutes 1984, section 275.125, subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to \$90 per total pupil unit, or \$95 per total pupil unit in districts where the number of actual pupil units has increased from the prior year. No levy under this clause shall exceed ~~seven~~ three mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the levy may be used to acquire land, to equip and re-equip buildings and permanent attached fixtures, to rent or lease buildings for school purposes, to purchase textbooks, to purchase and lease computer systems hardware, software, and related supporting materials to support software, and to purchase or lease photocopy machines and telecommunications equipment. The proceeds may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, such as those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds may also be used for capital expenditures to reduce or eliminate barriers to or increase access to school facilities by handicapped individuals. The proceeds may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. The proceeds may also be used to pay fees for capital expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors. The proceeds may also be used to pay principal and interest on loans from the state authorized by sections 116J.37 and 298.292 to 298.298.

(c) Subject to the commissioner's approval, the proceeds may also be used to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the levy shall not be used for custodial or other main-

tenance services.

(f) Each year, subject to the ~~seven~~ mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per total pupil unit for capital expenditures for equipment for these programs.

Sec. 14. Minnesota Statutes 1984, section 275.125, is amended by adding a subdivision to read:

Subd. 11d. [ADDITIONAL CAPITAL EXPENDITURE LEVY.] In addition to the levy authorized in subdivisions 11a, 11b, and 11c, each year a district may levy an amount not to exceed the amount equal to \$30 per total pupil unit. The levy under this subdivision shall not exceed 2.4 mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for expenditures for which the levy in subdivision 11a may be used.

Sec. 15. Minnesota Statutes 1984, section 354.66, subdivision 3, is amended to read:

Subd. 3. For purposes of this section, the term "part time teaching position" shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent thereof as prescribed in section 354.091, and for which the teacher is compensated in an amount not exceeding ~~60~~ 67 percent of the compensation established by the board for a full time teacher with identical education and experience within the district.

Sec. 16. Minnesota Statutes 1984, section 354A.094, subdivision 2, is amended to read:

Subd. 2. For purposes of this section, the term "part time teaching position" shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent of 50 full days calculated using the appropriate minimum number of hours which would result in a full day of service credit by the appropriate association and for which the teacher is compensated in an amount not to exceed ~~60~~ 67 percent of the compensation rate established by the board for a full time teacher with identical education and experience within the district.

Sec. 17. [MOUNTAIN IRON-BUHL SCHOOL DISTRICT; ADDITIONAL EXPENSES OF TRANSITION.]

In addition to the expenses specified in section 122.533, independent school district No. 712 may levy the following in 1985:

(a) An amount not to exceed \$63,000 for additional teacher salary expenses incurred as a result of the operation of section 122.532, the proceeds of this levy to be placed in the general fund of the district; and

(b) An amount not to exceed \$50,000 for the cost of new uniforms for the various athletic teams, bands and choirs in the new district, the proceeds of this levy to be placed in the capital expenditure fund of the district.

Sec. 18. [SPECIAL LEVY.]

In addition to the levy authorized by section 275.125, subdivision 11a, independent school district No. 457, Trimont, may levy in 1985 an amount up to \$75,000 for capital expenditures. The proceeds of the levy may be used only to replace blacktop on the school parking lot.

By July 15, 1985, the school board shall hold a public hearing on the need for the proposed levy. Upon receipt, within 30 days after the hearing, of a petition objecting to the levy signed by a number of qualified voters in the district equal to the greater of 50 voters or 15 percent of the number of voters who voted in the most recent school board election, the board shall hold a referendum on the proposed levy. The referendum shall be held on the date set by the board but no later than October 1, 1985. If a valid petition is not received by the school board, within 30 days after the hearing, no referendum need be held.

Sec. 19. [GIFTED PROGRAM STUDY.]

The department of education shall study and make recommendations about the following:

(1) an assessment of present programs in gifted education and pupils served;

(2) a determination of the essential elements of a quality education for gifted pupils;

(3) appropriate roles for the state, school districts, and community in educating gifted pupils;

(4) funding structures at the state and district level;

(5) state policies for gifted education; and

(6) an implementation plan, including short- and long-range goals, with evaluation of progress toward achieving the goals.

By January 15, 1987, the department shall report its recommendations to the education committees of the legislature.

Sec. 20. [DEPARTMENT OF EDUCATION APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:

\$886,700 _____ 1986,

\$955,200 _____ 1987.

The appropriation for fiscal year 1986 includes \$121,000 for aid for fiscal year 1985 payable in fiscal year 1986 and \$765,700 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$135,200 for aid for fiscal year 1986 payable in fiscal year 1987 and \$820,000 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$900,900 for fiscal year 1986 and \$964,700 for fiscal year 1987.

Subd. 3. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:

\$3,832,000 _____ 1986,

\$4,015,000 _____ 1987.

Subd. 4. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:

\$249,600 _____ 1986,

\$8,462,300 _____ 1987.

The appropriation for fiscal year 1986 includes \$34,900 for aid for fiscal year 1985 payable in fiscal year 1986 and \$214,700 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$37,900 for aid for fiscal year 1986 payable in fiscal year 1987 and \$8,424,400 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$252,600 for fiscal year 1986 and \$9,911,000 for fiscal year 1987.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a.

Subd. 5. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.] For special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a, there is appropriated:

\$45,800 _____ 1986,

\$57,600 _____ 1987.

The appropriation for fiscal year 1986 includes \$6,400 for aid for fiscal year 1985 payable in fiscal year 1986 and \$39,400 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$6,900 for aid for fiscal year 1986 payable in fiscal year 1987 and \$50,700 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$46,300 for fiscal year 1986 and \$59,600 for fiscal year 1987.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 6. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE EQUALIZATION AID.] For hazardous substance capital expenditure equalization aid pursuant to section 124.245, subdivision 1c, there is appropriated:

\$42,200 _____ 1986

\$57,000 _____ 1987.

The appropriation for fiscal year 1986 includes \$6,200 for aid for fiscal year 1985 payable in fiscal year 1986, and \$36,000 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$6,300 for aid for fiscal year 1986 payable in fiscal year 1987 and \$50,700 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$42,300 for fiscal year 1986 and \$59,600 for fiscal year 1987.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 7. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units there is appropriated:

\$718,700 _____ 1986,

\$750,500 _____ 1987.

The appropriation for aid for fiscal year 1986 includes \$104,300 for aid for fiscal year 1985 payable in fiscal year 1986 and \$614,400 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$108,400 for aid for fiscal year 1986 payable in fiscal year 1987 and \$642,100 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$722,800 for fiscal year 1986 and \$755,400 for fiscal year 1987.

Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$65,707 per ECSU for fiscal year 1986 and \$68,664 per ECSU for fiscal year 1987; however, the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall each receive \$131,414 for fiscal year 1986 and \$137,328 for fiscal year 1987 for general operations.

The department may withhold all or a portion of these funds from an ECSU if the department determines that an ECSU has not developed an annual plan according to section 123.58, subdivision 8, or if the department determines the ECSU is not providing services according to its annual plan. If funds are withheld from an ECSU, the department may allocate the funds to other regional service providers or to a school district or group of districts providing services to districts within the ECSU region.

Subd. 8. [SCHOOL LUNCH AND FOOD STORAGE AID.] For school lunch aid pursuant to section 124.646 and for food storage and transportation costs for USDA donated commodities there is appropriated:

\$4,625,000 _____ 1986,

\$4,625,000 _____ 1987.

Any unexpended balance remaining from the appropriations in this sub-

division shall be prorated among participating schools based on the number of fully paid lunches served during that school year in order to meet the state revenue matching requirement of the USDA National School Lunch Program.

If the appropriation amount attributable to either year is insufficient, the rate of payment for each fully paid student lunch shall be reduced and the aid for that year shall be prorated among participating schools so as not to exceed the total authorized appropriation for that year.

Subd. 9. [INTERDISTRICT COOPERATION AID.] For aid for inter-district cooperation programs there is appropriated:

\$1,494,300 _____ 1986,

\$ 231,000 _____ 1987.

The appropriation for fiscal year 1986 includes \$187,100 for aid for fiscal year 1985 payable in fiscal year 1986 and \$1,307,200 for aid for fiscal year 1986 payable in fiscal year 1986. The appropriation for fiscal year 1987 is for aid for fiscal year 1986 payable in fiscal year 1987. The appropriations are based on aid entitlements of \$1,537,900 in fiscal year 1986 and \$0 in fiscal year 1987.

Subd. 10. [EDUCATION DISTRICT AID.] For aid for education districts there is appropriated:

\$1,878,500 _____ 1987.

This appropriation is based on an aid entitlement of \$2,210,000 for the fiscal year 1987.

Subd. 11. [EDUCATION DISTRICT PLANNING AID.] For planning assistance offered by the educational cooperative service units for education districts there is appropriated:

\$110,000 _____ 1986.

The sum is based on a maximum allocation of \$10,000 per ECSU; however, the maximum allocation is \$20,000 for the metropolitan ECSU and the southwest-west central ECSU. The department shall allocate this appropriation to the ECSUs as a reimbursement for actual costs incurred in providing planning services pursuant to this act and the amount paid to each ECSU shall not exceed the actual costs.

Subd. 12. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247 there is appropriated:

\$1,426,000 _____ 1986,

\$1,623,500 _____ 1987.

The appropriation for aid for fiscal year 1986 includes \$99,000 for aid for fiscal year 1985 payable in fiscal year 1986 and \$1,327,000 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$234,100 for aid for fiscal year 1986 payable in fiscal year 1987 and \$1,389,400 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$1,561,100 for fiscal

year 1986 and \$1,634,500 for fiscal year 1987.

Subd. 12a. [GIFTED STUDY.] For the gifted education program study there is appropriated:

\$35,000 _____ 1986.

The appropriation is available until June 30, 1987.

Subd. 13. [NONPUBLIC AIDS.] For programs for nonpublic educational aid pursuant to sections 123.931 to 123.947 there is appropriated:

\$6,763,400 _____ 1986,

\$7,184,100 _____ 1987.

The appropriation for aid for fiscal year 1986 includes \$960,700 for aid for fiscal year 1985 payable in fiscal year 1986 and \$5,802,700 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$1,024,000 for aid for fiscal year 1986 payable in fiscal year 1987 and \$6,160,100 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$6,826,700 for fiscal year 1986 and \$7,247,200 for fiscal year 1987.

Subd. 14. [INDIAN EDUCATION.] For certain Indian education programs there is appropriated:

\$167,872 _____ 1986,

\$175,304 _____ 1987.

The appropriation for aid for fiscal year 1986 includes \$24,352 for aid for fiscal year 1985 payable in fiscal year 1986 and \$143,520 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$25,326 for aid for fiscal year 1986 payable in fiscal year 1987 and \$149,978 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$168,846 for fiscal year 1986 and \$176,444 for fiscal year 1987.

These appropriations are available for expenditure with the approval of the commissioner of education.

The commissioner shall not approve the payment of any amount to a school district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.

Up to the following amounts may be distributed to the following school districts for fiscal year 1986: \$52,993 to independent school district No. 309-Pine Point School; \$9,358 to independent school district No. 166; \$14,444 to independent school district No. 432; \$13,578 to independent school district No. 435; \$40,737 to independent school district No. 707; and \$37,736 to independent school district No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

Up to the following amounts may be distributed to the following school

districts for fiscal year 1987: \$55,378 to independent school district No. 309-Pine Point School; \$9,779 to independent school district No. 166; \$15,094 to independent school district No. 432; \$14,189 to independent school district No. 435; \$42,570 to independent school district No. 707; and \$39,434 to independent school district No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

These appropriations are available only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley act, Public Law Number 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.

Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(a) complied with the uniform financial accounting and reporting standards act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1987-1988 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1986-1987 budgets and shall not include any moneys appropriated in this subdivision;

(b) conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections 120.03 and 120.17; Public Law Number 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(c) compiled accurate daily pupil attendance records.

Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clauses (a), (b), and (c), and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.

Subd. 15. [CHEMICAL USE PROGRAMS.] For aid for chemical dependency programs authorized pursuant to section 124.246 there is appropriated:

\$1,055,200 _____ 1986,

\$1,100,900 _____ 1987.

The appropriation for fiscal year 1986 includes \$153,900 for aid for fiscal year 1985 payable in fiscal year 1986 and \$901,300 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$160,000 for aid for fiscal year 1986 payable in fiscal year 1987 and \$940,900 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$1,061,300 for fiscal

year 1986 and \$1,107,000 for fiscal year 1987.

Subd. 16. [MAXIMUM EFFORT SCHOOL LOAN FUND.] For the maximum effort school loan fund there is appropriated:

\$2,390,300 _____ 1986,

\$2,585,800 _____ 1987.

Any unexpended balance of this appropriation for fiscal year 1986 shall not cancel but shall be available for the second year of the biennium.

These appropriations shall be placed in the loan repayment account of the maximum effort school loan fund for the payment of the principal and interest on school loan bonds, as provided in section 124.46, to the extent that money in the fund is not sufficient to pay when due the full amount of principal and interest due on school loan bonds. The purpose of these appropriations is to ensure that sufficient money is available in the fund to prevent a statewide property tax levy as would otherwise be required pursuant to section 124.46, subdivision 3. Notwithstanding the provisions of section 124.39, subdivision 5, any amount of the appropriation made in this section which is not needed to pay when due the principal and interest due on school loan bonds shall not be transferred to the debt service loan account of the maximum effort school loan fund but instead shall cancel and revert to the general fund.

Subd. 17. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appropriated:

\$20,422,400 _____ 1986,

\$20,000,000 _____ 1987.

The appropriation for 1986 includes \$2,422,400 for aid for fiscal year 1985 payable in fiscal year 1986. This amount also includes \$17,000,000 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$3,000,000 for aid for fiscal year 1986 payable in fiscal year 1987. This amount also includes \$17,000,000 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$20,000,000 for fiscal year 1986 and \$20,000,000 for fiscal year 1987:

For the purposes of this subdivision, money appropriated for secondary vocational education programs may not be expended for the purpose of discontinuing or converting existing senior secondary school industrial arts education programs.

Subd. 18. [COUNCIL ON QUALITY EDUCATION; VENTURE FUND GRANTS.] For the council on quality education venture fund grants pursuant to sections 129B.01 to 129B.05, there is appropriated:

\$843,800 _____ 1986,

\$881,200 _____ 1987.

The appropriation for fiscal year 1986 includes \$122,400 for grants for fiscal year 1985 payable in fiscal year 1986 and \$721,400 for grants for fiscal year 1986 payable in fiscal year 1986.

The appropriation for fiscal year 1987 includes \$127,300 for grants for fiscal year 1986 payable in fiscal year 1987 and \$753,900 for grants for fiscal year 1987 payable in fiscal year 1987.

Any unexpended balance remaining from the appropriations in this subdivision for 1986 shall not cancel and shall be available for the second year of the biennium.

The appropriations are based on grant entitlements of \$848,700 for fiscal year 1986 and \$886,900 for fiscal year 1987.

Subd. 19. [EXTENDED LEAVES OF ABSENCE.] To meet the state's obligation prescribed in sections 354.094 and 354A:091 there is appropriated:

\$938,000 _____ 1986,

\$602,000 _____ 1987.

Subd. 20. [PART-TIME TEACHING.] To meet the state's obligation prescribed in sections 354.66 and 354A.094 there is appropriated:

\$118,000 _____ 1986.

Subd. 21. [STATE MATCHING GRANT.] For a grant for a leadership program in independent school district No. 695, Chisholm, there is appropriated:

\$60,000 _____ 1986.

The sum shall be available until June 30, 1987.

The department shall pay the grant amount only if a federal matching grant is awarded to the district.

Subd. 22. [SCHOOL BUS.] For independent school district No. 707, Nett Lake, to purchase a school bus there is appropriated:

\$40,000 _____ 1986.

Subd. 23. [PRORATION.] Except as provided in section 124.14, subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated plus the amount of any transfers made according to section 124.14, subdivision 7, is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any additional amount for these purposes.

Sec. 21. [DEPARTMENT OF ECONOMIC SECURITY APPROPRIATION.]

There is appropriated from the general fund to the department of economic security the sum indicated in this section for the fiscal year ending June 30 in the year designated to pay the obligation of independent school district No. 707, Nett Lake, for unemployment compensation:

\$40,000 _____ 1986.

The sum shall be available until June 30, 1987.

Sec. 22. [APPROPRIATIONS FOR DEFICIENCY.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years indicated for the payment of deficiencies in funds available for the purposes indicated. These sums shall be added to the sums appropriated for fiscal year 1985 for the same purposes.

Subd. 2. For abatement aid deficiency according to section 124.214 there is appropriated:

\$1,798,500 _____ 1985.

Subd. 3. For capital expenditure aid deficiency according to section 124.245, subdivision 1, there is appropriated:

\$18,800 _____ 1985.

Subd. 4. For chemical dependency aid deficiency according to section 124.246 there is appropriated:

\$12,900 _____ 1985.

Subd. 5. For secondary vocational aid deficiency according to section 124.573 there is appropriated:

\$1,105,000 _____ 1985.

Sec. 23. [REPEALER.]

Minnesota Statutes 1984, sections 123.705, subdivision 2; 124.247, subdivision 6; and 275.125, subdivision 8a, are repealed.

Minnesota Statutes 1984, section 124.272, is repealed June 30, 1986, and any aids attributable to the 1985-1986 school year payable in fiscal year 1987 shall be paid.

Minnesota Statutes 1984, section 124.245, subdivision 1, as amended by section 4, is repealed July 1, 1986.

Sec. 24. [EFFECTIVE DATE.]

The provisions of section 4, subdivisions 2, 3, 4, and 5, as amended, are effective for aid paid for the 1986-1987 school year and thereafter.

Section 22 is effective the day following final enactment.

ARTICLE 7

MISCELLANEOUS

Section 1. Minnesota Statutes 1984, section 120.06, subdivision 1, is amended to read:

Subdivision 1. [AGE LIMITATIONS; PUPILS.] All schools supported in whole or in part by state funds are public schools. Admission to a public school, except an area vocational technical institute, is free to any person who resides within the district which operates the school, who is under 21 years of age, and who satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of any law to the contrary, the conduct of all students under 21 years of age attending a public secondary school shall be governed by a single set of reasonable rules and regulations promulgated by the local school board of education. No person shall be ad-

mitted to any public school after September 1, 1971, (1) as a kindergarten student pupil, unless ~~he~~ *the pupil* is at least five years of age on September 1 of the calendar year in which the school year for which ~~he~~ *the pupil* seeks admission commences; or (2) as a first grade student, unless ~~he~~ *the pupil* is at least six years of age on September 1 of the calendar year in which the school year for which ~~he~~ *the pupil* seeks admission commences or has completed kindergarten; except that any school board may establish a policy for admission of selected pupils at an earlier age.

Sec. 2. Minnesota Statutes 1984, section 120.10, subdivision 1, is amended to read:

Subdivision 1. [AGES AND TERM.] Every child between seven and 16 years of age *and every child under the age of seven who is enrolled in grade kindergarten or above* shall attend a public school, or a private school, during the entire time that the school is in session during any school year. No child shall be required to attend a public school more than 200 days or their equivalent, during any school year. *A parent may withdraw a child under the age of seven from school at any time.*

Sec. 3. Minnesota Statutes 1984, section 120.11, is amended to read:

120.11 [SCHOOL BOARDS AND TEACHERS, DUTIES.]

It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children ~~between six and 16 years of age required to attend school~~, with excuses, if any, granted in such district, to the superintendent or principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the clerk or principals shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the district superintendent within five days after receiving the report.

Sec. 4. Minnesota Statutes 1984, section 120.15, is amended to read:

120.15 [CLASSES FOR TRUANTS.]

A board may maintain ungraded classes for ~~the~~ instruction of children ~~between seven and 16 years of age who are required to attend school and~~ who are habitually truant or not in attendance.

All such children shall be deemed delinquent and the board may compel their attendance at such ungraded classes, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline.

Sec. 5. [121.161] [SHARED SERVICE AGREEMENTS.]

The commissioner may make a shared service agreement with another public agency. The agreement must be of mutual benefit to the state, the department, and the other agency. The term of the agreement must not be more than three years. The commissioner and the other agency need not consult the legislative advisory commission before making the agreement.

Charges by the department and the other agency must be on an actual cost basis, and the receipts are dedicated to the operation of the department or agency receiving them and are appropriated for that purpose.

Sec. 6. [121.9121] [EXCEPTIONS FOR PERMANENT FUND TRANSFERS.]

Subdivision 1. [STATE BOARD AUTHORIZATION.] The state board may authorize a board to transfer money from any fund or account to another fund or account according to this section.

Subd. 2. [APPLICATION.] A board requesting authority to transfer money shall apply to the state board and provide information requested. The application shall indicate the law or rule prohibiting the desired transfer. It shall be signed by the superintendent and approved by the school board.

Subd. 3. [ADVISORY COUNCIL.] The state board shall submit each application to the advisory council on uniform financial accounting and reporting standards for its recommendations. The advisory council shall develop and maintain guidelines for reviewing and approving requests.

Subd. 4. [APPROVAL STANDARD.] The state board may approve a request only when an event has occurred in a district that could not have been foreseen by the district. The event shall relate directly to the fund or account involved and to the amount to be transferred.

Subd. 5. [APPROVAL.] The state board shall use the advisory council guidelines and recommendation when it approves, disapproves, or modifies a request. It shall take action on a request within 90 days of receiving the request. If the state board action is different from the action recommended by the advisory council, the state board shall provide written reasons for the difference.

Subd. 6. [PROCEDURES.] The state board and advisory council may prepare forms and adopt procedures necessary to implement this section.

Subd. 7. [REPORT TO LEGISLATURE.] By January 15 each year the state board shall report to the education committees of the legislature about the requests for transfers, action taken for each request, and the reasons for the action. The report shall include the recommendations of the advisory council.

Sec. 7. Minnesota Statutes 1984, section 121.931, subdivision 7, is amended to read:

Subd. 7. [APPROVAL POWERS.] The state board, with the advice and assistance of the ESV computer council, shall approve or disapprove the following, according to the criteria in section 121.937 and ~~after promulgation, the rules adopted pursuant to subdivision 8:~~

(a) the creation of regional management information centers pursuant to section 121.935;

(b) the transfer by a district of its affiliation from one regional management information center to another;

(c) the use by a district of ~~an alternative~~ a management information system ~~to other than the~~ ESV-IS subsystem through the regional management infor-

mation center or a state board approved alternative system pursuant to section 121.936, subdivisions 2 to 4; and

(d) annual and biennial plans and budgets submitted by regional management information centers pursuant to section 121.935, subdivisions 3 and 4.

Sec. 8. Minnesota Statutes 1984, section 121.936, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY PARTICIPATION.] (a) ~~By July 1, 1980,~~ Every district shall perform financial accounting and reporting operations on a financial management accounting and reporting system utilizing multi-dimensional accounts and records defined in accordance with the uniform financial accounting and reporting standards adopted by the state board pursuant to sections 121.90 to 121.92.

(b) ~~By July 1, 1980,~~ Every school district shall be affiliated with one and only one regional management information center. This affiliation shall include at least the following components:

(1) The center shall provide reports to the department of education for the district to the extent required by the data acquisition calendar;

(2) The district shall ~~use process every detailed financial transaction using, at the district's option, either the ESV-IS finance subsystem through the center or an alternative system approved by the state board to process every detailed financial transaction of the district.~~

Notwithstanding the foregoing, a district may process and submit its financial data to a region or the state in summary form if it operates an approved alternative system or participates in a state approved pilot test of an alternative system.

(c) The provisions of this subdivision shall not be construed to prohibit a district from purchasing services other than those described in clause (b) from a center other than the center with which it is affiliated pursuant to clause (b).

Districts operating an approved alternative system or participating in a state approved pilot test of an alternative financial system shall purchase finance system services from any region if the region of affiliation does not offer alternative system support services.

Sec. 9. Minnesota Statutes 1984, section 121.936, subdivision 2, is amended to read:

Subd. 2. [ALTERNATIVE MANAGEMENT INFORMATION SYSTEMS.] ~~After July 1, 1980~~ A district may be exempted from the requirement in subdivision 1, clause (b) (2), if it receives the approval of the state board to use ~~an alternative another~~ financial management information system. A district permitted before July 1, 1980, to submit its financial transactions in summary form to a regional management information center pursuant to subdivision 1 may continue to submit transactions in the approved form without obtaining the approval of the state board pursuant to this subdivision. A district may be exempted from the requirement in subdivision 1a, clause (b) if it receives the approval of the state board to use an alternative fixed assets property management information system. Any district desiring to use

~~an alternative~~ another management information system shall submit a detailed proposal to the state board, the ESV computer council and the regional management information center with which it is affiliated. The detailed proposal shall include a statement of all costs to the district, regional management information center or state for software development or operational services needed to provide data to the regional management information center pursuant to the data acquisition calendar.

Sec. 10. Minnesota Statutes 1984, section 122.86, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] In order to provide for comprehensive and coherent planning for the delivery of educational services pursuant to sections 122.86 to ~~122.89~~ 122.88; each educational cooperative service unit shall establish an educational planning task force. ~~In the event an area has not established an ECSU by September 1, 1977, the commissioner shall establish a task force for that area.~~

Sec. 11. Minnesota Statutes 1984, section 123.36, subdivision 1, is amended to read:

Subdivision 1. When funds are available therefor, the board may locate and acquire necessary sites of school houses or enlargements, or additions to existing schoolhouse sites by lease, purchase or condemnation under the right of eminent domain; it may erect schoolhouses thereon; it may erect or purchase garages for district owned school buses. ~~In any city, the school sites, when practicable, shall contain at least one block and if outside of any city, two acres; and when any schoolhouse sites shall contain less than such amount, the board may acquire other land adjacent to or near such site to make, with such site, all or part of such amount.~~ When property is taken by eminent domain by authority of this subdivision when needed by the school district for such purposes, the fact that the property so needed has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the school district. The board may sell or exchange schoolhouses or sites, and execute deeds of conveyance thereof.

Sec. 12. Minnesota Statutes 1984, section 123.39, is amended by adding a subdivision to read:

Subd. 4a. If teaching positions are discontinued as a result of action under subdivision 4, and it is necessary to place continuing contract teachers on unrequested leave of absence, the teachers shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed, according to a combined seniority list of all teachers from both districts.

Sec. 13. Minnesota Statutes 1984, section 124.09, is amended to read:

124.09 [SCHOOL ENDOWMENT FUND, APPORTIONMENT.]

The school endowment fund shall be apportioned semiannually by the state board, on the first Monday in March and October in each year, to districts whose schools have been in session at least nine months. The apportionment shall be in proportion to the number of pupils ~~between the ages of five and twenty-one years who shall have been~~ in average daily membership during the

preceding year; provided, that apportionment shall not be paid to a district for pupils for whom tuition is received by the district.

Sec. 14. Minnesota Statutes 1984, section 124.19, subdivision 5, is amended to read:

Subd. 5. [SCHEDULE ADJUSTMENTS.] (a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by school districts. School districts are encouraged to consider both cost and energy saving measures.

(b) Notwithstanding the provisions of subdivision 1 or 4, any district, including a district operating a program pursuant to sections 120.59 to 120.68 120.67 or 129B.42 to 129B.47, may adjust the annual school schedule throughout the calendar year so long as the number of instructional hours in the year is not less than the number specified in the rules of the state board.

Sec. 15. [124.248] [HEALTH AWARENESS PROGRAMS.]

Subdivision 1. [PURPOSE AND POLICY DEVELOPMENT.] The legislature finds that the development of local policies and programs to promote health awareness and healthy lifestyles among all elementary and secondary pupils and staff in a district is essential. Therefore, the legislature encourages every district to develop a health awareness policy and an instructional program which addresses at least the following:

- (1) promoting health fitness;*
- (2) improving health-related attitudes early in life to reduce health risk behaviors;*
- (3) improving nutrition and diet habits;*
- (4) enhancing pupils' self-esteem regarding their physical and mental health;*
- (5) facilitating fitness and healthy attitudes and behaviors in school personnel; and*
- (6) responding to identifiable existing health problems.*

Subd. 2. [ADVISORY COMMITTEE.] Every district is encouraged to establish a health program advisory committee or to use an existing citizens' advisory committee, such as the planning, evaluation and reporting advisory committee, to assist in developing the policy and programs specified in subdivision 1. The advisory committee shall be broadly representative of the school district and shall include teachers, health professionals, parents, and other members of the community.

Subd. 3. [TECHNICAL ASSISTANCE.] The department of education shall provide technical assistance to school boards that request its assistance.

Sec. 16. Minnesota Statutes 1984, section 124.76, subdivision 2, is amended to read:

Subd. 2. Public sale of tax and aid anticipation certificates of indebtedness according to subdivision 1 shall not be required (1) if the proposed borrowing is in an amount less than \$400,000, and if the sum of all outstanding tax and aid anticipation certificates issued by the board within the preceding six

months does not exceed \$400,000 or, (2) if the certificates mature no later than 12 months after their date of issue. If no public sale is held, the certificates of indebtedness ~~must~~ may be sold in accordance with the most favorable of two or more proposals solicited privately or the interest rates may be determined by direct negotiation.

Sec. 17. Minnesota Statutes 1984, section 125.05, is amended by adding a subdivision to read:

Subd. 6. [LIMITED PROVISIONAL LICENSE.] The board of teaching may issue a provisional license according to this subdivision. A provisional license valid for two years and not renewable may be issued for a new or emerging field in which there is no license and for a field in which the board determines there is an insufficient number of licensed teachers available to teach. The board may also issue a provisional license valid for one year and not renewable for a particular field of licensure when a school board notifies the board of teaching that there is an insufficient number of licensed teachers, within the staff of the district, available to teach in that particular field.

Sec. 18. Minnesota Statutes 1984, section 125.12, is amended by adding a subdivision to read:

Subd. 2a. [EMPLOYMENT IN SUPERVISORY POSITIONS.] Notwithstanding other law, a teacher, as defined in section 179A.03, does not have a right to employment in a district as an assistant superintendent, as a principal defined in section 179A.03, as a confidential or supervisory employee defined in section 179A.03, or in a position that is a promotion from the position currently held, based on seniority, seniority date, or order of employment by the district; provided that this provision shall not alter the reinstatement rights of an individual who is placed on leave from an assistant superintendent, principal or assistant principal, or supervisory or confidential employee position pursuant to chapter 125.

Sec. 19. Minnesota Statutes 1984, section 125.60, subdivision 3, is amended to read:

Subd. 3. [REINSTATEMENT.] Except as provided in subdivisions 6a and 6b, a teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which the teacher is licensed at the beginning of any school year which immediately follows a year of the extended leave of absence, unless the teacher fails to give the required notice of intention to return or is discharged or placed on unrequested leave of absence or the contract is terminated pursuant to section 125.12 or 125.17 while the teacher is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section, unless the teacher advises the board of the intention to return before February 1 in the school year preceding the school year in which the teacher wishes to return or by February 1 in the calendar year in which the leave is scheduled to terminate. The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.

Sec. 20. Minnesota Statutes 1984, section 298.24, subdivision 3, is amended to read:

Subd. 3. (a) A credit in the amount of not to exceed four cents per gross ton of taxable iron ore concentrate produced shall be allowed against the tax

imposed by subdivision 1, with respect to the production of iron ore concentrate from taconite plants which, together with the lands upon which they are located and lands used in connection with the mining, quarrying and concentration of taconite and buildings, machinery, equipment and other fixtures used in the production of taconite, and notwithstanding the provisions of section 298.25, have by law been made subject to direct taxes for the payment of principal and interest on bonds issued by a school district or city.

(b) Notwithstanding clause (a), a credit of not to exceed seven cents shall be allowed a producer for the payment of taxes for bonds, and interest on them, issued by Independent School District 703, for which the producer's property has been made subject to direct taxes.

(c) *Notwithstanding clause (a), a credit of not to exceed four cents shall be allowed a producer for the payment of taxes for bonds, and interest on them, issued by independent school district No. 701, Hibbing, for which the producer's property has been made subject to direct taxes.*

(d) The credit allowed in this subdivision shall be allowed against taxes payable in the calendar years following the issuance and sale of the bonds until the total credit allowed in all years equals the total liability of the producer for direct taxes for the payment of the bonds and interest. If necessary to equal the total liability of the producer, the credit may be taken in years after the years when the taxes for the bond principal and interest were paid.

The amount of credit allowable hereunder in any year with respect to production from any plant subjected to direct taxes shall not exceed the amount of the direct taxes levied in the prior year against the plant for the bonds and interest and the indebtedness secured thereby, except if the credit allowed does not equal the amount levied in the prior year, then the unused credits of prior years may be used for the deficiency.

Sec. 21. Laws 1973, chapter 683, section 26, as amended by Laws 1981, chapter 358, article 6, section 40, is amended to read:

Subd. 2a. [SCHOOL ADMINISTRATION; TRANSFER OF AUTHORITY.] The care, management, and control of the experimental school in Independent School District No. 309 is ~~transferred from the Indian education committee as defined in subdivision 2, to vested in the White Earth reservation business committee tribal council.~~ The Indian education committee, as defined in subdivision 2, shall serve in an advisory capacity to the White Earth reservation ~~business committee tribal council and may exercise the powers or duties delegated to it by the White Earth reservation tribal council.~~ For purposes of this section, "committee" means the White Earth reservation ~~business committee tribal council.~~ The White Earth reservation ~~business committee tribal council~~ is eligible to receive federal aid to Indians pursuant to section 124.64. Notwithstanding any law to the contrary, the experimental school shall be considered a public school.

Sec. 22. Laws 1973, chapter 683, section 26, subdivision 17, as amended by Laws 1975, chapter 432, section 88, as amended by Laws 1977, chapter 447, article VII, section 28, as amended by Laws 1981, chapter 358, article 6, section 42, is amended to read:

Subd. 17. ~~The provisions of This section shall expire is repealed July 1, 1985 1989.~~ At any time before that date the experimental school may be

terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of District No. 309, whereupon the board of District No. 309 shall resume the care, management, and control of the entire district on July 1 following. Prior to December 1 of each year the committee shall submit to the legislature a report of the experimental school established by this section. Such report shall document the success or failure of the experimental school.

Sec. 23. [CONSOLIDATION FEASIBILITY STUDY.]

The department of education shall study the feasibility of and develop alternate methods of financing construction costs for a secondary school based on the assumption that more than three school districts would consolidate. The study shall include the effect on district property taxes, an appropriate share paid by the school districts, credits paid to school districts, other local sources of funding, and any other financing methods. The department shall report its recommendations to the education committees of the legislature by January 15, 1986.

Sec. 24. [INDEPENDENT SCHOOL DISTRICT NO. 701; BONDS.]

Subdivision 1. Commencing with taxes payable in 1986, the commissioner of revenue shall deduct and annually pay to independent school district No. 701, Hibbing, an amount equal to four cents per gross ton of taxable iron concentrate produced but not less than \$400,000 annually from the taxes paid pursuant to Minnesota Statutes, sections 298.23 to 298.28 by a person, corporation, partnership, operator, joint venture, or other owner of a taconite plant and taconite properties located within the school district. The deduction shall be made from the amount which would otherwise have been distributed to the northeast Minnesota economic protection fund in the apportionment fund in the state treasury under Minnesota Statutes, section 298.28, subdivision 1. A sum is annually appropriated to the commissioner from the proceeds of the taxes sufficient to make the payments required by this section.

Subd. 2. If the producer described in subdivision 1 ceases operations or decreases its operations so that the amount of the deduction of four cents per gross ton of concentrate produced is insufficient to raise \$400,000 annually, then the difference between the deduction of four cents per gross ton of concentrate produced and \$400,000 shall be paid as provided in Minnesota Statutes, section 298.225.

Subd. 3. The deduction and payment provided in subdivisions 1 and 2 shall terminate upon maturity or payment of the last of those bonds.

Sec. 25. [AUTHORIZATION OF BONDS AND TAX LEVIES.]

Subdivision 1. [AMOUNT; PROCEDURE.] Independent school district No. 706, Virginia, may issue bonds in an aggregate principal amount not exceeding \$3,225,000, in addition to any bonds already issued or authorized, to finance the acquisition and betterment of school buildings and facilities. Except as permitted by this section, the bonds shall be authorized, sold, and issued in accordance with Minnesota Statutes, chapter 475, except that no election shall be required to authorize their issuance except as provided in subdivision 2, and the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53.

Subd. 2. [NOTICE; ELECTION.] Prior to the issuance of the bonds, the

school board shall publish in the official newspaper of the district a resolution authorizing their issuance, and if within ten days after such publication there is filed with the school district clerk a petition requesting an election on the proposition of issuing the bonds signed by qualified voters in number equal to ten percent of the number of qualified voters voting at the last general election in the district, the bonds shall not be issued unless and until such proposition has been approved by a majority of the votes cast thereon at a regular or special election.

Subd. 3. [LEVY.] After the sale and before the delivery of any bonds under authority of this section, the school board shall, by resolution, levy upon all taxable property in the school district a direct, general ad valorem tax for each year of the term of the bonds in amounts which, if collected in full and added to the minimum amounts required to be paid to the district under section 26, subdivision 1, are sufficient to pay when due the principal of and interest on the bonds. A copy of the resolution shall be filed and the taxes levied shall be collected as specified in Minnesota Statutes, section 475.61. A resolution of the board levying taxes for the payment of the bonds and interest on them as authorized by this section and pledging the proceeds of the levies for the payment of the bonds and interest on them shall be deemed to be in compliance with the provisions of Minnesota Statutes, chapter 475 with respect to the levying of taxes for their payment.

Subd. 4. [DEFICIENCIES.] Bonds issued under authority of this section shall be general obligations of the school district, for which its full faith and credit and unlimited taxing powers shall be pledged. If there are any deficiencies in the collections of the taxes levied pursuant to subdivision 2 or in the amounts required to be paid to the district under section 26, subdivision 1, they shall be made good by general levies, not subject to limit, on all taxable property in the district in accordance with Minnesota Statutes, section 475.74. If any deficiency levies are necessary, the school board may effect a temporary loan or loans on certificates of indebtedness issued in anticipation of them to meet payments of principal or interest on the bonds due or about to become due.

Subd. 5. [EFFECT ON OTHER LEVIES.] Taxes levied pursuant to this section shall be disregarded in the calculation of any other tax levies or limits on tax levies provided by other law.

Subd. 6. [INDEBTEDNESS LIMITATIONS.] Bonds may be issued under authority of this section notwithstanding any limitations upon the indebtedness of a district, and their amounts shall not be included in computing the indebtedness of a district for any purpose, including the issuance of subsequent bonds and the incurring of subsequent indebtedness.

Sec. 26. [TRANSFER OF TACONITE TAXES.]

Subdivision 1. [PAYMENTS TO DISTRICT; APPROPRIATIONS.] Commencing with taxes payable in 1986, the commissioner of revenue shall deduct and pay to independent school district No. 706, Virginia, on or before October 1 of each year, an amount equal to 24 cents per gross ton of taxable iron concentrate produced or to 90 percent of the debt service coming due on or before the second following January 1 on all bonds issued by the district pursuant to section 25, whichever is greater, from the taxes paid pursuant to sections 298.23 to 298.28 by a person, corporation, partnership, operator,

joint venture, or other owner of a taconite plant and taconite properties located in the school district. The deduction shall be made from the amount which would otherwise have been distributed to northeast Minnesota economic protection fund in the apportionment fund in the state treasury under section 298.28, subdivision 1. A sum is annually appropriated to the commissioner from the proceeds of the taxes sufficient to make the payments required by this section.

Subd. 2. [PAYMENTS WHEN PRODUCTION DECREASES OR STOPS.] If the producer described in subdivision 1 ceases operations or decreases its operations so that the amount of the deduction of 24 cents per gross ton of concentrate produced is insufficient to raise the minimum amount required to be paid annually under subdivision 1, then the difference between the deduction of 24 cents per gross ton of concentrate produced and such minimum amount shall be paid as provided in section 298.225.

Subd. 3. [DEPOSIT AND USE OF FUNDS.] The revenue received pursuant to this section by independent school district No. 706, Virginia, shall be deposited in the bond redemption fund of the district and shall be used only to pay debt service on bonds issued pursuant to section 25.

Subd. 4. [TERMINATION.] The deduction and payment of taxes authorized in subdivisions 1 and 2 shall terminate upon the payment in full, or the discharge of the district's obligation to pay in full, the principal of and interest on all bonds issued pursuant to section 25.

Sec. 27. [AUTHORIZATION OF BONDS AND TAX LEVIES.]

Subdivision 1. [AMOUNT; PROCEDURE.] Independent school district No. 697, Eveleth, may issue bonds in an aggregate principal amount not exceeding \$3,385,000, in addition to any bonds already issued or authorized, to finance the acquisition and betterment of school buildings and facilities. Except as permitted by this section, the bonds shall be authorized, sold, and issued in accordance with Minnesota Statutes, chapter 475, except that no election shall be required to authorize their issuance except as provided in subdivision 2, and the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53.

Subd. 2. [NOTICE; ELECTION.] Prior to the issuance of the bonds, the school board shall publish in the official newspaper of the district a resolution authorizing their issuance, and if within ten days after such publication there is filed with the school district clerk a petition requesting an election on the proposition of issuing the bonds signed by qualified voters in number equal to ten percent of the number of qualified voters voting at the last general election in the district, the bonds shall not be issued unless and until such proposition has been approved by a majority of the votes cast thereon at a regular or special election.

Subd. 3. [LEVY.] After the sale and before the delivery of any bonds under authority of this section, the school board shall, by resolution, levy upon all taxable property in the school district a direct, general ad valorem tax for each year of the term of the bonds in amounts which, if collected in full and added to the minimum amounts required to be paid to the district under section 28, subdivision 1, are sufficient to pay when due the principal of and interest on the bonds. A copy of the resolution shall be filed and the taxes

levied shall be collected as specified in Minnesota Statutes, section 475.61. A resolution of the board levying taxes for the payment of the bonds and interest on them as authorized by this section and pledging the proceeds of the levies for the payment of the bonds and interest on them shall be deemed to be in compliance with the provisions of Minnesota Statutes, chapter 475 with respect to the levying of taxes for their payment.

Subd. 4. [DEFICIENCIES.] Bonds issued under authority of this section shall be general obligations of the school district, for which its full faith and credit and unlimited taxing powers shall be pledged. If there are any deficiencies in the collections of the taxes levied pursuant to subdivision 2 or in the amounts required to be paid to the district under section 28, subdivision 1, they shall be made good by general levies, not subject to limit, on all taxable property in the district in accordance with Minnesota Statutes, section 475.74. If any deficiency levies are necessary, the school board may effect a temporary loan or loans on certificates of indebtedness issued in anticipation of them to meet payments of principal or interest on the bonds due or about to become due.

Subd. 5. [EFFECT ON OTHER LEVIES.] Taxes levied pursuant to this section shall be disregarded in the calculation of any other tax levies or limits on tax levies provided by other law.

Subd. 6. [INDEBTEDNESS LIMITATIONS.] Bonds may be issued under authority of this section notwithstanding any limitations upon the indebtedness of a district, and their amounts shall not be included in computing the indebtedness of a district for any purpose, including the issuance of subsequent bonds and the incurring of subsequent indebtedness.

Sec. 28. [TRANSFER OF TACONITE TAXES.]

Subdivision 1. [PAYMENTS TO DISTRICT; APPROPRIATIONS.] Commencing with taxes payable in 1986, the commissioner of revenue shall deduct and pay to independent school district No. 697, Eveleth, on or before October 1 of each year, an amount equal to 11 cents per gross ton of taxable iron concentrate produced but not less than 90 percent of the debt service coming due on or before the second following January 1 on all bonds issued by the district pursuant to section 27 from the taxes paid pursuant to sections 298.23 to 298.28 by a person, corporation, partnership, operator, joint venture, or other owner of a taconite plant and taconite properties located in the school district. The deduction shall be made from the amount which would otherwise have been distributed to northeast Minnesota economic protection fund in the apportionment fund in the state treasury under section 298.28, subdivision 1. A sum is annually appropriated to the commissioner from the proceeds of the taxes sufficient to make the payments required by this section.

Subd. 2. [PAYMENTS WHEN PRODUCTION DECREASES OR STOPS.] If the producer described in subdivision 1 ceases operations or decreases its operations so that the amount of the deduction of 11 cents per gross ton of taxable concentrate produced is insufficient to raise the minimum amount required to be paid annually under subdivision 1, then the difference between the deduction of 11 cents per gross ton of concentrate produced and such minimum amount shall be paid as provided in section 298.225.

Subd. 3. [DEPOSIT AND USE OF FUNDS.] The revenue received pursuant to this section by independent school district No. 697, Eveleth, shall be deposited in the bond redemption fund of the district and shall be used only to pay debt service on bonds issued pursuant to section 27.

Subd. 4. [TERMINATION.] The deduction and payment of taxes authorized in subdivisions 1 and 2 shall terminate upon the payment in full, or the discharge of the district's obligation to pay in full, the principal of and interest on all bonds issued pursuant to section 27.

Sec. 29. [REDUCTION IN SEVERANCE PAY ACCOUNT.]

By June 30, 1988, a district that has an amount in the appropriated fund balance for severance pay account in excess of the amount allowed by the uniform financial accounting and reporting standards shall eliminate the excess. Each year one-fourth of the amount determined to be excess in fiscal year 1985 shall be eliminated. However, adjustments to the excess may be made each fiscal year to account for changes in the amount needed in the account.

Sec. 30. [INSTRUCTIONS TO REVISOR.]

The revisor of statutes shall include in the supplement to Minnesota Statutes 1984 and in subsequent editions and supplements thereafter, and edit as authorized by law, the uncoded permanent law relating to the experimental school established by Laws 1973, chapter 683, section 26.

Sec. 31. [APPROPRIATION TO STUDY PROGRAMS TO MEET THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.]

\$40,000 is appropriated from the general fund to the department of education for fiscal year 1986 to study programs designed to meet the developmental needs of young children. The study shall:

(1) Analyze the feasibility of providing full-day kindergarten and programs for aiding the developmental growth of four-year old children. It shall include recommendations relating to the purpose, possible curricula, staff and licensure requirements, and costs of providing these programs.

(2) Examine how programs for full-day kindergarten and four-year old children could be coordinated with existing services, including early childhood family education programs, early and periodic health screening, programs for handicapped children from birth to age three, community education, and special education for four and five-year old children.

(3) Examine the child care needs of parents whose children are ages four to 12 and provide recommendations relating to how these needs could be met by public schools.

By February 1, 1986, the department shall report the results of the study and its recommendations to the education committees of the legislature.

Sec. 32. [REPEALER.]

Subdivision 1. Minnesota Statutes 1984, sections 120.68; 121.11, subdivision 7a; 122.89; 123.80, subdivisions 2 and 3; and 125.05, subdivision 5, are repealed.

Subd. 2. [EFFECT OF CERTAIN REPEALS.] The rules adopted accord-

ing to any provisions of Minnesota Statutes that are repealed shall remain in full force and effect, under the authority of Minnesota Statutes, section 121.11, until amended or repealed by the state board of education. The repeal of Minnesota Statutes, section 123.80, shall not be construed to enable state board of education rules relating to special transportation of handicapped pupils to be different from the rules of the commissioner of public safety.

Sec. 33. [EFFECTIVE DATE.]

Sections 16, 18, and 29 are effective the day following final enactment.

Section 24 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of independent school district No. 701.

Sections 25 and 26 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of independent school district No. 706.

Sections 27 and 28 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of independent school district No. 697.

ARTICLE 8

TECHNOLOGY AND EDUCATIONAL IMPROVEMENT

Section 1. Minnesota Statutes 1984, section 121.608, is amended to read:

121.608. [~~INSTRUCTIONAL~~ EDUCATIONAL EFFECTIVENESS PLAN.]

The commissioner of education shall develop a comprehensive statewide plan for maintaining and improving ~~instructional~~ educational effectiveness in the schools. The plan shall encourage implementation of ~~school~~ educational effectiveness strategies based on research findings in the area, develop in-service ~~training~~ models for school district staff, integrate developments in educational technology with classroom instruction models, and develop a mechanism for establishing a statewide network to coordinate and disseminate information on research in ~~instructional~~ educational effectiveness. The commissioner may employ consultants and specialists to assist in the development of the plan, and, to the extent possible, shall utilize the information provided by the planning, evaluation, and reporting process and the statewide assessment program. The plan shall be revised as necessary.

Sec. 2. Minnesota Statutes 1984, section 121.609, is amended to read:

121.609. [~~INSTRUCTIONAL~~ EDUCATIONAL EFFECTIVENESS TRAINING INSTRUCTION.]

Subdivision 1. [ADVISORY TASK FORCE; PROGRAM MODEL.] The commissioner of education shall appoint an advisory task force to assist the department of education, in cooperation with the educational cooperative service units, in developing an implementation model for ~~training~~ providing inservice instruction to school district staff in ~~instructional~~ educational effectiveness. The ~~training~~ inservice program model shall be based on established principles of instructional design and the essential elements of effective instruction as determined by educational research. The ~~training~~ inservice

program model shall take into account the diverse needs of the school districts due to such factors as district size and location, and shall be structured to facilitate regional delivery of the ~~training inservice instruction~~ through the educational cooperative service units.

Subd. 2. [~~PILOT TESTING RESEARCH AND DEVELOPMENT OF TRAINING INSERVICE MODEL.~~] ~~Between January 1, 1984, and June 30, 1985,~~ The commissioner shall administer a ~~pilot research and development~~ program of the ~~instructional educational effectiveness training inservice~~ models which shall be implemented in at least 20 pilot sites throughout the state. The advisory task force established in subdivision 1 of this section may recommend modifications in the ~~training inservice~~ models as necessary.

Subd. 3. [EVALUATION AND REPORT.] The commissioner shall ~~pay~~ ~~an provide for~~ independent evaluator to ~~conduct an~~ evaluation of the effectiveness of this section. ~~A preliminary evaluation, including a sample survey of district personnel trained at the pilot sites, shall be completed by January 1, 1985. The evaluation results shall be reported to the education committees of the legislature by January 15 of each year.~~

The commissioner, with the assistance of the advisory task force, shall develop a long-term evaluation instrument for use at the ~~pilot research and development~~ sites and other districts utilizing the ~~instructional educational effectiveness~~ models. The long-term evaluation instrument shall include a method for measuring student achievement.

Subd. 4. [REGIONAL SERVICES.] The department of education shall contract with educational cooperative service units or other regional educational service agencies to provide assistance to the school districts in an educational cooperative service unit region in implementing ~~instructional educational effectiveness~~ models. In selecting an agency to provide assistance to the school districts, the department shall consider such factors as support of the proposal by the participating school districts and the extent to which the proposal provides for participation by school district staff. If more than one agency submits a proposal to provide services to school districts within an educational cooperative service unit region, the department shall encourage the agencies to develop a joint proposal.

Subd. 5. [~~INSTRUCTIONAL EDUCATIONAL EFFECTIVENESS TRAINING INSERVICE.~~] Utilizing the statewide plan developed pursuant to section 121.608 and the regional support services authorized in subdivision 4 and based on the research from the ~~educational effectiveness inservice models authorized in subdivision 3,~~ the department of education shall provide ~~instructional educational effectiveness training inservice instruction~~ for school district staff. The ~~training inservice instruction~~ shall be ~~provided facilitated~~ by building level leadership teams, as defined in the statewide plan developed pursuant to section 121.608. The ~~training inservice instruction~~ shall include clarification of individual school ~~missions, goals and expectations,~~ enhancement of collaborative planning and collegial relationships among the building staff, improvement of ~~instructional and organizational~~ skills and ~~instructional~~ the climate of the school, and planning of staff development programs.

Sec. 3. [121.611] [NONLICENSED COMMUNITY EXPERTS; VARIANCE.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding any law or state board of education rule to the contrary, the board of teaching may allow school districts to hire nonlicensed community experts to teach in the public schools on a limited basis according to this section.

Subd. 2. [APPLICATIONS; CRITERIA.] The school district shall apply to the board of teaching for approval to hire nonlicensed teaching personnel from the community. In approving or disapproving the district's application for each community expert, the board shall consider:

(1) the qualifications of the community person whom the district proposes to employ;

(2) the reasons for the district's need for a variance from the teacher licensure requirements;

(3) the district's efforts to obtain licensed teachers for the particular course or subject area;

(4) the amount of teaching time for which the community expert would be hired;

(5) the extent to which the district is utilizing other nonlicensed community experts under this section;

(6) the nature of the community expert's proposed teaching responsibility; and

(7) the proposed level of compensation to the community expert.

Subd. 3. [APPROVAL OF PLAN.] The board of teaching shall approve or disapprove an application within 60 days of receiving it from a school district.

Sec. 4. Minnesota Statutes 1984, section 121.612, subdivision 3, is amended to read:

Subd. 3. [FOUNDATION PROGRAMS.] The foundation shall plan for programs which advance the concept of educational excellence. These may include but are not limited to:

(a) recognition programs and awards for students demonstrating academic excellence;

(b) summer institute programs for students with special talents;

(c) recognition programs for teachers, administrators, and others who contribute to academic excellence;

(d) summer mentorship programs with business and industry for students with special career interests and high academic achievements;

(e) governor's awards ceremonies to promote academic competition; and

(f) consideration of the establishment of a Minnesota high school academic league; and

(g) matching contributions from businesses to encourage their participation in education.

To the extent possible, the foundation shall make these programs available

to students in all parts of the state.

Sec. 5. Minnesota Statutes 1984, section 121.612, is amended by adding a subdivision to read:

Subd. 3a. [ENCOURAGING EMPLOYEE PARTICIPATION.] The foundation, in cooperation with public and private employers, shall explore ways to encourage sponsorship of teachers, assistance for students in teacher education programs, and employee involvement in education, including but not limited to:

- (1) providing employment for teachers during the summer;*
- (2) providing for employers to assist students in teacher education programs by making loans to the students or by paying interest on student loans;*
- (3) providing for a mentorship program between employers and teachers or students in teacher education programs;*
- (4) allowing release time for employees to attend school functions, such as school board meetings, citizen committees, and parent-teacher conferences; and*
- (5) providing recognition to employees for outstanding volunteer contributions to education.*

Sec. 6. [121.918] [DEPARTMENT MANAGEMENT ASSISTANCE TO SCHOOL DISTRICTS.]

The department shall provide management assistance if requested by a district. The assistance may include:

- (1) developing data and assumptions for the district to use in setting priorities and goals and in considering management and organizational alternatives; and*
- (2) analyzing and assessing alternative methods of organization and management, including opportunities for coordination and cooperation with other districts, and assessing the relative costs and benefits of the alternatives.*

Sec. 7. Minnesota Statutes 1984, section 123.742, subdivision 1, is amended to read:

Subdivision 1. [TECHNICAL ASSISTANCE.] Insofar as possible, the state curriculum advisory committee, department of education, and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts upon request. The department shall collect the annual evaluation reports from local districts as provided in section 123.741, subdivision 5, and shall make ~~this~~ these data available to the state curriculum advisory committee and, upon request, to any district seeking to use it for purposes of comparisons of student pupil performance. If requested, the department of education shall provide technical assistance to a district developing achievement tests, competency tests, or other methods of measuring group or individual pupil progress.

Sec. 8. Minnesota Statutes 1984, section 123.742, is amended by adding a subdivision to read:

Subd. 2a. [DISTRICT ASSESSMENTS.] As part of the planning, evalua-

tion, and reporting process, each year a district shall, in at least three grades, conduct assessments among at least a sample of pupils in three curriculum areas. At least two curriculum areas shall be communication, mathematics, science, or social studies. The third area shall be selected by the district. Assessments may not be conducted in the same curriculum area during two consecutive years. The district may use tests from the assessment item bank, the local assessment option developed by the department, or other tests approved by the state board.

Sec. 9. Minnesota Statutes 1984, section 123.742, subdivision 3, is amended to read:

Subd. 3. [PARTICIPATION IN STATEWIDE ASSESSMENT PROGRAM.] ~~Beginning in the 1984-1985 school year,~~ Each school district shall participate in the statewide assessment sampling process at least once every three years to provide normative data. ~~Each year~~ the department of education shall determine which districts shall participate and which curriculum areas shall be assessed ~~in a given school year.~~

Sec. 10. Minnesota Statutes 1984, section 123.742, subdivision 5, is amended to read:

Subd. 5. [ASSESSMENT ITEM BANK.] The department of education shall ~~develop~~ maintain an assessment item bank for the purpose of providing to provide assessment programs to individual districts which that are tailored to the specific educational objectives of the an individual school or district. ~~Beginning in the 1984-1985 school year and each year thereafter, the department shall develop an item bank for at least two curriculum areas each year.~~ The item bank shall contain items related to each of the measurable learning expectations of the state board. The department shall develop and maintain an item bank for at least ten different curriculum areas.

Sec. 11. Minnesota Statutes 1984, section 123.742, is amended by adding a subdivision to read:

Subd. 5a. [ADDITIONAL TESTS.] The department shall maintain additional tests for at least three grade levels. The tests shall be designed to measure the progress of individual students toward the state board's learning expectations in the core curriculum areas of communications, mathematics, science, and social studies. The department shall make the tests available for a district to use, at the option of the district, as a part of the department's local assessment program.

Sec. 12. Minnesota Statutes 1984, section 123.7431, is amended to read:

123.7431 [AID FOR PLANNING, EVALUATION, AND REPORTING PROCESS.]

Subdivision 1. [ELIGIBILITY.] Each school district which completes the planning, evaluation, and reporting process pursuant to the requirements of sections 123.741 and 123.742 and which receives approval from the commissioner of education is eligible to receive state aid each year. An eligible school district shall receive \$1 times the number of pupils in average daily membership for the applicable prior school year. No district which is eligible for aid shall receive less than \$1,500.

Subd. 2. [PAYMENT OF AID.] The department of education shall pay aid

to a district within 30 days of approving the district's planning, evaluation, and reporting process. *However, no aid may be paid prior to July 1 in any calendar year.*

Sec. 13. Minnesota Statutes 1984, section 124.19, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTIONAL TIME.] Every district which receives special state aid shall maintain school in session or provide instruction in other districts, in state university laboratory school or in the university laboratory school, for at least 175 days, not including summer school, or the equivalent in a district operating a flexible school year program. A district which holds school for the required minimum number of days and is otherwise qualified is entitled to special state aid as provided by law. If school is not held for the required minimum number of days, special state aid shall be reduced by the ratio that the difference between 175 days and the number of days school is held bears to 175 days, multiplied by 60 percent of the product of the foundation aid formula allowance times its pupil units for that year. However, districts maintaining school for fewer than the required minimum number of days do not lose special state aid, if the circumstances causing loss of school days below the required minimum number of days are beyond the control of the board and, if proper evidence is submitted and a good faith attempt made to make up time lost due to these circumstances. The loss of school days resulting from a lawful employee strike shall not be considered a circumstance beyond the control of the board. Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school. Not more than five days may be devoted to parent-teacher conferences or teachers' workshops, or other staff development opportunities as part of the required minimum number of days, except that, for kindergarten classes, not more than ten days may be devoted to parent-teacher conferences or teachers' workshops, or other staff development opportunities as part of the required minimum number of days.

Sec. 14. [124.253] [AID FOR EXCELLENCE IN TEACHING AND CURRICULUM.]

Subdivision 1. [MAXIMUM REVENUE.] *The maximum revenue a district may receive for an excellence in teaching and curriculum program is \$500 times the number of full-time equivalent licensed staff, including teaching, supervisory, and support staff, in the district's elementary and secondary programs in that school year. No district shall receive less than \$12,000. For a district that does not have contracts executed according to section 26, the maximum revenue is reduced by 40 percent. For districts that have entered into contracts according to section 26, the 40 percent portion of the maximum revenue shall not exceed the cost of the contracts.*

Subd. 2. [AID.] *An eligible district shall receive aid equal to:*

(1) *the difference between the maximum revenue, according to subdivision 1, and the permitted levy attributable to the same school year, according to section 275.125, subdivision 8c; times*

(2) *the ratio of the district's actual levy to its permitted levy.*

Subd. 3. [USE OF REVENUE.] *The proceeds of the aid authorized by this*

section and the levy authorized by section 275.125, subdivision 8c, shall be used only for an excellence in teaching and curriculum program and shall be used only in the proportions set forth in section 25.

Sec. 15. Minnesota Statutes 1984, section 124A.03, subdivision 4, is amended to read:

Subd. 4. [SUMMER PROGRAM LEVY.] ~~In 1984 and each year thereafter,~~ A district may levy for summer programs an amount equal to the following product:

(a) The district's estimated total summer program revenue allowance as defined in section 124A.033, subdivision 2, for the summer program session to be held in the calendar year after the calendar year when the levy is certified, times

(b) the lesser of

(1) one, or

(2) the ratio of

(i) the quotient derived by dividing the adjusted assessed valuation of the district in the second preceding year by the total pupil units in the district in the current regular school year, to

(ii) the equalizing factor for the current regular school year.

Sec. 16. Minnesota Statutes 1984, section 124A.033, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for summer programs and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer program pupil units" means full-time equivalent pupil units, *computed under section 124.17*, for summer programs and inter-session classes of flexible school year programs ~~computed under the provisions of section 124.17~~.

(2) "Summer program ~~instructional~~ revenue allowance" means an amount equal to the product of the number of summer program pupil units in a district, times the foundation aid formula allowance as defined in section 124A.02 for the preceding regular school year.

(3) "Summer educational improvement revenue allowance" means an amount equal to the product of 0.005, ~~times the number of actual pupil units in the district in the preceding regular school year,~~ times the foundation aid formula allowance as defined in section 124A.02 for the preceding regular school year.

(4) "Total summer program revenue allowance" means an amount equal to the sum of a district's summer program instructional revenue allowance and summer educational improvement revenue allowance.

(5) "Summer program aid" means aid for summer programs and inter-session classes of flexible school year programs.

Sec. 17. Minnesota Statutes 1984, section 124A.033, subdivision 3, is amended to read:

Subd. 3. [SUMMER PROGRAM AID.] ~~In fiscal year 1986 and~~ Each year thereafter, a district offers a summer instructional program, it shall receive summer program aid equal to the difference between:

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy, pursuant to section 124A.03, subdivision 3 4, certified in the calendar year before the summer program is offered; times

(b) the district's ~~total~~ summer program revenue allowance; and

(2) the levy certified by the district pursuant to section 124A.03, subdivision 3 4, in the calendar year before the summer program is offered.

Sec. 18. Minnesota Statutes 1984, section 124A.033, subdivision 5, is amended to read:

Subd. 5. [AUTHORIZED USE OF SUMMER PROGRAM AID AND LEVY.] ~~(a) Beginning with the 1985 summer program,~~ A school board may use the proceeds of the aid and levy received pursuant to this section and section 124A.03, subdivision 3 4, only for summer instructional programs that are offered for credit or required for graduation or that provide academic enrichment or remediation. The proceeds may not be used for recreational sports, leisure activities, entertainment, recreational activities, crafts, hobbies, or any other classes of a similar nature. Summer programs for a handicapped pupil shall relate to the pupil's individual education plan.

~~(b) The proceeds may also be used for expenditures during the summer for curriculum development, staff development, parent or community involvement, experimental educational delivery systems, and other measures designed to improve education in the district.~~

Sec. 19. Minnesota Statutes 1984, section 125.03, is amended by adding a subdivision to read:

Subd. 5. "Teachers" for the purpose of examination means persons applying for initial teaching licenses or persons applying for additional fields of licensure to provide direct instruction to pupils in pre-kindergarten, elementary, secondary, and special education programs. It does not mean persons applying for licenses as supervisory or support personnel nor does it mean librarians, school social workers, school psychologists, audio-visual directors or coordinators, or media generalists or supervisors.

Sec. 20. Minnesota Statutes 1984, section 125.05, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] The authority to license teachers as defined in section 125.03, *subdivision 1*, is vested in the board of teaching except that the authority to license supervisory and support personnel as defined in section 125.03, *subdivision 4*, is vested in the state board of education. Licenses shall be issued to such persons as the board of teaching or the state board of education finds to be competent for their respective positions. *For teachers, as defined in section 125.03, subdivision 5, competency includes successful completion of an examination of academic knowledge in each field of licensure and, for persons applying for initial licenses, an examination of skills in reading, writing, and mathematics. Qualifications of*

teachers and other professional employees except supervisory and support personnel shall be determined by the board of teaching under the rules which it promulgates. Licenses under the jurisdiction of the board of teaching shall be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education shall be issued through the licensing section of the department of education.

Sec. 21. Minnesota Statutes 1984, section 125.182, subdivision 1, is amended to read:

Subdivision 1. For the purpose of sections 125.181 to 125.185, the terms defined in this section shall have the meanings ascribed to given them, unless another meaning is clearly indicated.

Sec. 22. Minnesota Statutes 1984, section 125.185, subdivision 4, is amended to read:

Subd. 4. The board shall ~~develop and create~~ *adopt* rules for the licensure of ~~to license~~ public school teachers and interns; ~~and from time to time it shall revise or supplement the rules for licensure of public school teachers subject to the provisions of chapter 14. It shall be the duty of~~ *The board shall adopt rules for examination of teachers, as defined in section 125.03, subdivision 5. The rules may allow for completion of the examination of skills in reading, writing, and mathematics before entering or during a teacher education program.* The board ~~to establish~~ *shall adopt* rules for the approval of ~~to approve~~ teacher education programs; ~~provided~~ these rules shall encourage teacher educators to obtain periodic classroom teaching experience. The board shall also grant licenses to interns and to candidates for ~~original~~ *initial* licenses and receive recommendations from local committees as established by the board for the renewal of teaching licenses, grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. Notwithstanding any law or rule to the contrary, the board shall not establish any expiration date for application for life licenses. With regard to vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board of education and the state board of vocational technical education.

Sec. 23. [126.66] [STATE CURRICULUM PLANNING, EVALUATION, AND REPORTING.]

Subdivision 1. [CURRICULUM ADVISORY COMMITTEE.] The state board shall establish a curriculum advisory committee. The committee shall advise the state board in carrying out its duties under this section. The committee shall consist of 11 members from all parts of the state. Each member shall be a present or past member of a school district curriculum advisory committee. The membership shall consist of a member of the state board, school board member, administrator, parent, six teachers, and a member to represent the public at large. The provisions of section 15.059 shall apply to the committee except that there shall be no expiration date.

Subd. 2. [LEARNING EXPECTATIONS.] The state board of education shall review and adopt measurable learning expectations developed by the department of education. The board shall make the expectations available for a district to use at the option of the district. The expectations shall be for pupils in kindergarten to grade 12 in at least the core curriculum areas of

communication, mathematics, science, and social studies. The expectations shall set forth the scope and sequence of learning. The board shall also coordinate the development of model curricula for a district to use at its option and methods for a district to evaluate its curriculum.

Subd. 3. [REPORT CONTENTS.] By January 1 each year, the state board shall adopt a report containing at least the following:

(1) evaluation of pupil progress in the core curriculum areas and other areas for which valid statewide data are available; and

(2) recommendations for improving state and school district instructional programs.

The report shall not include information on individual schools or school districts.

Subd. 4. [REPORT TO LEGISLATURE.] By January 15 each year the state board shall present its report and recommendations to the education committees of the legislature.

Subd. 5. [COORDINATION WITH HIGHER EDUCATION.] The state board shall consult with each of the public post-secondary educational systems and with the higher education coordinating board in establishing learning expectations appropriate for entrance into post-secondary institutions.

Sec. 24. [126.70] [PLANNING FOR EXCELLENCE IN TEACHING AND CURRICULUM.]

Subdivision 1. [DEVELOPMENT OF PLAN.] Each school district is encouraged to develop and adopt a written comprehensive plan for excellence in teaching and curriculum. The plan shall be prepared in consultation with the curriculum advisory committee appointed according to section 123.741, subdivision 3. The district plan shall be submitted to the department of education for approval.

Subd. 2. [CONTENTS OF THE PLAN.] The plan shall include:

(1) whether the school board intends to offer contracts under the excellence in teaching program;

(2) procedures the district will use to analyze and identify teaching and curricular needs;

(3) short- and long-term needs for identified areas of need;

(4) integration with in-service and curricular efforts already in progress;

(5) integration of areas listed under section 25, subdivision 2;

(6) goals to be achieved and the means to be used; and

(7) procedures for evaluating progress.

Subd. 3. [EXEMPLARY PLANS.] In consultation with the instructional effectiveness advisory task force, advisory committee on technology in education, educational cooperative service units, and other appropriate agencies, the department of education shall develop exemplary plans by August 31, 1985, for districts to use in developing their plans.

Subd. 4. [AID FOR PLANNING.] Each school district intending to de-

velop a comprehensive plan is eligible to receive state aid for planning during the 1985-1986 or 1986-1987 school year. The department of education shall provide aid application forms to districts by August 31, 1985. Planning aid shall equal the greater of \$500 or 75 cents times the average daily membership of the district for the 1984-1985 school year. The department of education shall pay aid to a district within 30 days of receiving the district's application.

Sec. 25. [126.71] [EXCELLENCE IN TEACHING AND CURRICULUM.]

Subdivision 1. [ELIGIBILITY.] Each district that has an approved plan for excellence in teaching and curriculum is eligible for the revenue described in section 14.

Subd. 2. [USE OF REVENUE.] The 60 percent portion of the revenue for excellence in teaching and curriculum shall be used for at least two of the following purposes:

(1) to provide educational effectiveness instruction according to section 121.609;

(2) to provide in-service education for elementary and secondary teachers to improve the use of technology in education;

(3) to provide subject area in-service education emphasizing the academic content of curricular areas determined by the district to be a priority area;

(4) to increase the involvement of parents, business, and the community in education;

(5) for experimental delivery systems;

(6) for in-service education to increase the effectiveness of principals and administrators;

(7) for in-service education or curriculum development for programs for gifted and talented pupils;

(8) for in-service education or curriculum development for cooperative efforts to increase curriculum offerings, as set forth in section 124.272;

(9) for improving curriculum, according to the needs identified under the planning, evaluation, and reporting process set forth in section 123.741;

(10) for in-service education and curriculum development designed to promote sex equity in all aspects of education, with emphasis on curricular areas such as mathematics, science, and technology programs; or

(11) for in-service education or curriculum modification for handicapped pupils and low-achieving pupils.

The revenue shall not be used to provide direct instruction to pupils.

Subd. 3. [ADDITIONAL USE OF REVENUE.] The 40 percent portion of the revenue for excellence in teaching and curriculum shall be used for contracts for the excellence in teaching program.

Sec. 26. [126.72] [EXCELLENCE IN TEACHING PROGRAM.]

Subdivision 1. [AUTHORIZATION.] As part of a program for excellence

in teaching and curriculum, a school board may use up to 40 percent of the revenue for excellence in teaching and curriculum for short-term, limited contracts with classroom teachers employed by the district.

Subd. 2. [PURPOSE.] The school board shall determine the needs of its classroom teachers and the need for changes in its curriculum. In determining these needs, the school board shall obtain recommendations from classroom teachers, staff responsible for curriculum, and the curriculum advisory committee. It shall consider assessment results, other test results, and the district improvement plan portion of the report adopted according to section 123.741, subdivision 6. Contracts executed under this section shall relate directly to the identified needs.

Subd. 3. [SELECTION COMMITTEE.] A committee of six members appointed by the school board shall recommend teachers to receive contracts. Three members of the committee shall be classroom teachers. Three members shall be administrators, parents, members of the school board, or members of the community. The committee shall consider only classroom teachers who have background, knowledge, or expertise needed to perform duties in the areas of need identified by the school board. Years of service in the district shall not be a factor for consideration by the committee. No teacher shall have a right to a contract under this section based on seniority or order of employment in the district. The committee shall recommend to the school board names of individual teachers. The number of individual teachers recommended shall be approximately the number designated by the school board to meet the identified needs. The school board may award contracts to any of the recommended teachers but not to any others. The board may request the committee to recommend additional names of teachers.

Subd. 4. [SHORT-TERM, LIMITED CONTRACTS.] Contracts executed under this section shall provide classroom teachers any one or a combination of the following:

- (1) released time during the school day;*
- (2) additional hours in a school day; or*
- (3) additional days or weeks of employment during the summer.*

Contracts executed under this section shall terminate within one year of the date of execution. During the term of a contract under this section a teacher may be discharged for cause from duties under this contract; a hearing shall be held on the discharge upon request of the teacher. A teacher has no rights in a subsequent year to a contract under this subdivision.

Subd. 5. [APPLICATION OF OTHER LAWS.] The provisions of section 125.12 or 125.17 shall not apply to initial awards, renewal, or termination of contracts under this section. The provisions of this section concerning short-term, limited contracts shall not be construed to alter any aspect of other contracts executed by a school board.

Subd. 6. [ELIGIBILITY FOR REVENUE.] To be eligible for the excellence in teaching portion of revenue under section 14, the district shall file with the department of education a statement signed by the chair of the school board verifying that contracts under this section will be awarded. The statement shall indicate the number of contracts, whether duties are to be per-

formed before, during, or after the school day or during the summer, the total cost of all contracts, and a general description of the duties. The statement shall also describe how the recommendations required by subdivision 2 were obtained. Any problems associated with implementing this section may be included.

Sec. 27. [126.80] [CITATION.]

Sections 29 to 32 may be cited as "the research, planning, and development act of 1985."

Sec. 28. [PURPOSE.]

The legislature recognizes that research, planning, and development is important in maintaining and improving the quality of education in Minnesota. The purpose of the act is to support research, planning, and development of alternative educational structures and practices within school districts and teacher education institutions.

Sec. 29. [126.81] [RESEARCH, PLANNING, AND DEVELOPMENT DISSEMINATION CENTER.]

Subdivision 1. [DISSEMINATION CENTER.] The commissioner shall establish a research, planning, and development dissemination center within the department of education. The commissioner shall consult with the council on quality education in the development of the center.

Subd. 2. [ACTIVITIES.] The research, planning, and development dissemination center staff shall collect and disseminate education research and planning information. Available research and planning information shall include, but not be limited to, information from (a) council on quality education projects; (b) Minnesota post-secondary institutions; (c) technology demonstration sites; (d) northwest area foundation research; (e) instructional effectiveness sites; (f) school districts; and (g) other state and national theoretical and applied research activities.

Subd. 3. [DISSEMINATION PROCESS.] The commissioner shall establish written procedures for dissemination of research information.

Beginning July 1, 1986, the commissioner shall provide all licensed professional teaching staff in the state with a summary of research and planning information available through the research, planning, and development dissemination center and the established procedure to access the center.

The commissioner may provide research, planning, and development dissemination center information to other public regional, state, and local research and planning centers.

Sec. 30. [126.82] [COMPREHENSIVE LEARNING PROGRAM GRANTS.]

Subdivision 1. [PLAN.] The commissioner of education, in consultation with the council on quality education, shall make up to four grants for comprehensive learning programs. A comprehensive learning program is a program to improve opportunities for learning in a school district or group of school districts. The program must combine the components described in subdivision 3 into a comprehensive and coordinated learning program that enhances the opportunity for learning of all district residents. The state board

of education, department of education, ECSUs, school boards, and district staff are to cooperate and collaborate in an effort to use existing resources for the maximum benefit of learners.

Subd. 2. [COMPREHENSIVE LEARNING PROGRAM COMPONENTS.] A comprehensive learning program plan shall include the following:

(1) educational effectiveness, as described in sections 121.608 and 121.609;

(2) summer programs, as described in section 124A.033;

(3) an improved learning program, as described in section 129B.45, and a comprehensive staff development plan;

(4) community education, as authorized in section 121.88;

(5) early childhood family education, as described in section 121.882;

(6) special instruction and services for handicapped children, according to section 120.17;

(7) secondary vocational programs for handicapped and nonhandicapped pupils;

(8) use of technology in education; and

(9) coordination and cooperation with post-secondary institutions, according to section 123.3511.

A comprehensive learning program may include the following:

(1) a flexible school year program, as described in sections 120.60 to 120.67;

(2) methods to provide greater choice of learning programs for pupils in grades 11 and 12, including programs offered by other school districts and post-secondary institutions;

(3) development of individual learning programs for all pupils;

(4) implementation of mastery learning techniques;

(5) partnerships with business institutions;

(6) development of differentiated career roles and career ladders for teachers; and

(7) programs to facilitate small-group learning and flexibility in the size of learning groups.

Subd. 3. [ELIGIBILITY CRITERIA.] Grants shall be awarded based on the following criteria:

(1) evidence of excellent existing learning programs;

(2) willingness to match the grant with district resources;

(3) creative and practical ideas for means to develop an effective comprehensive learning program; and

(4) evidence that the district or group of districts could continue to support

an effective comprehensive learning program after the grant has been expended.

Subd. 4. [APPLICATION PROCEDURES.] Applications for grants shall be submitted to the commissioner of education by October 15, 1985. The commissioner shall submit applications to the council on quality education for its evaluation, based on the criteria in subdivision 3, and recommendations. The commissioner shall award grants by January 1, 1986. To the extent possible, grants shall be awarded in various parts of the state.

Subd. 5. [USE OF MONEY.] Comprehensive learning grants may be used:

(1) to employ staff to research, plan, develop, and implement comprehensive learning programs;

(2) to hire substitute teachers so that teachers may plan, develop, and implement comprehensive learning programs;

(3) to provide seminars, workshops, and in-service education to district staff and board members; and

(4) to implement a computerized management system for mastery learning.

Subd. 6. [DISTRICT IMPLEMENTATION.] Each district or group of districts that receives a comprehensive learning grant shall designate an individual as the program director. The director shall be employed for the entire year and shall devote at least one-half time to researching, planning, developing, and implementing comprehensive learning programs. Each district or group of districts that receives a comprehensive learning grant shall designate an advisory committee on implementation of the program. Districts are encouraged to select membership from existing committees.

Subd. 7 [TECHNICAL ASSISTANCE.] The department and ECSUs shall assist a district or group of districts with the research, planning, development, implementation, and evaluation of comprehensive learning programs.

Subd. 8. [ECSU GRANTS.] The commissioner may award a grant to an ECSU in which a district or group of districts receiving a comprehensive learning program grant is located. The grant to an ECSU shall not exceed 10 percent of the comprehensive learning program grant awarded to the district or group of districts in the ECSU.

Subd. 9. [EVALUATION.] The commissioner shall evaluate each site receiving a comprehensive learning program grant. The commissioner may contract with independent evaluators for this purpose.

Sec. 31. [126.83] [PUPIL GROUPING ALTERNATIVES.]

Subdivision 1. [GRANT AWARDS.] By October 15, 1985, the commissioner may award up to four grants to support research, planning, and development activities to examine pupil grouping alternatives that are appropriate for a given learning activity. Grants may be made to a school district, a group of school districts, or a teacher education institution working in cooperation with a school district or group of school districts.

Subd. 2. [REQUESTS FOR PROPOSALS.] By July 1, 1985, the commissioner, in consultation with the council on quality education, shall request

proposals for research, planning, and development projects. Proposals may include, but are not limited to: (1) modification of learner group size; (2) multi-age group activities; (3) innovative instructional methods to meet group needs; and (4) use of peer tutoring techniques.

Subd. 3. [SELECTION CRITERIA.] A grant recipient must demonstrate each of the following characteristics: (1) evidence of support by school district staff; (2) a willingness to match the grant awarded; and (3) a willingness to share experiences and information with interested parties.

Subd. 4. [PRIVATE FUNDING.] The grant recipient shall seek funding and in-kind contributions from private sources to supplement state grant awards.

Subd. 5. [EVALUATION.] The commissioner shall evaluate each research, planning, and development project. The commissioner may contract with independent evaluators for this purpose. The evaluation must include data on the satisfaction and success of teachers and learners.

Sec. 32. [126.84] [EXEMPLARY TEACHER EDUCATION PROGRAM GRANTS.]

Subdivision 1. [GRANTS.] The board of teaching shall award at least four grants for development of exemplary teacher education programs. Grants shall be awarded to post-secondary education institutions for programs that are conducted jointly by an approved teacher education institution and one or more school districts.

Subd. 2. [CONSULTATION WITH HECB.] The board of teaching shall consult with the higher education coordinating board on the procedures for making grants and on the proposals submitted pursuant to this section.

Subd. 3. [PROCEDURE.] The board of teaching shall establish a procedure for the application for awarding of grants. Grants shall be awarded by January 1, 1986, and may be for fiscal years 1986 and 1987 or fiscal year 1987. To the extent possible, the grants awarded shall represent a broad range of proposals.

Subd. 4. [ELIGIBILITY.] To be eligible for a grant a proposal must include:

(1) a learning-teaching program compatible with current research in child development and teacher effectiveness;

(2) a description of how the program relates to sections 129B.45, 129B.46, and 129B.47; and

(3) a plan for integrating the learning needs of special education students into the program.

Proposals must also meet one of the following sets of criteria:

(1) proposals that are designed to prepare college graduates to teach through structural internships in participating districts or other methods;

(2) comprehensive proposals that are designed to:

(a) prepare a person to be a teacher before specializing in a subject area;

(b) encourage teaching as a career and provide advanced levels of educa-

tion in graduate programs for teachers; and

(c) encourage the development of two-year education assistant programs.

Subd. 5. [EVALUATION.] *The board of teaching, in consultation with the higher education coordinating board, shall provide evaluation of programs that receive grants.*

Subd. 6. [DISSEMINATION.] *The board of teaching and the higher education coordinating board shall provide for dissemination of the evaluation results and program models. This information shall be made available to all licensed teachers and all post-secondary students studying to be teachers.*

Sec. 33. Minnesota Statutes 1984, section 129B.34, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] Applications containing specific in-service training proposals for a district or combination of districts shall be submitted by December 1, 1984, each year in the form and manner prescribed by the department of education. The department shall approve or disapprove applications within 60 days of receipt.

Sec. 34. Minnesota Statutes 1984, section 129B.34, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF AID.] A district or combination of districts whose application is approved shall receive \$1 70 cents times the number of pupils in average daily membership for the 1982-1983 prior school year. Aid shall be paid within 30 days of approval.

Sec. 35. Minnesota Statutes 1984, section 129B.35, is amended to read:

129B.35 [REGIONAL COORDINATORS.]

~~The Minnesota educational computing consortium~~ department of education shall contract to provide regional instructional computing coordinators with expertise in the use of technology in education. ~~The Minnesota educational computing consortium and the department of education and school districts~~ shall agree on the services to be provided by the regional coordinators. Among other responsibilities, the regional coordinators shall serve as onsite consultants to districts ~~participating in attempting to implement recently approved technology utilization planning plans and inservice training education.~~

Sec. 36. Minnesota Statutes 1984, section 129B.36, subdivision 1, is amended to read:

Subdivision 1. [SITE DESIGNATION.] By ~~January 15, 1984~~ July 1, 1985, the ~~state board commissioner,~~ in consultation with the advisory committee, shall designate ~~from eight to ten districts as which of the existing technology demonstration sites and award each district a grant for use during the 1983-1984 and 1984-1985 school years are eligible for continuation grants for use during the 1985-1986 and 1986-1987 school years. A site that does not receive a continuation grant under this subdivision may retain its designation as a technology demonstration site during the 1985-1986 and 1986-1987 school years to improve its opportunities to obtain funding from private or other public sources. The commissioner, in consultation with the advisory committee, shall determine the level of funding for each site. A grant shall be at~~

least \$125,000 but not more than \$175,000. \$125,000 of each grant may be used to continue existing operations. Any grant amount exceeding \$125,000 may be used for the expenses of expanded efforts already planned or underway at the site. Grantees must continue matching the grant award in the manner agreed for the previous biennium.

Sec. 37. Minnesota Statutes 1984, section 129B.36, subdivision 4, is amended to read:

Subd. 4. [GRANT AWARDS.] Applications for grants shall be submitted to the state board commissioner by ~~December 1, 1983~~ August 1, 1985 in the form and manner prescribed by the department. Grants shall be awarded by ~~January 15, 1984~~ September 1, 1985.

Sec. 38. Minnesota Statutes 1984, section 129B.36, subdivision 5, is amended to read:

Subd. 5. [RECIPIENT DUTIES AND USE OF MONEY.] A district selected for a grant shall work cooperatively with the advisory committee, department of education, Minnesota educational computing consortium, higher education institutions in the area, and business and industry, as appropriate. A district selected for a grant shall have a technology utilization plan according to section 129B.33. The district shall conduct at least one workshop four workshops each school year of the grant to demonstrate to other districts and interested parties its use of technology in education. Grant money may be used for equipment, consultants, curriculum development, and teacher training education.

Sec. 39. Minnesota Statutes 1984, section 129B.37, subdivision 1, is amended to read:

Subdivision 1. [LIST.] By January 1, 1984, The department of education shall compile, publish, and distribute to districts a list of high quality courseware packages for use in public elementary and secondary schools. Every six months thereafter, the department shall supplement the list with recently evaluated materials.

Sec. 40. [129B.375] [COURSEWARE INTEGRATION CENTERS.]

The commissioner of education shall establish educational courseware integration centers to provide (1) access for teachers to major exemplary courseware, (2) opportunities for teachers to become familiar with a variety of technology resources, and (3) assistance in integrating technology materials into the curriculum.

Sec. 41. Minnesota Statutes 1984, section 129B.38, is amended to read:

129B.38 [SUBSIDY FOR PURCHASE OF COURSEWARE PACKAGES.]

Subdivision 1. [AID AMOUNT.] A district that purchases or leases courseware packages that qualify as high quality according to section 129B.37 shall receive state aid each year. The aid shall be equal to the lesser of:

(a) ~~\$1-60~~ 90 cents times the number of pupils in average daily membership for the 1982-1983 prior school year; or

(b) 25 percent of the actual expenditures of the district for purchase or lease

of the courseware packages between January 1, 1984, and May 31, 1985 during the year.

Subd. 2. [AID PAYMENT.] ~~Applications~~ Applications for aid shall be submitted in the form and manner prescribed by the department. Payment of aid shall be made by July 31, 1984, for applications received by June 30, 1984. ~~Payment of aid shall be made by June 30, 1985, each year for applications received by between July 1, 1984, and May 31, 1985.~~

Sec. 42. Minnesota Statutes 1984, section 129B.39, is amended to read:

129B.39 [PURCHASE OF COURSEWARE PACKAGE DUPLICATION RIGHTS.]

Rights to duplication of courseware packages may be purchased, and volume purchase agreements may be established by the department of education, if the department determines that the courseware packages qualify as high quality according to section 129B.37, and if the courseware packages are available to the state at a lower cost than if purchased by school districts individually. The department shall ~~make the courseware packages available to the Minnesota educational computing consortium for distribution to districts contract with any company that submits the lowest bid and that has the capability to duplicate and distribute courseware packages obtained by the department under this section.~~ The materials shall be available to districts without cost except for nominal costs of reproduction and distribution.

Sec. 43. Minnesota Statutes 1984, section 129B.40, is amended to read:

129B.40 [COURSEWARE PACKAGE DEVELOPMENT.]

Subdivision 1. [NEW COURSEWARE PACKAGES.] ~~The Minnesota educational computing consortium, in consultation with the department of education, is authorized to develop and may contract with various organizations, commercial or nonprofit, for the design and development of courseware packages which will meet the needs of schools school districts and which otherwise are unavailable or too expensive for individual districts or the state to purchase. The Minnesota educational computing consortium department may:~~

(a) contract with school districts, private entrepreneurs, and other public or private agencies for the development of a specified courseware package;

(b) assist entrepreneurs to develop their own ideas for courseware packages that could be used in school districts, by providing funds for that purpose;

(c) secure copyrights for those materials in which it has a whole or part interest;

(d) ~~sell developed~~ contract for the distribution of courseware packages at cost to school districts in Minnesota and at commercial rates elsewhere at cost under section 129B.39; and

(e) ~~sell or~~ contract for the marketing of courseware packages.

The department of education shall evaluate whether the courseware packages qualify as high quality according to the criteria and procedures established in section 129B.37.

Courseware packages developed according to this subdivision shall become the property of the Minnesota educational computing consortium state. Revenue from the sale of these courseware packages shall be annually appropriated from the general fund to the department of education and shall be used to develop additional courseware packages according to this section and to evaluate the other commercial courseware under section 129B.37.

Subd. 2. [DISTRIBUTION.] The Minnesota educational computing consortium may Any company with which the department contracts to develop courseware packages must sell those courseware packages to Minnesota school districts at cost and may sell to school districts in other states and to the general public at commercial rates. Each contract with a developer who shares in the profits of distribution shall include a provision requiring sale of the courseware packages at cost to Minnesota school districts.

Sec. 44. Minnesota Statutes 1984, section 275.125, is amended by adding a subdivision to read:

Subd. 8c. [TEACHING AND CURRICULUM LEVY.] A district may levy for its excellence in teaching and curriculum program. The amount levied shall not exceed the lesser of:

(1) 4 mill times the adjusted assessed valuation of the district for the year preceding the year the levy is certified; or

(2) the maximum revenue, as defined in section 14, subdivision 1, for the fiscal year to which the levy is attributable.

If the school district does not file the statement required by section 26, subdivision 6, before the levy limits for the district are certified according to subdivision 10, the department shall reduce the levy limitation for this subdivision by the amount the district levied the previous year for contracts under section 26.

Sec. 45. Laws 1983, chapter 314, article 8, section 11, is amended to read:

Sec. 11. [ADVISORY COMMITTEE ON TECHNOLOGY IN EDUCATION.]

By July 1, 1983, a 15 member advisory committee on technology in education shall be appointed by the governor to assist in the implementation of sections 13 to 20 of this article. Representation on the advisory committee shall include public school teachers and administrators, school boards, parents, department of education, Minnesota educational computing consortium, at least one regional management information center, council on quality education, higher education, including representatives from teacher education programs, and at least two members from high technology business and industry. Advisory committee members shall be knowledgeable about the use of technology in elementary and secondary education. The advisory committee shall terminate on June 30, 1985 1987.

Sec. 46. [PHASE-IN OF ITEM BANK DEVELOPMENT.]

The department of education shall add three curricular areas to the item bank each year. The first curricular areas to be completed are communication, mathematics, science, and social studies.

Sec. 47. [ADOPTING PROPOSED EXAMINATIONS.]

Subdivision 1. [TIMING.] By September 1, 1986, the board of teaching shall adopt proposed examinations that have been validated by another state or reputable national testing organization.

Subd. 2. [SUBJECTS FOR EXAMINATION.] Proposed examinations must be adopted for reading, writing, and mathematics skills to indicate whether an individual possesses competency in each skill tested.

Proposed examinations must be adopted for each field of licensure for which people are examined. The examination must indicate whether an individual possesses the level of academic knowledge needed to teach in the field of licensure. The examination must measure academic knowledge only and not teaching theories, methodology, skills of teaching, or other areas traditionally associated with a teacher education program.

Subd. 3. [ADVISORY TASK FORCE.] The board shall appoint a task force of nine members to assist it in adopting and field testing proposed examinations. All members of the task force shall be licensed teachers. Compensation for members must be as provided in Minnesota Statutes, section 15.059, subdivision 3. The task force shall terminate June 30, 1987.

Subd. 4. [CONSULTATION AND ASSISTANCE.] The board shall consult with the commissioner of education and the executive director of the higher education coordinating board about adopting and field testing proposed examinations. The board may contract with consultants.

Subd. 5. [FIELD TESTING.] The board shall field test proposed examinations with students in at least three teacher education programs. The results must be used only to provide information for the board about the examinations.

Subd. 6. [REPORT TO LEGISLATURE.] By January 15, 1986, the board shall report its progress to the education committees of the legislature. By January 15, 1987, the board shall report to the education committees of the legislature about the process used to adopt examinations, how examinations were selected, the nature of the examinations, and the results of field testing.

Sec. 48. [EVALUATION OF TECHNOLOGY DEMONSTRATION SITES.]

The advisory committee on technology in education shall include, for evaluations performed during the biennium, a report concerning participation of pupils by sex, notwithstanding the provisions of Minnesota Statutes, section 363.03, subdivision 5, clause (3). The report shall contain (1) the numbers of pupils of each sex who participate in each program at each site, (2) the nature and quality of pupil participation by sex at each site, and (3) the amount of time pupils of each sex actually spend using technology equipment in each program at each site, even if there is equal opportunity to use the equipment. The advisory committee may contract with state agencies or consultants to collect data and prepare the information. If requested by the advisory committee, the department of education or a site, or both, shall collect data and prepare information. The report shall be submitted to the education committees of the legislature with the evaluations of technology demonstration sites.

Sec. 49. [INITIAL CENTER DESIGNATION AND GRANTS.]

Subdivision 1. [DESIGNATION.] The commissioner of education shall designate and award grants to at least five courseware integration centers established under section 40. Two centers shall be model media centers at permanent locations and at least three shall be mobile centers. The commissioner shall assure access by all regions of the state when designating centers.

Subd. 2. [CRITERIA.] In consultation with the advisory committee, the department of education shall develop designation criteria for review by the commissioner. The commissioner shall establish the criteria and distribute them to applicants by October 1, 1985. Criteria must include at least the following:

- (1) a currently existing exemplary program;*
- (2) a willingness to match the state grant; and*
- (3) a willingness to provide a model for integrating technology into the school curriculum.*

Subd. 3. [GRANTS.] The commissioner shall award a grant for each courseware integration center by January 15, 1986, for use during the 1986-1987 school year. Applications for grants must be submitted to the commissioner by December 1, 1985, in the form and manner determined by the commissioner.

Subd. 4. [RECIPIENT DUTIES AND USE OF MONEY.] A grant recipient shall work cooperatively with the advisory committee, the department of education, higher education institutions in the area, and business and industry, as appropriate. The recipient, using grant money, shall conduct at least four workshops during the school year of the grant to demonstrate to districts and interested parties its use of techniques for curriculum integration and ongoing opportunities for courseware review.

Subd. 5. [EVALUATION OF CENTERS.] The advisory committee shall evaluate the courseware integration centers. It may contract with independent evaluators for this purpose.

Sec. 50. [TECHNOLOGY IN SCHOOL DISTRICT MANAGEMENT.]

Subdivision 1. [DEFINITION.] The department of education, in consultation with the ESV computer council, shall encourage the use of technology in school district management. For purposes of this section, school district management includes administrative data processing such as student records, personnel records, inventory, and transportation routes but does not include reporting of finance data in accordance with the uniform financial accounting and reporting standards for Minnesota school districts.

Subd. 2. [GRANTS.] By January 1, 1986, the department of education, in consultation with the ESV computer council, shall make grants in equal amounts to the elementary, secondary, and vocational computer regions or other regional educational service agencies to provide assistance to school districts served by an elementary, secondary, and vocational computer region. If there is no acceptable application from a regional service provider to serve a region by January 1, 1986, the department may increase grants to other regions by the amount of the unserved region's allocation. By September 1, 1985, the department, in consultation with the ESV computer

council, shall develop criteria for awarding the grant. The criteria must include:

(1) the needs of a region, particularly the needs of districts not currently using technology in school district management;

(2) emphasis on using micro-technology in school district management, although the criteria must not restrict proposals to those using micro-technology; and

(3) a plan for meeting staff training needs that incorporates vendor expertise where possible.

Minnesota Statutes, chapter 14, does not apply to developing the criteria. The assistance must be compatible with state reporting requirements. The assistance provided by the grants must not require state financial support after June 30, 1987.

Sec. 51. [INDUSTRIAL TECHNOLOGY PROGRAM.]

The commissioner of education shall develop a curriculum for the industrial technology program that incorporates the instructional competencies found in secondary industrial arts and secondary vocational trade and industrial occupations programs.

Sec. 52. [REPORT TO LEGISLATURE.]

By January 15, 1987, the department of education shall submit a report and recommendations to the legislature about the issues reported by school districts under section 26, subdivision 6.

Sec. 53. [USE OF 1985 SUMMER REVENUE.]

Notwithstanding any law to the contrary, a district may use the 1985 summer educational improvement revenue allowance during the school year as well as during the summer.

Sec. 54. [LEVY REDUCTION IF PLAN NOT APPROVED.]

If a district plan is not approved according to section 24 and if the district levied under Minnesota Statutes, section 275.125, subdivision 8c, for an excellence in teaching and curriculum program, the department of education shall reduce the 1986 or 1987 levy limit, as applicable, for Minnesota Statutes, section 275.125, subdivision 8c, or for Minnesota Statutes, section 124A.03, subdivision 1, by the amount the district levied for the program in 1985 or 1986.

Sec. 55. [INSTRUCTION TO REVISOR.]

The revisor shall renumber Minnesota Statutes, sections 123.74, 123.741, 123.742, and 123.743 as sections 126.65, 126.67, 126.68, and 126.69. The revisor shall renumber Minnesota Statutes, section 123.7431 with an appropriate number in chapter 124.

Sec. 56. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [SUBJECT AREA INSERVICE TRAINING.] For subject area inservice training pursuant to section 121.601 there is appropriated:

\$545,000 _____ 1986.

Subd. 3. [EDUCATIONAL EFFECTIVENESS.] For educational effectiveness programs pursuant to sections 121.608 and 121.609 there is appropriated:

\$1,103,000 _____ 1986,

\$ 789,000 _____ 1987.

The commissioner shall assign one additional position, from the department's existing complement, to educational effectiveness programs. The legislature intends that, beginning in fiscal year 1987, districts will pay the costs of educational effectiveness inservice for district staff from the revenue received for the excellence in teaching and curriculum program.

Subd. 4. [ACADEMIC EXCELLENCE FOUNDATION.] For support of the academic excellence foundation pursuant to section 121.612 there is appropriated:

\$53,000 _____ 1986,

\$55,400 _____ 1987.

Subd. 5. [BUSINESS INCENTIVE MATCHING PROGRAM.] For the business incentive matching program of the academic excellence foundation pursuant to section 121.612, subdivision 3, clause (g), there is appropriated:

\$300,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 6. [MANAGEMENT ASSISTANCE.] For management assistance to school districts there is appropriated:

\$150,000 _____ 1986,

\$150,000 _____ 1987.

The department may increase its authorized complement by three positions to provide management assistance to school districts.

Subd. 7. [LOCAL ASSESSMENT OPTION.] For testing of pupils in districts using the local assessment option pursuant to section 123.742, subdivision 2 or 2a there is appropriated:

\$234,000 _____ 1986,

\$600,000 _____ 1987.

Subd. 8. [ASSESSMENT ITEM BANK.] For development and implementation of the assessment item bank pursuant to section 123.742, subdivision 5, there is appropriated:

\$500,000 _____ 1986,

\$500,000 _____ 1987.

The department may increase its authorized complement in the assessment section by three professional positions for development and implementation

of the assessment item bank.

Subd. 9. [ADDITIONAL TESTS.] For development of additional tests pursuant to section 123.742, subdivision 5a, there is appropriated:

\$50,000 _____ 1986.

\$50,000 _____ 1987.

The department may increase its authorized complement in the assessment section by one professional position for development of the additional tests.

Subd. 10. [AID FOR PLANNING, EVALUATION, AND REPORTING PROCESS.] For aid for the planning, evaluation, and reporting process pursuant to section 123.7431 there is appropriated:

\$1,004,500 _____ 1987.

Subd. 11. [AID FOR EXCELLENCE IN TEACHING AND CURRICULUM.] For aid for excellence in teaching and curriculum there is appropriated:

\$8,859,000 _____ 1987.

This amount is based on an entitlement of \$10,422,000.

Subd. 12. [SUMMER PROGRAM AID.] For summer program aid pursuant to section 124A.033 there is appropriated:

\$7,878,600 _____ 1986.

\$9,162,700 _____ 1987.

The appropriation for fiscal year 1986 is for 1985 summer programs.

The appropriation for fiscal year 1987 is for 1986 summer programs.

Subd. 13. [PLANNING AID FOR EXCELLENCE IN TEACHING AND CURRICULUM.] For aid for planning for excellence in teaching and curriculum there is appropriated:

\$650,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 14. [COMPREHENSIVE LEARNING PROGRAMS.] For comprehensive learning programs grants there is appropriated:

\$450,000 _____ 1986.

Up to \$50,000 of this amount may be used for evaluation.

The sum is available until June 30, 1987.

Subd. 15. [STUDENT GROUPING ALTERNATIVES.] For grants to examine pupil grouping alternatives there is appropriated:

\$350,000 _____ 1986.

Up to \$40,000 of this amount may be used for evaluation.

The sum is available until June 30, 1987.

Subd. 16. [DISSEMINATION CENTER.] For the research and development dissemination center there is appropriated:

\$100,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 17. [TECHNOLOGY INSERVICE TRAINING.] For training for the use of technology in schools pursuant to section 129B.34 there is appropriated:

\$487,000 _____ 1986.

Subd. 18. [REGIONAL INSTRUCTIONAL COMPUTING COORDINATORS.] For regional instructional computing coordinators pursuant to section 129B.35 there is appropriated:

\$291,200 _____ 1986,

\$304,300 _____ 1987.

Subd. 19. [TECHNOLOGY DEMONSTRATION SITES.] For technology demonstration sites pursuant to section 129B.36 there is appropriated:

\$2,365,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 20. [COURSEWARE PACKAGE EVALUATION.] For courseware package evaluation pursuant to section 129B.37 there is appropriated:

\$106,000 _____ 1986,

\$110,800 _____ 1987.

Subd. 21. [COURSEWARE INTEGRATION CENTERS.] For courseware integration centers there is appropriated:

\$1,000,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 22. [COURSEWARE PURCHASE SUBSIDY.] For subsidies for purchases of courseware packages pursuant to section 129B.38 there is appropriated:

\$626,000 _____ 1986,

\$624,000 _____ 1987.

Subd. 23. [COURSEWARE PACKAGE DUPLICATION RIGHTS.] For purchase of courseware package duplication rights pursuant to section 129B.39 there is appropriated:

\$119,300 _____ 1986,

\$124,700 _____ 1987.

Subd. 24. [COURSEWARE PACKAGE DEVELOPMENT.] For courseware package development pursuant to section 129B.40 there is appropriated:

\$132,600 _____ 1986,

\$138,600 _____ 1987.

Subd. 25. [TECHNOLOGY IN SCHOOL DISTRICT MANAGEMENT.]

For grants for using technology in school district management there is appropriated:

\$225,000 _____ 1986.

The sum is available until June 30, 1987.

Subd. 26. [SCHOOL MANAGEMENT ASSESSMENT CENTER.] For support of the school management assessment center at the University of Minnesota there is appropriated:

\$26,000 _____ 1986,

\$27,200 _____ 1987.

Subd. 27. [SOUTHWEST MINNESOTA TELECOMMUNICATION PROJECT.] For a one-time grant to the fiscal agent for the southwest Minnesota telecommunications project there is appropriated:

\$200,000 _____ 1986.

The grant is for completion of a two-way interactive telecommunications system among the project's ten member school districts. The purposes of the system shall be:

(1) to offer an expanded curriculum to member districts including courses for the academically talented;

(2) to allow the districts to be in compliance with department of education curriculum requirements;

(3) to allow these districts to retain their independence and continue to enjoy the benefits that a school adds to the community;

(4) to provide a convenient method of sharing teachers and other resources across school district boundary lines without teacher or student travel;

(5) to facilitate cooperation in adult education programs with area AVTIs, Southwest State University, and Worthington Junior College;

(6) to provide in-service opportunities for teachers, other professionals, business leaders including farmers, and public officials; and

(7) to serve as a model for other school district cooperatives that may be interested in the construction and implementation of a similar system.

The department shall conduct or contract for an independent evaluation of the project.

Subd. 28. [CANCELLATION AND PRORATION.] Except as provided in section 124.14, subdivision 7, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated plus the amount of any transfers made according to section 124.14, subdivision 7, is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 57. [APPROPRIATIONS TO THE BOARD OF TEACHING.]

Subdivision 1. [BOARD OF TEACHING.] There is appropriated from the

general fund to the board of teaching the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [TEACHER EXAMINATIONS.] For duties related to teacher examinations there is appropriated:

\$75,000 _____ 1986,

\$75,000 _____ 1987.

Subd. 3. [EXEMPLARY TEACHER EDUCATION PROGRAMS.] For development of exemplary teacher education programs there is appropriated:

\$400,000 _____ 1986.

Up to \$50,000 of this sum may be used for evaluation. The sum is available until June 30, 1987.

Sec. 58. [APPROPRIATION TO THE STATE BOARD.]

The following sums are appropriated from the general fund to the state board of education for the fiscal years ending June 30 in the years indicated:

\$50,000 _____ 1986,

\$50,000 _____ 1987.

These appropriations are for state curriculum planning, evaluation, and reporting including expenses of the curriculum advisory committee. The authorized complement of the board shall be increased by one clerical position.

Sec. 59. [REPEALERS.]

Minnesota Statutes 1984, sections 121.601; 123.742, subdivision 2; and 129B.34, are repealed on June 30, 1986.

Sections 23, 46, 48, and 49 are repealed on June 30, 1987.

Minnesota Statutes 1984, sections 124.247, subdivision 6; 124A.03, subdivision 5; 129B.10; 129B.33, subdivisions 2, 3, 4, and 6; and 129B.36, subdivisions 2 and 3, are repealed.

Sec. 60. [EFFECTIVE DATES.]

Sections 16, 17, and 18 are effective September 1, 1985, for summer programs to be held in 1986 and thereafter.

Sections 8 and 14 are effective for the 1986-1987 school year and thereafter.

Sections 10 and 11 are effective for the 1987-1988 school year and thereafter.

Section 20 is effective for licenses issued on April 4, 1988, and thereafter.

ARTICLE 9

LIBRARIES

Section 1. [134.341] [COUNTY FINANCIAL SUPPORT.]

To ensure the availability of public library service to every person in the state, every county shall provide financial support for public library services at no less than minimum amounts as specified in sections 134.33 and 134.34.

and shall participate in the designated regional public library system to which it is assigned by the state board of education pursuant to section 134.34, subdivision 3. Each county board of commissioners shall appoint at least one county resident to serve as a representative to the regional public library system board and may appoint more than one representative under the terms and conditions of the regional public library system contract.

Sec. 2. Minnesota Statutes 1984, section 134.35, is amended to read:

134.35 [REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; DISTRIBUTION FORMULA.]

Subdivision 1. [GRANT APPLICATION.] Any regional public library system which qualifies according to the provisions of section 134.34 may apply for an annual grant for regional library basic system support. The amount of each grant for each fiscal year shall be calculated as provided in this section.

Subd. 2. ~~Fifty five~~ *Sixty* percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per capita. Each system's allocation pursuant to this subdivision shall be based on the population it serves.

Subd. 3. Fifteen percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per square mile. Each system's allocation pursuant to this subdivision shall be based on the area it serves.

Subd. 4. ~~The sum of \$35,000~~ *Seven and one-half percent of the available grant funds* shall be paid to each system as a base grant for basic system services.

Subd. 5. ~~After the allocations made pursuant to subdivisions 2, 3 and 4, any remaining available grant funds for basic system support~~ *Seventeen and one-half percent of the available grant funds* shall be distributed to ~~those~~ regional public library systems which contain counties whose adjusted assessed valuations per capita were below the state average adjusted assessed valuation per capita for the second year preceding the fiscal year for which the grant is made. Each system's entitlement shall be calculated as follows:

(a) Subtract the adjusted assessed valuation per capita for each eligible county or participating portion of a county from the statewide average adjusted assessed valuation per capita;

(b) Multiply the difference obtained in clause (a) for each eligible county or participating portion of a county by the population of that eligible county or participating portion of a county;

(c) For each regional public library system, determine the sum of the results of the computation in clause (b) for all eligible counties or portions thereof in that system;

(d) Determine the sum of the result of the computation in clause (b) for all eligible counties or portions thereof in all regional public library systems in the state;

(e) For each system, divide the result of the computation in clause (c) by the result of the computation in clause (d) to obtain the allocation factor for that

system;

(f) Multiply the allocation factor for each system as determined in clause (e) times the amount of the remaining grant funds to determine each system's dollar allocation pursuant to this subdivision.

Sec. 3. Minnesota Statutes 1984, section 134.351, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The state board of education, upon the advice of the advisory council to the office of ~~public libraries and interlibrary cooperation~~ *library development and services*, may approve the establishment of multi-county, multi-type library systems and the geographic boundaries of those systems.

Sec. 4. [APPROPRIATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [BASIC SUPPORT GRANTS.] For basic support grants pursuant to sections 134.32 to 134.35 for the provision of library service there is appropriated:

\$4,956,200 _____ 1986,

\$5,216,100 _____ 1987.

The appropriation for 1986 includes \$695,000 for aid for fiscal year 1985 payable in fiscal year 1986, and \$4,261,200 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$752,000 for aid for fiscal year 1986 payable in fiscal year 1987 and \$4,464,100 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$5,013,200 for fiscal year 1986 and \$5,251,900 for fiscal year 1987.

Subd. 3. [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEMS.] For grants pursuant to sections 134.353 and 134.354 to multi-county, multi-type library systems there is appropriated:

\$205,100 _____ 1986,

\$213,900 _____ 1987.

The appropriation for 1986 includes \$30,000 for aid for fiscal year 1985 payable in fiscal year 1986, and \$175,100 for aid for fiscal year 1986 payable in fiscal year 1986.

The appropriation for 1987 includes \$30,900 for fiscal year 1986 payable in fiscal year 1987, and \$183,000 for aid for fiscal year 1987 payable in fiscal year 1987.

The appropriations are based on aid entitlements of \$206,000 for fiscal year 1986, and \$215,200 for fiscal year 1987.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1987.

ARTICLE 10

CASH FLOW

Section 1. Minnesota Statutes 1984, section 121.904, subdivision 4a, is amended to read:

Subd. 4a. [LEVY RECOGNITION.] (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2 which are for the fiscal year payable in that fiscal year plus ~~32~~ *the percent specified in subdivision 4d* of the amount of the levy certified in the prior calendar year according to section 275.125, subdivision 2d, plus or minus auditor's adjustments, not including levy portions that are assumed by the state; or

(3) ~~thirty-two~~ *the percent specified in subdivision 4d* of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, chapter 261, section 4; and

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 2. Minnesota Statutes 1984, section 121.904, subdivision 4c, is

amended to read:

Subd. 4c. [PROPERTY TAX SHIFT REDUCTION.] (a) ~~For the purpose of this subdivision, "combined fund balance" means the sum of the fund balance determined by the commissioner of finance pursuant to section 9 of this article, after transfers to the education aids increase account, plus the balance in the education aids increase account.~~

(b) ~~If the combined fund balance exceeds \$58,000,000, If the forecasts of general fund revenues and expenditures prepared by the commissioner of finance pursuant to chapter 16A as of December 1, 1985, indicate a projected general fund balance for the biennium ending June 30, 1987, the levy recognition percent specified in subdivision 4a, clauses (b)(2) and (b)(3), shall be reduced for taxes payable in 1985 1986 or 1987 and thereafter according to the provisions of this subdivision.~~

(c) ~~(b) The levy recognition percent shall equal the result of the following computation: $\frac{32}{100}$ the percent specified in subdivision 4d, times the ratio of~~

(1) the statewide total amount of levy recognized in June 1985 1986 pursuant to subdivision 4a, clause (b), reduced by the amount of the ~~combined projected general fund balance in excess of \$50,000,000, specified in subdivision 4d, paragraphs (b) or (c), to~~

(2) the statewide total amount of the levy recognized in June 1985 1986 or 1987 pursuant to subdivision 4a, clause (b).

~~The result shall be rounded up to the nearest whole percent. However, in no case shall the levy recognition percent be reduced below 24 percent.~~

Sec. 3. Minnesota Statutes 1984, section 121.904, is amended by adding a subdivision to read:

Subd. 4d. [AID PAYMENT PERCENTAGE INCREASE AND PROPERTY TAX SHIFT REDUCTIONS.] *If the forecast of general fund revenues and expenditures prepared by the commissioner of finance pursuant to chapter 16A as of December 1985 indicates a projected general fund balance for the biennium ending June 30, 1987, one-half of the fund balance shall be used in the following manner in the order listed:*

(a) *Up to the amount necessary to increase the aid payment percentage specified in section 124.195, subdivisions 7 and 10, by five percent, shall be used for that purpose. The increased aid payment percentage shall be rounded up to the nearest whole percent above 85 percent but shall not exceed 90 percent according to this paragraph.*

(b) *Up to the amount necessary to reduce the levy recognition percent specified in section 121.904, subdivision 4a, clauses (b)(2) and (b)(3), by five percent shall be used for that purpose. The levy recognition percent shall be rounded up to the nearest whole percent, but shall not be reduced below 19 percent according to this paragraph.*

(c) *Any additional amounts of the projected general fund balance shall be used alternately to increase the aid payment percentage by one percent then to reduce the levy recognition percentage by one percent. The aid payment percentage for credits according to section 273.1392, may be increased to 100 percent. The aid payment percentage for all other aids paid according to*

section 124.195, subdivisions 7 and 10, shall not be increased above 95 percent. The levy recognition percentage may be reduced to zero.

Sec. 4. Minnesota Statutes 1984, section 121.904, is amended by adding a subdivision to read:

Subd. 4e. [PROCEDURES FOR TRANSFERS.] The commissioner of finance shall certify to the commissioner of education the amount available for computing the aid payment percentage and the levy recognition percent. The commissioner of education shall determine the method for increasing the aid payment percentage. The levy recognition percentage shall be reduced according to subdivision 4c. The commissioner of education shall compute the percentages and notify districts of the percentages within ten days of the certification. The commissioner of finance shall transfer from the general fund to the education aids, grants, and credits appropriations specified by the commissioner of education the amounts needed to make the additional payments required by subdivision 4d. The additional payments shall be included in the payments made according to section 124.195.

Sec. 5. Minnesota Statutes 1984, section 124.14, is amended by adding a subdivision to read:

Subd. 7. [APPROPRIATION TRANSFERS.] If a direct appropriation to the commissioner of education for education aids in chapters 121, 123, 124, 124A, 125, 126, 129B, and 134 exceeds the amount required for payment of the corresponding aid entitlement, the commissioner may transfer the excess to any education aid, grant, or credit appropriation that is insufficient to meet the required payment, except that a deficiency in the direct appropriation for foundation aid must be met by use of the appropriation in section 124A.032. The commissioner shall determine the method for allocating excess appropriations among aids, grants, or credits that have insufficient appropriations. The commissioner of finance shall make the necessary transfers among appropriations according to the determinations of the commissioner of education. The commissioner of education shall report appropriation transfers to the education committees of the legislature each year by January 15.

Sec. 6. Minnesota Statutes 1984, section 124.195, subdivision 7, is amended to read:

Subd. 7. [PAYMENTS TO SCHOOL NONOPERATING FUNDS.] Beginning in Each fiscal year 1984, state general fund payments to school for a district nonoperating funds fund shall be made at 85 a percent of the estimated entitlement during the fiscal year of the entitlement established according to section 121.904, subdivision 4d. This amount shall be paid in 12 equal monthly installments. The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement shall be paid prior to October 31 of the following school year.

Sec. 7. Minnesota Statutes 1984, section 124.195, subdivision 8, is amended to read:

Subd. 8. [PAYMENT PERCENTAGE FOR REIMBURSEMENT AIDS.] The following aids shall be paid at 100 percent of the entitlement for the prior fiscal year: ~~special education~~ summer ~~foundation~~ program aid according to section ~~124.201~~ 124A.033; abatement aid according to section 124.214, subdivision 2; special education residential aid according to section 124.32,

subdivision 5; special education summer school aid, according to section 124.32, subdivision 10; ~~veterans farm management aid, according to section 124.625; early retirement aid according to section 125.611;~~ and extended leave and part-time teacher aids according to chapters 354 and 354A.

Sec. 8. Minnesota Statutes 1984, section 124.195, subdivision 9, is amended to read:

Subd. 9. [PAYMENT PERCENTAGE FOR CERTAIN AIDS.] The following aids shall be paid at 100 percent of the entitlement for the current fiscal year: *reimbursement for transportation to post-secondary institutions, according to section 2, subdivision 2, of article 5; open enrollment transportation reimbursement, according to section 123.39, subdivision 14; handicapped adult program aid, according to section 124.271, subdivision 7; comprehensive learning grants, according to section 126.71; pupil grouping alternative grants, according to section 126.72; school lunch aid, according to section 124.646; hearing impaired support services aid, according to section 121.201; and educational improvement aids, according to sections 121.601, 129B.33, 129B.34, and 129B.36 and 129B.38.*

Sec. 9. Minnesota Statutes 1984, section 124.195, subdivision 10, is amended to read:

Subd. 10. [AID PAYMENT PERCENTAGE.] Except as provided in subdivisions 8 and 9, ~~beginning in each fiscal year 1984,~~ all education aids and credits in chapters 121, 123, 124, 124A, 125, 126, and section 273.1392, except post-secondary vocational shall be paid at ~~85~~ a percent of the estimated entitlement during the fiscal year of the entitlement *established according to section 121.904, subdivision 4d.* The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement shall be paid as the final adjustment payment according to subdivision 6.

Sec. 10. Minnesota Statutes 1984, section 124.195, subdivision 11, is amended to read:

Subd. 11. [NONPUBLIC AIDS.] The state shall pay to each school district ~~85~~ a percent, *established according to section 121.904, subdivision 4d,* of its aid for pupils attending nonpublic schools according to sections 123.931 to 123.947 by December 31. The final aid distribution shall be made by December 31 of the following school year.

Sec. 11. [APPROPRIATION FOR PAYMENT PERCENTAGE INCREASE.]

The sum of \$29,250,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1987, for the purpose of increasing the aid payment percentage specified in sections 124.195, subdivision 10, and 121.904, subdivision 4d. The commissioner shall determine the methodology used to increase the percentage for the specified aids and the payments to a school district of additional aids and credits resulting from the increase shall be added to the cash metering system, according to section 124.195, for fiscal year 1987.

Sec. 12. [REDUCTIONS FOR REVENUE EQUITY.]

In accordance with sections 124.2138 and 124A.037, aid payments shall

be reduced by the following amounts for the fiscal years ending June 30 in the years designated.

\$4,429,100 _____ 1986,

\$5,666,300 _____ 1987.”

Delete the title and insert:

“A bill for an act relating to education; providing for aids for education and for libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, state board of education, board of teaching, and higher education coordinating board; modifying certain aspects of foundation aid; providing for payment of certain obligations to employees by school districts; providing for open enrollment among school districts with certain limitations; establishing the Minnesota arts resource center; providing for certain programs relating to teachers and pupils; amending Minnesota Statutes 1984, sections 120.03, subdivision 1, and by adding a subdivision; 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; 121.612, subdivision 3, and by adding a subdivision; 121.88; 121.882; 121.904, subdivisions 4a, 4c, and by adding subdivisions; 121.912, subdivision 1; 121.931, subdivision 7; 121.936, subdivisions 1 and 2; 122.531, subdivisions 5 and 6; 122.86, subdivision 1; 123.36, subdivision 1; 123.39, by adding subdivisions; 123.705, subdivision 1; 123.742, subdivisions 1, 3, 5, and by adding subdivisions; 123.7431; 124.09; 124.14, by adding a subdivision; 124.17, subdivision 1; 124.175; 124.19, subdivisions 1 and 5; 124.195, subdivisions 7, 8, 9, 10, and 11; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.245; 124.247, subdivision 3; 124.26; 124.271, subdivision 2b, and by adding a subdivision; 124.2711; 124.32, subdivisions 1b, 1d, 2, 5, 7, 10, and by adding a subdivision; 124.573, subdivisions 2 and 3a; 124.574, subdivision 2b; 124.76, subdivision 2; 124A.02, subdivisions 7, 8, and 9; 124A.03, subdivision 4; 124A.033, subdivisions 2, 3, and 5; 124A.036, by adding subdivisions; 124A.06, subdivision 1, and by adding subdivisions; 124A.10, subdivision 1, and by adding a subdivision; 124A.12, subdivision 1; 124A.14, subdivisions 1, 3, and 4, and by adding subdivisions; 124A.16; 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, subdivision 3; 129B.04, by adding a subdivision; 129B.17; 129B.20; 129B.21; 129B.34, subdivisions 2 and 3; 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; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5c, 5d, 8, 8b, 11a, and by adding subdivisions; 298.24, subdivision 3; 298.28, subdivision 1; 354.092; 354.094, subdivision 1; 354.43, subdivision 3; 354.53, subdivision 1; 354.66, subdivisions 3 and 4; 354A.094, subdivision 2; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; amending Laws 1973, chapter 683, section 26, as amended; Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1983, chapter 314, article 8, section 11; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 126; 129B; 134; and 136A; repealing Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4; 120.68; 121.11; subdivision 7a; 121.601; 122.531, subdivision 3a; 122.89; 123.35,

subdivision 14; 123.705, subdivision 2; 123.742, subdivision 2; 123.80, subdivisions 2 and 3; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.245, subdivision 1; 124.247, subdivision 6; 124.271, subdivisions 2, 2a, and 2c; 124.272; 124.32, subdivision 9a; 124A.02, subdivisions 4a, 17, and 18; 124A.03, subdivision 5; 125.05, subdivision 5; 126.60, subdivision 4; 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 8a; 354.43, subdivisions 4 and 5; 354.66, subdivision 4a; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 953 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
	953		1096		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1065 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
	1065		1101		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1113: A bill for an act relating to insurance; requiring provision of certain information by insurers; regulating certain provisions of surplus lines insurance; regulating the conditions of certain insurance policies; providing for the organization of certain insurance-related associations; prohibiting certain practices; amending Minnesota Statutes 1984, sections 60A.10;

60A.131, subdivision 1; 60A.17, subdivision 1a; 60A.1701, subdivisions 5 and 10; 60A.197; 60C.08, subdivision 1; 61B.05, subdivision 1; 62A.10, by adding a subdivision; 62A.146; 62A.17, subdivision 6; 62B.05; 62D.19; 62E.10, subdivision 2; 62E.12; 62E.16; 65A.32; 65A.33; 65A.34, subdivision 1; 65A.35, subdivisions 1 and 2; 65A.37; 65A.40; 65A.41; 65B.03; 65B.63, subdivision 1; 65B.44, subdivision 1; 67A.25, subdivision 1; 72A.20, subdivision 15; 79.252, subdivision 4; and 79.62; proposing coding for new law in Minnesota Statutes, chapters 61A; 62A; and 65B; repealing Minnesota Statutes 1984, sections 60A.15, subdivision 14; and 62A.025.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 23, insert:

“Section 1. Minnesota Statutes 1984, section 60A.02, subdivision 7, is amended to read:

Subd. 7. [INSURANCE AGENT OR INSURANCE AGENCY.] An “insurance agent” or “insurance agency” is a person acting under express authority from, and an appointment pursuant to section 60A.17 by, an insurer and on its behalf to solicit insurance, or to appoint other agents to solicit insurance, or to write and countersign policies of insurance, or to collect premiums therefor within this state, or to exercise any or all these powers when so authorized by the insurer. The term “person” includes a natural person, a partnership, or a corporation, or other entity, including an insurance agency.”

Page 6, line 5, after “of” strike “the”

Page 6, line 6, strike “equivalent of 45” and insert “30” and after “hours” insert “of”

Page 6, line 6, strike everything after “study”

Page 6, line 7, strike everything before “the” and insert “devoted to the basic fundamentals of insurance for those seeking a Minnesota license for the first time, 30 hours devoted to specific life and health topics for those seeking a life and health license, and 30 hours devoted to specific property and casualty topics for those seeking a property and casualty license.”

Page 6, line 13, strike “an admitted insurer” and insert “the organization offering the course”

Page 6, line 14, strike “agent’s” and insert “applicant’s”

Page 9, lines 35 and 36, reinstate the stricken language

Page 9, line 35, after the reinstated “for” insert “noncontributory credit”

Page 9, line 36, after the reinstated “insurance” insert “and employees of retail sales companies who enroll persons in group credit life or accident and health insurance policies”

Page 10, lines 1 and 2, reinstate the stricken language

Page 12, lines 5 to 7, delete the new language

Pages 12 and 13, delete section 8, and insert:

“Sec. 9. [SALE OF LIFE INSURANCE AND ANNUITY AS SINGLE

POLICY PROHIBITED.]

Subdivision 1. [SALE AS SINGLE POLICY PROHIBITED.] The sale of a life insurance product and an annuity as a single policy, whether in the form of a life insurance policy with an annuity rider or otherwise, is prohibited in this state. This subdivision does not prohibit the simultaneous sale of these products, but the sale must involve two separate and distinct policies.

Subd. 2. [TYING PROHIBITED.] The tying of the sale of a life insurance product and an annuity is expressly prohibited. The sale of one policy cannot be conditioned upon the sale of a second policy. A violation of subdivision 1 is an unfair and deceptive trade practice under chapter 72A.

Subd. 3. [IMPLEMENTATION.] This section applies to all sales where applications are completed on or after the effective date of this section."

Page 13, lines 12 to 14, delete the new language

Page 13, delete section 10

Page 15, lines 13 to 15, delete the new language and insert "The required conversion contract must treat pregnancy the same as any other covered illness under the conversion contract."

Pages 16 and 17, delete section 13

Page 19, delete lines 15 to 20

Page 20, line 14, delete "commissioner" and insert "governor"

Page 21, line 10, after "is" insert "medically necessary,"

Page 21, lines 24 to 27, delete the new language and insert "The required conversion contract must treat pregnancy the same as any other covered illness under the conversion contract."

Pages 22 to 26, delete sections 19 to 26

Page 26, line 28, delete "commissioner" and insert "governor"

Page 27, line 1, strike everything after the period

Page 27, strike lines 2 to 5

Pages 27 and 28, delete sections 28, 29 and 30

Page 28, after line 17, insert:

"Sec. 19. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 16. "Political subdivision" means any statutory or home rule charter city; county; town; school district; or metropolitan council, board or commission operating under chapter 473.

Sec. 20. Minnesota Statutes 1984, section 65B.48, subdivision 3a, is amended to read:

Subd. 3a. To carry out the purposes of subdivision 3, the commissioner may adopt rules pursuant to chapter 14, including emergency rules. These rules may:

(a) establish reporting requirements;

(b) establish standards or guidelines to assure the adequacy of the financing and administration of self-insurance plans;

(c) establish bonding requirements or other provisions assuring the financial integrity of entities that self-insure *other than bonding requirements for self-insuring political subdivisions*; and

(d) establish other reasonable requirements to further the purposes of this section."

Page 28, line 29, delete "commissioner" and insert "governor"

Page 29; delete section 32

Pages 30 and 31, delete section 34

Page 31, after line 14, insert:

"Sec. 23. Minnesota Statutes 1984, section 72A.20, is amended by adding a subdivision to read:

Subd. 17. [RETURN OF PREMIUMS UPON DEATH OF INSURED.] Refusing, upon surrender of an individual policy, to refund to the estate of the insured all unearned premiums paid on the policy covering the insured as of the time of the insured's death if the unearned premium is for a period of more than one month.

The insurer may deduct from the premium any previously accrued claim for loss or damage under the policy.

For the purposes of this section, a premium is unearned during the period of time the insurer has not been exposed to any risk of loss."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "sections" insert "60A.02, subdivision 7;"

Page 1, line 11, delete everything after "1;"

Page 1, line 13, delete everything after the third semicolon

Page 1, delete line 14

Page 1, line 15, delete everything before "65B.03;" and after "65B.03;" insert "65B.43, by adding a subdivision; 65B.48, subdivision 3a;"

Page 1, line 16, delete everything before "67A.25" and after "72A.20," insert "by adding a subdivision;"

Page 1, line 17, delete "subdivision 15;"

Page 1, delete line 18

Page 1, line 19, delete everything before "repealing"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1009: A bill for an act relating to water pollution control; estab-

lishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivisions 1, 2, and 5; 116.18, subdivisions 1, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 to 4, delete section 2 and insert:

"Sec. 2. 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:

(H) (a) "Agency" means the Minnesota pollution control agency created by this chapter;

(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 combined sewer directly or indirectly into the waters of the state, that occurs when the volume of wastewater flow exceeds the conveyance or storage capacity of a combined sewer.

(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.

(e) "Municipality" means any county, home rule charter or statutory 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) (f) "Pollution control fund" means the Minnesota state water pollution control fund created by subdivision 1;

(4) (g) "Bond account" means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) (h) Terms defined in section 115.01 have the meanings therein given them;

(6) Subd. 2a. [ELIGIBLE COST OF MUNICIPAL PROJECTS.] The eligible cost of any municipal project, except as otherwise provided in clauses (7) subdivisions 2b and (8) 2c, includes:

(a) (1) preliminary planning to determine the economic, engineering, and environmental feasibility of the project;

(b) (2) engineering, architectural, legal, fiscal, economic, sociological,

project administrative costs of the agency and the municipality, and other investigations and studies;

(e) (3) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project;

(d) (4) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems *and projects for the abatement of combined sewer overflow*;

(e) (5) inspection and supervision of construction; and

(f) (6) all other expenses of the kinds enumerated in section 475.65.

(7) *Subd. 2b. [ELIGIBLE COST FOR GRANT AND LOAN PURPOSES.]* (a) For state grant or loan purposes hereunder, the eligible cost for grant or loan applicants shall be the eligible cost as determined by the agency under 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.

(8) (b) Notwithstanding ~~clause (7) paragraph (a)~~, for state grants under the state independent grants program, the eligible cost includes:

(1) the acquisition of land for stabilization ponds ~~and~~;

(2) *the provision of collector sewers for totally unsewered, incorporated municipalities;*

(3) 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; *and*

(4) *the acquisition of easements necessary for implementing the combined sewer overflow abatement plan.*

(c) Notwithstanding ~~clause (7) paragraph (a)~~, 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;~~

(1) *the abatement of combined sewer overflows into the Mississippi River from its confluence with the Rum River to its confluence with the St. Croix River, the provision of collector sewers in other than totally unsewered, incorporated municipalities;*

(2) the provision of service to seasonal homes; ~~or~~;

(3) 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; *or*

(4) *the preparation of combined sewer overflow abatement plans, acquisition of interests in real property other than easements, storm water treatment facilities, or costs for a program to disconnect a 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."*

Page 5, line 29, after "governed" insert ": (1)"

Page 5, line 30, delete the comma and insert "; (2) a"

Page 5, line 31, delete everything before "order" and insert "agreement; (3) a consent decree; or (4) an"

Page 5, line 34, delete "emergency"

Page 6, line 6, delete "such"

Page 6, line 7, delete everything after the period

Page 6, delete lines 8 and 9

Page 8, line 34, delete "rainleader disconnection"

Page 8, line 35, before the period, insert ", to disconnect a 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"

Page 9, delete section 8 and insert:

"Sec. 8. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the Minnesota state water pollution control fund. This appropriation is available until expended.

§ _____ is appropriated from the general fund to the agency for the administration of the state financial assistance program for combined sewer overflow abatement. The complement of the agency is increased by eight positions."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1145, 1224, 1325, 1151, 99, 1103, 335, 670, 1167, 1152, 1086, 1197, 453, 1244, 1334, 1234, 283, 598, 1278, 1051, 885, 1050, 781, 560, 1126, 1049, 901, 1404, 1075, 1187, 1307, 1189, 1165, 1291, 1411, 1358, 1062, 1347, 1353, 846, 756 and 1113 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 953 and 1065 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that his name be stricken as a co-author to S.F. No. 1036. The motion prevailed.

Ms. Reichgott moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 1036. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Bertram be added as a co-author to S.F. No. 1064. The motion prevailed.

Mr. Stumpf moved that his name be stricken as chief-author, shown as a

co-author and the name of Mr. Chmielewski be added as chief-author to S.F. No. 1342. The motion prevailed.

Mr. Lessard moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1353. The motion prevailed.

Mr. Dahl moved that the name of Mr. Jude be added as a co-author to S.F. No. 1442. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1443. The motion prevailed.

Mr. Davis introduced—

Senate Resolution No. 68: A Senate resolution stating the sense of the Senate that adequate funding for the Soil Conservation Service and the Agricultural Stabilization and Conservation Service should be restored.

Referred to the Committee on Rules and Administration.

Mr. Chmielewski introduced—

Senate Concurrent Resolution No. 15: A Senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

Referred to the Committee on Rules and Administration.

Mr. Dicklich moved that S.F. No. 1251 be withdrawn from the Committee on Employment and re-referred to the Committee on Governmental Operations. The motion prevailed.

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

CONSENT CALENDAR

H.F. No. 327: A bill for an act relating to transportation; defining "trees" and "hedges" for purposes of removal from highway right-of-way; amending Minnesota Statutes 1984, section 160.22, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R.D.	Renneke
Anderson	Diessner	Kroening	Nelson	Samuelson
Belanger	Dieterich	Kronebusch	Novak	Schmitz
Benson	Frank	Laidig	Olson	Sieloff
Berg	Frederick	Langseth	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson, C.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.C.	Stumpf
Bertram	Gustafson	Luther	Peterson, D.L.	Taylor
Chmielewski	Hughes	McQuaid	Peterson, R.W.	Waldorf
Dahl	Isackson	Mehrkens	Petty	Wegscheid
Davis	Johnson, D.J.	Merriam	Purfeerst	
DeCramer	Jude	Moe, D.M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 894: A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R.D.	Reichgott
Anderson	Diessner	Kroening	Nelson	Samuelson
Belanger	Dieterich	Kronebusch	Novak	Schmitz
Benson	Frank	Laidig	Olson	Sieloff
Berg	Frederick	Langseth	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson, C.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.C.	Stumpf
Bertram	Gustafson	Luther	Peterson, D.L.	Taylor
Chmielewski	Hughes	McQuaid	Peterson, R.W.	Waldorf
Dahl	Isackson	Mehrkens	Petty	Wegscheid
Davis	Johnson, D.J.	Merriam	Purfeerst	
DeCramer	Jude	Moe, D.M.	Ramstad	

So the bill passed and its title was agreed to.

H.F. No. 928: A bill for an act 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Moe, R.D.	Ramstad
Anderson	Diessner	Kamrath	Nelson	Reichgott
Belanger	Dieterich	Kronebusch	Novak	Renneke
Benson	Frank	Laidig	Olson	Schmitz
Berglin	Frederick	Langseth	Pehler	Sieloff
Bernhagen	Frederickson	Lantry	Peterson, C.C.	Solon
Bertram	Freeman	Lessard	Peterson, D.C.	Spear
Chmielewski	Gustafson	McQuaid	Peterson, D.L.	Stumpf
Dahl	Hughes	Mehrkens	Peterson, R.W.	Taylor
Davis	Isackson	Merriam	Petty	Waldorf
DeCramer	Johnson, D.J.	Moe, D.M.	Purfeerst	Wegscheid

Messrs. Berg and Samuelson voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Langseth	Pehler	Sieloff
Berg	Frederick	Lantry	Peterson, C.C.	Solon
Berglin	Frederickson	Lessard	Peterson, D.C.	Spear
Bernhagen	Freeman	Luther	Peterson, D.L.	Stumpf
Bertram	Gustafson	McQuaid	Peterson, R.W.	Waldorf
Chmielewski	Hughes	Mehrkens	Petty	Wegscheid
Dahl	Isackson	Merriam	Purfeerst	
Davis	Johnson, D.J.	Moe, D.M.	Ramstad	
DeCramer	Jude	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 621: A bill for an act relating to mental health; revising the language of statutes concerning persons with mental illness and mental retardation and revising the language of statutes concerning state treatment facilities; amending Minnesota Statutes 1984, sections 147.021, subdivision 1; 243.55, subdivision 3; 245.072; 245.52; 245.821, subdivision 1; 245.825, subdivision 1; 246.01; 246.013; 246.014; 246.13; 246.23; 246.234; 246.41; 246.50; 246.511; 246.52; 246.53; 246.54; 246.55; 246.56; 252.025; 252.05; 252.06; 252.07; 252.09; 252.10; 252.21; 252.22; 252.23; 252.24; 252.25; 252.27; 252.275, subdivisions 1 and 7; 252.28; 252.291; 252.30; 252.31; 252.32; 253.015; 253.10; 253.19; 253.20; 253.21; 253.25; 253.26; 256.01, subdivisions 2 and 5; 256.91; 256.93, subdivision 1; 256B.02, subdivisions 2 and 8, and by adding a subdivision; 256B.092; 256B.36; 256B.501; 256E.03, subdivision 2; 256E.06, subdivision 2a; 260.092; 260.36; 284.05; 299F.77; 447.42; 447.45; 501.27; and 517.03; proposing coding for new law in Minnesota Statutes, chapter 252.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R.D.	Renneke
Anderson	Diessner	Kroening	Nelson	Samuelson
Belanger	Dieterich	Kronebusch	Novak	Schmitz
Benson	Frank	Laidig	Olson	Sieloff
Berg	Frederick	Langseth	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Gustafson	Luther	Peterson, R.W.	Taylor
Chmielewski	Hughes	McQuaid	Petty	Waldorf
Dahl	Isackson	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moe, D.M.	Reichgott	

So the bill passed and its title was 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 re-

porting; 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R.D.	Renneke
Anderson	Diessner	Knaak	Nelson	Samuelson
Belanger	Dieterich	Kronebusch	Novak	Schmitz
Benson	Frank	Laidig	Olson	Sieloff
Berg	Frederick	Langseth	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Gustafson	Luther	Peterson, R.W.	Taylor
Chmielewski	Hughes	McQuaid	Petty	Waldorf
Dahl	Isackson	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Merriam	Ramstad	
DeCramer	Jude	Moë, D.M.	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Chmielewski in the chair.

After some time spent therein, the committee arose, and Mr. Chmielewski reported that the committee had considered the following:

S.F. Nos. 152, 568, 330, 127, 675, 468, 126, 798, 563, 566, 882, 219, 281, 597, 70, 381, 693, 623, 709, 557, 1088, 827, 441, 285, 521, 930, 1073 and 295 which the committee recommends to pass.

S.F. No. 351, which the committee recommends be returned to its author.

S.F. No. 485, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 2, line 32, delete "*by clear and convincing evidence*"

The motion prevailed. So the amendment was adopted.

S.F. No. 82, which the committee recommends to pass with the following amendment offered by Mr. Diessner:

Page 1, line 10, reinstate the stricken language and delete the commas

Page 1, line 10, after "SURVEYS" insert "*AND CONDOMINIUM FLOOR PLANS*"

Page 1, line 11, delete "AND FLOOR PLANS"

Page 1, delete lines 22 to 25

Page 2, delete lines 1 to 5 and insert:

"Subd. 2. [CONDOMINIUM FLOOR PLANS.] A county board may, by ordinance adopted in accordance with section 375.51, require that each condominium floor plan submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed surveyor hired for this purpose by the county, for compliance with section 515A.2-110, before recording. The process of approving the floor plans must be conducted in an expeditious manner so as not to unduly delay the recording of the floor plans. The proprietor of the condominium floor plan may be charged a reasonable fee for the service in accordance with a schedule established by resolution passed by the governing body of the county."

The motion prevailed. So the amendment was adopted.

S.F. No. 448, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 1, line 10, after the first "officer" insert "licensed under section 626.845, subdivision 1,"

The motion prevailed. So the amendment was adopted.

S.F. No. 728, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 1, line 6, delete the period after the initial "S"

Page 1, line 8, delete "court"

Page 1, line 19, delete "1946" and insert "1948"

Page 2, lines 5 and 7, delete the period after the initial "S"

Amend the title as follows:

Page 1, line 3, delete the period after the initial "S"

The motion prevailed. So the amendment was adopted.

S.F. No. 805, which the committee recommends to pass with the following amendments offered by Mr. Spear:

Page 1, line 11, after "in" insert "a"

Page 1, line 11, delete "sheltered" and after "employment" insert "program"

Page 1, line 16, after "provide" insert "to participants in a long-term employment program"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 805 as follows:

Page 2, after line 26, insert:

"Sec. 3. 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."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the effective date for long-term sheltered workshop evaluation criteria rules;"

Page 1, line 4, delete "section" and insert "sections" and after the semicolon, insert "and 129A.08, subdivision 5;"

The motion prevailed. So the amendment was adopted.

S.F. No. 581, which the committee reports progress, subject to the following motion:

Mr. Wegscheid moved to amend S.F. No. 581, as follows:

Page 2, after line 3, insert:

"Investment company shares authorized pursuant to this subdivision shall not exceed 20 percent of the banks' capital stock and paid in surplus. These obligations shall be carried at the lower of cost or market on the banks' books and adjusted to market on a quarterly basis."

The motion prevailed. So the amendment was adopted.

S.F. No. 581 was then progressed.

S.F. No. 519, which the committee recommends to pass with the following amendment offered by Mr. Freeman:

Page 2, line 25, delete "provision" and insert "provisions"

The motion prevailed. So the amendment was adopted.

S.F. No. 437, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 25, line 35, delete "association" and insert "society"

Pages 28 and 29, delete section 37 and insert:

"Sec. 37. [64B.37] [PENALTIES.]

Subdivision 1. [VIOLATIONS GENERALLY.] Any person violating the provisions of section 14, subdivisions 2 and 3, shall be guilty of a felony; and, upon conviction, liable to a fine of not more than \$10,000, or to imprisonment for not more than five years, or to both fine and imprisonment.

Subd. 2. [FALSE OR FRAUDULENT STATEMENTS OR REPRESENTATIONS.] Any person, officer, member, or examining physician, who shall knowingly or willfully make any false or fraudulent statement or representation in, or with reference to, any application for membership for the purpose of obtaining money from or benefit in any society transacting business under this chapter shall be guilty of a misdemeanor:

(1) any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society, for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement and any verified report or declaration under oath, required or authorized under this article, shall be guilty of perjury and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury;

(2) any person who shall solicit membership for, or in any manner assist in procuring membership in, any society not licensed to do business in this state, or who shall solicit membership for or in any manner assist in procuring membership in, any such society not authorized to do business in this state, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by fine of not more than \$100;

(3) any society, or any officer, agent, or employee thereof, neglecting, refusing to comply with, or violating, any of the provisions of this chapter, the penalty for which neglect, refusal, or violation is not specified in this section, shall be fined not exceeding \$100 upon conviction thereof."

Page 33, line 2, strike "beneficiary association" and insert "benefit society"

The motion prevailed. So the amendment was adopted.

S.F. No. 359, which the committee recommends to pass with the following amendment offered by Mr. Dieterich:

Page 1, line 11, strike "clauses"

Page 1, line 12, strike "(a), (b), (c), (d)" and insert "this section"

The motion prevailed. So the amendment was adopted.

S.F. No. 221, which the committee recommends to pass, subject to the following motions:

Mr. Moe, D.M. moved to amend S.F. No. 221 as follows:

Page 1, line 12, delete "9" and insert "8"

Page 2, line 27, delete "9" and insert "8"

Page 2, line 32, delete "8" and insert "7"

Page 5, line 29, delete ", and"

Page 5, line 30, delete the language before "shall"

Pages 9 and 10, delete section 8

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend S.F. No. 221 as follows:

Page 9, after line 24, insert:

"Sec. 8. [TERMINATION BY GOVERNOR.]

The commissioner's authority under sections 3 and 4 to set minimum prices or to implement supply management or orderly marketing procedures for agricultural commodities may be terminated by the governor by executive order if the governor finds that (1) the federal government has adopted a minimum price law for agricultural commodities, or (2) irreparable harm is being caused to Minnesota family farms by agricultural production or processing facilities leaving the state because of sections 2 to 8."

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Mehrkens	Renneke
Belanger	Frederickson	Kroening	Olson	Sieloff
Benson	Gustafson	Kronebusch	Peterson, D.L.	Storm
Bernhagen	Isackson	Laidig	Peterson, R.W.	Taylor
Dieterich	Kamrath	McQuaid	Ramstad	Waldorf

Those who voted in the negative were:

Adkins	Davis	Hughes	Luther	Reichgott
Berg	DeCramer	Johnson, D.J.	Merriam	Samuelson
Berglin	Dicklich	Jude	Moe, R.D.	Schmitz
Bertram	Diessner	Langseth	Nelson	Spear
Chmielewski	Frank	Lantry	Novak	Stumpf
Dahl	Freeman	Lessard	Pehler	Willet

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

The question was taken on the recommendation to pass S.F. No. 221.

The roll was called, and there were yeas 25 and nays 24, as follows:

Those who voted in the affirmative were:

Berg	DeCramer	Jude	Moe, R.D.	Reichgott
Bertram	Dicklich	Kroening	Novak	Schmitz
Chmielewski	Frank	Langseth	Pehler	Spear
Dahl	Freeman	Lessard	Peterson, D.C.	Stumpf
Davis	Hughes	Luther	Purfeerst	Willet

Those who voted in the negative were:

Adkins	Diessner	Kamrath	Mehrkens	Renneke
Anderson	Dieterich	Knaak	Olson	Sieloff
Belanger	Frederickson	Laidig	Peterson, D.L.	Storm
Benson	Gustafson	Lantry	Peterson, R.W.	Taylor
Bernhagen	Isackson	McQuaid	Ramstad	

The motion prevailed. So S.F. No. 221 was recommended to pass.

S.F. No. 761, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 5, line 18, delete "7" and insert "*171.20, subdivision 1*"

Page 5, line 21, delete "*under this section*"

The motion prevailed. So the amendment was adopted.

S.F. No. 647, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 2, after line 13, insert:

"Sec. 3. Minnesota Statutes 1984, section 119.07, is amended to read:

119.07 [MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.]

Minnesota educational institutions are not required to use any MECC products or services. Any Minnesota educational institution may designate MECC as its purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions ~~are authorized~~ *may*, notwithstanding the requirements of section ~~16.07~~ *16B.07*, 123.37, or 471.345, ~~to~~ contract directly with the corporation for the development of computer programs and documentation, and for instructional ~~and management~~ computing services for educational institutions. *Minnesota educational institutions may, subject to the requirements of sections 16B.07, 123.37, and 471.345, contract with the corporation, another corporation or company, or individual for management computing services for educational institutions.*"

Amend the title as follows:

Page 1, line 2, delete "Education" and insert "Educational"

Page 1, line 3, after the second semicolon, insert "providing for compliance with certain bidding laws for management computing services;"

Page 1, line 5, delete "and" and before the period, insert "; and 119.07"

The motion prevailed. So the amendment was adopted.

S.F. No. 1183, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 2, line 23, delete "*subdivision*" and insert "*subdivisions 5a and*"

The motion prevailed. So the amendment was adopted.

S.F. No. 609, which the committee recommends to pass with the following amendment offered by Ms. Reichgott:

Page 1, line 23, after "*rights*" insert "*or remedies*"

Page 2, line 14, delete "*retroactively*" and insert "*retroactive*"

Amend the title as follows:

Page 1, line 3, after "rights" insert "or remedies"

The motion prevailed. So the amendment was adopted.

S.F. No. 783, which the committee recommends to pass with the following amendment offered by Mr. Moe, R.D.:

Amend the title as follows:

Page 1, line 3, before the period, insert "; amending Laws 1980, chapter 489, section 1, subdivision 4, and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Jude, Luther, Ms. Reichgott, Messrs. Ramstad and Johnson, D.E. introduced—

S.F. No. 1448: A bill for an act relating to animals; prohibiting keeping of certain wild, exotic, or vicious animals; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

Referred to the Committee on Veterans and General Legislation.

Mr. Stumpf introduced—

S.F. No. 1449: A bill for an act relating to teachers; early retirement incentive program; changing the deadline for applying for retirement under the state-reimbursed incentive grant program; extending the state-reimbursed program; appropriating money; amending Minnesota Statutes 1984, section 125.611, subdivisions 3, 5, and 13.

Referred to the Committee on Education.

Messrs. Peterson, R.W.; Nelson; DeCramer; Bertram and Isackson introduced—

S.F. No. 1450: 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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank introduced—

S.F. No. 1451: A bill for an act relating to education; providing incentive

aid for school consolidation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 1452: A bill for an act relating to crimes; requiring confinement of certain convicted defendants pending imposition of sentence; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Judiciary.

Messrs. Pehler, Laidig and Jude introduced—

S.F. No. 1453: A bill for an act relating to taxation; income; changing the pension exclusion; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Messrs. DeCramer, Frederickson and Isackson introduced—

S.F. No. 1454: A bill for an act relating to soil and water conservation; appropriating money for floodplain management.

Referred to the Committee on Finance.

Mr. Samuelson introduced—

S.F. No. 1455: A bill for an act relating to taxation; property; extending the exemption for certain property held by a municipality.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.E.; Mehrkens; Isackson; Anderson and Mrs. Kronebusch introduced—

S.F. No. 1456: A bill for an act relating to taxation; income; exempting capital gains from certain forced sales of farms; amending Minnesota Statutes 1984, section 290.01, subdivision 20b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes; Davis; Pehler; Peterson, D.L. and Moe, D.M. introduced—

S.F. No. 1457: A bill for an act relating to education; modifying the definitions of teachers and of supervisory and support personnel for the purpose of licensure; modifying the kinds of personnel licensed by the board of teaching and the state board of education; changing the membership of the board of teaching; amending Minnesota Statutes 1984, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivision 3.

Referred to the Committee on Education.

Messrs. Novak, Stumpf, Vega and Sieloff introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes, Jude, Novak, Belanger and Merriam introduced—

S.F. No. 1459: A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 477A.011, subdivision 3, and by adding subdivisions; and 477A.013; repealing Minnesota Statutes 1984, sections 477A.011, subdivision 10; and 477A.0131.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davis introduced—

S.F. No. 1460: A bill for an act relating to taxation; exempting certain shelterbelts from taxation; providing for replacement of lost revenue; appropriating money; amending Minnesota Statutes 1984, section 272.02, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 1461: 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.

Referred to the Committee on Agriculture and Natural Resources.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes re-

ported that the committee had considered the following:

S.F. Nos. 569, 1117, 676, 302, 186, 750 and 384, which the committee recommends to pass.

S.F. No. 682, which the committee recommends to pass with the following amendments offered by Mr. Petty:

Page 3, delete lines 12 to 17

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 682 as follows:

Page 3, after line 11, insert:

“Sec. 3. [EFFECTIVE DATE.]

The changes made in section 1 to Minnesota Statutes 1984, section 245.791, clauses (11) and (12), are effective August 1, 1987.”

The motion prevailed. So the amendment was adopted.

H.F. No. 470, which the committee recommends to pass with the following amendment offered by Mr. DeCramer:

Amend H.F. No. 470, as amended pursuant to Rule 49, adopted by the Senate April 3, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 518.)

Page 7, delete line 14

Page 9, line 2, after “*services*” insert “*certification*”

Page 9, line 18, after “*if*” insert “*an*”

Page 9, line 19, delete “*representatives have*” and insert “*representative has*”

Page 9, line 21, delete “*representatives*” and insert “*representative*”

The motion prevailed. So the amendment was adopted.

S.F. No. 31, which the committee recommends be re-referred to the Committee on Agriculture and Natural Resources, subject to the following motion:

Mr. Luther moved to amend S.F. No. 31 as follows:

Page 1, line 15, after “*state*” insert “*not docked, anchored, or tied to the shore*”

The motion prevailed. So the amendment was adopted.

S.F. No. 916, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 1, line 23, delete “(P.L. 98-509)” and insert “, *United States Code, title 42, sections 300X to 300X-9*”

Page 2, line 4, strike “*is*”

Page 2, line 5, strike “*authorized*” and strike “*to*” and insert “*may*”

Page 3, line 13, delete "*funds*" and insert "*money*"

Page 3, line 18, delete "*funds are*" and insert "*money is*"

Page 3, line 34, before the colon, insert "*the sum of the following*"

Page 4, line 4, delete "*Funds*" and insert " ; *and, money*"

Page 4, line 13, strike " ; *and,*" and insert a period

Page 4, line 16, strike " ; *and*" and insert a period

Page 4, line 22, delete "*would*" and insert "*are to*"

Page 4, line 24, delete the parenthesis and insert a comma

Page 4, line 25, delete the parenthesis and insert a comma

Page 4, line 28, delete "*which*" and insert "*that*"

Page 4, line 29, delete the semicolon and insert a period

Page 4, delete line 30

Page 4, line 31, delete "*Any*" and insert "*The*"

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved that the report of the Committee of the Whole, as kept by the Secretary, be now adopted.

Mr. Merriam requested that the report on S.F. No. 31 be divided out.

Mr. Moe, R.D. moved that the report of the Committee of the Whole, with the exception of the report on S.F. No. 31, be adopted. The motion prevailed.

The question was taken on the adoption of the report on S.F. No. 31.

The roll was called, and there were yeas 19 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Isackson	Mehrkens	Sieloff
Belanger	Frederick	Kamrath	Peterson, D.L.	Storm
Benson	Frederickson	Kronebusch	Renneke	Taylor
Berg	Gustafson	McQuaid	Samuelson	

Those who voted in the negative were:

Adkins	Dieterich	Laidig	Olson	Solon
Berglin	Frank	Langseth	Pehler	Stumpf
Bertram	Freeman	Lantry	Peterson, C.C.	Waldorf
Chmielewski	Hughes	Lessard	Peterson, D.C.	Wegscheid
Dahl	Johnson, D.J.	Luther	Peterson, R.W.	Willet
Davis	Jude	Merriam	Petty	
DeCramer	Knaak	Moe, R.D.	Reichgott	
Diessner	Kroening	Nelson	Schmitz	

The motion did not prevail.

MEMBERS EXCUSED

Mrs. Brataas, Messrs. Johnson, D.E.; Pogemiller and Vega were excused from the Session of today. Mr. Novak was excused from this evening's Session.

The following members were excused from today's Session for brief periods of time: Messrs. Dahl; Frederickson; Knaak; Peterson, D.L; Storm; Willet and Ms. Berglin.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, April 11, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 11, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Theodore J. Vinger.

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

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Gustafson	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrrens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D.M.	Reichgott	Willet
DeCramer	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 10, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 122, 198 and 483.

Sincerely,

Rudy Perpich, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted with the exception of the report on S.F. No. 1127. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1177: A bill for an act relating to wild animals; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1984, sections 97.4841, subdivision 3; 97.4842, subdivision 2; 98.46, subdivisions 2 and 14; 98.47, subdivision 1; and 100.271, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 3 and 4 and insert:

"Sec. 3. Minnesota Statutes 1984, section 98.46, subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) to take small game, \$7;
- (2) to take deer with firearms, \$15;
- (3) to take deer with bow and arrow, \$15;
- (4) to take fish by angling *for persons under age 65*, \$6.50;
- (5) *to take fish by angling for persons age 65 and over, \$3, including residents who have attained the age of 65 years who also may take fish by spearing under this angling license. The surcharge imposed by section 97.86 does not apply to residents who have attained the age of 65 years;*
- (~~5~~) (6) combination husband and wife *for both spouses under age 65*, to take fish by angling, \$10.50;
- (~~6~~) (7) to take moose, ~~\$140~~ \$200 for an individual or for a party of not to exceed four persons;
- (~~7~~) (8) to take bear only, ~~\$15~~ \$25;
- (~~8~~) (9) to take turkeys, \$10, in addition to a small game license.

Sec. 4. Minnesota Statutes 1984, section 98.46, subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to nonresidents, shall be:

- (1) to take small game and unprotected quadrupeds with firearms and bow and arrows, ~~\$35~~ \$46;
- (2) to take deer and unprotected quadrupeds with firearms, ~~\$75~~ \$100;
- (3) to take deer and unprotected quadrupeds with a bow and arrows only, ~~\$75~~ \$100;
- (4) to take bear, ~~\$100~~ \$175;
- (5) to take turkeys, \$30, in addition to a small game license;
- (6) to hunt raccoon, bobcat, fox, coyote, or Canada lynx, with or without

dogs, \$100, in addition to nonresident small game license.

Sec. 5. Minnesota Statutes 1984, section 98.46, subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) to take fish by angling, \$15;

(2) a short term individual license to take fish by angling for seven consecutive days, \$10.50;

(3) a short term individual license to take fish by angling for ~~one day~~ *three days*, \$~~5~~ \$7.50;

(4) combination husband and wife, *including their children under age 16*, to take fish by angling, \$~~20~~ \$30;

(5) for any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision."

Page 4, line 1, delete "*Sections 1 to 6 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "and" and insert a comma

Page 1, line 6, after "14" insert ", and 15"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 60: A bill for an act relating to game and fish; public safety; requiring certain persons to complete firearm safety instruction as condition for target practice or hunting with firearms; amending Minnesota Statutes 1984, section 97.83, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 97.81, subdivision 1, is amended to read:

Subdivision 1. The commissioner of natural resources is authorized and directed to publish rules and regulations establishing a state-wide program of instruction in the safe use of firearms *and archery equipment*.

Such regulations shall provide for courses of instruction in every municipality or school district in this state by the commissioner of natural resources

in cooperation with organizations, groups, associations and any private or public corporation or political subdivision of the state, the United States, or any federal agency. The courses shall instruct the youth of the state in the commonly accepted principles of safety in hunting and in the handling of all types of common hunting firearms *and archery equipment*.

Sec. 2. Minnesota Statutes 1984, section 97.81, subdivision 2, is amended to read:

Subd. 2. The commissioner or his authorized agent shall issue a certificate of satisfactory completion of the course of instruction required by ~~Laws 1957, Chapter 537~~ *this section*, to any person entitled thereto. The form and content of the certificate shall be as prescribed by the commissioner.

Sec. 3. Minnesota Statutes 1984, section 97.83, subdivision 2, is amended to read:

Subd. 2. Any law enforcement officer is authorized and directed in the name of the state to seize and hold any firearm used in violation of ~~Laws 1957, Chapter 537~~ *this section*. Firearms so seized shall be tagged with the name and address of the ~~youth~~ *person* from whom it was taken and a receipt given therefor. The firearm shall be placed in the custody of the state conservation officer in whose area the seizure was made.

Sec. 4. Minnesota Statutes 1984, section 97.83, subdivision 3, is amended to read:

Subd. 3. The conservation officer in whose custody a firearm seized under ~~Laws 1957, Chapter 537~~ *this section* is deposited shall hold the firearm until 90 days after the next commencing date of a firearm training course in the county, and if, during such time, the youth from whom the weapon was taken presents a certificate of completion of the course of instruction provided for in ~~Laws 1957, Chapter 537~~ *section 97.81, subdivision 2*, the firearm shall be returned to him. However, after the firearm has been held for such time, if no valid demand has been made for the return thereof, the firearm is contraband and forfeited to the state and shall be disposed of as the commissioner may prescribe.

Sec. 5. Minnesota Statutes 1984, section 97.83, is amended by adding a subdivision to read:

Subd. 4. [PERSONS UNDER AGE 18 MUST HAVE FIREARM SAFETY CERTIFICATE TO PURCHASE LICENSES.] *A person under age 18, born after December 31, 1972, must have a firearm safety certificate to be issued a small game or big game license.*

Sec. 6. Minnesota Statutes 1984, section 97.83, is amended by adding a subdivision to read:

Subd. 5. [CERTIFICATE FROM ANOTHER JURISDICTION MAY BE USED.] *A person may use a certificate of successful completion of a firearm safety course from another jurisdiction instead of the firearm safety certificate if the person submits the certificate from the other jurisdiction to and receives approval from the supervisor of hunting safety of the department of natural resources.*

Sec. 7. Minnesota Statutes 1984, section 98.45, subdivision 1, is amended

to read:

Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for a year beginning on the first day of March and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. Except as provided in this section, no license to take deer with firearm or with bow and arrow may be issued after the day prior to the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of such season. A license to take deer with bow and arrow issued after the opening of the bow and arrow deer season shall not be valid until the fifth day after it is issued. *A person under age 18 and born after December 31, 1972, may not be issued a license to take big game by archery unless the person presents a firearm safety certificate.* A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except as authorized by order of the commissioner adopted pursuant to section 97.53 and except the non-resident short term angling license, may be issued to a person in any licensing year. No license may be transferred except as expressly authorized.

Sec. 8. [EFFECTIVE DATE.]

This act is effective January 1, 1986."

Delete the title and insert:

"A bill for an act relating to game and fish; including instruction on archery equipment in the firearm safety course; requiring certain persons to complete firearm safety instruction to receive hunting licenses; requiring certain persons to present a firearm safety certificate before an archery license to take big game is issued; amending Minnesota Statutes 1984, sections 97.81, subdivisions 1 and 2; 97.83, subdivisions 2 and 3, and by adding subdivisions; and 98.45, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1091: A bill for an act relating to natural resources; providing for performance bonds or equivalent security for forestry development projects; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapter 574.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, delete everything after "project'"

Page 2, line 22, delete "*limited to,*" and insert "*includes*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1231: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1261: A bill for an act relating to the environment; directing the state planning director to encourage recycling; amending Minnesota Statutes 1984, section 116K.04, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 20, after "(8)" insert "*Act in coordination with other state agencies to*"

Page 2, delete section 2

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1359: A bill for an act relating to the economic crisis in northeastern Minnesota; creating the Northeastern Minnesota Economic Development Corporation to promote economic development in northeastern Minnesota and to provide incentives for industrial and manufacturing enterprises to locate in northeastern Minnesota; providing for a board of directors and an advisory committee; establishing a northeastern Minnesota economic recovery fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116N.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116M.14] [NORTHEASTERN MINNESOTA ECONOMIC RECOVERY FUND.]

Subdivision 1. [DEFINITIONS.] For the purposes of sections 1 to 5, the terms defined in this section have the meaning given them.

(1) "*Board*" means the board of directors of the Minnesota Energy and Economic Development Authority.

(2) "*Recovery fund*" means the northeastern Minnesota economic recov-

ery fund established by section 3.

(3) "Region" means the area consisting of the counties of Cook, Carlton, Pine, St. Louis, Koochiching, Lake, Itasca, and Aitkin.

(4) "Permanent job" means the equivalent of one person employed full time for one year, as determined by the board. It shall not include temporary construction jobs or jobs that are not directly connected with or a part of the industrial, distribution, manufacturing, or research facility that is developed with assistance under this act.

(5) "Project" means any undertaking that receives a loan from the recovery fund.

(6) "Council" means the northeastern Minnesota economic development advisory council.

Sec. 2. [116M.15] [ADVISORY COUNCIL.]

Subdivision 1. The board shall appoint a 15-member northeastern Minnesota economic development advisory council. Council members shall be residents of the region. The board shall designate one member of the council to serve as its chairman. Vacancies shall be filled in the same manner as the original appointment. Members of the council shall serve for two years.

Subd. 2. The council shall:

(1) assist the board with promotional efforts directed to the economic recovery of the region;

(2) advise and comment to the board about plans, programs, and activities for the economic recovery of the region;

(3) review and comment to the board upon proposed projects of the recovery fund;

(4) consider and make recommendations upon any matter which the governor or the board may submit to it; and

(5) review and comment to the board on the number of permanent jobs created by projects receiving loans from the recovery fund.

Subd. 3. The council shall meet at least four times each year, and shall adopt bylaws for the conduct of its business by a majority vote of the council members. Members of the council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties that are approved in writing by the board or its designee before incurred. The council shall receive from the commissioner of energy and economic development sufficient administrative and staff services to carry out the provisions of this section. The costs of administrative and staff expenses shall be paid out of the deposits in the recovery fund; not to exceed \$150,000 annually.

Sec. 3. [116M.16] [NORTHEASTERN MINNESOTA ECONOMIC RECOVERY FUND.]

Subdivision 1. [CREATION OF FUND.] The northeastern Minnesota economic recovery fund is created and shall be administered by the board with the advice of the council. The board may use amounts on deposit in the fund to promote economic recovery in northeastern Minnesota and to provide in-

centive for manufacturing and industrial enterprises to locate in northeastern Minnesota. No portion of the fund may be used for any project the objective of which is to increase tourism or construct recreation facilities in the region. A disbursement from the recovery fund for a project may be made if the board finds that:

(a) The project is economically sound and will benefit the people of the region and of the state by increasing opportunities for employment and strengthening the economy of the region and the state.

(b) The project would not be undertaken but for the availability of assistance from the recovery fund.

(c) The amount to be made available by the board will not exceed 50 percent of the total amount of capital investment in the project, which total capital investment shall not be less than \$5,000,000.

Fees, charges, rates of interest, times of payment of interest and principal, security, and other terms, conditions, and provisions of the loans made by the board shall be as the board determines appropriate and in furtherance of the purpose for which the loans are made. The funds used in making loans shall be disbursed upon order of the board.

Subd. 2. [LIMITATIONS ON USE OF RECOVERY FUND.] Unless waived by a two-thirds vote of the board, the following limitations apply to use of the money in the recovery fund.

Any loan from the recovery fund shall not exceed one-half of the total capital investment in the project. The interest rate on the loan from the recovery fund shall be initially set or reduced to no less than the rate indicated in the table below based on the number of permanent jobs anticipated to be created by the project:

PERMANENT JOBS CREATED	MINIMUM INTEREST RATE PERCENT
Less than 50	8
51 to 100	6
101 to 150	5
Over 150	3

The board shall annually review the project's employment records and adjust the interest rate based on the number of permanent jobs after each of the first two years of operation as determined by the board.

After the second year of operation, the board shall set an interest rate for the remainder of the loan period based on the number of permanent jobs it anticipates will be created by the project.

Sec. 4. [116M.17] [TERMINATION.]

The recovery fund shall remain in existence until June 1, 1990, at which time all unencumbered assets of the recovery fund shall be deposited in the general fund of the state.

Sec. 5. [116M.18] [ANNUAL REPORT AND AUDIT.]

The board shall report to the legislature annually on the projects that it has assisted in developing the previous year, and the goals and objectives of the recovery fund for the subsequent year. The board shall also provide for an annual audit of the recovery fund and its other assets by an independent certified public accountant, which audit report shall be submitted to the legislature for its review.

Sec. 6. [COMPLEMENT.]

The approved complement of the department of energy and economic development is increased by four positions in order to fulfill the provisions in sections 1 to 5.

Sec. 7. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the board to be deposited in the northeastern Minnesota economic recovery fund established by section 3."

Amend the title as follows:

Page 1, line 4, before "Economic" insert "Energy and" and delete "Corporation" and insert "Authority"

Page 1, line 9, delete "committee" and insert "council"

Page 1, line 11, delete "as" and insert "in" and delete "116N" and insert "116M"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1322: A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 3, delete "116J.96" and insert "116J.95"

Page 2, delete lines 12 to 15

Page 2, line 24, delete "116J.97" and insert "116J.96"

Page 3, line 11, delete "to 3" and insert "and 2"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1203: A bill for an act relating to state departments and agencies; requiring agencies to provide services and materials in languages other than

English; proposing coding for new law as Minnesota Statutes, chapter 15B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [15B.01] [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 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 representing 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. [LOCAL AGENCIES; BILINGUAL EMPLOYEES.] Every local public 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 local agency shall determine what constitutes a substantial number of non-English-speaking people and enough qualified bilingual persons. In making these determinations, the local agency shall consider the criteria listed in subdivision 1, clauses (1) to (4).

Sec. 2. [15B.02] [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.

Sec. 3. [15B.03] [HELP WITH LETTERS AND FORMS.]

Subdivision 1. [TRANSLATED WRITTEN MATERIALS.] 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.

Sec. 4. [15B.04] [LIMITATIONS.]

Subdivision 1. [OBTAINING BILINGUAL EMPLOYEES.] A state or local agency may not dismiss an employee or increase its complement to carry out the purposes of sections 1 to 3. A local or public agency need only implement sections 1 to 3 by filling employee public contact positions made vacant by retirement or normal attrition.

Subd. 2. [SCHOOLS AND EDUCATION; NOT AFFECTED.] Sections 1 to 3 do not apply to school districts, boards of education, or the office of a superintendent of schools.

Subd. 3. [FEDERAL LAW AND CIVIL SERVICE.] Sections 1 to 3 shall be implemented to the extent permissible under federal law, civil service laws governing state and local agencies, and collective bargaining agreements."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1233: A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "for award"

Page 2, line 10, delete "five-percent"

Page 2, line 11, after "preference" insert " , not to exceed 12 1/2 percent."

Page 2, line 14, before the period, insert " . In awarding any preference under this subdivision, the commissioner shall set the percentage at a rate that will further the purposes of this subdivision at the least cost to the state"

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16B.17 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons. *If for any prime contract no business owned and operated by a socially or economically disadvantaged person or persons is able to perform subcontracting amounting to at least ten percent of the contract, the commissioner may waive the requirement of this subdivision, but must increase the set-aside requirement for other contracts awarded or to be awarded by the same agency in the same fiscal year by an amount equal to the dollar value of the subcontracting for which the set-aside requirement was waived.* Any subcontracting pursuant to this subdivision ~~may not~~ must be included in determining the total amount of awards required by subdivisions 1, 2, and 5. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of \$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work on the prime contract and the dollar amount of the work performed or to be performed.

This subdivision does not apply to prime contractors that are themselves small businesses owned and operated by socially or economically disadvantaged persons, as duly certified pursuant to section 16B.22.

Sec. 3. Minnesota Statutes 1984, section 16B.19, subdivision 9, is amended to read:

Subd. 9. [PROCUREMENT PROCEDURES.] All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply equally to procurements designated for small businesses. In the event of conflict with other rules, *section 16B.18 and rules adopted under it govern if section 16B.18 applies. If it does not apply, sections 16B.19 to 16B.22 and rules adopted under those sections govern.*

Sec. 4. Minnesota Statutes 1984, section 16B.19, is amended by adding a subdivision to read:

Subd. 10. [APPLICABILITY.] This section does not apply to construction contracts or contracts for consultant, professional, or technical services under section 16B.17 that are financed in whole or in part with federal funds and that are subject to federal disadvantaged business enterprise regulations."

Page 4, line 10, strike everything after the period

Page 4, strike lines 11 to 15

Page 4, line 16, strike everything before "The"

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 645.445, subdivision 5, is amended to read:

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic conditions. This disadvantage may arise from cultural, social or economic circumstances, or background, physical location if the person resides or is employed in an area designated a labor surplus area by the United States department of labor, or other similar cause. It includes racial minorities, women, or persons who have suffered a substantial physical disability. *For purposes of sections 16B.19 to 16B.22, the definition of "socially or economically disadvantaged person" includes sheltered workshops and work activity programs."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "including sheltered workshops in definition of socially or economically disadvantaged persons;"

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 7, delete the first "subdivision" and insert "subdivisions" and after "5" insert ", 6, 9, and by adding a subdivision"

Page 1, line 7, delete "and" and before the period, insert "; and 645.445, subdivision 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1127: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "all"

Page 2, line 10, delete the semicolon and insert a colon

Page 2, line 13, delete "all of"

Page 4, after line 14, insert:

"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.] If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, *including medically 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. *Upon receipt of a report of medical neglect as defined in section 260.015, subdivision 10, clause (e), the commissioner has the authority to arrange for an independent medical examination of the child, to examine the child's medical records, and to interview the child's physicians and parents.*"

Page 4, line 22, after "infant" insert "and arrange for an independent medical examination of the child"

Renumber the sections in sequence

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, delete "subdivision 2" and insert "subdivisions 2 and 10b"

And when so amended the bill do pass. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 847: A bill for an act relating to crimes; allowing the testimony of the complaining victim of child abuse to be taken by closed-circuit television; proposing coding for new law in Minnesota Statutes, chapter 631.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 18, delete "may examine" and insert "shall interview"

Page 2, line 22, after "courtroom" delete "in" and insert "by" and after "the" at the end of the line, insert "examining attorney."

Page 2, delete line 23 and insert "The complaining victim is entitled to support by a parent, guardian, or someone of the victim's own choosing during the examination."

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "*court*" insert "*for failure*"

Page 1, line 13, delete "*forfeiture*" and insert "*fine*"

Page 1, line 14, delete "\$5,000" and insert "\$500"

Page 1, line 15, after "*continues*" insert a comma and after "*court*" insert a comma

Page 1, line 17, before the period, insert "*to the state*" and delete "*also*"

Page 1, line 18, delete "*designed*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1191: A bill for an act relating to human rights; eliminating court examination of evidence when there is a failure to comply with an order; amending Minnesota Statutes 1984, section 363.091.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, before "If" insert "*The hearing on the order to show cause shall be solely on the basis of affidavits, arguments of counsel and all the recordings and proceedings of the administrative hearing.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 13, delete "*any party*" and insert "*one or both parties*"

Page 3, line 17, before the semicolon, insert "*or communicated to the party restrained in open court*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1008: A bill for an act relating to human rights; providing for the confidentiality of the investigatory data of the department of human rights; providing for the legal effect of a subpoena issued by the commissioner of human rights; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.05, subdivision 2; and 363.06, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 363.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 10, 13, 17, 19, 24, 26, 28, and 34, delete "*investigatory*" and insert "*investigative*"

Page 3, lines 12 and 27, before "*Human*" insert "(a)"

Page 3, lines 14 and 30, delete "*charge form itself*" and insert "*name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought*"

Page 3, line 15, delete "*charge form is*" and insert "*name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are*"

Page 3, line 16, delete "*information*" and insert "*data*"

Page 3, line 17, delete "*form*" and insert "*data*"

Page 3, lines 19 and 34, before "*Human*" insert "(b)"

Page 3, lines 22 and 36, before "*Notwithstanding*" insert "(c)"

Page 3, line 23, delete "*in his discretion*"

Page 3, lines 25 and 26, delete "*he determines that*"

Page 3, line 31, after "*contain*" insert "*identifying*" and delete "*an*" and insert "*any*"

Page 3, line 32, before the comma, insert "*other than the complainant or respondent*"

Page 4, line 1, delete "*in his discretion*"

Page 4, line 2, delete "*investigatory*" and insert "*investigative*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 931: A bill for an act relating to human services; authorizing a court to order release of certain confidential information; amending Minnesota Statutes 1984, section 254A.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike "*individuals*" and insert "*any individual*" and strike "*are*" and insert "*is*"

Page 1, line 12, delete "*are recipients*" and insert "*is a recipient*"

Page 1, line 15, strike the second "the"

Page 1, line 16, strike "names" and insert "name"

Page 1, line 18, strike "individual" and insert "*subject*" and after "that" insert "*identifying*"

Page 1, line 19, strike everything before "may"

Page 2, line 13, delete "*which*" and insert "*that*" and after "*determined*" insert "*to be*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 710: A bill for an act relating to courts; providing that tax court judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, line 10, delete "*his or her*" and insert "*the judge's*"

Page 2, line 16, after "*pay*" insert "*, on a per diem basis during the days that the retired judge is hearing a case or acting on it,*"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "providing that tax court judges"

Page 1, line 3, delete "must be learned in the law;"

Page 1, line 6, delete "subdivision 1, and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 1118: A bill for an act relating to agriculture; requiring reason for lender's refusal to respond with letter of commitment for agriculture production inputs; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, 5, and 6; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 24 and 25, delete the new language

Page 3, delete section 5

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "reason for"

Page 1, delete lines 3 and 4 and insert "response for an agricultural production input lien"

Page 1, line 7, before "5" insert "and" and delete ", and 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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; 268.06, subdivision 5; 429.061, subdivision 1; 471.705, subdivision 2; 609.11, subdivision 8; and 631.09; repealing Minnesota Statutes 1984, section 422A.156.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 4 and 5, delete section 4

Pages 7 and 8, delete sections 6 and 7

Page 8, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "268.06, subdivision 5;"

Page 1, line 7, delete "471.705, subdivision 2; 609.11,"

Page 1, line 8, delete "subdivision 8;" and delete "; repealing Minnesota" and insert a period

Page 1, delete line 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1366: A bill for an act relating to corporations; providing an alternative corporate governing statute for certain publicly held corporations; imposing a franchise tax; amending Minnesota Statutes 1984, sections 53.01; 168.33, subdivision 2; 316.24; and 508.16, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 302B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 49, lines 17 and 18, delete "and chapter 80B do" and insert "does"

And when so amended the bill be re-referred to the Committee on Taxes and Tax Laws without recommendation. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 919: A bill for an act relating to agriculture; protecting buyers

when subject to a security interest; amending Minnesota Statutes 1984, section 336.9-307.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 480A.06, subdivision 3, is amended to read:

Subd. 3. [CERTIORARI REVIEW.] *The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the tax court and the workers' compensation court of appeals. The court of appeals shall have jurisdiction to review decisions of the commissioner of economic security, pursuant to section 268.10.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Amend the title as follows:

Page 1, line 4, delete “6” and insert “3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 979: A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 9 and 13, delete “8” and insert “9”

Page 1, line 11, before “[DEFINITIONS.]” insert “[494.05]”

Page 1, after line 13, insert:

“Subd. 2. [ARBITRATOR.] *“Arbitrator” means an impartial person who issues a third-party decision resolving a dispute.”*

Page 1, line 17, delete “section”

Page 1, line 18, delete “494.03 and in” and delete “5” and insert “6”

Page 1, after line 18, insert:

“Subd. 4. [DISPUTE RESOLUTION.] *“Dispute resolution” means a*

process voluntarily entered into by the parties to a dispute to resolve the dispute through agreement or a third-party decision."

Page 1, after line 20, insert:

"Subd. 6. [NEUTRAL.] *"Neutral" means a mediator or arbitrator."*

Page 1, delete lines 24 and 25

Page 2, delete lines 1 and 2

Page 2, line 5, delete everything after *"with"*

Page 2, line 6, delete *"8"* and insert *"this chapter"*

Renumber the subdivisions in sequence

Page 2, line 13, delete *"494.05"* and insert *"494.06"*

Page 2, line 22, after the period, insert:

"Subd. 4. [PROTECTION OF PARTICIPANTS IN CRIMINAL MATTERS.]"

Page 3, line 17, delete *"such"* and insert *"private"*

Page 4, line 3, delete the first *"he or she"* and insert *"the neutral"* and delete the second *"he or she"*

Renumber the subdivisions in sequence

Page 4, line 24, delete *"494.06"* and insert *"494.07"*

Page 4, line 30, delete *"494.07"* and insert *"494.08"*

Page 5, line 7, delete *"494.08"* and insert *"494.09"*

Page 5, line 8, before *"A"* insert *"Subdivision 1. [EXCLUDED DISPUTES.]"*

Page 6, after line 2, insert:

"Subd. 2. [OTHER AUTHORITY NOT AFFECTED.] The exclusions in this section do not restrict the authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518, 518A, or 518C, or from referring disputes arising under chapters 518 and 518A to for-profit mediation."

Page 6, line 3, delete *"494.08"* and insert *"494.10"*

Page 6, line 7, delete *"8"* and insert *"9"*

Page 6, line 10, delete everything after *"shall"*

Page 6, line 11, delete everything before *"volunteers"* and insert *"select"*

Page 6, line 18, delete *"neutral"*

Page 6, line 24, delete *"Further,"*

Page 6, line 26, delete everything after *"nor"*

Page 6, line 27, delete everything before *"training"* and insert *"exclusive and"* and after *"training"* insert *"is not limited"*

Page 6, line 29, delete *"is a"* and insert *"are"* and delete everything after *"minimum"* and insert *"requirements and"*

Page 6, line 30, delete *"will"* and insert *"may"*

Page 7, line 4, delete "*Further,*"

Page 7, lines 15, 18, 21, 25, 28, 31, and 34, delete "*The required training curriculum for the community*"

Page 7, lines 16, 19, 22, 26, 29, 32, and 35, delete "*dispute resolution program must include*"

Page 7, lines 17, 20, 24, 27, 30, and 33, delete the period and insert a semicolon

Page 8, lines 2 and 6, delete the period and insert a semicolon

Page 8, lines 3, 7, and 16, delete "*The required training curriculum for the community*"

Page 8, lines 4, 8, and 17, delete "*dispute resolution program must include*"

Page 8, line 15, delete the period and insert "; and"

Page 8, line 21, delete "(k)"

Page 8, line 30, delete "494.09" and insert "494.11"

Page 8, line 33, delete "*sections 494.01 to 494.03 and 1 to 8*" and insert "*this chapter*"

Page 9, line 2, delete "*administrator's office*" and insert "*administrator*"

Page 9, line 20, delete "494.10" and insert "494.12"

Page 9, after line 35, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1984, sections 494.01, subdivision 3, 494.02, and 494.03, are repealed."

Page 10, line 1, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1984, sections 494.01, subdivision 3; 494.02; and 494.03"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1003: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, line 21, delete "16" and insert "15"

Page 1, line 25, delete "17" and insert "16"

Page 2, line 3, delete "18" and insert "17"

Page 2, after line 5, insert:

"Sec. 4. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 18. "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact or sexual penetration by the psychotherapist.

Sec. 5. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 19. "Therapeutic deception" means a representation by a psychotherapist that sexual contact or sexual penetration by the psychotherapist is consistent with or part of the patient's treatment."

Page 2, line 27, reinstate the stricken language and delete the new language

Page 3, delete lines 2 to 8

Page 3, line 9, delete "a defense" and insert:

"(f) The actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred during the psychotherapy session. Consent by the complainant is not a defense;

(g) The actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist; or

(h) The actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense"

Page 3, line 31, reinstate the stricken language and delete the new language

Page 4, delete lines 6 to 12

Page 4, line 13, delete "defense" and insert:

"(f) The actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred during the psychotherapy session. Consent by the complainant is not a defense;

(g) The actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist; or

(h) The actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense"

Page 4, line 19, delete "fabrication by the complainant is a defense, and"

Page 4, line 27, delete "*upon expert testimony*" and delete the second "to"

Page 4, line 28, delete "*the issue of fabrication*"

Page 4, line 34, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "prohibiting sexual contact or"

Page 1, line 3, delete "penetration based on deception;"

Page 1, line 5, after "patient" insert "under certain circumstances"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, line 14, delete "*in addition specifically*"

Page 10, line 19, delete "*the*" and insert "*a*"

Page 10, line 20, delete "*thereof*"

Page 10, line 23, delete "*Whoever*" and insert "*A person who*"

Page 10, line 24, delete "*, and may be*" and insert a colon

Page 10, delete line 25

Page 10, line 27, delete "*he or she is without the consent of*" and after "*cardholder*" insert "*has not given consent*"

Page 10, lines 28, 31, and 36, delete "*or*"

Page 10, line 29, delete "*that he or she knows*" and insert "*knowing it*"

Page 11, line 1, delete "*therefore*"

Page 11, line 5, delete "*which he or she knows*" and insert "*knowing the cards*"

Page 11, lines 7 and 20, delete "*or*"

Page 11, line 9, delete "*upon presentation of a*"

Page 11, delete line 10

Page 11, line 11, delete "*employee of the person*"

Page 11, line 14, delete "*which he*"

Page 11, line 15, delete "*or she knows is*" and insert "*knowing it to be*"

and before "that" insert "knowing" and after "that" insert "it"

Page 11, line 16, delete "whom he or she knows to be"

Page 11, line 18, delete "he or she" and insert "the person"

Page 11, line 22, delete ", knowingly makes or causes to be made a false statement" and insert ":

(i) knowingly gives a false name or occupation; or

(ii) knowingly and substantially overvalues assets or substantially undervalues indebtedness for the purpose of defrauding the issuer to extend credit; or

(7) with intent to defraud, falsely notifies the issuer or any other person of a theft, loss,"

Page 11, delete lines 23 to 30

Page 11, delete lines 32 to 35 and insert:

"Subd. 3. [SENTENCE.] A person who commits financial transaction card fraud may be sentenced as follows:

(1) For a violation of clause (1), (2) or (5) of subdivision 2, in the manner provided in section 609.52, subdivision 3;

(2) For a violation of clause (3) or (4) of subdivision 2, 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 clause (6) or (7) of subdivision 2,

(a) 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

(b) If property, other than a financial transaction card, is so obtained, in the manner provided in section 609.52, subdivision 3."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1014: A bill for an act relating to crimes; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; prohibiting diversion of corporate property; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; changing the crimes of "intrafamilial sexual abuse" to the crimes of "criminal sexual abuse"; eliminating the requirement that a defendant receive a copy of a confession that is to be introduced into evidence; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 593.01, subdivision 2; 609.364; 609.3641, subdivision 1; 609.3642, subdivision 1; 609.3643, subdivision 1; 609.3644, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1984, section 611.033.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1984, section 169.92, subdivision 1, is amended to read:

Subdivision 1. Any person wilfully violating his written promise to appear in court, given as provided in sections 169.90 to 169.95, is guilty of a misdemeanor, ~~provided he is found guilty of the charge upon which he was originally arrested. This offense may be prosecuted by a jurisdiction in which any element of this offense was committed, or the jurisdiction where the offense as to which the person failed to appear was committed.~~ A written promise to appear in court may be complied with by an appearance by counsel.”

Page 2, line 8, after “following” insert “with intent to defraud”

Page 2, line 12, delete “recorded and published certificate, where”

Page 2, delete line 13 and insert “articles of incorporation;”

Page 2, line 14, delete “when the profits are insufficient to”

Page 2, line 15, delete “pay them or”

Page 2, line 17, delete “intentionally”

Pages 2 to 6, delete sections 4 to 9 and insert:

“Sec. 4. [634.17] [ADMISSION INTO EVIDENCE FOR IMPEACHMENT PURPOSES CERTAIN CONVICTIONS OF PRIOR DRIVING OFFENSES.]

Notwithstanding section 169.94, subdivision 2, in any hearing or trial of a felony driving offense, the court may admit evidence of a person's previous conviction for a driving offense involving the use of alcohol or a controlled substance for the purpose of impeaching that person if the court finds that:

(1) the probative value of the conviction substantially outweighs its inflammatory or prejudicial effect;

(2) the use of alcohol or a controlled substance is an element of the charged offense or is relevant to a fact that is at issue in the case;

(3) the accused person has been served notice pursuant to Rule 7 or Rule 9 of the Rules of Criminal Procedure; and

(4) the previous conviction occurred within ten years of the charged offense.”

Amend the title as follows:

Page 1, line 2, delete “providing that an individual asked”

Page 1, delete lines 3 and 4

Page 1, line 5, delete “warning” and insert “clarifying the prosecution for failure to appear in court”

Page 1, delete lines 8 to 11 and insert “admitting into evidence for impeachment purposes certain convictions of prior driving offenses;”

Page 1, line 12, delete “13.04,” and insert “169.92, subdivision 1; and”

Page 1, line 13, delete the first “subdivision 2;” and delete “609.364;”

Page 1, delete lines 14 and 15

Page 1, delete lines 17 and 18 and insert "chapters 302A and 634."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 857: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing coding for new law in Minnesota Statutes, chapter 3C.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [645.175] [JUDICIAL MODIFICATION OF STATUTORY LAW.]

Subdivision 1. [JUDICIAL MODIFICATION AUTHORIZED.] Notwithstanding section 645.16, a court adjudicating a case and controversy may, in deciding that case and controversy and only to the extent necessary to serve justice, modify the effect of a statute as provided in this section.

Subd. 2. [APPLICABILITY.] Subdivision 1 applies to a statute or portion of a statute that: (1) imposes rules of private law, and (2) has been in effect for more than 20 years prior to the event or transaction that is the subject of the case and controversy.

Subd. 3. [PRIVATE LAW.] For the purpose of subdivision 2, private law means rules of law relating to the legal relations of private parties, including rules in the areas of: contracts; torts; probate; commercial transactions; marriage and dissolution; partnerships; associations; corporations; principal and agent; trusts; evidence; remedies; conflict of laws; unfair competition; unfair trade practices; creditors' and debtors' rights; environmental rights; and similar subject areas; and rules of civil procedure and administrative procedure. Private law does not include rules of law relating to: taxes; crimes; criminal procedure; elections; local government; government structure; programs of education, corrections, welfare, and transportation; regulation of financial institutions, insurance companies, and securities; and similar subject areas.

Subd. 4. [BEGINNING OF 20-YEAR PERIOD FOR AMENDATORY ACTS.] For the purposes of subdivision 2, an amendment to a statute does not start a new 20-year period as to the statute amended if the amendment does not substantively affect the aspect of the statute at issue in the case or controversy because, for example, the amendment is technical or stylistic, a recodification, or directed to portions of the statute not at issue.

Subd. 5. [EXCLUSIONS.] The following statutes and subject areas are excluded from the applicability of subdivision 1: (1) this section; (2) statutes relating to real property conveyancing, title, financing, foreclosure and cancellation of title; and (3) statutes of limitation.

Subd. 6. [CIRCUMSTANCES JUSTIFYING MODIFICATION.] Judicial modification of a statute under this section is justified only if all of the following conditions are present:

(1) the application of the statute in the case and controversy without modi-

fication would lead to an unjust result in light of accepted principles of public policy, constitutional and common law;

(2) the application of the statute in the case and controversy without modification would lead to an unjust result in light of more recently enacted statutes;

(3) the modification does not lead to a result in the case and controversy that could not be foreseen by the parties and that unduly prejudices any party; and

(4) the modification does not involve changing a number.

Subd. 7. [EFFECT OF MODIFICATION.] The modification of a statute under this section does not amend or repeal the statute. Modification means that in a subsequent case and controversy involving similar circumstances a court should adhere to the statute to the extent justice permits, but should take guidance from the modifying decision in the same manner as any other judicial precedent would be followed.

Subd. 8. [NOTICE PROCEDURE WHEN STATUTE IS MODIFIED.] When a statute is modified under this section, the court shall prepare a memorandum describing the reason the statute was modified. The memorandum shall be sent to the revisor of statutes, who shall maintain a file of these memoranda and periodically prepare a summary for the legislature."

Amend the title as follows:

Page 1, line 3, delete "as is common"

Page 1, line 4, delete "law" and insert "in limited circumstances"

Page 1, line 5, delete "3C" and insert "645"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1033: A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding a subdivision; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 40.19, subdivision 1, is amended to read:

Subdivision 1. [**SCOPE APPLICABILITY.**] ~~For the purposes of sections 40.20 to 40.28, the terms defined in this section have the meanings given them. The definitions in this section apply to sections 1 to 22 and sections 40.19 to 40.28.~~

Sec. 2. Minnesota Statutes 1984, section 40.19, subdivision 2, is amended to read:

Subd. 2. ~~7a.~~ [EXCESSIVE SOIL LOSS.] "Excessive soil loss" means soil loss ~~resulting from erosion that is more rapid than the gradual erosion of land used by man when all reasonable soil and water conservation practices have been applied that is greater than the soil loss limits.~~ "Excessive soil loss" may be evidenced by sedimentation on adjoining land or in ~~any a~~ body of water. Soil loss is excessive if it is greater than the soil loss tolerance for each soil type described in the United States Soil Conservation Service Field Office technical guide.

Sec. 3. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

Subd. 2a. [CONSERVATION PLAN.] "*Conservation plan*" means a set of practices that will decrease soil erosion to the soil loss limits on a particular parcel of land.

Sec. 4. Minnesota Statutes 1984, section 40.19, subdivision 5, is amended to read:

Subd. 5. [CONSERVATION PRACTICES, STANDARDS AND SPECIFICATIONS.] "Conservation practices, standards and specifications" means *practices and standards* containing a definition, purpose, and conditions ~~under which~~ that the practice applies including design requirements, and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards. A *conservation practice* may be a permanent or temporary, vegetative or structural, measure that will aid the control of wind and water erosion. Permanent practices are those that have effective life greater than ten years and include grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other permanent practices approved by the state soil and water conservation board. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, and any other cultural practices approved by the state soil and water conservation board.

Sec. 5. Minnesota Statutes 1984, section 40.19, subdivision 6, is amended to read:

Subd. 6. [DEVELOPMENT ACTIVITY.] "Development activity" means ~~any a~~ physical disturbance by man of the land ~~associated with development activities which,~~ that may result in sedimentation of adjacent lands or waters. ~~These,~~ associated with activities that include, ~~but are not limited to,~~ clearing, grading, excavating, transporting, and filling lands. Road construction by federal, state, county, and municipal ~~road construction~~ governments designed according to department of transportation standard specifications for construction are ~~exempt from this act~~ not development activities.

Sec. 6. Minnesota Statutes 1984, section 40.19, subdivision 7, is amended to read:

Subd. 7. [EROSION.] "Erosion" means ~~the any~~ process by which that removes soil away from the surface of the land ~~is worn away~~ by the action of water, wind, or gravity.

Sec. 7. Minnesota Statutes 1984, section 40.19, subdivision 8, is amended to read:

Subd. 8. ~~9a.~~ [GOVERNING BODY LOCAL GOVERNMENT.] "~~Governing body~~" "Local government" means the elected governing body of a county, home rule charter or statutory city, or town, or their designated officials or agents. Agents may include soil and water conservation districts, water management organizations, joint powers boards, watershed districts, ~~or~~ and other governmental entities responsible for resource management within the affected local government's jurisdiction.

Sec. 8. Minnesota Statutes 1984, section 40.19, subdivision 9, is amended to read:

Subd. 9. [LAND OCCUPIER.] "Land occupier" means a person, firm, corporation, municipality, or other legal entity ~~who~~ that holds title to, or is in possession of any lands, ~~whether~~ as owner, lessee, ~~renter,~~ tenant, or otherwise. The term "Land occupier" includes both the owner and the occupier of the land ~~when~~ if they are not the same.

Sec. 9. Minnesota Statutes 1984, section 40.19, subdivision 11, is amended to read:

Subd. 11. [SEDIMENT.] "Sediment" means solid *mineral or organic* material; ~~both mineral and organic~~; that is in suspension, is being transported, or has been moved from its ~~site of origin~~ original location by air, water, gravity, or ice, and has ~~come to rest on the earth's surface~~ been deposited at another location.

Sec. 10. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

Subd. 11a. [SOIL.] "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as natural medium for the growth of land plants.

Sec. 11. Minnesota Statutes 1984, section 40.19, subdivision 13, is amended to read:

Subd. 13. [SOIL LOSS LIMIT.] "Soil loss limit" means the maximum amount of soil loss from water or wind erosion, expressed in tons per acre per year, that ~~will be permitted~~ is allowed by local regulations on a ~~given~~ particular soil.

Sec. 12. Minnesota Statutes 1984, section 40.20, is amended to read:

40.20 [SOIL LOSS CONTROL ORDINANCES.]

Each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365 is encouraged to adopt a soil loss ordinance as provided in section 40.21. The soil loss ordinance must use the soil loss tolerance for each soil series described in the United States soil conservation service field office technical guide to determine the soil loss limits but the soil loss limits must be attainable by the best practicable soil conservation practice. A local government that adopts a soil loss ordinance may enter an agreement with its agent allowing the agent to administer the functions and perform the duties of the local government as provided by sections 12 to 22. Ordinances adopted by local ~~units~~ governments within the metropolitan area defined in section

473.121 must be consistent with local water management plans adopted under section 473.879.

Sec. 13. Minnesota Statutes 1984, section 40.21, is amended to read:

40.21 [PROMULGATION OF RULES BY THE COMMISSIONER OF AGRICULTURE; PERIODIC REVIEW, MODEL ORDINANCE, AND PERIODIC REVIEW.]

Subdivision 1. [RULES AND MODEL ORDINANCE AS GUIDE.] The commissioner of agriculture, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall promulgate adopt a model ordinance and rules which shall that serve as a guide to enable for local governments to carry out the provisions of Laws 1984, chapter 569. The rules developed by the commissioner of agriculture shall include: sections 12 to 22 and sections 40.20 to 40.26, and provide administrative procedures for the state soil and water conservation board for sections 12 to 21 and sections 40.20 to 40.26.

Subd. 2. [MODEL ORDINANCE.] (a) A The model ordinance which specifies must specify the technical and administrative procedures required to implement Laws 1984, chapter 569 control soil loss and erosion. The model ordinance shall be considered to be is the minimum regulation to be adopted. The model ordinance must use the soil loss tolerance for each soil series described in the United States soil conservation service field office technical guide to determine soil loss limits, but the soil loss limits must be attainable by the best practicable soil conservation practice.

(b) Administrative procedures required of the state soil and water conservation board for carrying out the provisions of Laws 1984, chapter 569.

Subd. 3. [PERIODIC REVIEW.] At least once every two five years the commissioner of agriculture shall review the rules and model ordinance in cooperation with counties, soil and water conservation districts, and appropriate agencies to ensure their continued applicability and relevance. The rules may be revised if deemed necessary by the commissioner of agriculture.

Sec. 14. Minnesota Statutes 1984, section 40.22, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTIVITIES.] A person may not cause, conduct, contract for, or authorize an activity which that causes excessive soil loss.

Sec. 15. Minnesota Statutes 1984, section 40.22, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL LAND.] A land occupier of agricultural land is not violating subdivision 1 if he the occupier is using farming by methods which do not create excessive soil loss that implement the best practicable conservation practices.

Sec. 16. Minnesota Statutes 1984, section 40.23, is amended to read:

Subdivision 1. [COMPLAINT.] A land occupier adversely affected by the effects of excessive soil loss, or an elected local government official, may submit a verbal or written complaint against a land occupier alleging that excessive soil loss has occurred or is occurring. The complaint must be made to

the governing body of the local government unit that has adopted an ordinance as provided in section 40-21. If the complaint is verbal, it must be followed by a written complaint within 72 hours. The complaint shall include the approximate dates and location of the alleged violation and describe the source, nature, and extent of the excessive soil loss alleged to have occurred or which is occurring. The complaint must be made to the governing body of the local government unit that has adopted a soil loss ordinance as provided in section 40-21. (a) An adversely affected landowner, an elected or appointed official of the local government, or a soil and water conservation district board member may submit a written complaint to the local government if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain:

(1) the name and address of the landowner;

(2) the location of the tract of land with the excessive soil loss;

(3) land or water that is affected by the excessive soil loss; and

(4) a description of the nature of the excessive soil loss and resulting sedimentation.

(b) The local government shall submit the complaint to the soil and water conservation district for soil loss determination.

Subd. 2. [DISTRICT DETERMINATION OF SOIL LOSS.] (a) The soil and water conservation district shall determine the average soil loss in tons per acre per year of the tract of land cited in the complaint.

(b) The soil and water conservation district may enter public or private land to make an inspection for the determination of soil loss or to complete the report. The landowners must be notified of the time of the inspections and be given an opportunity to be present when the inspection is made.

(c) The soil and water conservation district shall submit a report to the local government that states the average soil loss in tons per acre per year for each tract of land and whether the soil loss is excessive under the applicable soil loss limits. If the soil loss is excessive the report must include identification of existing management practices and a conservation plan and time schedule that will prevent excessive soil loss or reduce the soil loss to the most practicable extent.

Subd. 3. [MEDIATION.] (a) If the soil and water conservation district report shows that soil loss from the tract of land is excessive and alternative practices are available to reduce the soil loss, the local government shall request the allegedly offending landowner to participate in mediation with the local government.

(b) The local government may appoint the planning and zoning director, a planning commissioner, or other county official to act as a mediator. The local government may also contract with a mediation center to provide mediation services.

(c) The landowner, and the local government or its agent must attempt to agree on conservation practices and times to implement the practice that will reduce soil loss to the local soil loss limits.

(d) A mediated settlement must be in writing, and filed with the local government.

(e) If the local government and the landowner do not agree to a mediated settlement, or if the landowner refuses to participate in mediation, the local government shall forward the complaint to the county attorney. The county attorney may dismiss the complaint or petition for a hearing under section 17.

Subd. 4. [APPLICATION FOR COST SHARING FUNDS.] The landowner has 90 days after a mediated settlement is filed to apply for state cost-sharing funds that will provide 75 percent of the cost of the permanent conservation practices. Only 50 percent cost share will be provided if the application is not made within 90 days after the settlement is filed. The landowner must apply for 50 percent cost share within 270 days after the mediated settlement is filed.

Subd. 5. [PENALTY.] A landowner that does not comply with the provisions of the mediated settlement is subject to a civil penalty up to \$500. Soil conservation practices that are made in good faith and substantial compliance are a complete defense.

Sec. 17. [40.242] [DISTRICT COURT HEARING.]

Subdivision 1. [DETERMINATION OF PROPER CONSERVATION PLAN.] If the landowner and the local government do not agree to a mediated settlement or if the landowner has refused mediation, the county attorney may petition the district court for a hearing. The landowner shall have the opportunity to present the landowner's conservation plan and time schedule as an alternative to the local government conservation plan and time schedule. The court shall order the landowner to implement the conservation plan and time schedule that is the least burdensome to the landowner and will reduce soil loss to at least the soil loss limit. The court may amend the local government's or landowner's conservation plan and time schedule, or develop a new conservation plan and time schedule. The court shall set times to implement, make satisfactory progress, and complete the conservation plan.

Subd. 2. [COST-SHARING FUNDS.] (a) If the court orders implementation of the landowner's conservation plan and time schedule, or amends the conservation plan and time schedule, or if the court develops a new conservation plan and time schedule, the landowner is eligible to apply for 75 percent cost-share funds for permanent conservation practices. The landowner must apply for the cost share within 90 days after the court order. If the landowner does not apply within 90 days for the cost-sharing funds the cost share is reduced to 50 percent. The court shall establish a time when the landowner is not eligible for cost-sharing funds if an application is not made.

(b) If the court orders a plan and time schedule developed by the district in its report, the landowner is eligible for 50 percent cost share if the landowner applies within 90 days after the court order.

Sec. 18. [40.244] [SOIL AND WATER CONSERVATION ASSISTANCE.]

A landowner who has filed a mediated settlement under section 16 or who has received a court order under section 17 may request the soil and water conservation district to assist in the planning, design, and application of

practices necessary to reduce soil loss to the applicable soil loss limit amounts or to the greatest practical extent. The soil and water conservation district must give the landowner a high priority for technical and cost-sharing assistance.

Sec. 19. [40.246] [ATTORNEY AND LOCAL GOVERNMENT MAY PERFORM DUTY OF COUNTY.]

The city attorney or town attorney may perform the duties of a county attorney. A city or town may perform the duties of a local government only if the city or town adopts a soil loss ordinance and the land in the complaint is located within the city or town.

Sec. 20. Minnesota Statutes 1984, section 40.25, is amended to read:

40.25 [EROSION CONTROL PLAN FOR DEVELOPMENT ACTIVITIES.]

Subdivision 1. [SEDIMENTATION CONTROL PLAN.] (a) A person engaged in a development activity that will disturb over one acre of land must submit to the governing body a sedimentation control plan and time schedule that will prevent excessive soil loss to the local government having jurisdiction over the land before the development activity is to begin.

(b) A sedimentation control plan and time schedule must specify how the movement of soil and damage to other property during the construction will be minimized, including the use of temporary seeding, fiber mats, plastic, straw, mulch, sediment control basins, and other measures to prevent erosion and sediment damage. The time schedule must establish deadlines for the implementation and completion of each phase or element of the sedimentation control plan.

Subd. 2. [PERMIT REQUIRED.] The local government may appoint the zoning and planning director, building inspector, county engineer, or the soil and water conservation district to review the plan and time schedule. If the sedimentation control plan and time schedule will prevent excessive soil loss to the most practicable extent, the local government must issue a permit that authorizes the development activity contingent upon the implementation and completion of the sedimentation control plan.

Subd. 3. [PENALTY.] A person engaged in a development activity who does not obtain a sedimentation control plan permit or does not commence or complete the plan or make satisfactory progress to complete the plan is subject to a civil penalty up to \$500. Soil conservation practices made in good faith and substantial compliance are a defense.

Subd. 4. [APPLICATION.] For counties, the provisions of this section apply only to county jurisdiction over unincorporated areas.

Sec. 21. Minnesota Statutes 1984, section 40.26, is amended to read:

40.26 [APPLICATION FOR COST-SHARING FUNDS.]

(a) Except in the case of for a development activity, a land occupier may not be required to establish soil conservation practices unless state cost-sharing funds have been specifically approved for that land and have been made available to the land occupier in an amount under sections 16 and 17, equal to at least 75 percent of the cost of the permanent conservation practices on a

voluntary basis, and or a 50 percent cost share if implementation is not commenced following the issuance of an administrative order as provided in this section. The state soil and water conservation board shall review these requirements at least once each year, and may authorize districts in any particular case to provide a higher percentage of public cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the district annual and long-range plans. Evidence that an application for state cost-sharing funds has been submitted to the soil and water conservation district shall constitute commencement of the work within the meaning of section 40.24. When notified of the approval of the application, the local unit shall issue to the same parties who received the original administrative order, or their successors in interest, a supplemental order, to be delivered in the same manner as provided by section 40.24. The supplemental order shall state a time, not more than 90 days after approval of the application for state cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time not more than one year thereafter when the work is to be satisfactorily completed. *an application for cost share is not made within 90 days after the board approves a mediated written agreement or within 90 days after the court orders implementation of a plan and time schedule prepared by the landowner or the court. For mediated settlements, a court order that implements the landowner's alternatives or the court's alternatives must state the time schedule for application for 50 percent cost share. If the court orders implementation of the district's plan and time schedule, a landowner is only eligible for 50 percent cost share.*

(b) The state soil and water conservation board shall review these requirements at least once each year, and may authorize a district to provide a higher percentage of cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the soil and water conservation district annual and long-range plans.

Sec. 22. Minnesota Statutes 1984, section 40.28, is amended to read:

40.28 [PENALTY.]

A violation of an administrative order issued under section 40.24 or a supplemental order issued under section 40.26 is a misdemeanor. A person who violates section 14 is subject to a civil penalty up to \$500.

Sec. 23. [REPEALER.]

Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15, are repealed.

Sec. 24. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Amend the title as follows:

Page 1, line 6, delete "a subdivision" and insert "subdivisions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 873: A bill for an act relating to natural resources; providing for exemption of certain peat harvesting operations from the requirement for mining permits; amending Minnesota Statutes 1984, section 93.461.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 15, 17, 21, 23, and 25, delete the new language and reinstate the stricken language

Page 2, line 5, delete "*harvesting*" and reinstate "mining"

Page 2, lines 8 to 10, delete the new language and reinstate the stricken language

Page 2, delete line 11

Page 2, line 12, delete "*worksheet,*" and insert "If"

Page 2, line 13, delete "*request*" and insert "*require*"

Page 2, line 14, delete "*harvester apply for*" and insert "*miner have*" and after "*permit*" insert "*to operate*"

Page 2, line 15, delete the new language and reinstate the stricken language

Page 2, delete lines 19 to 22

Amend the title as follows:

Page 1, line 3, delete "*harvesting*" and insert "mining"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1277: A bill for an act relating to summary execution of judgment debts; requiring financial institutions to notify the sheriff when an exemption is claimed under certain circumstances; amending Minnesota Statutes 1984, section 550.041, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1984, section 549.09, subdivision 1, is amended to read:

Subdivision 1. [WHEN OWED; RATE.] (a) When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in clause (c) and added to the judgment. (b) Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action, except as provided herein. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counter-offer within 60

days. After that time interest on the judgment shall be calculated by the judge in the following manner. The prevailing party shall receive interest on any judgment from the time the action was commenced or as to special damages from the time when special damages were incurred, if later than commencement of the action, until the time of verdict or report only if the amount of its offer is closer to the judgment than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment, whichever is less, and only from the time the action was commenced or as to special damages from when the special damages were incurred if later than commencement of the action until the time the settlement offer was made. Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments, decrees, or orders in dissolution, annulment, or legal separation actions;

(3) punitive damages, fines, or other damages that are noncompensatory in nature;

(4) judgments not in excess of the amount specified in section 487.30; and

(5) that portion of any verdict or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court. (c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall communicate the interest rate to the clerks of court for their use in computing the interest on verdicts and judgments."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "to" insert "courts;" and after "debts;" insert "providing for computation of interest on judgments;"

Page 1, line 6, delete "section" and insert "sections 549.09, subdivision 1; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 274: A bill for an act relating to civil commitment; requiring

continued commitment of mentally retarded persons to be for a determinate period of time; conforming provisions relating to mentally ill and mentally retarded persons; correcting a cross-reference; amending Minnesota Statutes 1984, sections 253B.12, subdivision 4; and 253B.13, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1984, section 253B.13, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 253B.13, subdivision 2, is amended to read:

Subd. 2. [MENTALLY RETARDED PERSONS.] ~~If the court finds upon review of the treatment report, at the conclusion of a hearing held pursuant to section 253B.12, it is found~~ that the person continues to be mentally retarded, ~~the court shall order commitment of the person for an indeterminate period of time, subject to the reviews required by section 253B.03, subdivisions 5 and 7, and subject to the right of the patient to seek judicial review of continued commitment.”~~

Delete the title and insert:

“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.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 361: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to lease peat lands for wild rice farming; providing for appraisal and administration of leases; proposing coding for new law in Minnesota Statutes, chapter 92.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after “private” insert “lease”

Page 1, line 13, delete “he or she” and insert “the commissioner”

Page 1, line 14, delete “his or her” and insert “the commissioner’s”

Page 1, line 15, delete “containing deposits of peat”

Page 1, line 17, after “be” insert “offered” and delete “ten” and insert “20” and after “years” insert “but may be for a shorter period at the option of the lessee. The lease rate shall be adjusted every five years to reflect market values”

Page 1, line 17, delete “All” and insert “The”

Page 1, line 18, after “from” insert “the” and delete “fund to”

Page 1, line 19, delete "*which the land belongs*" and insert "*account that receives the proceeds of a sale of the land*"

Pages 1 and 2, delete subdivisions 2 and 3 and insert:

"*Subd. 2. [WILD RICE LAND DESIGNATION AND DEVELOPMENT.] The commissioner of natural resources shall prepare a plan including an inventory of the number of acres of land appropriate and suitable for wild rice development and leasing in each county.*"

Page 2, line 33, delete "*under the administrative procedure act*"

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "administration of leases;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1173: A bill for an act relating to outdoor recreation; renaming a state trail; amending Minnesota Statutes 1984, section 85.015, subdivision 10.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 236: A bill for an act relating to agriculture; finding conditions exist that have caused a loss of agricultural credit; declaring an agricultural economic emergency exists; providing seed, fertilizer, herbicides, and fuel loans; making emergency loans to counties; guaranteeing loans; appropriating money; amending Minnesota Statutes 1984, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "18" and insert "15"

Page 2, line 8, delete "EMERGENCY" and strike "SEED" and delete "FERTILIZER, HERBICIDES,"

Page 2, line 9, delete "AND FUEL" and insert "EMERGENCY CROP INPUT"

Page 2, line 15, delete "seed," and insert "to"

Page 2, line 32, after "emergency" insert a comma

Pages 2 and 3, delete subdivision 3 and insert:

"Subd. 3. [COUNTY LOAN PROGRAM; PETITION; ORDER.] If not less than (a) If at least 25 resident freeholders of the county, before March first next following the crop failure, present a signed petition to the auditor of the county a petition signed by them, asking that the county lend money provide warrants for seed, fertilizer, herbicides, and fuel to residents suffering by reason of the crop failure, for the purpose of purchasing seed and feed, or that are unable to procure financing to plant, cultivate, and harvest crops, the auditor shall receive and must file the petition and at once call a meeting of the county board as soon as possible to consider the petition.

(b) If the legislature declares an agricultural economic emergency, the auditor must call a meeting of the county board to consider the declaration of the agricultural economic emergency in the same manner as a petition under paragraph (a).

(c) The county board shall, on or before the second Monday in March, next following, meet and consider the petition, or a legislative declaration of economic emergency and may enter an order that the county lend, from its general fund, sums as it deems necessary for the purpose; however, provide warrants to pay for seed, fertilizer, herbicides, and fuel. The amount shall not, with the existing indebtedness of the county, exceed of the warrants is not included in the amount of indebtedness that a county must incur as fixed by the laws of this state."

Page 3, line 24, delete "lending" and insert "crop input loan"

Page 3, line 25, delete "a loan from the county loan program" and insert "warrants to pay for seed, fertilizer, herbicides, and fuel"

Page 3, line 26, delete "applicant" and insert "resident" and after "file" insert "an application" and strike ", on or before"

Page 3, line 27, strike the old language and delete the new language

Page 3, line 28, delete "order," and insert "by the date prescribed in the order of the county board." and before "verified" insert a comma and delete "the"

Page 3, line 29, delete "applicant" and strike "showing" and insert "the applicant, must show" and strike "facts"

Page 3, line 35, after "applicant" insert "in general terms"

Page 4, line 4, before "the" insert "where"

Page 4, line 5, delete "on"

Page 4, line 13, reinstate the stricken "and"

Page 4, delete lines 14 to 16

Page 4, line 17, reinstate the stricken "(8)" and delete "(9)"

Page 4, line 29, strike the old language and delete the new language

Page 4, delete line 30

Page 4, line 31, strike the first "and" and insert "next possible meeting time."

Page 5, lines 2 and 3, delete "BEFORE MARCH 1"

Page 5, line 6, delete "loans" and insert "warrants"

Page 5, line 13, delete "loan" and after "amounts" insert "for crop inputs"

Page 5, line 16, delete "loan" and delete "as" and insert a period

Page 5, delete line 17

Page 5, line 18, delete "county board."

Page 5, line 20, after "crops" insert ", including interest on the purchase price,"

Page 5, line 21, after "paid" insert "on or after December 30"

Page 6, line 8, before "seed" insert "warrants for the"

Page 6, line 11, strike "the first day of" and delete "the following" and strike "October"

Page 6, line 12, strike the old language and delete the new language

Page 6, line 13, strike "annum" and insert "December 15"

Page 7, line 7, strike "OCTOBER 1, RATE OF INTEREST" and insert "DECEMBER 15"

Page 7, line 9, strike "on the first day of"

Page 7, line 10, strike "October" and insert "or before December 15" and after "when" insert "warrants for"

Page 7, line 11, strike the fourth comma and strike "with"

Page 7, lines 12 and 13, strike the old language and delete the new language

Page 7, line 14, strike "at the rate of" and delete "ten" and strike "percent per annum"

Page 7, line 15, strike "the first day of"

Page 7, line 16, strike "November" and insert "December 30"

Page 7, line 25, after "received" insert "warrants for"

Page 8, line 12, strike "\$50" and insert "\$100" and strike "\$100" and insert "\$700"

Page 9, line 12, after "more" insert "money for" and delete "are" and insert "is"

Page 9, delete section 15

Page 9, line 32, after "16." insert "[395.25]"

Page 10, line 1, after the period, insert "Application for the reimbursement of a default contract must be made by June 1 of the year following the default after all reasonable efforts have been made to collect the contract debt. The state shall succeed to any interest of the county in the contract and its remedies."

Page 10, delete sections 17 and 18 and insert:

“Sec. 16. [EFFECTIVE DATE.]

This act is effective the day after final enactment.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “providing” insert “warrants for”

Page 1, line 5, delete “loans” and delete “making”

Page 1, line 6, delete “emergency loans to counties;” and delete the second “loans” and insert “warrants”

Page 1, line 7, delete “appropriating money;”

Page 1, line 9, before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 395”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1408: A bill for an act relating to natural resources; providing emergency assistance for loggers of state timber who are in serious distress due to abrupt closure of certain timber processing plants; specifying powers and duties of the commissioner of natural resources; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete “*abrupt*” and insert “*permanent*”

Page 1, line 25, delete “*significant amounts of*”

Page 2, line 1, delete “*significant amounts of*”

Page 2, line 4, delete “*abrupt*” and insert “*permanent*”

Page 2, line 18, delete “*abruptly*” and insert “*permanently*”

Page 3, delete section 2

Amend the title as follows:

Page 1, line 4, delete “*abrupt*” and insert “*permanent*”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1205: A bill for an act relating to natural resources; allowing compensation for damage of crops by elk; amending Minnesota Statutes 1984, section 3.737.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, delete "the" and insert "a"

Page 2, line 5, delete "for the owner's county and" and insert "or"

Page 2, line 6, delete the second "the" and insert "a"

Page 2, line 7, delete the first "the" and insert "a"

Page 3, after line 15, insert:

"Sec. 2. [APPROPRIATION.]

The amount paid for elk depredation under section 1 occurring before July 1, 1985, shall be paid from the department of natural resources budget for the year ending June 30, 1985.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment but applies retroactively to claims for damage by elk in the calendar year 1983 and afterwards."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1392: A bill for an act relating to economic development; creating a state grant program for area labor-management committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [179.80] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. [AREA LABOR-MANAGEMENT COMMITTEE.] "Area labor-management committee" means a committee formed by and composed of multiple employers and multiple labor organizations, for the purpose of improving labor-management relations and enhancing economic development within the jurisdiction through labor-management cooperation.

Subd. 3. [DIRECTOR.] "Director" means the director of the bureau of mediation services.

Subd. 4. [BUREAU.] "Bureau" means the bureau of mediation services.

Sec. 2. [179.81] [AREA LABOR-MANAGEMENT GRANT PROGRAM; PURPOSES.]

The area labor-management grant program is created in order to improve communications and working relationships between labor and management, and to provide labor and management with opportunities to explore joint

approaches for solving problems of mutual concern.

Sec. 3. [179.82] [GRANT PROGRAM CREATED; APPLICATIONS.]

Subdivision 1. [CREATION.] An area labor-management committee grant program is created within the bureau to be administered by the director.

Subd. 2. [APPLICATIONS.] Applications for area labor-management committee grants must be submitted to the bureau by October 15 of each year on a form developed by the director and shall provide information, including but not limited to:

(1) A description of the area labor-management committee formed or to be formed consistent with the purposes of the area labor-management grant program, including an identification of the committee members and a brief description of the committee's existing or proposed operating procedures. A copy of the committee bylaws or other written operating procedures shall be submitted.

(2) A statement of the labor-management problem or issue existing in the committee's area of jurisdiction. Grant applicants must document the problem using as much relevant data as is reasonably available, and must discuss the full range of impacts that the problem or issue is having upon the area or upon industry within the area.

(3) A statement of the approach to be used by the committee in solving the problem or dealing with the issue identified in clause (2) and an implementation plan setting forth the major steps to be taken and objectives sought in dealing with the problem or issue identified in clause (2), as well as a time table indicating when those steps will be taken and those objectives reached.

(4) A four-year financial plan detailing the amount of both state grant funds and local, federal, and private sector funds necessary for the applicant's program. The plan must show the total amount of state funding necessary to carry out the committee's goals and objectives, and the total funds from other sources expected to be raised each year. The plan must be accompanied by a proposed committee budget, covering the life of the plan, detailing how all funds, including state grant funds, are to be expended.

Sec. 4. [179.83] [ACTION ON APPLICATION.]

Subdivision 1. [STANDARD FOR APPROVAL.] After October 15 of each year, the director shall review the applications. Grants shall be awarded on a competitive basis based on the appropriateness of the proposal, the attainability of the goals, the evidence of interest in the proposal among representatives of labor and management in the area within the committee's jurisdiction, and the thoroughness of the financial plan presented. Successful applicants shall be notified of the award no later than December 1 of each year.

Subd. 2. [NUMBER OF GRANTS AWARDED.] On the basis of the review conducted under subdivision 1, the director may award no more than three grants in each of the two years following the effective date of sections 1 to 6, provided that not more than five grants are awarded in the biennium following the effective date of those sections.

Sec. 5. [179.84] [GENERAL CONDITIONS AND TERMS OF

GRANTS.]

For each grant awarded the director shall:

(a) *Establish a work plan that includes measurable goals and objectives for the committee and that requires that the committee shall not become involved in contract disputes, labor negotiations, or grievance procedures.*

(b) *Establish a technical assistance delivery area that specifies the geographic region for which the area labor-management committee is responsible for providing technical assistance and administrative services to new and developing area labor-management committees.*

(c) *Establish a technical assistance work plan that specifies the responsibilities of the area labor-management committee within its technical assistance delivery area. The work plan shall include, but is not limited to, requirements that the area labor-management committee provide the following services:*

(1) *information, resources, and materials on ways in which management and labor can work cooperatively to improve productivity and the quality of working life;*

(2) *educational and training programs such as seminars, workshops, conferences, and other activities on ways in which management and labor can work cooperatively to improve productivity and quality of working life;*

(3) *technical assistance to firms, unions, and governmental units that are interested in developing area labor management committees; and*

(4) *promote, support, and assist the organization, establishment, and operation of local and regional area labor management committees.*

(d) *Annually review the operating performance of each area labor-management committee receiving state grant funds under sections 1 to 6.*

Sec. 6. [179.85] [FUNDING LIMITATIONS.]

(1) *A new or existing area labor-management committee may apply for a maximum grant of \$100,000 per year.*

(2) *A new and existing area labor-management committee may be awarded state grant money, and must provide funds from other nonstate sources, in each of the four years covered by the financial plan in the following ratio of state and nonstate funds: (i) in the first year, 90 percent state and 10 percent nonstate; (ii) in the second year, 80 percent state and 20 percent nonstate; (iii) in the third year, 50 percent state and 50 percent nonstate; and (iv) in the fourth year, 30 percent state and 70 percent nonstate.*

(3) *In every grant to an existing or proposed area labor-management committee, \$10,000 of the grant funds is designated and may only be used for technical assistance services within the technical assistance delivery area, both as specified by the director pursuant to section 5.*

Sec. 7. [APPROPRIATION.]

\$500,000 is appropriated from the general fund to the director of the bureau of mediation services for the purposes of area labor-management committee grants in accordance with sections 1 to 6. One-half of the amount appro-

riated is available in the fiscal year ending June 30, 1986, and one-half in the fiscal year ending June 30, 1987. Funds not expended in the fiscal year ending June 30, 1986, may be expended in the following fiscal year."

Amend the title as follows:

Page 1, line 5, delete "116J" and insert "179"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 567: A bill for an act relating to real property; clarifying notice period required for cancellation of contract for deed; amending Minnesota Statutes 1984, section 559.21, subdivisions 1 and 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 559.21, is amended by adding a subdivision to read:

Subd. 2a. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest therein whereby the vendor has a right to terminate it, the vendor may do so by serving upon the purchaser, the purchaser's personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate 60 days after the service of the notice unless prior thereto the purchaser complies with the conditions and makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, together with two percent of any amount in default other than balloon payment, not including any taxes, assessments, mortgages or prior contracts for deed that are assumed by the purchaser, and an amount to apply on attorney's fees actually expended or incurred, of \$150 when the amount in default is less than \$1,000, and of \$250 when the amount in default is \$1,000 or more; provided, however, that no amount is required to be paid for attorney's fees as provided hereunder, unless some part of the conditions of default has existed at least 30 days prior to the date of service of the notice; and further provided that no costs of service are due unless the vendor notifies the purchaser of actual costs of service by certified mail to the purchaser's last known address at least 10 days prior to the date of termination.

Sec. 2. Minnesota Statutes 1984, section 559.21, subdivision 3, is amended to read:

Subd. 3. For purposes of this section, the term "notice" means a writing stating the information required in this section, stating the name, address and telephone number of the vendor or of an attorney authorized by the vendor to accept payments pursuant to the notice and the fact that the person named is authorized to receive the payments, and including the following information in 12 point or larger bold type or in large legible handwritten letters:

(a) For contracts executed prior to May 1, 1980:

THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR DEED FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) UNLESS BEFORE THEN THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU THE AMOUNT THIS NOTICE SAYS YOU OWE PLUS THE COSTS OF SERVICE OF THIS NOTICE TOGETHER WITH THE MORTGAGE REGISTRATION TAX OF \$ AND \$ TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; OR UNLESS BEFORE THEN YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES. IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

(b) For contracts executed on or after May 1, 1980:

THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR DEED FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE IIIIIIIII DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) UNLESS BEFORE THEN THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU THE AMOUNT THIS NOTICE SAYS YOU OWE PLUS ANY ADDITIONAL PAYMENTS DUE UNDER THE CONTRACT TO THE SELLER SINCE THE NOTICE WAS SERVED PLUS THE COSTS OF SERVICE OF THIS NOTICE TOGETHER WITH THE MORTGAGE REGISTRATION TAX OF \$ (TWO PERCENT OF THE AMOUNT IN DEFAULT) AND \$ TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; OR UNLESS BEFORE THEN YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES. IF YOU DO NOT DO ONE OR THE OTHER

OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

Sec. 3. Minnesota Statutes 1984, section 559.21, subdivision 4, is amended to read:

Subd. 4. The notice required by this section must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making the same, made before an authorized officer having a seal, and within the state by such an affidavit or by the return of the sheriff of any county therein.

Three weeks published notice, and if the premises described in the contract are actually occupied, then in addition thereto, the personal service of a copy of the notice within ten days after the first date of publication of the notice, and in like manner as the service of a summons in a civil action in the district court upon the person in possession of the premises, has the same effect as the personal service of the notice upon the purchaser, his personal representatives or assigns, either within or without the state as herein provided for. In case of service by publication, as herein provided, the notice shall specify the conditions in which default has been made and state that the contract will terminate ~~90~~ 60 days after the first date of publication of the notice, unless prior thereto the purchaser complies with the conditions and, if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, ~~the mortgage registration tax, if actually paid by the vendor two percent of the amount in default other than balloon payment,~~ and attorneys' fees as provided herein, and the purchaser, his personal representatives or assigns, shall be allowed ~~90~~ 60 days from and after the first date of publication of the notice to comply with the conditions of the contract.

If, within the time mentioned, the person served complies with the conditions and, if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, ~~the mortgage registration tax, if actually paid by the vendor two percent of the amount in default other than balloon payment,~~ and attorneys' fees as provided herein, the contract shall be thereby reinstated; but otherwise shall terminate. In the event that the notice was not signed by an attorney for the vendor and the vendor is not present in the state, or cannot be found therein, then compliance with the conditions specified in the notice may be made by paying to the clerk of the district court in the county wherein the real estate or any part thereof is situated any money due and filing proof of compliance with other defaults specified, and the clerk of the district court shall be deemed the agent of the vendor for such purposes. A copy of the

notice with proof of service thereof, and the affidavit of the vendor, his agent or attorney, showing that the purchaser has not complied with the terms of the notice, may be recorded with the county recorder, and is prima facie evidence of the facts therein stated; but this section in no case applies to contracts for the sale or conveyance of lands situated in another state or in a foreign country.

Sec. 4. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY MINIMUM ADDITIONAL NOTICE.] 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 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 a notice for a contract for conveyance of homestead property, as defined in section 583.02, shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale termination under sections 583.01 to 583.12. This section does not apply to earnest money contracts, purchase agreements or exercised options.~~

Sec. 5. Minnesota Statutes 1984, section 559.21, is amended by adding a subdivision to read:

Subd. 8. [ATTORNEY AS AGENT.] *Any attorney expressly authorized by the vendor to receive payments in the notice of cancellation under this section is designated as the attorney who may receive service as agent for the vendor of all summons, complaints, orders, and motions made in conjunction with an action by the vendee to restrain the cancellation.*

Sec. 6. [REPEALER.]

Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2 are repealed.

Sec. 7. [EFFECTIVE DATE.]

This act is effective August 1, 1985, and applies to contracts for the conveyance of real estate or any interest therein executed before, on, or after that date.

Amend the title as follows:

Page 1, line 2, delete "clarifying" and insert "changing"

Page 1, line 3, after the semicolon, insert "designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed;"

Page 1, line 5, delete "1 and 2" and insert "3, 4, and 6"

Page 1, line 5, delete "a subdivision" and insert "subdivisions" and before the period, insert "; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 242: A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 391: A bill for an act relating to causes of action; allowing an award of damages for mental anguish in actions for death by wrongful act; amending Minnesota Statutes 1984, section 573.02, subdivisions 1 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, after the period, insert "*The surviving spouse and next of kin are entitled to damages for mental anguish only to the extent that those damages are not recoverable under another cause of action.*"

Page 2, line 32, delete "*the effective date of this act*" and insert "*August 1, 1985.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 362: A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 825: A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

Reports the same back with the recommendation that the bill do pass. Re-

port adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; limiting the use of transit assistance funds; extending unclassified coverage to certain employees; giving the transit board condemnation authority; creating the metropolitan taxicab commission; providing per diem compensation for the chair of the commission; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; regulating management contracts; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1, 2, and 3; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivision 7; 473.405, subdivision 12; and 473.408, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 30, insert:

"Sec. 2. 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. 3. 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:

Salary Range
 Effective
 July 1, 1983

Chairman, metropolitan airports commission \$15,000-\$25,000
Chairman, metropolitan waste control commission"

Pages 3 to 5, delete section 5 and insert:

"Sec. 7. Minnesota Statutes 1984, section 473.129, is amended by adding a subdivision to read:

Subd. 7. [PROCEDURES; ETHICS; ADMINISTRATION.] The council shall adopt uniform standards and procedures for codes of ethics and for other administrative functions of the metropolitan commissions as it finds appropriate.

Sec. 8. Minnesota Statutes 1984, section 473.141, subdivision 9, is amended to read:

Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees

of the commissions, except that nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415. After adoption of the guidelines, each commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by each commission of affirmative action plans, which shall be submitted for approval to the appropriate agency or office of the state. The plans shall include a yearly progress report to the agency or office. The chief administrator of each commission shall administer the code, and no commission shall take any action inconsistent with the personnel code.

(b) All employees of the commission except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission or the council; and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Such examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or his personal fitness for the position. Where there is more than one applicant for a position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended or dismissed by the chief administrator, he may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which he was dismissed, the date of dismissal, and the reason for requesting the hearing, his full name and his present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at his present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

(d) A person who is a member, officer, or employee of the council; the regional transit board; or the metropolitan agencies defined in section 473.121, subdivisions 7, 12, 15, 21, and 32, may not be paid for goods or services that he or she provides as an individual or through a business entity

to another individual or business entity that sells or rents goods or services to or buys or leases them from the person's council, commission, or board.

Sec. 9. Minnesota Statutes 1984, section 473.141, subdivision 13, is amended to read:

Subd. 13. [COMMISSION OPERATING PROCEDURES.] (a) ~~The~~ Each commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safe-keeping funds and audit of all financial operations of the commission. *The code shall address matters for which the council has adopted uniform standards and procedures and be in general conformance with the uniform standards and procedures adopted by the council.*

(b) ~~The~~ Each commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

Sec. 10. Minnesota Statutes 1984, section 473.141, is amended by adding a subdivision to read:

Subd. 15. [ANNUAL REPORTS.] *Each commission shall annually submit a report to the metropolitan council, detailing its performance for the previous year. The report shall be in the form and detail and submitted at the time reasonably required by the council. By September 15 of each year, after consultation with the council, the commission shall submit to the council a set of performance objectives respecting service delivery, finances, and management that the commission intends to meet during the subsequent year. If the council concurs with the objectives, it shall include them in its annual report pursuant to section 473.245. If the council does not concur with them, it shall notify the commission within 30 days, with comments. The commission shall consider the council's comments and resubmit performance objectives to the council within 30 days. The council shall then include them in its annual report.*

Sec. 11. Minnesota Statutes 1984, section 473.163, is amended by adding a subdivision to read:

Subd. 3a. *Each year, with its annual budget, the commission shall prepare a financial plan for the succeeding three calendar years. The financial plan must be consistent with the commission's development program and contain:*

(a) *a schedule of expected levels of public expenditure, both capital and operating, for the services and facilities planned;*

(b) *a schedule showing the expected sources of funds, user charges, and state and federal subsidies; and*

(c) *a plan and schedule showing the distribution of funds among various services, service areas and markets, and providers.*

The commission shall submit its financial plan to the council for review at a time to be determined by the council.

Sec. 12. Minnesota Statutes 1984, section 473.245, is amended to read:

473.245 [REPORTS.]

On or before January 15, of each year the metropolitan council shall report to the legislature. The report shall include:

(1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;

(2) A detailed budget for the year in which the report is filed and ~~the following year including an outline of its program for such period~~ *three-year projected expenditures and revenues, including the total revenues needed and the sources of revenues;*

(3) *A statement of what the metropolitan council has established as the metropolitan agenda for the year in which the report is filed, including at least the objectives and priorities that the metropolitan council intends to accomplish during the year and the performance objectives established for the metropolitan commissions and the regional transit board for the year in which the report is filed;*

(4) *An evaluation of the performance of the metropolitan council with respect to the metropolitan agenda for the previous year, and of the metropolitan commissions and the regional transit board with respect to their performance objectives for the previous year;*

(5) An explanation of any policy plan and other comprehensive plan adopted in whole or in part for the metropolitan area and the review comments of the affected commission;

(4) (6) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;

(5) (7) A listing of plans of local governmental units and proposed matters of metropolitan significance submitted to the metropolitan council;

(6) (8) A detailed report on the progress of any project undertaken by the council pursuant to sections 473.193 to 473.201; ~~and~~

(7) (9) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council ~~and~~, the commissions, *and the regional transit board; and*

(10) *A report covering the current budget year and three-year projected expenditures and revenues of the metropolitan commissions and the regional transit board, including the total revenues needed and the sources of revenues.*

Sec. 13. Minnesota Statutes 1984, section 473.373, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The transit board consists of ~~14~~ *eight* members appointed by the council plus a chair appointed by the governor. One member must be appointed by the council from each of the ~~following districts: metropolitan council precincts.~~

(1) ~~District A, consisting of council district 1;~~

- (2) District B, consisting of council district 2;
- (3) District C, consisting of council district 3;
- (4) District D, consisting of council district 4;
- (5) District E, consisting of council district 5;
- (6) District F, consisting of council district 6;
- (7) District G, consisting of council district 8;
- (8) District H, consisting of council district 10;
- (9) District I, consisting of council district 11;
- (10) District J, consisting of council district 12;
- (11) District K, consisting of council district 15;
- (12) District L, consisting of council districts 7 and 9;
- (13) District M, consisting of council district 13 and that part of council district 14 within Carver and Hennepin counties;
- (14) District N, consisting of council district 16 and that part of council district 14 within Dakota and Scott counties."

Page 5, line 23, strike everything after "[TERMS.]"

Page 5, strike lines 24 to 31

Page 5, line 32, strike "the numeral '9.'" and delete "Thereafter"

Page 5, after line 35, insert:

"Sec. 15. Minnesota Statutes 1984, section 473.373, subdivision 7, is amended to read:

Subd. 7. [EMPLOYEES.] (a) *The council shall by resolution adopt guidelines for a personnel code of the regional transit board and the metropolitan agencies defined in section 473.121, subdivisions 7, 12, 15, 21, and 32. After adoption of the guidelines, the board and other agencies covered by this subdivision shall by resolution adopt a personnel code in general conformance with them.*

(b) *The board has the authority of a chief administrator to make all decisions on the appointment, promotion, demotion, suspension, and removal of all subordinate officers and regular employees of the board. The board may not take any action inconsistent with its personnel code. The board may authorize the chair or executive director to recommend employment decisions. The board shall act within 30 days on employment decisions recommended by the chair or executive director.*

Sec. 16. Minnesota Statutes 1984, section 473.375, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] *The transit board has the power and duties imposed by law. The exercise of any powers by the board must be consistent with the exercise by the metropolitan council of any of its powers and in general conformance with the uniform standards and procedures adopted by the council under section 473.129, subdivision 7. The board shall adopt pro-*

cedures addressing matters for which the council has adopted uniform standards and procedures."

Page 6, after line 8, insert:

"Sec. 18. Minnesota Statutes 1984, section 473.375, subdivision 16, is amended to read:

Subd. 16. [REPORT.] The board shall annually submit a report to the metropolitan council, ~~the governor, and the legislature~~ detailing its activities and finances for the previous year. *The report shall be in the form and detail and submitted at the time reasonably required by the council. By September 15 of each year after consultation with the council, the board shall submit to the council a set of performance objectives respecting service delivery, finances, and management that the board intends to meet during the following year. If the council concurs with the objectives, it shall include them in its annual report made pursuant to section 473.245. If the council does not concur with them, it shall notify the board within 30 days, with comments. The board shall consider the council's comments and resubmit performance objectives to the council within 30 days. The council shall then include them in its annual report.*

Sec. 19. Minnesota Statutes 1984, section 473.375, is amended by adding a subdivision to read:

Subd. 17. [AUDIT.] *The legislative auditor shall audit the books and accounts of the board once each year or as often as the legislative auditor's funds and personnel permit. The board shall pay the total cost of the audit pursuant to section 3.974].*

Sec. 20. Minnesota Statutes 1984, section 473.38, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The regional transit board shall prepare, submit for review, adopt, and implement budgets and conduct its financial affairs in the same manner, with the same requirements and restrictions, and to the same effect as provided in section 473.163, subdivisions 1 to 4, *except that the board may develop and adopt its budget on a fiscal year basis to coincide with the fiscal year of the departments of the state government and except as otherwise provided in this section."*

Pages 7 to 9, delete section 11

Page 9, lines 5 and 6, delete "10 to 25" and insert "23 to 35"

Page 9, delete lines 8 and 9

Page 9, line 24, before "does" insert "includes a limousine, but" and delete "limousine," and after "van" delete the comma

Re-number the subdivisions in sequence

Page 9, line 26, delete "commission" and insert "regional transit board"

Page 9, after line 29, insert:

"(3) *establish standards for customer service, including but not limited to standards for response to calls, acceptance of fares, and dispatching of taxicabs;*"

Page 10, lines 1, 2, 7, 20, 22, 26, and 35, delete "*commission*" and insert "*board*"

Page 10, line 6, delete "*commission's*" and insert "*board's*"

Renumber the clauses in sequence

Page 10, line 14, delete "*commission*" in both places and insert "*board*" in both places

Page 10, delete section 16

Page 11, line 1, after "*vehicles*" insert "*, other than limousines,*"

Page 11, lines 3, 9, 10, 13, 16, 23, 27, 32, and 34, delete "*commission*" and insert "*board*"

Page 11, line 18, after "*safety,*" insert "*customer service,*"

Page 11, line 36, delete "*administrative and legal*" and after "*of*" insert "*operating*"

Page 12, lines 1, 3, and 8, delete "*commission*" and insert "*board*"

Page 12, line 3, delete "*12 and 16 to 20*" and insert "*24 and 28 to 31*"

Page 12, line 9, delete "*or the regional transit board*"

Page 12, line 10, delete everything before the period and insert "*implement rules and standards established by the board*"

Page 12, delete section 25

Page 12, line 25, delete everything after "*1987*"

Page 12, delete lines 26 to 28

Page 12, line 29, delete everything before the period

Pages 12 and 13, delete section 27

Pages 13 and 14, delete section 29 and insert:

"Sec. 38. Minnesota Statutes 1984, section 473.435, subdivision 2, is amended to read:

Subd. 2. [AUDIT.] ~~The transit commission shall employ a certified public accountant or firm to legislative auditor shall make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year, and or as often as the legislative auditor's funds and personnel permit.~~ Copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission, the board, and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445. *The commission shall pay the total cost of the audit pursuant to section 3.9741.*"

Page 14, line 23, delete "*10 to 25 and 30*" and insert "*23 to 35 and 39*"

Page 16, line 8, delete "*5 to 26*" and insert "*7 to 36*"

Page 16, line 11, delete "*1 to 9, 26 to 29, 32, and 33*" and insert "*1 to 22, 36 to 38, 41, and 42*"

Page 16, line 12, delete "10 to 25, 30, and 31" and insert "23 to 35, 39, and 40"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 11 and 12

Page 1, line 13, delete "commission;"

Page 1, line 16, before "appropriating" insert "prohibiting certain persons from receiving remuneration from certain suppliers; providing for various standards and procedures of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; providing for the audit of certain metropolitan commissions;"

Page 1, line 18, after "2;" insert "15A.081, subdivision 1, and by adding a subdivision;"

Page 1, line 19, delete "352D.02, subdivision 1" and insert "473.129, by adding a subdivision; 473.141, subdivisions 9 and 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245"

Page 1, line 19, delete "subdivision 4" and insert "subdivisions 2, 4, and 7; 473.375, subdivisions 1 and 16, and by adding a subdivision; 473.38, subdivision 1"

Page 1, line 22, delete "473.404, subdivision 7;"

Page 1, line 23, delete everything after "and" and insert "473.435, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1375: A bill for an act relating to real property; allowing closed bids to be made by Fond du Lac governing body on tax-forfeited lands within the Fond du Lac reservation; proposing coding for new law in Minnesota Statutes, chapter 282.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 282.01, is amended by adding a subdivision to read:

Subd. 7b. [FOND DU LAC RESERVATION LANDS.] If a parcel of land subject to sale under sections 282.01 to 282.13 includes land within the Fond du Lac Indian reservation, the county auditor shall first offer the land to the Fond du Lac band of Chippewa Indians for sale at the appraised value. The cost of any survey or appraisal must be added to and made a part of the appraised value. To determine whether the band wants to buy the land, the county auditor shall give written notice to the band. If the band wants to buy

the land, it shall submit a written offer to the county auditor within two weeks after receiving the notice. If the offer is for at least the appraised value, the county auditor shall accept it. The band may have not more than two years from the date the offer was accepted to begin payment for the lands in the manner provided by law."

Delete the title and insert:

"A bill for an act relating to tax-forfeited land; requiring land within the Fond du Lac Indian reservation to be offered for sale to the Fond du Lac band; amending Minnesota Statutes 1984, section 282.01, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1175: A bill for an act relating to natural resources; providing for payment of attorney fees for proceedings involving the determination of public waters and wetlands; amending Minnesota Statutes 1984, section 105.391, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

§ _____ is appropriated from the general fund to the attorney general to pay the Todd County hearing unit the legal fees incurred in the state's appeal of the hearing unit decision arising under Department of Natural Resources v. Todd County Hearing Unit, 356 N. W. 2d 703, 1984."

Amend the title as follows:

Page 1, line 4, delete "amending" and insert "appropriating money."

Page 1, delete lines 5 and 6

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 516: A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes,

chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Reports the same back with the recommendation that the bill be amended as follows:

Page 64, line 6, after "395.02;" insert "and" and delete everything after "395.03"

Page 64, delete line 7

Page 64, line 8, delete "and 395.24"

Amend the title as follows:

Page 1, line 18, after "395.02;" insert "and" and delete everything after "395.03"

Page 1, delete line 19

Page 1, delete "395.24"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 993: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [110B.01] [TITLE.]

Sections 1 to 11 may be cited as the "comprehensive local water management act."

Sec. 2. [110B.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 11.

Subd. 2. [BOARD.] "Board" means the water resources board.

Subd. 3. [COMPREHENSIVE WATER PLAN.] "Comprehensive water plan" means the plan required of counties by sections 3 and 4.

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), and its revisions:

Subd. 5. [LOCAL UNITS OF GOVERNMENT.] 'Local units of government' means municipalities, 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. [MUNICIPALITY.] 'Municipality' means a statutory or home rule charter city.

Subd. 7. [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. 8. [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. 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, and the revisions of that data base.

Sec. 3. [110B.03] [COUNTY WATER PLANNING AND MANAGEMENT.]

Subdivision 1. [COUNTY DUTIES.] Each county shall develop and implement a comprehensive water plan. Each county has the duty and authority to:

(1) prepare and adopt a comprehensive water plan that meets the requirements of this section and section 4;

(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. [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. 3. [COORDINATION.] (a) To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county shall conduct meetings with other local units of government and may execute agreements

with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.

(b) Each county shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that the county is about to begin preparing its comprehensive water plan and request and hold a joint meeting with the contiguous county boards to consider the planning process.

Subd. 4. [WATER PLAN REQUIREMENTS.] (a) A comprehensive water plan must:

- (1) cover the entire area within a county;
- (2) address water problems in the context of watershed units and ground-water systems;
- (3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;
- (4) be consistent with comprehensive water plans prepared by counties wholly or partially within a single watershed unit or groundwater system; and
- (5) apply to every year through the year 1995 or any later year that is evenly divisible by five and must be updated before the period covered expires.

(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. Duplication of the existing plans is not required.

Subd. 5. [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 intercounty joint powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it incorporates if the county demonstrates in its comprehensive water plan why the changes are necessary and if the changes are agreed to by each county: (1) responsible for the appointment of a manager serving on the watershed board, or (2) represented on the joint powers board.

Subd. 6. [SCOPE OF PLANS.] Comprehensive water plans must include:

- (1) a description of the existing and expected changes to physical environment, land use, and development in the county;
- (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 objectives that concern water quality and quantity and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;
- (4) a description of potential changes in state programs, policies, and re-

quirements 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 the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and

(8) a procedure for amending the comprehensive water plan.

Subd. 7. [COMPLETION.] The comprehensive water plan must be prepared and submitted for review under section 4 by June 30, 1989. Existing water and related land resources plans and official controls shall remain in effect until amended or superseded by a comprehensive water plan adopted under section 4.

Sec. 4. [110B.04] [COMPREHENSIVE WATER PLAN REVIEW AND ADOPTION.]

Subdivision 1. [LOCAL REVIEW.] When the comprehensive water plan is completed, but before its final adoption by the county board, the county board shall submit the comprehensive water plan for review and comment to:

(1) all local units of government wholly or partly within the county;

(2) the applicable regional development commission, if any;

(3) each contiguous county and watershed management organization, as defined in section 473.876;

(4) other counties or watershed management organizations within the same watershed unit that may be affected by proposals in its comprehensive water plan.

Subd. 2. [COMMENTS TO COUNTY BOARD.] (a) A local unit of government must review the comprehensive water plan and existing water and related land resources plans or official controls and in its comments describe in a general way possible amendments to its existing plans or official controls, and an estimate of the fiscal or policy effects that would be associated with those amendments, to bring them into conformance with the comprehensive water plan.

(b) A county or watershed management organization within the same watershed unit or groundwater system must review comprehensive water plans received and describe in its comments 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. 3. [LOCAL REVIEW PERIOD.] Comments under subdivision 2 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. 4. [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. 5. [STATE REVIEW.] (a) After conducting the public hearing but before final adoption, the county board must submit its comprehensive water plan, all written comments received on the plan, a record of the public hearing under subdivision 4, 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 if the board determines the plan is not consistent with state law. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. A disapproved comprehensive water plan must be revised by the county board and resubmitted for approval by the board within 120 days after receiving notice of disapproval of the comprehensive water plan, unless the board extends the period for good cause. The decision of the board to disapprove the plan may be appealed by the county as provided in section 10.

Subd. 6. [ADOPTION AND 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. 7. [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. 5. [110B.05] [PLANNING GRANTS TO COUNTIES.]

Subdivision 1. [GRANTS.] The board shall make grants to counties to assist them in carrying out the provisions of sections 3 to 11. Only counties are eligible to receive grants but they may contract with other local units of government to complete planning responsibilities under section 3. Grants may be used to employ staff or to contract with other local units of government to:

- (1) develop, evaluate, and update comprehensive water plans; and*
- (2) assist local units of government in revising existing local water and related land resources plans or official controls.*

Subd. 2. [FUNDS TO LOCAL UNITS OF GOVERNMENT.] Counties that receive grants under this section shall make funds directly available to

other local units of government that are required to make substantial amendments to local water and related land resources plans and official controls as the result of the adoption of a comprehensive water plan or an amendment to it. Counties shall identify the potential recipients of funds in the application to the board.

Subd. 3. [LOCAL MATCH.] Grants to counties may not exceed 50 percent of the total cost of the comprehensive water planning program. A county may pay for the portion of water planning costs incurred in implementing sections 3 to 11 that are not covered by a grant through in-kind services and may include the in-kind services of other local units of government in determining the local share of the costs, but only if the local units of government providing in-kind services receive direct financial assistance under sections 3 to 11.

Sec. 6. [110B.06] [DUTIES OF THE BOARD.]

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 state agencies to counties and other local units of government involved in preparation of comprehensive water plans, including identification of pertinent data and studies available from the state and federal government;

(3) conduct an active program of information and education concerning the requirements and purposes of sections 3 to 11 in conjunction with the association of Minnesota counties;

(4) develop uniform procedures for the award and disbursement of grants and administer the grants as provided for in section 5;

(5) determine contested cases under section 10; and

(6) establish a process for review of comprehensive water plans that assures the plans are consistent with state law.

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 must 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 the 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 AND IMPLEMENTATION.] Local units of government shall revise existing plans and official controls to conform them to the recommendations of the county board and shall initiate implementation of the revised plans and controls within 90 days after receiving the recommendations of the county board, or 90 days after resolution of an appeal, whichever is later.

Subd. 4. [APPEALS.] A local unit of government may, within 60 days after receiving the recommendations of the county board, appeal any recommendation to the water resources board for a hearing as provided in section 10.

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 this section.

Sec. 8. [110B.08] [AUTHORITY UNDER APPROVED COMPREHENSIVE WATER PLANS.]

Subdivision 1. [AUTHORITY.] When an approved comprehensive water plan is adopted the county has the authority specified in this section.

Subd. 2. [REGULATION OF WATER AND LAND RESOURCES.] 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) a municipal action granting a variance or conditional use would result in an action inconsistent with the comprehensive water plan;

(3) the municipality has authorized the county to require permits for the use and development of water and related land resources; or

(4) a state agency has delegated the administration of a state permit program to the county.

Subd. 3. [ACQUISITION OF PROPERTY; ASSESSMENT OF COSTS; WATERSHED PETITIONS.] 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 12 upon the property benefited within the county in the manner provided by chapter 429, except that the definition of benefited properties provided in section 112.501, subdivision 2, shall apply;

(3) charge users for services provided by the county necessary to implement the comprehensive water plan; and

(4) utilize the bond and tax provisions of section 473.882 for financing capital improvements under sections 1 to 12.

Subd. 4. [EXEMPTION FROM LEVY LIMIT.] The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 3 to 11. A levy to pay the cost of implementing sections 3 to 11 or to pay the cost of projects or programs identified in an adopted comprehensive water plan shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

Subd. 5. [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 3 to 11.

Subd. 6. [RULEMAKING AUTHORITY; LOCAL ADVISORY COMMITTEE.] The board shall adopt rules to implement sections 1 to 10 and shall utilize a committee consisting of persons representing counties, soil and water conservation districts, municipalities, and townships and persons interested in water planning to assist the board in the water planning process. Members shall be appointed, serve, and be paid their expenses but may not receive other compensation, pursuant to section 15.014.

Sec. 9. [110B.09] [INFORMAL CONFLICT RESOLUTION.]

The county, or other local unit of government 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 10 if:

(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.

Sec. 10. [110B.10] [CONTESTED CASES.]

Subdivision 1. [RELIEF FOR AGGRIEVED GOVERNMENT UNIT.] A county or other local unit of government aggrieved by a dispute under section 9 may petition for a hearing with the board pursuant to this section.

Subd. 2. [TIME FOR PETITION.] The county or other local unit of government must file the petition by 60 days after:

(1) the date of the adoption or approval of the disputed ordinance, or other decision required to be made to implement the comprehensive water plan; or

(2) the date a local unit of government receives a recommendation of the county board under section 7.

Subd. 3. [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 hearing examiner, the cost of the proceeding shall be equally

apportioned among the parties to the proceeding. Within 30 days after receiving the report of the hearing examiner, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it.

Subd. 4. [APPEAL.] Any local unit of government, or state agency, aggrieved by the final decision of the board may appeal the decision to the court of appeals in the manner provided by sections 14.63 to 14.69.

Sec. 11. [APPLICATION.]

(a) Sections 1 to 10 apply to all counties except as provided in this section.

(b) Sections 1 to 10 apply only in the portions of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties not subject to the requirements of sections 473.875 to 473.883.

(c) Sections 1 to 10 do not apply to 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 that 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.

Sec. 12. [APPROPRIATION.]

§___ is appropriated from the general fund to the board for the purpose of carrying out section 5, to be available until June 30, 1987.

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 985 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		985	1028		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 985 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 985 and insert the language after the enacting clause of S.F. No. 1028, the first engrossment; further, delete the title of H.F. No. 985 and insert the title of S.F. No. 1028, the first engrossment.

And when so amended H.F. No. 985 will be identical to S.F. No. 1028, and further recommends that H.F. No. 985 be given its second reading and substituted for S.F. No. 1028, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration.

Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1032 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1032	1138		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 796 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		796	1141		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 991 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		991	1102		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 379 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
379		365			

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 91 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
91		139			

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1197 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1197		920			

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1197 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1197 and insert the language after the enacting clause of S.F. No. 920, the first engrossment; further, delete the title of H.F. No. 1197 and insert the title of S.F. No. 920, the first engrossment.

And when so amended H.F. No. 1197 will be identical to S.F. No. 920, and further recommends that H.F. No. 1197 be given its second reading and substituted for S.F. No. 920, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1093 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1093	1024				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1093 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1093 and insert the language after the enacting clause of S.F. No. 1024, the first engrossment; further, delete the title of H.F. No. 1093 and insert the title of S.F. No. 1024, the first engrossment.

And when so amended H.F. No. 1093 will be identical to S.F. No. 1024, and further recommends that H.F. No. 1093 be given its second reading and substituted for S.F. No. 1024, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 645 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
645	746				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 645 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 645 and insert the language after the enacting clause of S.F. No. 746, the first engrossment; further, delete the title of H.F. No. 645 and insert the title of S.F. No. 746, the first engrossment.

And when so amended H.F. No. 645 will be identical to S.F. No. 746, and further recommends that H.F. No. 645 be given its second reading and substituted for S.F. No. 746, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 831 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
831	803				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 831 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 831 and insert the language after the enacting clause of S.F. No. 803, the first engrossment; further, delete the title of H.F. No. 831 and insert the title of S.F. No. 803, the first engrossment.

And when so amended H.F. No. 831 will be identical to S.F. No. 803, and further recommends that H.F. No. 831 be given its second reading and substituted for S.F. No. 803, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 982 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
982	1185				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 982 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 982 and insert the language after the enacting clause of S.F. No. 1185, the first engrossment; further, delete the title of H.F. No. 982 and insert the title of S.F. No. 1185, the first engrossment.

And when so amended H.F. No. 982 will be identical to S.F. No. 1185, and further recommends that H.F. No. 982 be given its second reading and substituted for S.F. No. 1185, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 245 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
245	802				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 245 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 245 and insert the language after the enacting clause of S.F. No. 802, the first engrossment; further, delete the title of H.F. No. 245 and insert the title of S.F. No. 802, the first engrossment.

And when so amended H.F. No. 245 will be identical to S.F. No. 802, and further recommends that H.F. No. 245 be given its second reading and substituted for S.F. No. 802, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 418: A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1 and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 4, insert:

“Sec. 2. Minnesota Statutes 1984, section 116M.07, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The authority may make or purchase or participate with financial institutions in making or purchasing business loans, small business loans, energy loans, pollution control loans, *health care equipment loans*, and farm loans upon the conditions described in this section, and may enter into commitments therefor. In addition, the authority may engage in loans-to-lenders programs with respect to farm loans to the extent set forth in this section.

Sec. 3. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7a. [HEALTH CARE EQUIPMENT LOANS; AUTHORITY.] The authority may make or participate in making health care equipment loans in

any amount and may enter into commitments therefor. The loans may be made only from the proceeds of bonds or notes issued pursuant to subdivision 7b. Before making a commitment for a loan, the authority shall seek the comments of the commissioner of health. The commissioner shall review the loan applications according to the provisions of subdivision 7c.

Sec. 4. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7b. [HEALTH CARE EQUIPMENT LOANS; BONDS AND NOTES.] The authority may issue its bonds and notes to provide money for the purposes specified in subdivision 7a. For this purpose, the authority may exercise all of the powers conferred on it by sections 116M.03 and 116M.06 to 116M.08 with respect to business loans, except as limited by subdivisions 7a to 7c. The principal amount of bonds and notes issued and outstanding under this subdivision at any time, computed as specified in section 116M.08, subdivision 11, may not exceed \$95,000,000. This authorization is in addition to the authorization contained in section 116M.08, subdivision 11. The bonds and notes issued to make the loans may not be insured by the authority but shall be insured by a letter of credit or bond insurance issued by a private insurer.

Sec. 5. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7c. [HEALTH CARE EQUIPMENT LOANS; ADMINISTRATION.] (a) The commissioner of health shall evaluate each loan application received from the authority and in order to receive the approval of the commissioner under this subdivision, the applicant must demonstrate that:

(1) the hospital is owned and operated by a municipality or nonprofit corporation;

(2) the loan would not be used to refinance existing debt;

(3) the hospital was unable to obtain suitable financing from other sources;

(4) the loan is necessary to establish or maintain patient access to an essential health care service that would not otherwise be available within a reasonable distance from that facility; and

(5) the project to be financed by the loan is cost-effective and efficient.

The commissioner shall compare an application to other similar applications received during such time period as the commissioner may by rule determine and shall comment in writing to the authority on the extent to which loan applications meet the criteria set forth in this paragraph. The commissioner of health may charge a reasonable fee to any applicant in the amount of that part of the costs of the department of health incurred in the review of the application and may adopt emergency and permanent rules to implement the provisions of this paragraph.

(b) The authority shall consider the comments of the commissioner of health and shall rank applications for health care equipment loans by awarding points for the satisfaction of the criteria contained in this subdivision. The authority shall make loans to the extent of funds available for that purpose in the order of the applicants with the most points awarded under this subdivi-

sion. The authority shall award one point for the satisfaction of each of the following criteria:

- (1) The application has been approved by the commissioner of health.
- (2) Approval of the application will improve the competitiveness of a hospital over hospitals located outside of the state.
- (3) Approval of the application will contribute to creation or retention of jobs in the community where the applicant hospital is located.
- (4) Approval of the application supports the objectives of the "governor's task force on promoting Minnesota's health/medical care resources."
- (5) Approval of the application would not contribute to unnecessary duplication of services in the applicant's community.
- (6) Approval of the application would not increase health care costs.

The authority shall, in applying the criteria contained in this paragraph, compare an application to other similar applications received during such time period as it may by rule determine. The authority may adopt emergency and permanent rules necessary to implement this paragraph."

Page 2, after line 9, insert:

"Sec. 7. Minnesota Statutes 1984, section 474.16, subdivision 4, is amended to read:

Subd. 4. "Previous use" means the principal amount of obligations of a type subject to limitation under the terms of a federal limitation act issued by a local issuer during a specified period. ~~Prior to enactment by Congress of the United States of America of a federal limitation act, "previous use" means the principal amount of obligations of a type subject to limitation under the terms of section 721 of the Tax Reform Bill of 1984, H.R. 4170, as reported by the Ways and Means Committee of the United States House of Representatives on March 5, 1984, issued by a local issuer during a specified period.~~

For the purposes of calculating entitlement allocations for calendar year 1986 and thereafter the following limitations shall apply. In the case of obligations issued by a local issuer in a principal amount in excess of \$10,000,000 which qualify for an exemption from federal income taxation pursuant to section 103(b)(4)(F) of the Internal Revenue Code of 1954, as amended, only \$5,000,000 of the principal amount of such obligations shall be counted as "previous use." In the case where an entitlement issuer's previous use calculation for 1984 and 1985 included bonds described in the previous sentence, "previous use" does not include obligations issued by an issuer other than the entitlement issuer pursuant to a transfer of the entitlement issuer's allocation. "Previous use" does not include obligations issued prior to June 1, 1984, for the purpose of refunding or refinancing obligations issued by a local issuer which qualify for an exemption from federal income taxation pursuant to section 103(b) of the Internal Revenue Code of 1954, as amended."

Page 2, line 30, after the period, insert "A preliminary resolution for a project which is authorized by chapter 115A, chapter 400, or sections 473.801 to 473.834 need not include the site for the project, provided that the resolution identifies a specific process and a deadline for site selection."

Page 4, line 18, after the period, insert *"The iron range resources and rehabilitation commissioner shall give priority consideration to projects which are authorized by chapter 115A or chapter 400."*

Page 4, line 27, strike "clause (2)" and insert *"subdivision 4, except that priority must be given to the agricultural research loan guaranty fund"*

Page 4, lines 28 and 29, reinstate the stricken language

Page 4, line 29, delete *"department"*

Page 4, line 31, strike "clause (2)" and insert *"subdivision 4"*

Page 5, lines 7, 8, 12, 13, 18, and 19, reinstate the stricken language

Page 5, lines 8, 13, and 19, delete *"department"*

Page 5, lines 10, 15, and 22, strike "clause (2)" and insert *"subdivision 4"*

Page 5, after line 25, insert:

"Sec. 14. Minnesota Statutes 1984, section 474.17, is amended by adding a subdivision to read:

Subd. 3a. [ALLOCATION FOR HEALTH CARE EQUIPMENT FINANCING.] In addition to the aggregate limit allocated to the department of energy and economic development under subdivision 3, the department is allocated in 1986 and thereafter, the amount of issuance authority determined pursuant to section 474.25, subdivision 2, for the purposes of health care equipment financing under sections 3 to 5.

Sec. 15. Minnesota Statutes 1984, section 474.17, subdivision 4, is amended to read:

Subd. 4. [LOCAL ISSUER POOL ALLOCATION.] Any amount of the aggregate limit of bond issuance authority allocated to the state for any calendar year pursuant to a federal limitation act which is not allocated pursuant to subdivisions 1 to 3 shall be allocated among local issuers pursuant to sections 474.18 to 474.23.

Sec. 16. Minnesota Statutes 1984, section 474.18, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION AMOUNTS.] From January 1 to August 31 of each calendar year, 80 75 percent of the amount of authority determined pursuant to section 474.17 shall be available solely for issuance of obligations by entitlement issuers."

Page 5, line 30, after the second comma, insert *"and on or before January 15, 1986, and of each calendar year thereafter,"*

Page 6, after line 18, insert:

"The governing body of the city or the port authority commission shall rank each commercial project application for issuance authority on the basis of the number of points awarded to the project from the allocation criteria contained in section 479.19, subdivision 3. The city or the port authority commission shall then allocate issuance authority to commercial project applicants on the basis of the numerical rank determined pursuant to this sec-

tion. On or before December 31 of each year, the city or the port authority commission shall submit a commercial project report to the department. The report shall include all commercial applications submitted to the city or the port authority commission on or before December 31, the specific points awarded to each commercial project, and the numerical ranking of the commercial projects. For purposes of this section, "commercial project" means any project in which 75 percent of the proceeds of the proposed obligations will be used for the provision of retail sales of goods and services."

Page 8, line 5, after the period, insert "For obligations issued during calendar year 1985 and thereafter, one-half of"

Page 8, line 8, before the period, insert "and one-half of the issuance shall be considered issued by the issuer issuing the bonds" and after the period, insert "The issuer transferring its authority may only recover from the transferee its costs involved in the transfer and any application deposit."

Page 8, line 24, strike "August" and insert "July"

Page 8, line 25, strike "20" and insert "25"

Page 8, line 28, after the period, insert "After July 31, an allocation may be made for an application submitted by an entitlement issuer."

Page 9, line 4, after the period, insert "After July 31, 1985, a county may apply for an allocation for an amount in excess of the amount reserved by section 474.19, subdivision 4, for projects authorized by chapter 115A, chapter 400 or sections 473.801 to 473.834 for such a project provided that allocations for all projects authorized by chapter 115A, chapter 400 or sections 473.801 to 473.834 shall not exceed 49 percent of the total amount available for allocation pursuant to section 474.19. Applications submitted pursuant to the prior sentence shall be considered on the same basis as other applications submitted pursuant to section 474.19."

Page 9, line 31, strike "July 31" and insert "June 30"

Page 9, line 32, strike "Its application"

Page 9, strike line 33

Page 10, lines 24 and 29, after "of" insert "permanent"

Page 10, line 30, strike "two" and insert "five"

Page 11, line 28, after the period, insert "One additional point shall be awarded for such projects."

Page 11, line 35, after "470a" insert "; or (iii) designated as a state historic site pursuant to sections 138.51 to 138.581"

Page 11, strike line 36

Page 12, strike lines 1 to 3

Page 12, line 4, strike "(13)" and insert "(12)"

Page 12, line 7, strike "(14)" and insert "(13)"

Page 12, line 11, strike "(15)" and insert "(14)"

Page 12, line 15, strike "or" and insert a semicolon

Page 12, line 19, after "located" insert "*; or (c) the applicant reasonably expects that without construction of the project, the anticipated owner of the project will either cease operations within the state, or reduce its work force in the state by the number of persons to be employed by the project*"

Page 12, line 20, strike "(16)" and insert "(15)"

Page 12, line 22, strike "(17) Seventy-five" and insert "(16) Fifty"

Page 12, line 25, strike "(18)" and insert "(17)"

Page 12, line 27, strike "(19)" and insert "(18)"

Page 12, line 30, after "proceeds" insert "*or the issuer provides other financial assistance to the project*"

Page 12, line 31, after "devices" insert "*or financial assistance provided or*"

Page 12, after line 34, insert:

"(19) The project is comprised of properties, real or personal, used or useful in connection with a revenue producing enterprise engaged or to be engaged in assembling, fabricating, manufacturing, mixing, processing, or distributing any products of agriculture, forestry, mining, or manufacture, and properties, real or personal, used or useful in connection with research and development activity to develop or improve products, production processes, or materials. For purposes of this clause, "a product of manufacture" includes information and directions which dictate the functions to be performed by data processing equipment, commonly called computer software, regardless of whether they are embodied in or recorded on tangible personal property. A project qualifies under this clause only if 75 percent of the proceeds of the proposed obligations will be used for construction, acquisition, installation, or addition of properties described in this subdivision.

(20) Seventy-five percent or more of the proceeds of the proposed issue will be used for manufacturing projects."

Page 13, line 15, delete "on" and insert "between" and after "2" insert "*and August 31*"

Page 16, lines 19 to 21, delete the new language

Page 16, line 29, delete "and" and insert "*by an applicant from funds of the applicant which was not reimbursed by a private party, and which was*" and after the period, insert "*Refunds authorized by this subdivision are permitted only with respect to application deposits made during calendar year 1984 and may not be made for application deposits deposited during calendar year 1985 or any subsequent year. In calendar year 1985 and any subsequent year, application deposits shall be refunded only in accordance with the provisions of sections 474.16 to 474.25."*

Pages 16 to 18, delete sections 21 and 22 and insert:

"Sec. 29. Minnesota Statutes 1984, section 474.19, is amended by adding a subdivision to read:

Subd. 9. [APPROPRIATION.] Application deposits received by the department pursuant to sections 474.17, 474.18, and this section are appro-

prorated to the department for the purposes of refunding the deposits when permitted by the sections."

Page 19, line 5, strike "to the"

Page 19, line 6, strike everything before "which"

Page 19, line 8, after "474.20" insert "*and a separate summary report of the commercial project reports required under section 474.18, subdivision 2, and of the commercial projects that received allocations of issuance authority under section 474.19 to the secretary of the senate and the clerk of the house*"

Page 20, after line 4, insert:

"Sec. 34. Minnesota Statutes 1984, section 474.25, is amended to read:

474.25 [FEDERAL LIMITATION ACT.]

Subdivision 1. [FARM LOANS.] The allocation of bonding authority provided by chapter 474 to the iron range resources and rehabilitation commissioner with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 for entitlement issuers with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 to local issuers who are not entitlement issuers with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 to the department of energy and economic development with respect to a federal limitation act is increased by \$3,750,000 for calendar year 1984 and \$1,500,000 for calendar year 1985. Until August 31 the department of energy and economic development shall make available at least \$5,000,000 for 1984 and \$6,000,000 for 1985 of its allocation of bonding authority for farm loans authorized by section 116J.90. For the November allocation in each year the commissioner shall approve applications from the department for farm loans to be made pursuant to section 116J.90 in an amount up to \$1,000,000 or the amount remaining to be allocated, whichever is less, prior to approving other applications.

Subd. 2. [HEALTH CARE EQUIPMENT LOANS.] The allocation of bonding authority provided by chapter 474 to local issuers who are not entitlement issuers with respect to a federal limitations act is reduced by \$12,000,000 for calendar year 1986, and in each year thereafter by an amount which bears the same percentage relationship to the allocation to all nonentitlement issuers in that year as \$12,000,000 bears to the allocation for all nonentitlement issuers in 1985. Notwithstanding any other provision of chapter 474, the amount of allocation authority resulting from the reductions provided in this subdivision shall remain in the pool until December 31 of each year and shall be allocated by the department under section 14.

Sec. 35. [APPROPRIATION.]

A sum sufficient to pay the return or refund of application deposits authorized by section 28 is appropriated to the department from the general fund.

Sec. 36. [REPEALER.]

Laws 1984, chapter 582, section 23, is repealed."

Page 20, line 7, delete "6, 8, 9, and 12" and insert "26 and 33"

Page 20, line 11, delete "3" and insert "20"

Page 20, line 13, delete "12" and insert "33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

Page 1, line 6, after the semicolon, insert "116M.07, subdivision 1, and by adding subdivisions;"

Page 1, line 7, after "1" insert ", 4,"

Page 1, line 8, delete "and 3" and insert "3, 4, and by adding a subdivision" and after the second "subdivisions" insert "1,"

Page 1, line 12, delete "and" and after "474.23" insert "; and 474.25; repealing Laws 1984, chapter 582, section 23"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 445: A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of section 16A.124, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section ~~16.011~~ 16A.011.

Sec. 2. Minnesota Statutes 1984, section 16A.124, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) A state agency shall pay interest to a vendor for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the

completion of the audit by the state agency. Before any interest payment is made, the vendor must invoice the state agency for such interest.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be one *and one-half* percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor.

Sec. 3. Minnesota Statutes 1984, section 16A.124, is amended by adding a subdivision to read:

Subd. 5a. [UNIVERSITY OF MINNESOTA; PAYMENT OF INTEREST ON LATE PAYMENTS AUTHORIZED.] The university of Minnesota may comply with the requirements of subdivision 5.

Sec. 4. Minnesota Statutes 1984, section 16A.124, subdivision 8, is amended to read:

Subd. 8. [APPLICABILITY.] Subdivisions 1 to 7 apply to all agency purchases, leases, rentals, and contracts for services, including construction and remodeling contracts, except for purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees.

Sec. 5. [471.425] [PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.]

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

(a) "Contract" means any written legal document or documents signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of the goods or services, whichever

is later.

(c) "Governing board" means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards and county boards.

(d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the metropolitan council or any board or agency created under chapter 473.

Subd. 2. [PAYMENT REQUIRED.] A municipality must pay each vendor obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:

(a) *For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 30 days of the date of receipt.*

(b) *For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as within 15 days of the first regularly scheduled meeting of the governing board after the date of receipt. The standard payment period shall not exceed 45 days.*

(c) *For joint powers organizations organized under section 471.59, the standard payment period is within 45 days of the date of receipt.*

Subd. 3. [INVOICE ERRORS.] If an invoice is incorrect, defective or otherwise improper, the municipality must notify the vendor within 30 days of the date of receipt. Upon receiving a corrected invoice from the vendor, the municipality must pay the obligation within the standard payment period defined in subdivision 2.

Subd. 4. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) Except otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.

(b) *The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid according to the terms of the contract or during the standard payment period shall be one and one-half percent per month or part of a month.*

(c) *No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or service, contract compliance, or any defect, error or omission related thereto. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.*

(d) *The minimum monthly interest penalty payment that a municipality*

shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor.

Subd. 5. [APPLICABILITY.] This section applies to all goods, leases and rents, and contracts for services, construction, repair and remodeling. Purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees are not subject to this section.

Sec. 6. [EFFECTIVE DATE.]

Section 2 is effective for purchases and contracts entered into on or after January 1, 1986."

Amend the title as follows:

Page 1, line 2, after "local" insert "and state"

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8, and by adding a subdivision;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1288: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, line 35, delete "(1)" and insert "(a)"

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

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

Page 11, line 24, delete "(b)" and insert "(2) the"

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 14, delete lines 2 to 11 and insert:

“\$_____ is appropriated from the general fund to the commissioner of energy and economic development:

(a) for deposit into the agricultural resource loan guaranty fund to be available until expended;

(b) for administration of the agricultural resource loan guaranty program in the fiscal years indicated.

1986
\$_____

1987
\$_____

The approved complement is 1.5.”

Page 14, delete section 19

Page 14, line 19, delete “20” and insert “19”

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 1270: A bill for an act relating to energy; energy assistance; establishing eligibility standards for heating assistance and weatherization; providing that assistance shall be based on actual heating costs; allocating funds for the weatherization program; amending Minnesota Statutes 1984, section 268.37, subdivisions 3, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reports the same back with the recommendation that the bill be amended as follows: .

Page 1, delete lines 19 to 27

Delete pages 2 and 3

Page 4, delete lines 1 to 6

Page 4, line 11, delete “and”

Page 4, line 12, delete “comment on”

Page 4, delete section 5

Page 4, line 36, strike “Weatherization assistance shall be given to”

Page 5, strike lines 1 and 2

Page 5, line 3, strike “and budget poverty guidelines.”

Page 5, line 4, after “be” insert “the same as”

Page 5, line 4, delete “described in section 2”

Page 5, after line 22, insert:

“Sec. 5. [PILOT PROJECT ON USING ACTUAL HEATING COSTS

TO CALCULATE BENEFITS.]

The energy assistance official shall plan and implement a pilot project to evaluate the feasibility of basing heating assistance benefit calculations on a household's actual heating costs. The official shall compare benefit levels using actual heating costs with benefit levels using average heating costs. The official shall evaluate and recommend methods to minimize the administrative costs of basing benefit levels on actual heating costs. The official shall report to the legislature by January 1, 1987."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to energy; energy assistance; requiring certain reports to the legislative commission on energy; providing that eligibility standards for energy assistance and weatherization shall be the same; amending Minnesota Statutes 1984, section 268.37, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 268."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 1324: A bill for an act relating to economic security; defining temporary housing; deleting a sunset provision; requiring certain followup information on persons assisted; appropriating money; amending Minnesota Statutes 1984, section 268.38, subdivisions 1, 2, 6, 7, and 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 28 to 30, delete the new language

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 962: A bill for an act relating to energy; extending certain residential energy credits; providing an energy investment tax credit for businesses; authorizing rules; amending Minnesota Statutes 1984, section 290.06, subdivision 14, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*, in consultation with the*"

Page 1, delete line 14

Page 1, line 15, delete "*marshall,*"

Page 1, line 16, after the first "*for*" insert "*the efficiency of*"

Page 1, line 16, delete everything after "*equipment*" and insert a period

Page 1, delete lines 17 to 21

Page 1, line 22, delete the paragraph coding

Page 1, line 24, after the period, insert "*The commissioner shall also adopt rules prescribing minimum performance standards that equipment must meet in order to be certified as eligible for the tax credit under section 290.06, subdivision 14, or section 4. The performance standards must establish a level of efficiency and a minimum useful life for each type of equipment. The commissioner shall require, and prescribe the form and contents of, an annual post-installation report to be submitted to the commissioner for each project certified as eligible, for at least the first five years following installation.*"

The director of the pollution control agency shall adopt rules establishing air quality standards for combustion equipment by September 1, 1986. The state fire marshal shall adopt rules governing the safety of combustion equipment by September 1, 1986. The director of the pollution control agency and the state fire marshal shall coordinate their rule-making activities with one another and with the department of energy and economic development."

Page 1, line 26, after "section" insert "290.06, subdivision 14, and sections" and after "1" insert "and 4,"

Page 2, line 2, delete "BIOMASS-DERIVED SOLID PROCESSED" and insert "BIOMASS"

Page 2, line 3, delete "*Biomass-derived solid processed*" and insert "*Biomass*"

Page 2, line 5, after "*briquettes,*" insert "*agriculture residue including cornstalks, corncobs, oat straw, and other crop residue,*"

Page 2, line 5, delete "dry"

Page 2, line 7, delete "*dedicated*" and insert "*designed primarily*" and delete "*the consumption of*" and insert "burn"

Page 2, line 8, delete "*prepared*"

Page 2, line 8, after "*include*" insert "*refuse, refuse-derived fuel, or*"

Page 2, line 12, delete "*biomass-derived solid processed*" and insert "*biomass*"

Page 2, line 13, after "*fuel*" insert "*and peat*"

Page 3, line 30, delete "*designed primarily for burning*" and insert "*as defined in section 2*"

Page 3, delete line 31

Page 3, line 32, delete everything before the semicolon

Page 6, delete line 22

Page 6, line 23, delete "*fuel and peat*" and delete "*which fails to*" and insert "*unless it*"

Page 6, line 24, delete "*meet*" and insert "*meets*"

Page 7, line 10, after "equipment" insert ", as defined in section 2, and combustion equipment"

Page 7, line 11, delete "solid processed fuel and peat,"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, 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; 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, chapter 462C; repealing Minnesota Statutes 1984, sections 462.445, subdivision 13; and 462C.09, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 12, delete "and"

Page 3, after line 12, insert:

"(h) an analysis of how the program will meet the needs of low and moderate income families; and"

Page 3, line 13, delete "(h)" and insert "(i)"

Page 9, line 10, delete "2" and insert "2a"

Page 9, after line 24, insert:

"Sec. 10. [462C.12] [MINNEAPOLIS/ST. PAUL HOUSING FINANCE BOARD; POWERS; JURISDICTION.]

Subdivision 1. [ESTABLISHMENT OF HOUSING BOARD RATIFIED.] The establishment of the Minneapolis/St. Paul housing finance board in accordance with a joint powers agreement entered into between the Minneapolis community development agency and the housing and redevelopment authority of the city of St. Paul, and accepted by the cities of Minneapolis and St. Paul under section 471.59, is ratified and approved.

Subd. 2. [POWERS.] The board is granted the following powers:

(a) The board may issue obligations and other forms of indebtedness under this section, subject to the terms and conditions set forth in the joint powers agreement, as may be from time to time amended.

(b) The board is authorized to exercise the powers conferred upon the cities of Minneapolis and St. Paul and their designated housing and redevelopment authorities, or the powers of an agency exercising the powers of a housing and redevelopment authority by chapters 462 and 462C and any other general or special law of the state of Minnesota relating to housing or housing finance. The powers which may be exercised by the board include, without limitation, the power to undertake and implement projects, developments, or

programs, the power to issue and sell obligations and other forms of indebtedness payable exclusively from the revenues of the programs, projects, or developments undertaken by the board, or any of the powers the Minnesota housing finance agency may exercise under chapter 462A, provided that the obligations and other forms of indebtedness may be sold upon terms and conditions as the board may from time to time determine. The board may exercise the powers conferred by this section only with respect to projects, programs, or developments within the corporate limits of the cities of Minneapolis and St. Paul, except as may be otherwise provided in a joint powers agreement entered into under section 471.59 between the board and any other city, housing and redevelopment authority, or port authority in the state of Minnesota.

(c) For the purposes of section 462C.09, the board may be authorized by the cities of Minneapolis and St. Paul, or by any other city with which the board enters into a joint powers agreement, to issue revenue bonds or obligations in an amount not to exceed the amount of bonds allocated by general or special law to such cities, or the board may issue mortgage credit certificates in lieu thereof.

Subd. 3. [JURISDICTION.] Notwithstanding any other provision of law, the territorial jurisdiction of the board shall extend to all of the area within the corporate limits of the cities of Minneapolis and St. Paul and shall for the purposes of any particular project, development, or program undertaken in whole or part for any other city include all of the area within the corporate limits of the city. For the purposes of any provision of law intended to apply within a particular jurisdiction, the provision shall be construed to apply to the entire area within the corporate limits of the cities of Minneapolis and St. Paul, together with the entire area within the corporate limits of any other city with which the board has entered into a joint powers agreement and on whose behalf a project, development, or program is undertaken or implemented, or on whose behalf obligations or other forms of indebtedness are issued by the board.

Subd. 4. [POWERS SUPPLEMENTARY.] The powers granted by this section are in addition and supplemental to the powers granted by section 471.59, or the law under which a project, development, or program is undertaken or implemented by the board, or under which the board issues obligations or other forms of indebtedness.

Sec. 11. [TAX STATUS OF PROPERTY MANAGED BY MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY.]

Any property that is under the direct management and control of, but is not owned by, the Minneapolis community development agency, and is used in a manner authorized and contemplated by Minnesota Statutes, chapter 462, and for which the agency is eligible for assistance payments under federal law, is public property used for essential public and governmental purposes, and such property and the agency is exempt from all taxes and special assessments of the city, the county, the state, or any political subdivision of the state in the same manner as property referred to in Minnesota Statutes, section 462.575, subdivision 1. Payments in lieu of taxes for the property shall remain as provided in Minnesota Statutes, section 273.68 or 462.575, subdivision 3."

Page 9, after line 30, insert:

“Section 10 is effective the day after compliance by the governing bodies of the cities of Minneapolis and St. Paul with the provisions of Minnesota Statutes, section 645.021, subdivision 3. Section 11 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the city council of the city of Minneapolis.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert *“ratifying the Minneapolis/St. Paul housing finance board established under a joint powers agreement; clarifying tax status of public housing property managed by the Minneapolis community development agency;”*

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 265: A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1984, section 60A.13, is amended by adding a subdivision to read:

Subd. 8. [ANNUAL REPORTS; LIQUOR LIABILITY INSURERS.] Each insurer licensed to write property and casualty insurance in this state, as a supplement to the annual statement required by this section, shall submit a report on a form furnished by the commissioner showing its direct writings on liquor liability insurance in this state.

The supplemental report must be submitted by May 1 of each year and must include the following data for the previous year ending on December 31:

(1) direct premiums written;

(2) net investment income;

(3) incurred claims, developed as the sum of the following itemized amounts:

(a) dollar amount of claims closed with payment, plus

(b) reserves for reported claims at the end of the current year, minus

(c) reserves for reported claims at the end of the previous year, plus

(d) reserves for incurred but not reported claims at the end of the previous year, minus

(e) reserves for incurred but not reported claims at the end of the previous year, plus

(f) reserves for loss adjustment expense at the end of the current year, minus

(g) reserves for loss adjustment expense at the end of the previous year;

(4) actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, general office expenses, taxes, licenses and fees, and all other expenses;

(5) net underwriting gain or loss;

(6) net operation gain or loss, including net investment income; and

(7) actual claims paid, including the name of the insured, the amount of the claim, and the authority that issues its license.

The first report shall cover the year 1985. The commissioner shall annually compile and review all reports submitted by insurers pursuant to this section. These filings shall be published and made available to any interested person. The commissioner shall annually compile the information collected under clause (7) and distribute it to every licensing authority named under clause (7) and the commissioner of public safety.

Sec. 2. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 16. "Uninsured motor vehicle" means a motor vehicle or motorcycle for which a plan or reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

Sec. 3. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 17. "Uninsured motorist coverage" means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of uninsured motor vehicles and motor vehicles or motorcycles whose owner or operator cannot be identified.

Sec. 4. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 18. "Underinsured motorist coverage" means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of motor vehicles or motorcycles, but which damages are uncompensated because the total damages exceed the bodily injury liability limit applicable to the other vehicle.

Sec. 5. Minnesota Statutes 1984, section 65B.49, subdivision 4, is amended to read:

Subd. 4. [UNINSURED OR HIT-AND-RUN MOTOR VEHICLE AND UNDERINSURED MOTORIST COVERAGE.] (1) No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless *uninsured motorist coverage is and underinsured motorist coverage are* provided therein or supplemental thereto, in the amounts for each of these two coverages, of \$25,000 because of injury to or the death of

one person in any accident, and subject to the said limit for one person, \$50,000 because of bodily injury to or the death of two or more persons in any one accident; for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of injury.

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured motor vehicle motorist coverage and underinsured motorist coverage as provided in this subdivision.

(3) "Uninsured motor vehicle" means any motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

(4) No recovery shall be permitted under the uninsured motor vehicle provisions of this section or underinsured motorist coverage for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible."

Page 3, after line 14, insert:

"Sec. 7. Minnesota Statutes 1984, section 340.11, is amended by adding a subdivision to read:

Subd. 21a. [NOTIFICATION BY INSURER OF STATUS OF CLAIM.] An insurer who is providing coverage required by subdivision 21 shall inform the insured of the status of any claims made under the policy. The information must include:

(1) the employees of the insured that may be involved and the nature of their involvement;

(2) any amount paid in the disposition of the claim; and

(3) any amount paid in the defense of the claim.

This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation.

Sec. 8. Minnesota Statutes 1984; section 340.11, subdivision 23, is amended to read:

Subd. 23. [ASSIGNED RISK PLAN.] (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of commerce may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or

vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of commerce may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of commerce determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of commerce. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of commerce shall fix the compensation received by the agent of record.

(8) The commissioner of commerce shall adopt rules, including emergency rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of commerce regarding operation of the plan; and

(c) applicable rating plans and rating standards.

(9) *A liquor vendor may be denied or terminated from coverage through the assigned risk plan if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.*

Sec. 9. Minnesota Statutes 1984, section 340.12, is amended to read:

340.12 [APPLICATION FOR LICENSE.]

Every person desiring a license from the commissioner of public safety, shall file with him a verified written application in the form prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$10,000, according to the character of the license, made payable to the state of Minnesota. All applicants for a license to sell intoxicating

liquors on any railroad train or other common carrier shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$1,000. All manufacturers and wholesalers of wines containing not more than 25 percent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 percent of alcohol by weight shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$5,000.

Every person desiring a license from a local governing body shall file with the clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a verified written application in the form prescribed by the commissioner with the additional information the local governing body requires. An applicant for an "off sale" license shall file with the clerk of the proper municipality a bond with corporate surety or cash or United States government bonds in a sum not less than \$1,000 and not more than \$3,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body and the commissioner of public safety.

Every application for the issuance or renewal of a license for the sale of intoxicating or nonintoxicating liquor must include a copy of each notice received by the applicant under section 340.951 during the preceding year.

An applicant for an "on sale" license shall file with the clerk of the proper municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a bond with corporate surety or cash or United States government bonds in a sum not less than \$3,000 nor more than \$5,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body.

A liability insurance policy required by section 340.11, subdivision 21 shall provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days' notice to the municipality in writing of intention to cancel it, addressed to the city clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, to the executive director thereof. The operation of an "off sale" or "on sale" business without having on file at all times with the municipality the liability insurance policy herein referred to shall be grounds for immediate revocation of the license.

Bonds of manufacturers, wholesalers, and common carriers shall run to the state of Minnesota. Bonds of "on sale" and "off sale" retail dealers shall run to the municipality in which the license is issued. The bonds shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

- (a) That the licensee will obey the law relating to the licensed business;
- (b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act or any other law relating to the manufacture, distribution, or sale of intoxicating liquor;

(c) That in the event of any violation of the provisions of law, the bond shall be forfeited to the state of Minnesota as hereinafter provided.

As to "off sale" and "on sale" dealers:

(a) That the licensee will obey the law relating to the licensed business;

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law;

(c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, the bond or policy shall be forfeited to the municipality in which the license was issued.

All bonds shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any bond for violation of law, the district court of the county wherein the licensed business was carried on may forfeit the penal sum of the bond, or any part thereof, to the state or municipality named as obligee in the bond.

Sec. 10. Minnesota Statutes 1984, section 340.135, is amended to read:

— 340.135 [LICENSES; REVOCATION; SUSPENSION.]

The authority issuing or approving any license or permit pursuant to the intoxicating liquor act ~~may~~ shall either suspend for not to exceed 60 days or revoke such license or permit or impose a civil fine not to exceed \$2,000 for each violation upon a finding that the licensee or permit holder has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing pursuant to sections 14.57 to 14.70.

Sec. 11. Minnesota Statutes 1984, section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.]

Subdivision 1. [CAUSE OF ACTION.] Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, or incurs other pecuniary loss by any intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any person who, by illegally selling or bartering intoxicating liquors or non-intoxicating malt liquors, caused the intoxication of that person, for all damages sustained. All damages recovered by a minor under this section shall be paid either to the minor or to his parent, guardian, or next friend, as the court directs. All suits for damages under this section shall be by civil action in any court of this state having jurisdiction. Actions for damages based upon liability imposed by this section shall be governed by section 604.01. ~~The provisions of section 604.01, as applied under this section, do not apply to actions for injury to person, property, or loss of means of support brought by a husband, wife, child, parent, guardian or other dependent of an intoxicated person.~~

Subd. 2. [SUBROGATION CLAIMS DENIED.] *There shall be no recovery by any insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or similar provisions of a motor vehicle insurance policy as a result of payments made by the company*

to persons who have claims that arise in whole or part under this section. The provisions of section 65B.53, subdivision 3, do not apply to actions under this section.

Sec. 12. Minnesota Statutes 1984, section 340.951, is amended to read:

340.951 [NOTICE OF INJURY; DISCOVERY BEFORE ACTIONS.]

Subdivision 1. [NOTICE REQUIRED.] Every person who claims damages, and every person or his insurer who claims contribution or indemnity, from any municipality owning and operating a municipal liquor store or from the licensee of any licensed establishment for the sale of intoxicating liquor or non-intoxicating malt liquor for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee, as the case may be, stating:

- (1) The time and date when, and person to whom the liquor was sold or bartered;
- (2) The name and address of the person or persons who were injured or whose property was damaged;
- (3) The approximate time and date and the place where any injury to person or property occurred. Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless the error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless the notice has been given. In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relationship with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within two years after the injury.

Subd. 2. [EARLY DISCOVERY.] To aid claimants in providing accurate notice of claim to a liquor vendor, a person who claims damages pursuant to section 340.95 may subpoena any person or use any discovery method pro-

vided for in the Minnesota Rules of Civil Procedure prior to the commencement of an action on behalf of claimants. The discovery is inadmissible in any other pending or subsequent criminal matter, including implied consent hearings."

Page 3, delete line 16 and insert:

"Section 6 is effective the day following final enactment. Section 11 is effective July 1, 1985, and applies to causes of action arising on or after that date."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to commerce; requiring annual reports from liquor liability insurers; providing for uninsured and underinsured motorist coverage; authorizing annual aggregate policy limits for dramshop insurance; providing for practices and procedures related to dramshop actions; amending Minnesota Statutes 1984, sections 60A.13, by adding a subdivision; 65B.43, by adding subdivisions; 65B.49, subdivision 4; 340.11, subdivisions 21 and 23, and by adding a subdivision; 340.12; 340.135; 340.95; and 340.951."

And when so amended the bill do pass and be re-referred to the Committee on Economic Development and Commerce. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 327: A bill for an act relating to watercraft; requiring titling for certain watercraft; regulating perfection of security interests in watercraft; proposing coding for new law as Minnesota Statutes, chapter 361A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 336.9-302, is amended to read:

336.9-302 [WHEN FILING IS REQUIRED TO PERFECT SECURITY INTEREST; SECURITY INTERESTS TO WHICH FILING PROVISIONS OF THIS ARTICLE DO NOT APPLY.]

(1) A financing statement must be filed to perfect all security interest except the following:

(a) A security interest in collateral in possession of the secured party under section 336.9-305;

(b) A security interest temporarily perfected in instruments or documents without delivery under section 336.9-304 or in proceeds for a 20 day period under section 336.9-306;

(c) A security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) A purchase money security interest in consumer goods; but filing is

required for a motor vehicle required to be registered; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 336.9-313;

(e) An assignment of accounts which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts of the assignor;

(f) A security interest of a collecting bank (section 336.4-208) or in securities (section 336.8-321) or arising under the article on sales (see section 336.9-113) or covered in subsection (3) of this section;

(g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this article is not necessary or effective to perfect a security interest in property subject to the following statutes or treaties; except that to the extent such statutes or treaties are silent on a specific matter, the provisions of this article shall govern:

(a) a statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this article for filing of the security interest; or

(b) the following statutes of this state;

(i) Sections 168A.01 to 168A.31 *and sections 2 to 22*; but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of this article (part 4) apply to a security interest in that collateral created by him as a debtor; or

(ii) Sections 300.11 to 300.115.

(c) a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subsection (2) of section 336.9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this article, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in section 336.9-103 on multiple state transactions. A security interest perfected by compliance with such a statute or treaty is governed by this article in all respects not inconsistent with the provisions of the statute or treaty under which it was perfected, provided that this article shall not be deemed inconsistent if it provides for a more extensive duration of effectiveness."

Page 1, line 12, delete "or" and after "selling," insert "or"

Page 1, line 13, delete ", and generally dealing in" and delete "and unused watercraft"

Page 1, line 14, delete ", or both"

Page 1, line 17, delete "*refers to*" and insert "*means*"

Page 1, lines 22 and 23, delete "*an employee*" and insert "*a person*"

Page 2, line 31, delete "*contrivance*" and insert "*device*"

Page 3, line 1, delete "*whose owner is*" and insert "*owned by*"

Page 3, line 4, delete "*less than 12 feet*" and insert "*14 feet or less*"

Page 3, line 16, after "*commissioner*" insert "*or deputy registrar*"

Page 3, line 31, delete "*dispose of*" and insert "*transfer*"

Page 4, line 15, delete "*20*" and insert "*21*"

Page 4, line 35, delete "*department*" and insert "*commissioner*"

Page 5, line 33, delete "*by it*" and insert "*under this section*"

Page 6, line 4, after the semicolon, insert "*or*"

Page 6, line 12, delete "*on*" and insert "*in*"

Page 7, line 4, delete the comma

Page 7, line 5, delete "*must be returned*"

Page 8, line 19, delete "*department*" and insert "*commissioner*"

Page 8, line 21, delete "*the purpose of*"

Page 8, lines 23 and 29, delete "*department*" and insert "*commissioner or deputy registrar*"

Page 9, line 1, before "*An*" insert "*(a) Except as provided in paragraph (b),*"

Page 9, line 9, delete "*; or*" and insert a period

Page 9, line 10, delete "*(3) if*" and insert "*(b) If*"

Page 9, line 11, delete "*is*" and insert "*was last*" and after the comma, insert "*the application must contain or be accompanied by:*

(1)"

Page 9, line 14, delete everything after "*country*"

Page 9, line 15, delete everything before "*other*" and insert "*; and*

(2) any"

Page 9, line 20, delete "*The owner*"

Page 9, line 21, after "*transferee*" insert "*, the owner*"

Page 9, line 25, delete "*department upon*" and insert "*commissioner or deputy registrar on*"

Page 9, lines 33 and 35, delete "*department*" and insert "*commissioner*"

Page 10, lines 12, 18, and 33, delete "*department*" and insert "*commissioner or deputy registrar*"

Page 10, line 27, delete everything after "*commissioner*"

Page 10, line 28, delete everything before "*may*"

Page 10, line 29, before the period, insert "if the evidence provides satisfactory proof of ownership"

Page 11, line 2, after "commissioner" insert "or deputy registrar"

Page 11, line 6, delete "21" and insert "60"

Page 11, line 7, delete "attached to" and insert "carried aboard"

Page 11, lines 10 and 13, before "deputy" insert "commissioner or"

Page 11, line 12, delete "she or he" and insert "the dealer"

Page 11, line 22, delete "department" and insert "commissioner"

Page 11, line 32, delete "3" and insert "4"

Page 12, lines 5 and 27, delete "department" and insert "commissioner"

Page 12, line 21, delete "9" and insert "10"

Page 13, line 13, before "rules" insert "following" and delete "in clauses (1)"

Page 13, line 14, delete "and (2)" and after "apply" delete the period and insert a colon

Page 13, lines 16 and 17, delete "his or her" and insert "the"

Page 13, line 32, delete "department" and insert "commissioner"

Page 14, lines 10, 14, and 17, delete "department" and insert "commissioner"

Page 14, line 19, delete "his or her" and insert "the"

Page 14, line 34, delete "10" and insert "11"

Page 15, line 15, delete "department" and insert "commissioner"

Page 15, line 23, delete "his or her" and insert "the"

Page 15, line 31, delete "department, which" and insert "commissioner, who"

Page 16, line 8, delete "department" and insert "commissioner"

Page 16, line 10, delete "department, which" and insert "commissioner, who"

Page 16, lines 15 and 16, delete "his or her" and insert "the"

Page 16, line 34, delete "department" and insert "commissioner"

Page 17, line 6, delete "the department"

Page 17, line 16, delete "DEPARTMENT" and insert "COMMISSIONER" and delete "department" and insert "commissioner"

Page 17, lines 20 and 26, delete "department" and insert "commissioner"

Page 18, lines 18, 25, and 28, delete "department" and insert "commissioner or deputy registrar"

Page 18, line 20, delete "his or her" and insert "a"

Page 18, line 30, delete "\$2" and insert "\$3"

Page 19, lines 10, 24, and 27, delete "*department*" and insert "*commissioner*"

Page 19, line 24, delete "20" and insert "21"

Page 19, line 28, delete "1" and insert "2" and delete "20" and insert "21"

Page 19, line 30, delete "21" and insert "22"

Page 19, line 30, delete "*September 1, 1986*" and insert "*January 1, 1987*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1984, section 336.9-302;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1013: 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, and classifications of inactive investigative data; refining provisions of the data practices act; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding a subdivision; 13.32, subdivision 1; 13.37, subdivision 2; 13.39, by adding a subdivision; 13.46, subdivisions 3 and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, by adding subdivisions; 13.84, subdivisions 1 and 6; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, strike "if the person requests, he" and insert "*, upon request,*"

Page 1, line 25, after the period, insert "*The responsible authority may not require the requesting person to pay a fee to inspect data.*"

Page 1, line 31, strike "he" and insert "*, copies*" and strike "supply"

Page 2, line 1, strike "copies" and insert "*be supplied*"

Page 2, line 30, delete "NONPUBLIC" and insert "NOT PUBLIC"

Page 2, line 34, delete "*which*" and insert "*that*"

Page 3, line 2, delete "*or not*"

Page 3, line 6, delete "*In addition, if necessary,*" and insert "*If the data are discoverable*" and delete "*then*"

Page 3, line 7, delete "*consider and*"

Page 3, line 12, after the period, insert "*In making the decision, the pre-*

siding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given."

Page 3, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 13.08, is amended by adding a subdivision to read:

Subd. 5. [IMMUNITY FROM LIABILITY.] A state agency, statewide system, political subdivision, or person that releases not public data pursuant to an order under section 2 is immune from civil and criminal liability.

Sec. 4. Minnesota Statutes 1984, section 13.09, is amended to read:

13.09 [PENALTIES.]

Any person who willfully violates the provisions of sections ~~13.02 to 13.09~~ *this chapter* or any lawful rules and regulations promulgated ~~thereunder~~ *adopted under this chapter* is guilty of a misdemeanor. Willful violation of sections ~~13.02 to 13.09~~ *this chapter* by any public employee constitutes just cause for suspension without pay or dismissal of the public employee."

Page 4, line 7, after "receive" insert "shared time"

Page 4, line 26, delete "which" and insert "that," and after "disclosed" insert a comma

Page 4, line 31, strike "which" and insert "that"

Page 5, line 3, delete "which contain"

Page 5, line 4, delete "data which" and insert "that" and after "public" insert "data" and delete "statutes, other than"

Page 5, line 5, delete "this section and federal" and insert "other"

Page 5, line 12, delete everything after the first "action" and insert a semicolon

Page 5, delete lines 13 to 15

Page 5, line 23, delete "or a" and insert a period

Page 5, delete line 24 and insert:

"Sec. 8. Minnesota Statutes 1984, section 13.43, subdivision 4, is amended to read:

Subd. 4. All other personnel data is private data on individuals, except but may be released pursuant to a valid court order.

Sec. 9. Minnesota Statutes 1984, section 13.46, subdivision 1, is amended to read:

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

(a) "Individual" means an individual pursuant to section 13.02, subdivision 8, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.

(c) "Welfare system" includes the department of human services, county

welfare boards, county welfare agencies, human services boards, community mental health center boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract.

(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245.62, or mental health divisions of counties and other providers under contract to deliver mental health services.

Sec. 10. Minnesota Statutes 1984, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (a) (1) pursuant to section 13.05;
- (a) (2) pursuant to court order;
- (a) (3) pursuant to a statute specifically authorizing access to the private data;
- (a) (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;
- (a) (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (a) (6) to administer federal funds or programs;
- (a) (7) between personnel of the welfare system working in the same program;
- (a) (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (a) (9) to the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for unemployment compensation or for any employment or training program administered by that agency, whether alone or in conjunction with the welfare system; or
- (a) (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons; or

(11) data maintained by residential facilities as defined in section 245.782, subdivision 6, may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state.

is the legal guardian of the person.

(b) Data on individual clients or patients of public or private community mental health centers, established by section 245.62, or mental health divisions of counties and other providers under contract to deliver mental health services Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10; paragraph (b)."

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

Page 6, after line 7, insert:

"Sec. 12. Minnesota Statutes 1984, section 13.46, subdivision 7, is amended to read:

Subd. 7. [MENTAL HEALTH CENTER DATA.] *(a) Data on individual clients and patients of public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services Mental health data shall not be disclosed, except:*

(a) (1) pursuant to section 13.05, as determined by the responsible authority for the community mental health center, mental health division, or provider;

(b) (2) pursuant to court order; or

(c) (3) pursuant to a statute specifically authorizing access to or disclosure of private mental health data; or

(4) with the consent of the client or patient.

(b) An agency of the welfare system may not require an individual to consent to the release of mental health data as a condition for receiving services or for reimbursing a community mental health center, mental health division of a county, or provider under contract to deliver mental health services."

Page 6, line 10, before "Notwithstanding" insert "(a)"

Page 6, line 14, strike "(a)" and insert "(1)"

Page 6, line 17, strike "(b)" and insert "(2)"

Page 6, line 19, strike "(c)" and insert "(3)"

Page 6, line 22, strike "(d)" and insert "(4)"

Page 6, line 27, before "A" insert "(b)"

Page 6, line 29, after "public" insert "data"

Page 6, line 35, after "trust" insert ", association of Minnesota counties insurance trust, or by the Minnesota school board association insurance trust"

Page 6, line 36, delete the comma

Page 7, line 1, delete everything before "in"

Page 7, line 2, delete ", pursuant"

Page 7, line 3, delete everything before "in" and delete "where" and insert "when"

Page 7, line 6, delete "*other than the*" and insert "*not a*"

Page 7, lines 8 and 9, delete "*or not*"

Page 7, lines 9, 11, 12, and 14, delete "*or not*"

Page 7, line 29, delete everything before "*The*"

Page 7, line 32, delete everything before the colon and insert "*data*"

Page 7, line 34, delete "*which*" and insert "*that*"

Page 8, line 1, delete "*which*" and insert "*that*" and delete "*which pertains*" and insert "*that pertains*"

Page 8, line 5, delete "*and*"

Page 8, line 6, delete "*which*" and insert "*that*"

Page 8, line 7, delete the period and insert "*; and*"

Page 8, after line 7, insert:

"(5) correspondence between the program administrators and the applicant until the application has been approved or disapproved."

Page 8, delete lines 8 to 18

Page 8, line 24, strike everything after "*private*"

Page 8, line 25, strike "*subdivision 12*" and insert "*data on individuals*"

Page 9, line 18, strike everything after "*data*"

Page 9, line 19, strike "*subdivision 12*"

Page 9, line 21, delete "*which*" and insert "*that*"

Page 9, line 24, delete "*, pursuant*" and insert a period

Page 9, delete line 25

Page 9, line 28, delete "*statement*" and insert "*statements*"

Page 9, line 32, delete "*, pursuant to*" and insert a period

Page 9, delete line 33

Page 9, line 34, delete "*Code*"

Page 9, line 35, delete "*numbers which*" and insert "*Data that could*" and delete "*companies responding*" and insert "*a company that responded*"

Page 10, delete line 1

Page 10, line 2, delete "*a particular company*" and delete "*, pursuant*" and insert a period

Page 10, delete line 3

Page 10, line 12, delete "*, pursuant to section 13.02, subdivision 13*"

Page 10, line 16, delete "*carrier*"

Page 10, line 17, after "*vehicle*" insert "*carrier*" and delete "*for*"

Page 10, line 19, delete "*pursuant to*"

Page 10, line 20, delete everything before "with"

Page 10, lines 21 and 22, delete ", pursuant to section 13.02, subdivision 12,"

Page 10, lines 27 and 28, delete "which" and insert "that"

Page 10, line 30, delete ", pursuant to section 13.02, subdivision 13,"

Page 10, line 31, delete the second comma

Page 10, line 32, delete "pursuant to section 13.02, subdivision 3,"

Page 11, line 2, delete "which" and insert "that"

Page 11, line 5, delete "and the Indian business"

Page 11, line 6, delete "development loan program"

Page 11, lines 7 and 8, delete ", pursuant to section 13.02, subdivision 12"

Page 11, line 9, delete ", pursuant to section 13.02, subdivision 9"

Page 11, after line 9, insert:

"Sec. 22. [13.761] [INDIAN AFFAIRS COUNCIL DATA.]

All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in applications received by the Indian affairs council in its administration of the Indian business development loan program are classified as private data with regard to data on individuals and as nonpublic data with regard to data not on individuals."

Page 11, lines 17 and 18, delete ", pursuant to section 13.02, subdivision 9"

Page 11, line 25, delete ", pursuant to section 13.02, subdivision 12"

Page 11, line 27, delete everything before "Financial"

Page 11, line 34, delete "pursuant to section 13.02, subdivision 9" and insert "if it is data not on an individual and as private data if it is data on an individual"

Page 11, delete lines 35 and 36

Page 12, delete lines 1 to 6

Page 12, lines 8 in both places, 24, and 34, delete "which" and insert "that"

Page 12, line 11, delete the first "law" and insert "act" and delete everything after "or"

Page 12, line 12, delete everything before "are" and insert "section 181.75"

Page 12, line 13, delete "pursuant to section 13.02, subdivision 12"

Page 12, lines 17 and 18, delete "pursuant to section 13.02, subdivision 3," and insert "data"

Page 12, line 20, delete "courts" and insert "court"

Page 12, line 27, after "private" insert "data on individuals" and after "nonpublic" insert "data"

Page 12, line 28, delete "specific" and insert "not public"

Page 12, line 34, delete "reward" and insert "rewards"

Page 13, line 11, delete "Information reflecting" and insert "Data that reflect"

Page 13, line 13, delete "is" and insert "are" and after "confidential" insert "data on individuals or protected nonpublic data"

Page 13, line 14, delete "which" and insert "that"

Page 13, line 15, after "for" insert "a"

Page 13, line 16, after "public" insert "data"

Page 13, delete section 24

Page 13, lines 26 and 30, strike "which is" and insert "that are"

Page 14, after line 22, insert:

"Sec. 33. Minnesota Statutes 1984, section 144.335, subdivision 2, is amended to read:

Subd. 2. [PATIENT ACCESS.] (a) Upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

(b) Upon a patient's written request, a provider at a reasonable cost to the patient shall furnish to the patient: ~~(a)~~ (1) copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition; ~~(b)~~, (2) the pertinent portion of the record relating to a specific condition; or ~~(c)~~ (3) a summary of the record.

(c) If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient; *and may supply* the information ~~may be supplied~~ to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The other provider or third party may release the information to the patient.

(d) A provider as defined in subdivision 1, clause (b)(2), shall release information upon written request unless, prior to the request, a provider as defined in subdivision 1, clause (b)(1), has designated and described a specific basis for withholding the information as authorized by paragraph (c).

Sec. 34. [144.658] [EPIDEMIOLOGIC DATA DISCOVERY.]

Notwithstanding any law to the contrary, health data on an individual collected by public health officials conducting an epidemiologic investigation to reduce morbidity or mortality is not subject to discovery in a legal action.

Sec. 35. Minnesota Statutes 1984, section 245.783, is amended by adding a subdivision to read:

Subd. 8. [DISSEMINATION OF DATA.] Data on clients and residents of facilities licensed pursuant to this section may be disseminated to the protection and advocacy system established in this state pursuant to Part C of Public Law 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person.

Sec. 36. 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. 37. [GOVERNMENT DATA PRACTICES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "judiciary" means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the board of law examiners, the lawyer's professional responsibility board, the board of judicial standards, the lawyer's trust account board, the state law library, the state court administrator's office, the district court administrator's office, and the office of the clerk of court.

Subd. 2. [APPLICATION.] The judiciary shall be governed by Minnesota Statutes, chapter 13, until August 1, 1987, or until the implementation of rules adopted by the supreme court regarding access to data, whichever comes first."

Page 14, line 27, delete "Sections 1 to 27 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "13.08, by adding a subdivision; 13.09;"

Page 1, line 11, after the first semicolon, insert "13.43, subdivision 4;"

Page 1, line 11, after "subdivisions" insert "1, 2," and after "3" insert " , 7,"

Page 1, line 14, after the semicolon, insert "144.335, subdivision 2; 245.783, by adding a subdivision; and 626.556, by adding a subdivision;"

Page 1, line 15, delete "chapter" and insert "chapters" and after "13" insert "and 144"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 60, 1091, 1231, 1261, 1203, 1233, 847, 1357, 1191, 1036,

1008, 931, 710, 1118, 1356, 919, 1388, 979, 1003, 863, 1014, 857, 1033, 873, 1277, 274, 361, 1173, 236, 567, 391, 1375, 445, 1270 and 1013 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 85, 242, 362, 825, 516, 985, 1032, 796, 991, 379, 91, 1197, 1093, 645, 831, 982 and 245 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 31. The motion prevailed.

Mr. Lessard moved that the names of Messrs. Dicklich and Johnson, D.J. be added as co-authors to S.F. No. 344. The motion prevailed.

Mr. Davis moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 420. The motion prevailed.

Mr. Davis moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 598. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Merriam be added as a co-author to S.F. No. 643. The motion prevailed.

Mr. Dahl moved that the name of Mr. Willet be added as a co-author to S.F. No. 1341. The motion prevailed.

Mr. Merriam moved that the name of Mr. Nelson be added as a co-author to S.F. No. 1443. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution No. 69: A Senate resolution extending congratulations to Tom Chung for taking top honors in the first state tournament of the Minnesota State High School Mathematics League.

Referred to the Committee on Rules and Administration.

Mrs. Lantry moved that S.F. No. 1169 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Willet moved that S.F. No. 1192 be withdrawn from the Committee on Finance, given its second reading and placed on General Orders. The motion prevailed.

S.F. No. 1192 was read the second time.

Mr. Stumpf moved that S.F. No. 1449 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations. The motion prevailed.

CALL OF THE SENATE

Mr. Taylor imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Taylor moved that Senate Resolution No. 31 be withdrawn from the Committee on Rules and Administration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Storm
Belanger	Frederickson	Kronebusch	Peterson, D.L.	Taylor
Benson	Isackson	Laidig	Ramstad	
Bernhagen	Johnson, D.E.	McQuaid	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Peterson, D.C.	Solon
Berglin	Dieterich	Luther	Peterson, R.W.	Spear
Bertram	Frank	Merriam	Petty	Stumpf
Chmielewski	Freeman	Moe, D.M.	Pogemiller	Vega
Dahl	Jude	Moe, R.D.	Purfeerst	Waldorf
Davis	Kroening	Novak	Reichgott	Wegscheid
DeCramer	Langseth	Pehler	Samuelson	Willet
Dicklich	Lantry	Peterson, C.C.	Schmitz	

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that S.F. No. 295, No. 51 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

CALENDAR

S.F. No. 485: A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Dieterich	Laidig	Peterson, D.C.	Spear
Belanger	Frank	Langseth	Peterson, D.L.	Storm
Berg	Frederick	Lantry	Peterson, R.W.	Stumpf
Berglin	Frederickson	Lessard	Petty	Taylor
Bernhagen	Freeman	Luther	Pogemiller	Vega
Bertram	Gustafson	McQuaid	Purfeerst	Waldorf
Brataas	Isackson	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D.M.	Renneke	
Davis	Kamrath	Moe, R.D.	Samuelson	
DeCramer	Knaak	Novak	Schmitz	
Dicklich	Kroening	Olson	Sieloff	

Mr. Benson voted in the negative.

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 152: A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Peterson, D.L.	Spear
Belanger	Frederickson	Luther	Peterson, R.W.	Storm
Berglin	Freeman	McQuaid	Petty	Stumpf
Bertram	Gustafson	Mehrkens	Pogemiller	Taylor
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Jude	Moe, D.M.	Ramstad	Waldorf
Dahl	Knaak	Moe, R.D.	Reichgott	Wegscheid
Davis	Kroening	Novak	Renneke	Willet
DeCramer	Kronebusch	Olson	Samuelson	
Dicklich	Laidig	Pehler	Schmitz	
Diessner	Langseth	Peterson, C.C.	Sieloff	
Dieterich	Lantry	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Berg	Bernhagen	Isackson	Kamrath
Benson				

So the bill passed and its title was agreed to.

S.F. No. 568: A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivi-

sion.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Belanger	Dieterich	Kronebusch	Olson	Samuelson
Benson	Frank	Laidig	Pehler	Schmitz
Berg	Frederick	Langseth	Peterson, C.C.	Sieloff
Bernhagen	Frederickson	Lantry	Peterson, D.L.	Solon
Bertram	Freeman	Lessard	Peterson, R.W.	Storm
Brataas	Gustafson	Luther	Petty	Stumpf
Chmielewski	Isackson	McQuaid	Pogemiller	Taylor
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R.D.	Reichgott	Willet

Those who voted in the negative were:

Anderson	Dicklich	Moe, D.M.	Spear	Vega
Berglin	Kamrath	Peterson, D.C.		

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 330: A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Pehler	Solon
Anderson	Diessner	Kronebusch	Peterson, C.C.	Spear
Belanger	Dieterich	Laidig	Peterson, D.C.	Storm
Benson	Frank	Langseth	Peterson, D.L.	Stumpf
Berg	Frederick	Lantry	Peterson, R.W.	Taylor
Berglin	Frederickson	Lessard	Petty	Vega
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Gustafson	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Moe, D.M.	Renneke	
Dahl	Jude	Moe, R.D.	Samuelson	
Davis	Kamrath	Novak	Schmitz	
DeCramer	Knaak	Olson	Sieloff	

Mr. Merriam and Ms. Reichgott voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 728: A resolution memorializing the 100th anniversary of the birth of Harry S Truman, the 33rd President of the United States.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the resolution passed and its title was agreed to.

S.F. No. 127: A bill for an act relating to game and fish; authorizing big game licenses for nonresident students at resident fees; amending Minnesota Statutes 1984, section 98.45, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Novak	Schmitz
Anderson	Dicklich	Kroening	Olson	Sieloff
Belanger	Diessner	Kronebusch	Peterson, C.C.	Solon
Benson	Dieterich	Laidig	Peterson, D.C.	Spear
Berg	Frederick	Langseth	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Ramstad	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Reichgott	Wegscheid
Dahl	Jude	Moe, D.M.	Renneke	
Davis	Kamrath	Moe, R.D.	Samuelson	

Those who voted in the negative were:

Frank	Lantry	Pehler	Purfeerst	Willet
-------	--------	--------	-----------	--------

So the bill passed and its title was agreed to.

S.F. No. 359: A bill for an act relating to intoxicating liquor; increasing the maximum license fee for off-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, subdivision 14.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 437: A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; amending Minnesota Statutes 1984, section 61B.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Freeman	Luther	Petty	Taylor
Bernhagen	Gustafson	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrrens	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	
Dicklich	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Luther	Peterson, R.W.	Spear
Berg	Gustafson	McQuaid	Petty	Stumpf
Berglin	Jude	Merriam	Pogemiller	Vega
Dahl	Knaak	Moe, D.M.	Purfeerst	Waldorf
Davis	Kroening	Moe, R.D.	Ramstad	Wegscheid
DeCramer	Kronebusch	Novak	Reichgott	Willet
Dicklich	Laidig	Olson	Samuelson	
Diessner	Langseth	Pehler	Schmitz	
Dieterich	Lantry	Peterson, C.C.	Sietoff	
Frank	Lessard	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Bertram	Frederickson	Mehrrens	Taylor
Belanger	Brataas	Isackson	Peterson, D.L.	
Benson	Chmielewski	Johnson, D.E.	Renneke	
Bernhagen	Frederick	Kamrath	Storm	

So the bill passed and its title was agreed to.

S.F. No. 805: A bill for an act relating to human services; regulating long-term sheltered workshop; changing the effective date for long-term sheltered workshop evaluation criteria rules; amending Minnesota Statutes 1984, sections 129A.07, subdivision 1; and 129A.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 129A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, R.D.	Samuelson
Anderson	Dicklich	Knaak	Novak	Schmitz
Belanger	Diessner	Kroening	Olson	Sieloff
Benson	Dieterich	Kronebusch	Peterson, D.C.	Solon
Berg	Frank	Laidig	Peterson, D.L.	Spear
Berglin	Frederick	Langseth	Peterson, R.W.	Storm
Bernhagen	Frederickson	Lantry	Petty	Stumpf
Bertram	Freeman	Lessard	Pogemiller	Taylor
Brataas	Gustafson	Luther	Purfeerst	Vega
Chmielewski	Isackson	McQuaid	Ramstad	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Reichgott	Wegscheid
Davis	Jude	Merriam	Renneke	Willet

Mr. Pehler voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Moe, D.M.	Samuelson
Anderson	DeCramer	Kamrath	Moe, R.D.	Schmitz
Belanger	Diessner	Kroening	Olson	Sieloff
Benson	Dieterich	Kronebusch	Peterson, C.C.	Solon
Berg	Frank	Laidig	Peterson, D.C.	Storm
Berglin	Frederick	Langseth	Peterson, R.W.	Stumpf
Bernhagen	Frederickson	Lantry	Petty	Taylor
Bertram	Freeman	Lessard	Purfeerst	Vega
Brataas	Gustafson	Luther	Ramstad	Waldorf
Chmielewski	Isackson	McQuaid	Reichgott	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Renneke	

Those who voted in the negative were:

Dicklich	Merriam	Pehler	Pogemiller	Willet
Knaak	Novak	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S.F. No. 468: A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 126: A bill for an act relating to education; requiring post-secondary governing boards to develop procedures to facilitate the transfer of credit between institutions; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Novak	Renneke
Anderson	Dicklich	Kroening	Olson	Samuelson
Belanger	Diessner	Kronebusch	Pehler	Schmitz
Benson	Dieterich	Laidig	Peterson, C.C.	Sieloff
Berg	Frank	Langseth	Peterson, D.C.	Solon
Berglin	Frederick	Lantry	Peterson, D.L.	Spear
Bernhagen	Frederickson	Luther	Peterson, R.W.	Storm
Bertram	Freeman	McQuaid	Petty	Stumpf
Brataas	Isackson	Mehrkens	Pogemiller	Taylor
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Vega
Dahl	Jude	Moe, D.M.	Ramstad	Waldorf
Davis	Kamrath	Moe, R.D.	Reichgott	Willet

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Peterson, C.C.	Solon
Anderson	Diessner	Kronebusch	Peterson, D.C.	Spear
Belanger	Dieterich	Laidig	Peterson, D.L.	Storm
Benson	Frank	Langseth	Peterson, R.W.	Stumpf
Berg	Frederick	Lantry	Petty	Taylor
Berglin	Frederickson	Luther	Pogemiller	Vega
Bernhagen	Freeman	McQuaid	Purfeerst	Waldorf
Bertram	Gustafson	Mehrkens	Ramstad	Wegscheid
Brataas	Isackson	Merriam	Reichgott	Willet
Chmielewski	Johnson, D.E.	Moe, D.M.	Renneke	
Dahl	Jude	Moe, R.D.	Samuelson	
Davis	Kamrath	Novak	Schmitz	
DeCramer	Knaak	Olson	Sieloff	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Pehler	Sieloff
Anderson	Diessner	Kronebusch	Peterson, C.C.	Solon
Belanger	Dieterich	Laidig	Peterson, D.C.	Spear
Benson	Frank	Langseth	Peterson, D.L.	Storm
Berg	Frederick	Lantry	Peterson, R.W.	Stumpf
Berglin	Frederickson	Lessard	Petty	Taylor
Bernhagen	Freeman	Luther	Pogemiller	Vega
Bertram	Gustafson	McQuaid	Purfeerst	Waldorf
Brataas	Isackson	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, R.D.	Renneke	
Davis	Kamrath	Novak	Samuelson	
DeCramer	Knaak	Olson	Schmitz	

So the bill passed and its title was agreed to.

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 exemption from franchise registration; providing for disclosure of representation by

real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Schmitz
Anderson	Frederick	Langseth	Peterson, C.C.	Sieloff
Belanger	Frederickson	Lantry	Peterson, D.C.	Solon
Bernhagen	Freeman	Lessard	Peterson, D.L.	Storm
Bertram	Gustafson	Luther	Petty	Stumpf
Brataas	Isackson	McQuaid	Pogemiller	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Jude	Moe, D.M.	Ramstad	Waldorf
Davis	Kamrath	Moe, R.D.	Reichgott	Wegscheid
DeCramer	Kroening	Novak	Renneke	Willet
Dicklich	Kronebusch	Olson	Samuelson	

Those who voted in the negative were:

Benson	Berglin	Frank	Merriam	Spear
Berg	Dieterich	Knaak	Peterson, R.W.	

So the bill passed and its title was agreed to.

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrrens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 381: A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Samuelson
Anderson	Dieterich	Laidig	Pehler	Schmitz
Belanger	Frank	Langseth	Peterson, C.C.	Sieloff
Berglin	Frederick	Lantry	Peterson, D.C.	Solon
Bernhagen	Frederickson	Lessard	Peterson, D.L.	Spear
Bertram	Freeman	Luther	Peterson, R.W.	Storm
Brataas	Gustafson	McQuaid	Petty	Stumpf
Chmielewski	Isackson	Mehrrens	Pogemiller	Taylor
Dahl	Johnson, D.E.	Merriam	Purfeerst	Vega
Davis	Jude	Moe, D.M.	Ramstad	Waldorf
DeCramer	Knaak	Moe, R.D.	Reichgott	Wegscheid
Dicklich	Kroening	Novak	Renneke	Willet

Messrs. Benson, Berg and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berhagen	Freeman	Luther	Petty	Taylor
Bertram	Gustafson	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Pehler	Schmitz
Anderson	Frederick	Langseth	Peterson, C.C.	Sieloff
Belanger	Frederickson	Lantry	Peterson, D.C.	Solon
Berglin	Freeman	Luther	Peterson, R.W.	Spear
Brataas	Gustafson	McQuaid	Petty	Storm
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Stumpf
Davis	Jude	Merriam	Purfeerst	Taylor
DeCramer	Knaak	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Knutson	Moe, R.D.	Reichgott	Willet
Dieterich	Kronebusch	Olson	Renneke	

Those who voted in the negative were:

Benson	Bertram	Isackson	Kroening	Samuelson
Berg	Chmielewski	Kamrath	Lessard	Waldorf
Berhagen				

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson, D.C.	Solon
Benson	Frederick	Langseth	Peterson, D.L.	Spear
Berg	Frederickson	Lantry	Peterson, R.W.	Storm
Berglin	Freeman	Lessard	Petty	Stumpf
Bernhagen	Gustafson	Luther	Pogemiller	Taylor
Bertram	Isackson	McQuaid	Purfeerst	Vega
Brataas	Johnson, D.E.	Merriam	Ramstad	Waldorf
Chmielewski	Jude	Moe, D.M.	Reichgott	Wegscheid
Dahl	Kamrath	Moe, R.D.	Renneke	Willet
DeCramer	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Peterson, C.C.	Solon
Anderson	Frank	Laidig	Peterson, D.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.L.	Storm
Benson	Frederickson	Lantry	Peterson, R.W.	Stumpf
Berglin	Freeman	Lessard	Petty	Taylor
Bernhagen	Gustafson	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrrens	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D.M.	Reichgott	Willet
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Novak	Samuelson	
DeCramer	Knutson	Olson	Schmitz	
Dicklich	Kroening	Pehler	Sieloff	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 761: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29; proposing coding for new law in Minnesota Statutes, chapter 169.

Mr. Dieterich moved that S.F. No. 761, No. 31 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

S.F. No. 569: A bill for an act relating to natural resources; granting conservation officers the authority of peace officers under certain circumstances; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Sieloff
Anderson	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Berg	Frederick	Luther	Peterson, R.W.	Storm
Berglin	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Gustafson	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kroening	Novak	Renneke	
Dicklich	Kronebusch	Olson	Schmitz	

Those who voted in the negative were:

Benson	Chmielewski	Kamrath	Purfeerst	Willet
Bertram	Isackson	Knutson	Samuelson	
Brataas	Johnson, D.E.	Moe, D.M.	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 682: A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Renneke
Anderson	Diessner	Kronebusch	Olson	Samuelson
Belanger	Dieterich	Laidig	Pehler	Schmitz
Benson	Frank	Langseth	Peterson, C. C.	Sieloff
Berglin	Frederick	Lantry	Peterson, D. C.	Solon
Bernhagen	Frederickson	Lessard	Peterson, D. L.	Spear
Bertram	Gustafson	Luther	Peterson, R. W.	Storm
Brataas	Isackson	McQuaid	Petty	Stumpf
Chmielewski	Johnson, D. E.	Mehrkens	Pogemiller	Taylor
Dahl	Jude	Merriam	Purfeerst	Vega
Davis	Knaak	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Knutson	Moe, R. D.	Reichgott	Willet

Messrs. Berg and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 827: A bill for an act relating to marriage dissolution; requiring child support or maintenance obligors to file address or residence changes; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Pehler	Solon
Anderson	Dieterich	Langseth	Peterson, C. C.	Spear
Belanger	Frank	Lantry	Peterson, D. L.	Storm
Benson	Frederick	Lessard	Peterson, R. W.	Stumpf
Berg	Frederickson	Luther	Petty	Taylor
Berglin	Gustafson	McQuaid	Pogemiller	Vega
Bernhagen	Isackson	Mehrkens	Purfeerst	Wegscheid
Bertram	Johnson, D. E.	Merriam	Ramstad	Willet
Brataas	Jude	Moe, D. M.	Reichgott	
Dahl	Knaak	Moe, R. D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kronebusch	Olson	Schmitz	

Messrs. Chmielewski, Kamrath and Sieloff voted in the negative.

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Brataas	Jude	Merriam	Ramstad	Willet
Chmielewski	Kamrath	Moe, D.M.	Reichgott	
Dahl	Knaak	Moe, R.D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Langseth	Peterson, C.C.	Schmitz
Anderson	Frank	Lantry	Peterson, D.C.	Sieloff
Belanger	Frederickson	Lessard	Peterson, D.L.	Solon
Benson	Gustafson	Luther	Peterson, R.W.	Spear
Berg	Isackson	McQuaid	Petty	Storm
Bernhagen	Jude	Mehrkens	Pogemiller	Stumpf
Bertram	Kamrath	Moe, D.M.	Purfeerst	Taylor
Brataas	Knaak	Moe, R.D.	Ramstad	Vega
Dahl	Kroening	Novak	Reichgott	Wegscheid
Davis	Kronebusch	Olson	Renneke	Willet
DeCramer	Laidig	Pehler	Samuelson	

Those who voted in the negative were:

Berglin	Dicklich	Frederick	Johnson, D.E.	Knutson
Chmielewski				

So the bill passed and its title was agreed to.

S.F. No. 441: A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfearst	Wegscheid
Brataas	Jude	Merriam	Ramstad	Willet
Chmielewski	Kamrath	Moe, D.M.	Reichgott	
Dahl	Knaak	Moe, R.D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

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 officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Novak	Renneke
Anderson	Dicklich	Kroening	Olson	Samuelson
Belanger	Dieterich	Kronebusch	Pehler	Schmitz
Benson	Frank	Laidig	Peterson, C.C.	Sieloff
Berg	Frederick	Langseth	Peterson, D.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.L.	Spear
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Storm
Bertram	Isackson	Luther	Petty	Stumpf
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Taylor
Chmielewski	Jude	Merriam	Purfearst	Vega
Dahl	Kamrath	Moe, D.M.	Ramstad	Wegscheid
Davis	Knaak	Moe, R.D.	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 1117: A resolution memorializing the President and Congress of the United States to amend the Social Security Act to reverse overly-restrictive administrative interpretation of that act.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Samuelson
Anderson	Dieterich	Laidig	Pehler	Schmitz
Belanger	Frank	Langseth	Peterson, C.C.	Solon
Benson	Frederick	Lantry	Peterson, D.C.	Spear
Berg	Frederickson	Lessard	Peterson, D.L.	Storm
Berglin	Gustafson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Isackson	McQuaid	Petty	Taylor
Bertram	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Chmielewski	Jude	Merriam	Purfeerst	Wegscheid
Dahl	Kamrath	Moe, D.M.	Ramstad	Willet
Davis	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kroening	Novak	Renneke	

Mr. Knutson voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 186: A bill for an act relating to administrative rules; requiring the director of the pollution control agency to give notice of application for a water pollution discharge permit; amending Minnesota Statutes 1984, section 115.03, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Brataas	Jude	Merriam	Ramstad	Willet
Chmielewski	Kamrath	Moe, D.M.	Reichgott	
Dahl	Knaak	Moe, R.D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 285: A bill for an act relating to farm loans; eliminating the limitation on the gross receipts of farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Sieloff
Berg	Frederick	Langseth	Peterson, C.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Storm
Bertram	Isackson	Luther	Peterson, R.W.	Stumpf
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Taylor
Chmielewski	Jude	Mehrkens	Purfeerst	Vega
Dahl	Kamrath	Merriam	Ramstad	
Davis	Knaak	Moe, D.M.	Reichgott	
DeCramer	Knutson	Moe, R.D.	Renneke	

Messrs. Belanger, Petty, Wegscheid and Willet voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 470: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Brataas	Jude	Merriam	Ramstad	Willet
Chmielewski	Kamrath	Moe, D.M.	Reichgott	
Dahl	Knaak	Moe, R.D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 24, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	McQuaid	Peterson, D.L.	Sieloff
Bertram	Frederickson	Moe, D.M.	Petty	Solon
Brataas	Knaak	Moe, R.D.	Pogemiller	Spear
Dahl	Kronebusch	Olson	Ramstad	Stumpf
Davis	Langseth	Pehler	Reichgott	Taylor
DeCramer	Lantry	Peterson, C.C.	Samuelson	Vega
Dicklich	Lessard	Peterson, D.C.	Schmitz	Willet

Those who voted in the negative were:

Adkins	Bernhagen	Johnson, D.E.	Laidig	Peterson, R.W.
Anderson	Frank	Jude	Luther	Purfeerst
Belanger	Frederick	Kamrath	Mehrkens	Renneke
Benson	Gustafson	Knutson	Merriam	Storm
Berg	Isackson	Kroening	Novak	

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Langseth	Peterson, C.C.	Sieloff
Anderson	Frank	Lantry	Peterson, D.C.	Solon
Belanger	Frederick	Lessard	Peterson, D.L.	Spear
Berglin	Frederickson	Luther	Peterson, R.W.	Storm
Bernhagen	Gustafson	McQuaid	Petty	Taylor
Bertram	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Brataas	Jude	Merriam	Purfeerst	Wegscheid
Dahl	Knaak	Moe, D.M.	Ramstad	Willet
Davis	Knutson	Moe, R.D.	Reichgott	
DeCramer	Kroening	Novak	Renneke	
Dicklich	Kronebusch	Olson	Samuelson	
Diessner	Laidig	Pehler	Schmitz	

Messrs. Benson, Isackson, Kamrath and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Novak	Renneke
Anderson	Dicklich	Knutson	Olson	Samuelson
Belanger	Diessner	Kronebusch	Pehler	Schmitz
Benson	Dieterich	Laidig	Peterson, C.C.	Sieloff
Berg	Frank	Langseth	Peterson, D.C.	Solon
Berglin	Frederick	Lantry	Peterson, D.L.	Storm
Bernhagen	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bertram	Gustafson	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Jude	Merriam	Ramstad	Willet
Davis	Kamrath	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 750: A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Minnesota Statutes 1984, section 197.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Moe, R.D.	Reichgott
Anderson	Dicklich	Knutson	Novak	Renneke
Belanger	Diessner	Kroening	Olson	Samuelson
Benson	Dieterich	Kronebusch	Pehler	Schmitz
Berg	Frank	Laidig	Peterson, C.C.	Sieloff
Berglin	Frederick	Langseth	Peterson, D.C.	Solon
Bernhagen	Frederickson	Lantry	Peterson, D.L.	Spear
Bertram	Gustafson	Lessard	Peterson, R.W.	Storm
Brataas	Isackson	Luther	Petty	Stumpf
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Jude	Mehrkens	Purfeerst	Wegscheid
Davis	Kamrath	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

S.F. No. 1073: A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Moe, R.D.	Reichgott
Anderson	Diessner	Kroening	Novak	Renneke
Belanger	Dieterich	Kronebusch	Olson	Samuelson
Benson	Frank	Laidig	Pehler	Schmitz
Berglin	Frederick	Langseth	Peterson, C.C.	Sieloff
Bernhagen	Frederickson	Lantry	Peterson, D.C.	Solon
Bertram	Gustafson	Lessard	Peterson, D.L.	Spear
Brataas	Isackson	Luther	Peterson, R.W.	Storm
Chmielewski	Johnson, D.E.	McQuaid	Petty	Stumpf
Dahl	Jude	Mehrkens	Pogemiller	Vega
Davis	Kamrath	Merriam	Purfeerst	Wegscheid
DeCramer	Knaak	Moe, D.M.	Ramstad	Willet

Mr. Berg voted in the negative.

So the bill passed and its title was agreed 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Diessner	Laidig	Peterson, C.C.	Solon
Belanger	Dieterich	Langseth	Peterson, D.C.	Spear
Benson	Frank	Lantry	Peterson, D.L.	Storm
Berg	Frederick	Lessard	Peterson, R.W.	Stumpf
Berglin	Frederickson	Luther	Petty	Taylor
Bernhagen	Gustafson	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	Merriam	Ramstad	Willet
Chmielewski	Jude	Moe, D.M.	Reichgott	
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Diessner	Laidig	Peterson, C.C.	Solon
Belanger	Dieterich	Langseth	Peterson, D.C.	Spear
Benson	Frank	Lantry	Peterson, D.L.	Storm
Berg	Frederick	Lessard	Peterson, R.W.	Stumpf
Berglin	Frederickson	Luther	Petty	Taylor
Bernhagen	Gustafson	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	Merriam	Ramstad	Willet
Chmielewski	Jude	Moe, D.M.	Reichgott	
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Novak	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 783: A bill for an act relating to natural resources; authorizing

additions to and deletions from certain state parks; amending Laws 1980, chapter 489, section 1, subdivision 4, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Gustafson	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrken	Purfeerst	Wegscheid
Chmielewski	Jude	Merriam	Ramstad	Willet
Dahl	Kamrath	Moe, D.M.	Reichgott	
Davis	Knaak	Moe, R.D.	Renneke	
DeCramer	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 422: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederick	Lantry	Peterson, D.L.	Storm
Berg	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berglin	Gustafson	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrken	Purfeerst	Waldorf
Chmielewski	Jude	Merriam	Ramstad	Wegscheid
Dahl	Kamrath	Moe, D.M.	Reichgott	Willet
Davis	Knaak	Moe, R.D.	Renneke	
DeCramer	Knutson	Novak	Samuelson	
Dicklich	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 1334: A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Gustafson	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Jude	Merriam	Ramstad	Wegscheid
Dahl	Kamrath	Moe, D.M.	Reichgott	Willet
Davis	Knaak	Moe, R.D.	Renneke	
DeCramer	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 1307: A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Renneke
Anderson	Diessner	Kronebusch	Olson	Samuelson
Belanger	Dieterich	Laidig	Pehler	Schmitz
Benson	Frank	Langseth	Peterson, C.C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D.C.	Solon
Berglin	Gustafson	Lessard	Peterson, D.L.	Spear
Bernhagen	Isackson	Luther	Peterson, R.W.	Storm
Bertram	Johnson, D.E.	McQuaid	Petty	Stumpf
Chmielewski	Jude	Mehrkens	Pogemiller	Vega
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, D.M.	Ramstad	Wegscheid
DeCramer	Knutson	Moe, R.D.	Reichgott	Willet

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Mehrkens introduced—

S.F. No. 1462: A bill for an act relating to taxation; providing for payment of reduced assessment credit to the city of Zumbrot.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty; Novak; Peterson, C.C.; Sieloff and Merriam introduced—

S.F. No. 1463: A bill for an act relating to taxation; property; changing the

administration and disbursement of certain property tax credits; modifying the process for determining mill rates; changing property classes and classification ratios; changing computation of property tax refunds; appropriating money; amending Minnesota Statutes 1984, sections 47.58, subdivisions 2 and 3; 124.2138, subdivision 2; 272.115, subdivision 4; 273.13, subdivisions 2, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 15a, 16, 19, and 21; 273.135, subdivisions 1 and 2; 273.1392; 273.42, subdivision 2; 274.19, subdivision 6; 276.04; 290A.03, subdivisions 13 and 14; 290A.04, subdivisions 2 and 3; 290A.09; 375.192, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 275; repealing Minnesota Statutes 1984, sections 124.2137; 273.115; 273.116; 273.13, subdivisions 14a, 17, 17b, 17c, 17d, and 20; 273.1311; 273.1315; 273.135, subdivision 5; 273.1391; 290A.03, subdivisions 9 and 10; and 290A.04, subdivisions 2a, 2b, 2e, 2f, and 2g.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 1464: A bill for an act relating to health; providing a statewide emergency medical services fund; requiring certain distribution of the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Renneke; Peterson, D.L. and Kamrath introduced—

S.F. No. 1465: A bill for an act relating to education; adjusting the determination of tuition; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Mr. Renneke, Mrs. Kronebusch and Mr. Peterson, D.L. introduced—

S.F. No. 1466: A bill for an act relating to education; reducing the applicant's contribution toward the cost of attendance in determining state scholarships and grants; amending Minnesota Statutes 1984, section 136A.121, subdivisions 4 and 5.

Referred to the Committee on Education.

Mrs. Kronebusch and Mr. Renneke introduced—

S.F. No. 1467: A bill for an act relating to education; reducing the tuition component required to pay in part for instructional costs; requiring the higher education coordinating board to arrange for a tuition study; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Messrs. Sieloff, Pehler and Anderson introduced—

S.F. No. 1468: A bill for an act relating to vocational technical education; requiring the state board to establish a two-year pilot program at a vocational technical institute for vocational generalist; appropriating money; amending

Minnesota Statutes 1984, section 136C.04, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1469: A bill for an act relating to utilities; establishing a study of the effects of deregulation of certain gas and electric utility functions; appropriating money.

Referred to the Committee on Public Utilities and State Regulated Industries.

Ms. Berglin introduced—

S.F. No. 1470: A resolution memorializing the President and Congress of the United States to include the provision of dental care, hearing aids, and eye glasses under Medicare.

Referred to the Committee on Health and Human Services.

Messrs. Solon and Gustafson introduced—

S.F. No. 1471: A bill for an act relating to transportation; appropriating money for support of AMTRAK.

Referred to the Committee on Finance.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1472: A bill for an act relating to appropriations; appropriating money for construction of a dam on Nett Lake in St. Louis county.

Referred to the Committee on Finance.

Mr. Jude introduced—

S.F. No. 1473: A bill for an act relating to transportation; advertising devices; authorizing advertising on certain telephone booths; amending Minnesota Statutes 1984, section 160.27, subdivision 3.

Referred to the Committee on Transportation.

Mr. Wegscheid introduced—

S.F. No. 1474: A bill for an act relating to retirement; public employees police and fire fund; retirement with 30 years of service; actuarial reduction; amending Minnesota Statutes 1984, section 353.651, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Ms. Berglin and Mr. Spear introduced—

S.F. No. 1475: A bill for an act relating to corrections; providing funding for the commissioner of corrections to develop a pilot counseling program for Native American inmates of state correctional facilities; appropriating

money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Finance.

Messrs. Gustafson, Taylor and Laidig introduced—

S.F. No. 1476: A bill for an act relating to taxation; exempting capital gains from income taxation; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.16, subdivision 4; and 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 41.59, subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Jude introduced—

S.F. No. 1477: A bill for an act relating to crimes; prohibiting sale, possession or use of electric weapons; exempting law enforcement agencies and peace officers from the possession and use prohibition; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary.

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Reports of Committees read by the Secretary be adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1242: A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 9, 1985, be amended to read:

“the bill do pass and be re-referred to the Committee on Health and Human Services”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1424: A bill for an act relating to the metropolitan sports facilities commission; renaming it the metropolitan sports and convention facilities commission; authorizing it to acquire, design, construct, equip, improve, control, operate, and maintain convention and trade show facilities and related facilities in the city of Minneapolis and to expend certain money for it;

authorizing it to exercise eminent domain; authorizing it to issue bonds to finance the acquisition and betterment of convention and trade show facilities and related facilities; authorizing the city of Minneapolis to expend certain funds, including taxes and tax increments, for commission purposes; authorizing the city of Minneapolis and the metropolitan council to contract with the commission and to exercise powers of the commission and perform other acts; authorizing the city to levy and collect certain taxes and to issue bonds to finance the acquisition and betterment of the facility; authorizing the city to proceed with the convention and trade show facilities if the commission does not; authorizing the council to issue bonds to finance the acquisition and betterment of convention and trade show facilities or to refund outstanding bonds issued to finance certain sports facilities, and to levy taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Taxes and Tax Laws”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 357: A bill for an act relating to Pine county; permitting the county to participate separately in the community health services system.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 9, 1985, be amended to read:

“the bill do pass and be re-referred to the Committee on Health and Human Services”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was re-referred

S.F. No. 1057: 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.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1093: A bill for an act relating to environment; creating the governor's nuclear waste council; providing for the inspection of shipping and designation of transportation routes; providing coordination with the federal government's nuclear waste site planning; providing for emergency pre-

paredness to nuclear incidents; requiring legislative approval for construction of a nuclear fission electrical generating plant in Minnesota; appropriating money; amending Minnesota Statutes 1984, sections 116C.71, by adding a subdivision; 116C.72; 116C.731, subdivisions 3 and 4, and by adding subdivisions; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116C.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations, shown in the Journal for April 9, 1985, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Transportation”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 788: A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 4, 1985, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Governmental Operations”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1121: A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for April 4, 1985, be amended to read:

“the bill do pass and be re-referred to the Committee on Governmental Operations”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 134: A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

“the resolution do pass and be re-referred to the Committee on Rules and Administration”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 928: A bill for an act relating to occupations and professions; establishing a state board of hearing instrument dispensing; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; providing penalties; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health and Human Services”. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 1057 was read the second time.

MEMBERS EXCUSED

Messrs. Hughes; Johnson, D.J. and Nelson were excused from the Session of today. Mr. Knutson was excused from the Session of today until 4:00 p.m.

The following members were excused from today's Session for brief periods of time: Messrs. Freeman, Lessard and Waldorf.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, April 15, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Monday, April 15, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Kurt Nordby.

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

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 10, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
122		11	April 10	April 10
	34	12	April 10	April 10
	329	13	April 10	April 10
	509	14	April 10	April 10
483		15	April 10	April 10
198		16	April 10	April 10

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 679.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1985

Mr. President:

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

S.F. No. 635: A bill for an act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.

Senate File No. 635 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1985

CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 635 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 635 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Novak	Samuelson
Anderson	Frederick	Kronebusch	Olson	Schmitz
Belanger	Frederickson	Laidig	Pehler	Sieloff
Benson	Freeman	Langseth	Peterson, C. C.	Solon
Berg	Hughes	Lantry	Peterson, D. C.	Spear
Berglin	Isackson	Lessard	Peterson, D. L.	Storm
Bernhagen	Johnson, D. E.	Luther	Peterson, R. W.	Stumpf
Bertram	Johnson, D. J.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Purfeerst	Vega
Davis	Kamrath	Moe, D. M.	Ramstad	Waldorf
Diessner	Knaak	Moe, R. D.	Reichgott	Wegscheid
Dieterich	Knutson	Nelson	Renneke	Willet

Mr. Merriam voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 517, 1336, 1337, 1404, 649, 907, 1009, 1199, 1226, 1235, 1236 and 1273.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 517: A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 519, now on the Calendar.

H.F. No. 1336: A bill for an act relating to retirement; granting the authority to firefighter relief associations in cities of the first class to elect retired members to the associations' board of directors; amending Minnesota Statutes 1984, section 69.26.

Referred to the Committee on Governmental Operations.

H.F. No. 1337: A bill for an act relating to retirement; providing for the return to work of a police officer, firefighter and the provision of service credit for certain periods of disability; amending Minnesota Statutes 1984, section 423A.15.

Referred to the Committee on Governmental Operations.

H.F. No. 1404: A bill for an act relating to retirement; teachers; participation in variable annuity division; amending Minnesota Statutes 1984, section 354.62, subdivision 2; repealing Minnesota Statutes 1984, section 354.621.

Referred to the Committee on Governmental Operations.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 670, now on General Orders.

H.F. No. 907: A bill for an act relating to Ramsey county; providing for the creation, organization, powers, and duties of a personnel system; providing penalties; amending Minnesota Statutes 1984, sections 383.405; and 383A.41, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 383A; repealing Minnesota Statutes 1984, sections 383A.28; 383A.29; 383A.30; and 383A.31.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 689, now on General Orders.

H.F. No. 1009: A bill for an act relating to retirement; state employees; extending coverage to state employees on leave of absence with an exclusive bargaining agent; amending Minnesota Statutes 1984, section 352.029.

Referred to the Committee on Governmental Operations.

H.F. No. 1199: A bill for an act relating to the city of New Brighton; providing an exception from the New Brighton police civil service system for the chief and deputy chief of police.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1167, now on General Orders.

H.F. No. 1226: A bill for an act relating to local government; permitting land transfers between Ramsey county and the town of White Bear.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1075.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1062, now on General Orders.

H.F. No. 1236: A bill for an act relating to licensed occupations; requiring a certified signature on final documents prepared by certain licensed professionals; amending Minnesota Statutes 1984, section 326.12, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1273: A bill for an act relating to the city of Edina; providing that survivors' benefits of firemen's service association be paid as provided by general law; repealing Laws 1965, chapter 592, section 4, as amended.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1110: A bill for an act relating to agriculture; prohibiting leases of agricultural production for fixed amounts; restricting ownership of farm land by financial institutions; requiring lenders and farmers to review financial status before foreclosure; amending Minnesota Statutes 1984, sections 500.24, subdivisions 2, 3, 4, and 5; 580.02; proposing coding for new law in Minnesota Statutes, chapters 47, 500, 581, and 582.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [47.1005] [REQUIREMENTS FOR AGRICULTURAL PRODUCTION LOANS AND AGRICULTURAL PRODUCTION REAL AND PERSONAL PROPERTY LOANS.]

Subdivision 1. [LENDER DEFINED.] “Lender” means any financial institution, financial corporation, government lender, or entity in the business of lending money.

Subd. 2. [LOAN REVIEW WITH BORROWER.] A lender that makes loans for more than \$20,000 to a borrower for agricultural production, or to finance real or personal property for agricultural production and if there is more than \$20,000 of the loan balance outstanding, the lender must offer to meet with the borrower at least once every 12 months to:

(1) review the agricultural operation of the borrower and evaluate alternative scenarios for commodity and land prices, production, input costs, interest costs, and inflation;

(2) review the borrower’s projected cash flows for the agricultural operation based on current information;

(3) review the lender’s written policy for evaluating the borrower’s financial worthiness; and

(4) if the borrower has defaulted on a payment, meet with the borrower within 30 days of the default and review the lender’s written policy on loan forbearance, foreclosure, and period of time that principal can be deferred. Before a lender receives a deed in lieu of foreclosure the lender must warn the borrower that there may be adverse tax and other implications of the lender receiving a deed in lieu of foreclosure, and that bankruptcy may offer another alternative relief.

Sec. 2. Minnesota Statutes 1984, section 290.01, subdivision 20b, is amended to read:

Subd. 20b. [MODIFICATIONS REDUCING FEDERAL ADJUSTED GROSS INCOME.] There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for

federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 40 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Income from the performance of personal or professional services which is subject to the reciprocity exclusion contained in section 290.081, clause (a);

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954, or (iii) severance pay distributed to an individual upon discontinuance of the individual's employment due to termination of business operations by the individual's employer, provided that the termination is reasonably likely to be permanent, involves the discharge of at least 75 percent of the employees at that site within a one-year period, and the business is not acquired by another person who continues operations at that site. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. For purposes of the preceding sentence, "federal adjusted gross income" shall not include railroad retirement or social security benefit amounts provided in sections 86 and 72(r) of the Internal Revenue Code of 1954. For purposes of this clause, "severance pay" means an amount received for cancellation of an employment contract or a collectively bargained termination payment made as a substitute for income which would have been earned for personal services to be rendered in the future. In the case of a volunteer firefighter who receives an involuntary lump sum dis-

tribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(8) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(9) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1986 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(10) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in subdivision 20b, clause (6);

(11) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(12) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(13) For an estate or trust, the amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

(14) Interest earned on a contract for deed entered into for the sale of property for agricultural use if the rate of interest set in the contract is no more than nine percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at less than \$150,000 and (2) the property sold under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the

purchaser intends to use for agricultural purposes. Compliance with these requirements shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983;

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

(16) To the extent included in federal adjusted gross income, distributions from a qualified governmental pension plan which represent a return of designated employee contributions to the plan and which contributions were included in gross income pursuant to subdivision 20a, clause (18). The provisions of this clause shall apply before the provisions of clause (6) apply and an amount subtracted under this clause may not be subtracted under clause (6);

(17) To the extent included in federal adjusted gross income, distributions from an individual retirement account which represent a return of contributions if the contributions were included in gross income pursuant to subdivision 20a, clause (17). The distribution shall be allocated first to return of contributions included in gross income until the amount of the contributions has been exhausted; ~~and~~

(18) To the extent included in federal adjusted gross income, social security benefits as defined and as provided in section 86 of the Internal Revenue Code of 1954, railroad retirement benefits as provided in section 72(r) of the Internal Revenue Code of 1954, and sick pay paid under the Railroad Unemployment Insurance Act as provided in section 105(j) of the Internal Revenue Code of 1954; provided that any amount subtracted under this clause may not be subtracted under clause (6); *and*

(19) To the extent included in federal adjusted gross income, a capital gain realized on a forced sale pursuant to foreclosure of a mortgage or other security interest in agricultural production property, other real property, or equipment, used in a farm business that was owned and operated by the taxpayer.

Sec. 3. Minnesota Statutes 1984, section 500.24, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings here given them:

(a) "Farming" means the production of (1) agricultural products; (2) livestock or livestock products; (3) milk or milk products; or (4) fruit or other

horticultural products. It does not include the processing, refining or packaging of said products, nor the provision of spraying or harvesting services by a processor or distributor of farm products. It does not include the production of timber or forest products or the production of poultry or poultry products.

(b) "Family farm" means an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.

(c) "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of said related persons is residing on or actively operating the farm, and none of whose stockholders are corporations; provided that a family farm corporation shall not cease to qualify as such hereunder by reason of any devise or bequest of shares of voting stock.

(d) "Authorized farm corporation" means a corporation meeting the following standards:

(1) Its shareholders do not exceed five in number;

(2) All its shareholders, other than any estate are natural persons;

(3) It does not have more than one class of shares; and

(4) Its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts; and

(5) Shareholders holding a majority of the shares must be residing on the farm or actively engaging in farming.

(e) "Agricultural land" means land used for farming.

(f) "Pension or investment fund" means a pension or employee welfare benefit fund, however organized, a mutual fund, a life insurance company separate account, a common trust of a bank or other trustee established for the investment and reinvestment of money contributed to it, a real estate investment trust, or an investment company as defined in 15 U.S.C. Section 80a-3. "Pension or investment fund" does not include a benevolent trust established by the owners of a family farm, authorized farm corporation or family farm corporation.

(g) "*Corporation*" includes financial institutions, insurance companies, and other corporations that own agricultural land or hold mortgages on agricultural land. This definition applies only to subdivisions 3 and 4.

Sec. 4. Minnesota Statutes 1984, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation or pension or investment fund shall engage in farming; nor shall any corporation or pension or investment fund, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Provided, however, that the restrictions provided in this subdivision shall not apply to

the following:

- (a) A bona fide encumbrance taken for purposes of security;
- (b) A family farm corporation or an authorized farm corporation as defined in subdivision 2;
- (c) Agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973 or a pension or investment fund as of May 12, 1981 including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five year period, and including additional ownership reasonably necessary to meet the requirements of pollution control regulations;
- (d) Agricultural land operated for research or experimental purposes, provided that any commercial sales from such farm shall be incidental to the research or experimental objectives of the corporation;
- (e) Agricultural land operated by a corporation for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod;
- (f) Agricultural land and land capable of being used for farming leased by a corporation in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973 and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973 in any five year period, and the additional acreage reasonably necessary to meet the requirements of pollution control regulations;
- (g) Agricultural land when acquired as a gift (either by grant or a devise) by an educational, religious or charitable non-profit corporation or by a pension or investment fund; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;
- (h) Agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, for which the corporation has documented plans to use and subsequently uses the land within ~~six~~ *three* years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation or an authorized farm corporation, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901-3914) as amended, or a subsidiary or assign of such a corporation;

(i) Agricultural lands acquired by a pension or investment fund or a corporation by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ~~ten years~~ 36 months after acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ~~ten year~~ 36-month period except under a lease to a family farm unit, a family farm corporation or an authorized farm corporation. The aforementioned ~~ten year~~ 36-month limitation period shall be deemed a covenant running with the title to the land against any pension or investment fund or corporate grantee or assignee or the successor of such pension or investment fund or corporation;

(j) Agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, Chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, or a family farm corporation;

(k) Agricultural land, either leased or owned, totaling no more than 2700 acres, acquired after May 20, 1973 for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2000 acres of asparagus production;

(l) All agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, Section 500.24, Subdivision 1, Clause (d) but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) A corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) Agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of subdivision 3 under the provisions of Laws 1973, Chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975 in any five year period and the additional ownership reasonably necessary to meet requirements of pollution control regulations.

(o) Agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978 and the additional ownership reasonably necessary to meet requirements of pollution control regulations, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, Chapter 324, Section 1, Subdivision 2.

(p) An interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d).

Sec. 5. Minnesota Statutes 1984, section 500.24, subdivision 5, is

amended to read:

Subd. 5. [ENFORCEMENT.] If the attorney general has reason to believe that a corporation or pension or investment fund is violating subdivision 3, he shall commence an action in the district court in which any agricultural lands relative to such violation are situated, or if situated in two or more counties, in any county in which a substantial part of the lands are situated. The attorney general shall file for record with the county recorder or the registrar of titles of each county in which any portion of said lands are located a notice of the pendency of the action as provided in section 557.02. If the court finds that the lands in question are being held in violation of subdivision 3, it shall enter an order so declaring. The attorney general shall file for record any such order with the county recorder or the registrar of titles of each county in which any portion of said lands are located. Thereafter, the pension or investment fund or corporation owning such land shall have a period of ~~five years~~ 30 months from the date of such order to divest itself of such lands. The aforementioned ~~five year~~ 30-month limitation period shall be deemed a covenant running with the title to the land against any pension or investment fund or corporate grantee or assignee or the successor of such pension or investment fund or corporation. Any lands not so divested within the time prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of a mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law.

Sec. 6. Minnesota Statutes 1984, section 580.02, is amended to read:

580.02 [REQUISITES FOR FORECLOSURE.]

To entitle any party to make such foreclosure, it is requisite:

(1) That some default in a condition of such mortgage has occurred, by which the power to sell has become operative;

(2) That no action or proceeding has been instituted at law to recover the debt then remaining secured by such mortgage, or any part thereof, or, if the action or proceeding has been instituted, that the same has been discontinued, or that an execution upon the judgment rendered therein has been returned unsatisfied, in whole or in part;

(3) That the mortgage has been recorded and, if it has been assigned, that all assignments thereof have been recorded; provided, that, if the mortgage is upon registered land, it shall be sufficient if the mortgage and all assignments thereof have been duly registered;

(4) *For mortgages on agricultural production real property, that the foreclosing party provide: (1) certification that the requirements of section 1 have been completed for two years before the mortgage is foreclosed or from the date the mortgage was entered into, whichever is less; and (2) the proper state and federal tax filing information to exempt the foreclosed agricultural real property from capital gain tax.*

Sec. 7. [581.015] [REQUIREMENTS BEFORE FORECLOSURE ON AGRICULTURAL PRODUCTION REAL PROPERTY.]

For mortgages on agricultural production real property, the foreclosing party must provide: (1) certification that the requirements of section 1 have

been completed for two years before the mortgage may be foreclosed or from the date the mortgage was entered into, whichever is less; and (2) the proper state and federal tax filing information to exempt the foreclosed agricultural real property from capital gain tax.

Sec. 8. [582.145] [REQUIREMENTS BEFORE FORECLOSURE ON AGRICULTURAL PRODUCTION REAL PROPERTY.]

For mortgages on agricultural production real property, the foreclosing party must provide: (1) certification that the requirements of section 1 have been completed for two years before the mortgage may be foreclosed or from the date the mortgage was entered into, whichever is less; and (2) the proper state and federal tax filing information to exempt the foreclosed agricultural real property from capital gain tax.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1985. Sections 3 to 5 are effective the day after enactment for lands sold at foreclosure after the day after enactment. Sections 6 to 8 are effective July 1, 1987."

Amend the title as follows:

Page 1, lines 2 and 3, delete "prohibiting leases of agricultural production for fixed amounts;"

Page 1, line 7, after "sections" insert "290.01, subdivision 20b;"

Page 1, line 7, delete "4,"

Page 1, line 9, delete "500,"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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; proposing coding for new law in Minnesota Statutes, chapter 98.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97.451] [EXPERIMENTAL SEASON TO TAKE TWO DEER.]

Notwithstanding the provisions of section 100.272 or 100.28, person must pay for a license to take deer by firearm. 1, for three calendar years beginning January 1, 1985, the commissioner may, by order, authorize and prescribe the taking of two deer by a hunter during a calendar year, by firearm or bow and arrow. The conditions may include:

(1) the issuance of an additional license; and

(2) the payment of an additional license fee not to exceed the amount a

person must pay for a license to take deer by firearm.

Sec. 2. [ELK REMOVAL.]

The commissioner shall remove all elk from the agricultural areas of the state by September 1, 1985. A crop owner shall be compensated for crop damage caused by elk, as provided in section 3.

Sec. 3. [COMPENSATION FOR CROP DAMAGE CAUSED BY ELK.]

Subdivision 1. [PROCEDURE.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e) or any other law to the contrary, a crop owner shall be compensated for crop damage caused by elk from the effective date of this act, under the provisions of this section, and in a manner similar to compensation to livestock owners under section 3.737.

(b) A crop owner is entitled to the fair market value of the crop damaged by elk as determined by the commissioner of agriculture upon recommendation by the county extension agent of the owner's county and a conservation officer. The commissioner shall determine, with the aid of the county extension agent and the conservation officer, whether the crop was damaged by elk.

(c) The crop owner shall file a claim on forms provided by the commissioner of agriculture and available at the county extension agent's office.

Subd. 2. [INSURANCE PROCEEDS.] Any payments made pursuant to this section shall be reduced by amounts received by the owner as proceeds from any insurance policy covering crop losses, or from any other source for the same purpose including, but not limited to, a federal program.

Subd. 3. [CROP EVALUATION.] The commissioner of agriculture shall adopt procedures notwithstanding chapter 14 to include: (1) methods of valuation of crop damage; (2) criteria for determination of the cause for crop loss; (3) notice requirements by the owner of damaged crops; and (4) any other matters determined necessary by the commissioner to carry out the provisions of this section.

Subd. 4. [COMMISSIONER'S DETERMINATION; APPEALS.] (a) If the commissioner finds that the crop owner has shown the crop damage was caused more probably than not by elk, the commissioner shall pay compensation as provided in this section and in the rules of the department.

(b) If the commissioner denies any compensation claimed by a crop owner under this section, the commissioner shall issue a written decision based upon the available evidence which shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be transmitted to the crop owner by first class mail.

(c) A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in the county court in the county where the loss occurred. The decision of the county court may be appealed as in other civil cases. Review in the county court may be obtained by the filing of a petition for review with the clerk of the county court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the clerk of the county court shall mail a copy of it to the commissioner and set a time for

hearing which shall be held within 90 days of the filing of the petition.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after enactment."

Delete the title and insert:

"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; allowing compensation for damage of crops by elk; taking elk damaging crops; proposing coding for new law in Minnesota Statutes, chapter 97."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 614: A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. [88.041] [INTERSTATE FOREST FIRE PREVENTION AND SUPPRESSION AGREEMENTS.]

The commissioner may enter into agreements with other states to cooperatively prevent and suppress forest fires."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 534: A bill for an act relating to agriculture; appropriating money for additional apiary inspection staff and staff support.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

Subdivision 1. [APIARY INSPECTION.] \$45,800 is appropriated from the general fund to the commissioner of agriculture for administration of Minnesota Statutes, chapter 19, to be available until June 30, 1987.

Subd. 2. [ACARINE MITE PROGRAM.] The acarine or tracheal mite, acaropsis woodi, is a crippling parasitic mite that attacks adult honey bees. This parasite has been found in numerous states where Minnesota hives are

wintered. There is no known control for an infestation of this parasite, so Minnesota must begin a program of prompt detection, isolation, and eradication of the parasite if it is accidentally introduced into this state.

\$65,400 is appropriated from the general fund to the commissioner of agriculture to employ seasonal personnel to collect bee samples and process them for laboratory identification as part of a program to locate and eradicate any acarine or tracheal mite infestations, to be available until June 30, 1987.

Sec. 2. [EFFECTIVE DATE.]

The appropriations by this act are effective the day after final enactment and continue until June 30, 1987.

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

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

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 1152: A bill for an act relating to Winona county; authorizing the sale of certain property.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, after "convey" insert ", for the appraised value,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "3" insert ", and shall expire December 31, 1987"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 868: 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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 585: A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 541: A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; amending Minnesota Statutes 1984, section 473.556, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, strike "shall" and insert "may" and after "for" insert "residential," and after "commercial" insert a comma

Page 2, lines 4 and 5, delete the new language and insert "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."

Page 2, line 6, delete everything before "The"

Page 2, after line 16, insert:

"Sec. 2. 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 the research through contracts with outside consultants. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring the metropolitan mosquito control district to establish a research program to evaluate the ef-

fects of its control program on other fauna;"

Page 1, line 5, delete "section" and insert "sections" and after "6" insert "; and 473.704, by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 446: A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "following" insert "mailed"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1161: A bill for an act relating to taxation; providing that property of the metropolitan sports facilities commission that is leased to tenants retains its tax-exempt status; amending Minnesota Statutes 1984, section 473.556, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, reinstate the stricken language and delete the new language

Page 1, delete lines 12 to 14

Page 1, line 15, delete the new language

Page 1, line 20, after "from" insert "ad valorem"

Page 2, line 5, after the period, insert "*Notwithstanding the provisions of section 272.01, subdivision 2, or 273.19, real or personal property leased by the commission to another person for uses related to the purposes of sections 473.551 to 473.595, including the operation of the metropolitan sports area, but not including property sold or leased for development pursuant to subdivision 6, shall be exempt from taxation regardless of the length of the lease.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1300: A bill for an act relating to taxation; imposing a penalty for

substantially understating tax liability; setting a fee for certifications of debts; repealing the permit for transportation of petroleum products; amending Minnesota Statutes 1984, sections 270A.07, subdivision 1; 290.50, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1984, section 296.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 14 to 27

Page 2, delete lines 1 to 3 and insert:

"If there is a substantial understatement of any tax which is payable to the commissioner of revenue for any period, there shall be added to the tax an amount equal to ten percent of the amount of any underpayment attributable to the understatement. There is a substantial understatement of tax for the period if the amount of the understatement for the period exceeds the greater of (1) ten percent of the tax required to be shown on the return for the period or (2) (a) \$3,500 in the case of a corporation other than an S corporation as defined in section 290.9725 or (b) \$2,500 in the case of any other taxpayer. The term "understatement" means the excess of the amount of the tax required to be shown on the return for the period, over the amount of the tax imposed which is shown on the return. The amount of the understatement shall be reduced by that portion of the understatement which is attributable to the tax treatment of any item by the taxpayer if there is or was substantial authority for such treatment, or any item with respect to which the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return. The commissioner may abate all or any part of the addition to the tax provided by this section on a showing by the taxpayer that there was reasonable cause for the understatement, or part thereof, and that the taxpayer acted in good faith."

Page 4, delete line 13 and insert:

"Section 1 is effective for returns filed after June 30, 1985. Sections 2 to 4 are effective July 1, 1985."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 749: A bill for an act relating to taxation; permitting the appointment of certain persons as county assessors and county assessors' assistants; amending Minnesota Statutes 1984, section 270.50.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 273.061, subdivision 2, is amended to read:

Subd. 2. [TERM; VACANCY.] (a) The terms of county assessors ap-

pointed under this section shall be four years. A new term shall begin on January 1 of every fourth year after 1973. When any vacancy in the office occurs, the board of county commissioners, within 30 days thereafter, shall fill the same by appointment for the remainder of the term, following the procedure prescribed in subdivision 1. *The initial six months of the first term of a county assessor shall be a probationary period, so that the term of the assessor may be terminated by the county board at the end of the six-month period if the performance of the assessor has not been satisfactory.* The term of the county assessor may be terminated by the board of county commissioners at any time, on charges of inefficiency or neglect of his duty by the commissioner of revenue. If the board of county commissioners does not intend to reappoint a county assessor who has been certified by the state board of assessors, the board shall present written notice to the county assessor not later than 90 days prior to the termination of his term, that it does not intend to reappoint him. If written notice is not timely made to the county assessor, he will automatically be reappointed by the board of county commissioners.

(b) In the event of a vacancy in the office of county assessor, through death, resignation or other reasons, the deputy (or chief deputy, if more than one) shall perform the functions of the office. If there is no deputy, the county auditor shall designate a person to perform the duties of the office until an appointment is made as provided in clause (a). Such person shall perform the duties of the office for a period not exceeding 30 days during which the county board must appoint a county assessor. Such 30-day period may, however, be extended by written approval of the commissioner of revenue."

Amend the title as follows:

Page 1, line 2, delete "permitting the appointment of"

Page 1, delete lines 3 to 5 and insert "providing a probationary period for county assessors; amending Minnesota Statutes 1984, section 273.061, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 83: A bill for an act relating to taxation; providing an exemption from sales tax for the gross receipts from sales of tangible personal property, admission charges, and sales of food, meals, or drinks at certain events sponsored by certain nonprofit organizations; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1350: A bill for an act relating to taxation; modifying the procedure used by the state board of equalization for determining property val-

ues for taxes payable in 1986.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, line 19, after "articles" insert "*or bylaws*"

Page 12, line 20, strike "applies" and insert "*does not apply*"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1127: 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.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for April 11, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance." Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 614, 825, 541, 1161, 1300, 749, 83 and 1350 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 112, 1152, 585 and 446 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Willet be added as a co-au-

thor to S.F. No. 361. The motion prevailed.

Mr. Benson moved that his name be stricken as a co-author to S.F. No. 799. The motion prevailed.

Mr. Purfeerst moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Schmitz be shown as chief author to S.F. No. 1070. The motion prevailed.

Mr. Knaak moved that the name of Mr. Novak be added as a co-author to S.F. No. 1145. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Schmitz be added as a co-author to S.F. No. 1190. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Solon be added as a co-author to S.F. No. 1251. The motion prevailed.

Mr. Johnson, D.J. moved that the names of Messrs. Solon and Vega be added as co-authors to S.F. No. 1469. The motion prevailed.

Mr. Wegscheid moved that S.F. No. 1398 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Local and Urban Government. The motion prevailed.

CALENDAR

S.F. No. 221: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Berg	Frank	Lessard	Peterson, D.C.	Spear
Berglin	Freeman	Luther	Petty	Stumpf
Bertram	Gustafson	Merriam	Pogemiller	Vega
Dahl	Hughes	Moe, R. D.	Purfeerst	Willet
Davis	Johnson, D.J.	Nelson	Reichgott	
DeCramer	Jude	Novak	Samuelson	
Dicklich	Kroening	Pehler	Schmitz	
Diessner	Langseth	Peterson, C.C.	Solon	

Those who voted in the negative were:

Adkins	Dieterich	Knaak	Mehrkens	Sieloff
Anderson	Frederick	Knutson	Moe, D. M.	Storm
Belanger	Frederickson	Kronebusch	Olson	Taylor
Benson	Isackson	Laidig	Peterson, R.W.	Waldorf
Bernhagen	Johnson, D.E.	Lantry	Ramstad	
Chmielewski	Kamrath	McQuaid	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 384: A bill for an act relating to state lands; conveying lands to the

federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Samuelson
Benson	Frederick	Kronebusch	Olson	Schmitz
Berg	Frederickson	Laidig	Pehler	Sieloff
Berglin	Freeman	Langseth	Peterson, C.C.	Solon
Bernhagen	Gustafson	Lantry	Peterson, D.C.	Spear
Bertram	Hughes	Lessard	Peterson, D.L.	Storm
Chmielewski	Isackson	Luther	Peterson, R.W.	Stumpf
Dahl	Johnson, D.E.	McQuaid	Petty	Taylor
Davis	Johnson, D.J.	Mehrkens	Pogemiller	Vega
DeCramer	Jude	Merriam	Purfeerst	Waldorf
Dicklich	Kamrath	Moe, D. M.	Ramstad	Wegscheid
Diessner	Knaak	Moe, R. D.	Reichgott	Willet

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 796: A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Olson	Sieloff
Anderson	Frank	Kronebusch	Pehler	Solon
Belanger	Frederick	Laidig	Peterson, C.C.	Spear
Benson	Frederickson	Langseth	Peterson, D.C.	Storm
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Gustafson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D. M.	Reichgott	
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	
Diessner	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

H.F. No. 991: A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Olson	Sieloff
Anderson	Frank	Kronebusch	Pehler	Solon
Belanger	Frederick	Laidig	Peterson, C.C.	Spear
Benson	Frederickson	Langseth	Peterson, D.C.	Storm
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Gustafson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D. M.	Reichgott	
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	
Diessner	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

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.

Mr. Kroening moved to amend S.F. No. 1045 as follows:

Page 1, line 12, delete "any" and insert "the" and delete "during" and insert "when"

Page 1, line 12, before the comma insert "or for a change in the rate of finance charge"

Page 1, line 13, before "applied" insert "or finance charge began to be"

Page 1, line 14, delete "charged on" and insert "or finance charge applied to"

Page 1, lines 15, 16 and 18, after "rate" insert "or finance charge"

The motion prevailed. So the amendment was adopted.

S.F. No. 1045 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R. D.	Renneke
Anderson	Dieterich	Knutson	Nelson	Samuelson
Belanger	Frank	Kroening	Novak	Schmitz
Benson	Frederick	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Peterson, C.C.	Solon
Berglin	Freeman	Langseth	Peterson, D.C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Storm
Bertram	Hughes	Lessard	Peterson, R.W.	Stumpf
Chmielewski	Isackson	Luther	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Vega
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
DeCramer	Jude	Merriam	Ramstad	Wegscheid
Dicklich	Kamrath	Moe, D. M.	Reichgott	Willet

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

H.F. No. 1032: A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and by adding a subdivision.

Mr. Schmitz moved to amend H.F. No. 1032 as follows:

Page 2, line 10, after "may" insert "*by resolution of its governing body,*"

Page 2, delete section 4

The motion prevailed. So the amendment was adopted.

H.F. No. 1032 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Renneke
Anderson	Diessner	Knaak	Novak	Samuelson
Belanger	Dieterich	Knutson	Olson	Schmitz
Benson	Frank	Kroening	Pehler	Sieloff
Berg	Frederick	Kronebusch	Peterson, C. C.	Solon
Berglin	Frederickson	Laidig	Peterson, D. C.	Spear
Bernhagen	Freeman	Langseth	Peterson, D. L.	Storm
Bertram	Gustafson	Lantry	Peterson, R. W.	Stumpf
Brataas	Hughes	Lessard	Petty	Taylor
Chmielewski	Isackson	Luther	Pogemiller	Vega
Dahl	Johnson, D. E.	McQuaid	Purfeerst	Waldorf
Davis	Johnson, D. J.	Mehrkens	Ramstad	Wegscheid
DeCramer	Jude	Merriam	Reichgott	Willet

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

H.F. No. 985: A bill for an act relating to human services; clarifying eligibility for aid for unborn children and prenatal care payments; amending Minnesota Statutes 1984, section 256.73, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Novak	Samuelson
Anderson	Diessner	Knaak	Olson	Schmitz
Belanger	Dieterich	Knutson	Pehler	Sieloff
Benson	Frank	Kroening	Peterson, C. C.	Solon
Berg	Frederick	Kronebusch	Peterson, D. C.	Spear
Berglin	Frederickson	Laidig	Peterson, D. L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R. W.	Stumpf
Bertram	Gustafson	Lessard	Petty	Taylor
Brataas	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D. E.	Mehrkens	Ramstad	Wegscheid
Davis	Johnson, D. J.	Merriam	Reichgott	Willet
DeCramer	Jude	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Dieterich	Kroening	Pehler	Solon
Belanger	Frank	Kronebusch	Peterson, C.C.	Spear
Benson	Frederick	Laidig	Peterson, D.C.	Storm
Berg	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berglin	Freeman	Lantry	Peterson, R.W.	Taylor
Bernhagen	Gustafson	Lessard	Petty	Vega
Bertram	Hughes	Luther	Pogemiller	Waldorf
Brataas	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Mehrrens	Ramstad	Willet
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Moe, D. M.	Renneke	
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Novak	Schmitz	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Ms. Berglin reported that the committee had considered the following:

S.F. No. 1231 and H.F. No. 1, which the committee recommends to pass.

S.F. No. 295, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 4, after line 21, insert:

“Sec. 6. Minnesota Statutes 1984, section 471.65, is amended to read:

471.65 [GRANT, ADVANCE, OR LOAN FROM FEDERAL OR STATE GOVERNMENT.]

Subdivision 1. [ACCEPTANCE.] Notwithstanding inconsistent provisions of any other statute or home rule charter, any county, city, town, school district or other political subdivision of the state, however organized, may accept from the government of the United States or the state of Minnesota grants, loans, or advances of money for the planning of public works projects, and may make agreements to repay any such loans or advances for planning purposes without submitting the proposal to a vote of the people. Funds received by any political subdivision under this subdivision shall not be used for the planning of public housing projects, or housing authority projects.

Subd. 2. [CHARTER LIMITATION ON EXPENDITURES NOT TO APPLY.] Expenditures of grants, advances or loans of money received by any city from the government of the United States or the state of Minnesota for the planning of public works projects pursuant to subdivision 1 by such

municipality shall not be considered as part of the cost of government within the meaning of any statutory or charter limitation on expenditures.

Sec. 7. [471.924] [COUNTY REGULATION OF PAWNBROKERS, 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. 8. [471.925] [DEFINITIONS.]

For purposes of sections 7 to 12, 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. 9. [471.926] [RELATION TO OTHER COUNTY AUTHORITY.]

Any ordinance adopted by a county pursuant to sections 7 to 12 shall complement and be in addition to any other authority granted to a county pursuant to state statute, rule, or other local ordinance.

Sec. 10. [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. 11. [471.928] [RECORDING.]

Any ordinance adopted pursuant to sections 7 to 12 must be filed with the county recorder. The county auditor shall file a certified copy of the ordinance for record.

Sec. 12. [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."

Amend the title as follows:

Page 1, lines 2 and 3, delete "Hubbard county, Clearwater county and

Cass county" and insert "counties"

Page 1, line 8, before the period insert "; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; authorizing political subdivisions to accept certain grants, loans, or advances of money; amending Minnesota Statutes 1984, section 471.65; proposing coding for new law in Minnesota Statutes, chapter 471"

The motion prevailed. So the amendment was adopted.

S.F. No. 622, which the committee reports progress, subject to the following motions:

Mr. Johnson, D.E. moved to amend S.F. No. 622 as follows:

Page 1, line 13, after "commissioner" insert "of education"

Page 2, line 3, after "commissioner" insert "of education"

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 622 as follows:

Page 2, after line 4, insert:

"Sec. 3. [EXEMPTION.]

Notwithstanding Minnesota Statutes, section 169.44, subdivision 15, vans with a maximum manufacturer's rated seating capacity of 16 passengers or less may operate as type three school buses until September 1, 1985."

Page 2, line 6, delete "and 2" and insert "to 3"

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, after the semicolon insert "allowing certain vans to operate as type three school buses until September 1, 1985;"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved to amend the Frederickson amendment to S.F. No. 622 as follows:

Delete the Frederickson amendment to page 2, line 6, and amend S.F. No. 622 as follows:

Page 2, line 6, delete "Sections 1 and 2 are" and insert "Section 3 is"

The motion prevailed. So the amendment to the amendment was adopted.

S.F. No. 622 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 771: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, delete "unless" and insert "except in cases of incest or rape or when"

Page 1, line 24, delete "former"

Page 1, line 25, delete everything after "as" and insert "expressed in section 2"

Page 2, line 1, delete "1973."

Page 2, after line 2, insert:

"Sec. 2. [617.181] [ABORTION.]

Every person who, with intent thereby to produce the miscarriage of a woman, except in cases of incest or rape or when the same is necessary to preserve her life, or that of the child with which she is pregnant, shall:

(1) prescribe, supply, or administer to a woman, whether pregnant or not, or advise or cause her to take, any medicine, drug, or substance; or

(2) use, or cause to be used, any instrument or other means, shall be guilty of abortion and punished by imprisonment in the state prison for not more than four years or in a county jail for not more than one year.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. Section 2 is effective if the decisions of the United States Supreme Court referred to in section 1 are reversed or modified or the United State Constitution amended to allow protection of the unborn."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing a penalty;"

Page 1, line 4, delete "chapter" and insert "chapters" and after "145" insert "; and 617"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Lessard introduced—

S.F. No. 1478: A bill for an act relating to the University of Minnesota; providing for the purchase of land for the north central experiment station; appropriating money.

Referred to the Committee on Finance.

Mr. Ramstad introduced—

S.F. No. 1479: A bill for an act relating to taxation; property; providing for assessment of homesteads of certain persons age 60 and older; amending Minnesota Statutes 1984, section 273.11, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 1480: A bill for an act relating to waters; prohibiting certain ice blocks upon the surface of frozen waters; amending Minnesota Statutes 1984, section 101.42, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pehler, Dicklich, Davis, Ms. Olson and Mr. Peterson, R.W. introduced—

S.F. No. 1481: A bill for an act relating to libraries; requiring the legislative reference library to process materials for executive departmental libraries; appropriating money; amending Minnesota Statutes 1984, section 3.302, by adding a subdivision.

Referred to the Committee on Education.

Mr. Peterson, C.C. introduced—

S.F. No. 1482: 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.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 1483: A bill for an act relating to taxation; income; allowing certain corporations to file a consolidated return; amending Minnesota Statutes 1984, section 290.34, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Taylor introduced—

S.F. No. 1484: 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.

Referred to the Committee on Education.

Mr. Vega introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, D.L. and Isackson introduced—

S.F. No. 1486: A bill for an act relating to agriculture; creating the Minnesota agriculture finance agency and Minnesota agriculture loan fund; prescribing penalties; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, section 290.01, subdivision 20b; proposing coding for new law as Minnesota Statutes, chapter 17C.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 1487: A bill for an act relating to the city of Duluth; authorizing the collection of unpaid charges for water, gas, sewer, and garbage services and building demolition costs by assessment against the properties served or benefited.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler introduced—

S.F. No. 1488: A bill for an act relating to housing and redevelopment authorities; extending the authority to provide interest reduction programs through 1987; amending Minnesota Statutes 1984, section 462.445, subdivision 13.

Referred to the Committee on Energy and Housing.

Mr. Pehler introduced—

S.F. No. 1489: A bill for an act relating to state employees; extending insurance benefits to certain state employees selecting early retirement; amending Minnesota Statutes 1984, section 43A.24, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Frank introduced—

S.F. No. 1490: A bill for an act relating to traffic regulations; peace officers; authorizing peace officers to inspect for regulated tires; amending Minnesota Statutes 1984, section 169.725.

Referred to the Committee on Transportation.

Mr. Dicklich introduced—

S.F. No. 1491: A bill for an act relating to insurance; accident and health; providing coverage for ambulatory mental health services provided by a licensed psychologist; amending Minnesota Statutes 1984, section 62A.152, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

MEMBERS EXCUSED

The following member was excused from today's Session for a brief period of time: Mrs. Brataas.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m., Tuesday, April 16, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-NINTH DAY

St. Paul, Minnesota, Tuesday, April 16, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Kenneth L. O'Hotto.

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

Adkins	DeCramer	Knaak	Nelson	Samuelson
Anderson	Dicklich	Kronebusch	Novak	Schmitz
Belanger	Diessner	Laidig	Pehler	Sieloff
Benson	Dieterich	Langseth	Peterson, D.C.	Solon
Berg	Frank	Lantry	Peterson, D.L.	Spear
Berglin	Frederickson	Lessard	Peterson, R.W.	Storm
Bernhagen	Freeman	Luther	Petty	Stumpf
Bertram	Gustafson	McQuaid	Pogemiller	Taylor
Brataas	Isackson	Mehrkens	Purfeerst	Vega
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Waldorf
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	Wegscheid
Davis	Jude	Moe, R.D.	Renneke	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 177.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1985

Mr. President:

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

S.F. No. 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 ciga-

rettes; 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.

Senate File No. 472 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1985

Mr. Moe, R.D. moved that S.F. No. 472 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 255, 401, 755, 779, 163, 580, 1198, 1388 and 1382.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 255: A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

Referred to the Committee on Judiciary.

H.F. No. 401: A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

Referred to the Committee on Agriculture and Natural Resources.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 678, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 822, now on General Orders.

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

Referred to the Committee on Rules and Administration.

H.F. No. 580: A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1198: A bill for an act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1152, now on General Orders.

H.F. No. 1388: A resolution memorializing the President, Congress, and the Secretary of Agriculture to require certain minimum levels of solids-not-fat in fluid milk marketed for direct human consumption.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1382: A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1371.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 876: A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115B.051] [PROOF OF CAUSATION; LEGAL PRINCI-

PLES APPLICABLE.]

In any action brought under section 115B.05, or under any other law, to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance:

(a) the enactment and subsequent repeal of section 115B.07, relating to proof of causation, shall not be construed in any way as a determination of legislative policy regarding the legal principles applicable to the proof of the causal connection between the release and the death, injury, or disease; and

(b) the legal principles applicable to the proof of causation shall be determined solely on the basis of applicable statutory and common law.

Sec. 2. [115B.25] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The terms used in sections 3 to 14 have the definitions given them in section 115B.02 and this section.

Subd. 2. [BOARD.] "Board" means the hazardous substance injury compensation board established in section 4.

Subd. 3. [ELIGIBLE PROPERTY.] "Eligible property" means property damage that is eligible for compensation under section 6.

Subd. 4. [ELIGIBLE PERSONAL INJURY.] "Eligible personal injury" means personal injury that is eligible for compensation under section 6.

Subd. 5. [COMPENSABLE LOSS.] "Compensable loss" means a loss that is compensable under section 10.

Subd. 6. [FUND.] "Fund" means the hazardous substance injury compensation fund established in section 3.

Sec. 3. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 14 and 15. The state treasurer shall invest fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [APPROPRIATION.] The amount necessary to pay claims of compensation granted by the board under sections 3 to 14 is appropriated to the board from the hazardous substance injury compensation fund.

Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] If the amount of the claims granted exceeds the amount in the fund, the board shall request a transfer from the general contingency fund to the hazardous substance injury compensation fund as provided in section 3.30. If no transfer is approved, the board shall pay the claims in the order granted only to the extent of the money remaining in the fund. The board may summarily pay the remaining claims after additional money is appropriated to or deposited in the fund.

Sec. 4. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPEN-

SATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board consists of three members appointed by the governor. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) the first member appointed for six years;*
- (2) the second member appointed for four years;*
- (3) the third member appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.

Sec. 5. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 3 to 14 or in other law, the board shall:

(1) adopt rules, including emergency rules, as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;

(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;

(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and

(4) prepare and transmit by December 31 of each year to the governor and the legislature an annual report to include (a) a summary of board activity under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; (c) all administrative costs associated with the business of the board; and (d) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 3 to 14 or in other law, the board may:

(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;

(2) contract for consultant or other services necessary to carry out the board's duties under sections 3 to 14;

(3) grant reasonable partial compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made.

Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide for the administrative needs of the board as provided in this subdivision. The commissioner shall make available by separate budget to the board the staff services, funds for operation, and office space necessary to administer its functions. Upon request by the board, the commissioner shall hire or make available necessary employees and technical services. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 3 to 14.

Sec. 6. [115B.29] [ELIGIBLE INJURY AND PROPERTY DAMAGE.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic

mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) the injury is one that is compensable under the workers compensation law, chapter 176;

(3) the injury arises out of the ordinary use of a consumer product; or

(4) it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.

Subd. 2. [ELIGIBLE PROPERTY DAMAGE.] Damage to real property owned by the claimant is eligible for compensation from the fund if the damage results from the presence in or on the property of a hazardous substance released from a site where the substance was deposited. Damage to property is not eligible for compensation from the fund if it results from the release of a hazardous substance for which the claimant is a responsible person.

Subd. 3. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.

(a) A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.

(b) A claim for compensation for property damage must be filed within two years after the damage occurred.

Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.

Sec. 7. [115B.30] [OTHER ACTIONS.]

Subdivision 1. [BY CLAIMANT.] Except as provided in subdivision 4, a claimant who receives compensation from the fund may bring a personal injury, wrongful death, or other action in court for damages not compensated by the fund. In any case where the final judgment does not exceed 25 percent of the amount previously recovered from the fund, the court may assess costs and fees, not including attorney fees, against the claimant. A decision by the board to grant or deny compensation is inadmissible as evidence in any court action brought by the claimant to recover for additional injury or damage, except that if a verdict or decision is rendered for the claimant, the court shall take judicial notice of any board decision granting compensation in determining whether or not fees must be assessed as provided in this subdivision, and in entering judgment shall reduce the total damages to the extent already compensated by the fund.

Subd. 2. [SUBROGATION BY STATE.] The state is subrogated to all the claimant's rights to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the

claimant. Money recovered by the state under this subdivision must be deposited in the fund.

Subd. 3. [JOINDER OF ACTIONS.] Nothing in subdivision 1 or 2 precludes joinder of actions brought by the state and a claimant or intervention in an action by any party.

Subd. 4. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 6 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.

Sec. 8. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.

Subd. 2. [REQUIRED INFORMATION.] A claimant must provide as part of the claim:

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence of the claimant's exposure to a named hazardous substance;

(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 9, subdivision 3;

(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;

(5) evidence of any property damage eligible for compensation and the amount of compensable losses resulting from the damage;

(6) information regarding any collateral sources of compensation; and

(7) other information required by the rules of the board.

Subd. 3. [DEATH CLAIMS.] In any case in which death is claimed as a compensable injury, the claim may be brought on behalf of the claimant by the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.

Sec. 9. [115B.32] [DETERMINATION OF CLAIM.]

Subdivision 1. [STANDARD FOR PERSONAL INJURY.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;

(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and

(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 2. [STANDARD FOR PROPERTY DAMAGE.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant has suffered property damage that is eligible for compensation and that has resulted in compensable loss; and

(2) the presence of the hazardous substance in or on the property could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 3. [EFFECT OF PRIOR DECISION; EXCEPTION.] (a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.

(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.

Sec. 10. [115B.33] [COMPENSABLE LOSSES.]

Subdivision 1. [PERSONAL INJURY LOSSES.] Losses compensable by the fund for personal injury are limited to:

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents as follows:

(1) to a spouse with no dependent children, a sum equal to the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum equal to two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number

of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum equal to three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse, an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

Subd. 2. [PROPERTY DAMAGE LOSSES.] Losses compensable by the fund for property damage are limited to the following loss caused by damage to the principal residence of the claimant: the reasonable cost of replacing or decontaminating the primary source of drinking water for the property to the extent actually expended by the claimant or assessed by a local taxing authority, if the department of health has determined that the water is contaminated or has included the property in a well advisory area and has certified that the replacement or decontamination of the source of drinking water effectively has or will eliminate the contamination, up to a maximum of \$25,000.

Sec. 11. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.

Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges

the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.

Subd. 4. [CHALLENGES.] If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.

Subd. 5. [RECORD.] Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.

Subd. 6. [APPEAL.] A final decision of the board made pursuant to this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the board.

Sec. 12. [115B.35] [AMOUNT AND FORM OF PAYMENT.]

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 13. [115B.36] [ATTORNEY FEES.]

The board may by rule limit the fee charged by any attorney for representing a claimant before the board.

Sec. 14. [115B.37] [PARTIAL RECOUPMENT.]

At the end of each fiscal year, the board shall certify to the commissioner of revenue the amount expended from the fund to compensate persons injured by hazardous substances less amounts recovered under subrogation claims under section 7. The commissioner of revenue shall compute the rate of a surtax to be added to the hazardous waste generator tax in section 115B.22 which, collected over the next calendar year, will recoup 50 percent of the expenditures made from the fund during the previous fiscal year in excess of the subrogation claims recovered. The computation by the commissioner of the rate in this section shall not be considered a rule and shall not be subject to the administrative procedure act contained in chapter 14. The surtax is imposed effective January 1, 1987. Surtaxes collected under this section must

be deposited in the fund.

Sec. 15. [APPROPRIATION.]

Subdivision 1. [GENERAL.] \$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended.

Subd. 2. [ADMINISTRATIVE EXPENSES.] \$_____ is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by _____ positions which may be in the unclassified service.

Sec. 16. [REPEALER.]

Minnesota Statutes 1984, section 115B.07, is repealed."

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert "relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; removing statutory provision for causation for personal injury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 731: A bill for an act relating to courts; correcting references to the number of district court judges in law; providing for additional district court judgeships in the tenth judicial district; appropriating money; amending Minnesota Statutes 1984, section 2.722, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "two or more"

Page 2, delete lines 27 to 32 and insert "the supreme court for salaries and fringe benefits of the additional district court judges authorized under section 1."

Page 2, delete section 3

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 895: A bill for an act relating to courts; providing for additional county court judgeships in the first judicial district; appropriating money; amending Minnesota Statutes 1984, section 487.01, subdivision 5.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 3, delete lines 13 to 18 and insert "*supreme court for salaries and fringe benefits of the additional county court judges authorized under section 1.*"

Page 3, delete section 3

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 2, line 8, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

Page 3, line 24, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 3, line 33, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

Page 5, line 12, delete "*of*" and insert "*sought in*" and delete "*loan sought to be recovered*" and insert "*action*"

Page 5, line 21, delete "*Nothwithstanding*" and insert "*Notwithstanding*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 335: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 274: A bill for an act relating to crimes; defining "*dangerous weapon*" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 12, delete the comma and strike "any"

Page 1, line 13, strike "which" and insert "that"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H.F. No. 565: A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 17, delete the new language

Page 3, delete line 18

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1374: A bill for an act relating to state parks; concession fees at Fort Snelling State Park.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [FORT SNELLING LEASE RATE AND CANCELLATION.]

The commissioner of natural resources may not cancel the lease of areas of Fort Snelling state park under Minnesota Statutes, section 85.34, until December 31, 1990, if the lessee pays the lease rate provided in this section and abides by the other terms of the lease. The lease rate for the calendar year 1986 is \$3,500 and may be increased by the commissioner up to five percent each calendar year over the previous year until December 31, 1990. If the restoration under the lease is completed before December 31, 1990, the lease rate for the succeeding calendar year shall be as provided in the lease."

Delete the title and insert:

"A bill for an act relating to state parks; establishing lease rate for a certain part of Fort Snelling state park."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 791: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 14, delete everything before "*section*" and delete the comma

Page 3, line 15, delete "*which*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1037: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "609.535" insert "*, and a description of the penalties contained in these sections,*"

Page 2, line 6, after "609.535" insert "*, and a description of the penalties contained in these sections,*"

Page 2, line 36, after "*to*" insert "*and a description of the penalties in*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 657: A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "*to*" insert "*any other data contained in*" and delete "*actual*"

Page 1, line 21, delete "*or to*" and insert "*including*"

Page 1, delete section 2

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 374: A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "*appropriate*"

Page 1, line 19, delete "*being*"

Page 1, line 25, delete "*above*" and after "*measures*" insert "*under this subdivision*"

Page 2, line 35, delete "*he*" and insert "*the person*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 459: A bill for an act relating to probate; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, section 525.703.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, delete everything after the period

Page 2, line 17, delete everything before the second "*the*" and insert "*The court may not deny an award of fees solely because*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 461: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, delete "*Ramsey county*" and insert "*final enactment.*"

Page 2, delete line 11

And when so amended the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 1, after the period, insert "A minor may be a party to a joint account."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 634.06, is amended to read:

634.06 [RESIDENTS REQUIRED TO TESTIFY IN ANOTHER STATE.]

If (a) Upon presentation of a certificate from a judge of a court of record in any state which by its laws has made provision for commanding that may require persons within that state to attend and testify in criminal actions or grand jury investigations in this state certifies under the seal of such court stating that (1) there is a criminal action pending in such the court, or that a grand jury investigation has commenced or is about to be commenced; that; (2) a person being within this state is a material witness in such the action; or grand jury investigation; and that his (3) the person's presence will be required for a specified number of days at the trial of such action; or at such grand jury investigation; upon presentation of such certificate to any; a judge of the district court of the county in which such where the person resides, or the county in which such where the person is found if not a resident of this state, such judge shall fix set a time and place for a hearing and shall notify the witness person of such the time and place.

(b) If at the hearing the judge determines that (1) the person is a material and necessary witness is material and necessary; either for the prosecution or the defense in such criminal action; or for the purpose of the grand jury inves-

igation; that; (2) it will not cause undue hardship to the witness person to be compelled to attend and testify in the action, or grand jury investigation, in the other state; and that (3) the laws of the state in which where the action is pending, or the grand jury investigation has commenced or is about to be commenced, person will testify and of any other state through which that the witness person may be required to pass through by ordinary course of travel will give to him provide protection from arrest and the service of civil and criminal process; he; the judge shall make an order, with a copy of the certificate attached, directing the witness person to attend and testify in the court where the action is pending, or the place where such grand jury has commenced or is about to be commenced, at a the time and place specified in the certificate.

(c) If the witness person, who is named in such order as above provided after being paid or tendered by some properly an authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending, or the place where such grand jury investigation has commenced or is about to be commenced, reasonable travel and lodging expenses and \$5 \$25 for each day that he the person is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such the order, he shall be the person is guilty of constructive contempt of court, and shall be punished according to law."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

H.F. No. 951: A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commissions; amending Minnesota Statutes 1984, section 471.193.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

H.F. No. 835: A bill for an act relating to driver's licenses; allowing same time for expiration of driver's license for spouse of active duty member of armed forces; amending Minnesota Statutes 1984, section 171.27.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, before the period, insert "*provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state*"

Page 2, delete lines 10 to 12

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1198: A bill for an act relating to the environment; providing a PCB amnesty program; prohibiting installation of PCB products in public buildings; requiring PCB products to be removed from public buildings according to a schedule; providing for notification of fire departments of PCB products; providing for burning of PCB oil; appropriating money; amending Minnesota Statutes 1984, sections 116.36, subdivision 1, and by adding subdivisions; and 116.37, subdivisions 1, 2, 3, 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, before "PCB" insert "the"

Page 4, after line 10, insert:

"Sec. 11. Minnesota Statutes 1984, section 116.37, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] Violations of sections 116.36, 116.37, section 12, and 116D.045 shall be are subject to the provisions of section 115.071."

Page 4, delete lines 26 to 29

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

Page 4, line 31, after "PCB" insert " , that can be repaired to contain less than one kilogram of PCB,"

Page 4, line 32, delete "The"

Page 4, delete line 33 and insert "PCB products that are removed and cannot be repaired to contain less than one kilogram of PCB may not be reinstalled."

Page 4, line 36, delete "specifications" and insert "standards"

Page 5, line 10, before the period, insert "and may prohibit the burning of PCB oil if the director determines that the facility cannot maintain United States Environmental Protection Agency standards"

Page 5, delete lines 12 to 20 and insert:

"\$_____ is appropriated from the general fund to the pollution control agency for administration of the PCB exemption program to be available until June 30, 1987."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "oil;" insert "providing penalties;"

Page 1, line 10, after "4," insert "5,"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 517 for comparison with companion Senate File, reports the fol-

lowing House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				517	519

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1235 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1235	1062				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1235 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1235 and insert the language after the enacting clause of S.F. No. 1062, the first engrossment; further, delete the title of H.F. No. 1235 and insert the title of S.F. No. 1062, the first engrossment.

And when so amended H.F. No. 1235 will be identical to S.F. No. 1062, and further recommends that H.F. No. 1235 be given its second reading and substituted for S.F. No. 1062, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 649 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
649	670				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1199 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1199	1167				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 907 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
907	689				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1226 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1226	1075				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1226 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1226 and insert the language after the enacting clause of S.F. No. 1075, the first engrossment; further, delete the title of H.F. No. 1226 and insert the title of S.F. No. 1075, the first engrossment.

And when so amended H.F. No. 1226 will be identical to S.F. No. 1075, and further recommends that H.F. No. 1226 be given its second reading and substituted for S.F. No. 1075, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 862, 1374, 791, 1037, 459 and 1077 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 335, 274, 565, 511, 657, 374, 461, 140, 951, 835, 517, 1235, 649, 1199, 907 and 1226 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Reichgott moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1037. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1454. The motion prevailed.

Mr. Ramstad moved that the name of Ms. Olson be added as a co-author to S.F. No. 1479. The motion prevailed.

Messrs. Frederickson and Renneke introduced—

Senate Resolution No. 70: A Senate resolution commending Verna Ziegenhagen of the Le Sueur Independent School District on 50 years of effective, devoted, and inspirational teaching.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 71: A Senate resolution congratulating and thanking the Apollo Club Male Chorus.

Referred to the Committee on Rules and Administration.

Mr. Willet moved that S.F. No. 295, No. 2 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Storm introduced—

S.F. No. 1492: A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1984, section 155A.08, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Purfeerst introduced—

S.F. No. 1493: A bill for an act relating to taxation; sales and use; permitting a deduction for the costs of collection and remittance; amending Minnesota Statutes 1984, section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski, Bernhagen, Samuelson, Davis and Frederickson introduced—

S.F. No. 1494: A bill for an act relating to taxation; income; allowing a credit for electric heat storage furnaces; extending the residential energy credit; amending Minnesota Statutes 1984, section 290.06, subdivision 14.

Referred to the Committee on Energy and Housing.

MEMBERS EXCUSED

Mr. Hughes and Ms. Olson were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:45 p.m., Wednesday, April 17, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTIETH DAY

St. Paul, Minnesota, Wednesday, April 17, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Hal Hoekstra.

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

Adkins	Diessner	Kronebusch	Novak	Renneke
Anderson	Frank	Laidig	Olson	Samuelson
Benson	Frederickson	Langseth	Pehler	Schmitz
Berglin	Freeman	Lantry	Peterson, D.C.	Sieloff
Bernhagen	Hughes	Lessard	Peterson, D.L.	Solon
Bertram	Isackson	Luther	Peterson, R.W.	Spear
Chmielewski	Johnson, D.E.	McQuaid	Petty	Storm
Dahl	Jude	Mehrkens	Pogemiller	Stumpf
Davis	Kamrath	Merriam	Purfeerst	Taylor
DeCramer	Knaak	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Knutson	Nelson	Reichgott	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

April 17, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Waste Control Commission are hereby respectfully submitted to the Senate for confirmation as required by law:

Susan E. Kimberly, 911 Osceola Ave., St. Paul, Ramsey County, has been appointed by the Metropolitan Council, effective March 19, 1985, for a term expiring January 1, 1987.

Judith Fletcher, 2626 Southlawn Dr., Maplewood, Ramsey County, has been appointed by the Metropolitan Council, effective August 25, 1983, for a term expiring January 1, 1987.

Carol Kummer, 4818 - 30th Ave. S., Minneapolis, Hennepin County, has been appointed by the Metropolitan Council, effective August 25, 1983, for a term expiring January 1, 1987.

George Dahlvang, 4535 Washburn Ave., N., Minneapolis, Hennepin County, has been appointed by the Metropolitan Council, effective August 25, 1983, for a term expiring January 1, 1987.

Paul McCarron, 732 - 82nd Ave. N.E., Spring Lake Park, Anoka County, has been appointed by the Metropolitan Council, effective January 15, 1985, for a term expiring January 1, 1989.

Mark Mahon, 8435 Portland Ave. S., Bloomington, Hennepin County, has been appointed by the Metropolitan Council, effective January 15, 1985, for a term expiring January 1, 1989.

JoEllen Hurr, 930 Partenwood Rd., Long Lake, Hennepin County, has been appointed by the Metropolitan Council, effective January 15, 1985, for a term expiring January 1, 1989.

Bruce Baumann, 211 - 21st Ave. S., South St. Paul, Dakota County, has been appointed by the Metropolitan Council, effective January 15, 1985, for a term expiring January 1, 1989.

(Referred to the Committee on Local and Urban Government.)

Sincerely,

Sandra S. Gardebring
Chair

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H.F. No. 221: A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1236: A bill for an act relating to the state transportation system; authorizing the issuance and sale of state transportation bonds; authorizing the expenditure of the proceeds for bridge and related purposes; appropriating money; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1348: A bill for an act relating to transportation; railroads; prescribing fees for commencement of various proceedings before the transportation regulation board; proposing coding for new law in Minnesota Statutes, chapter 219.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 947: A bill for an act relating to motor vehicles; providing that certain license plates be issued every six years; amending Minnesota Statutes 1984, section 168.12, subdivisions 1 and 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 792: A bill for an act relating to public safety; appropriating money to purchase mobile communications equipment for state patrol.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, line 25, before "*purchase*" insert "*total*"

Page 2, line 1, before the period, insert "*, in the fiscal year ending June 30, 1986, with delivery and payment to be made for one-half of the mobile repeater units in the fiscal year ending June 30, 1987*"

Page 2, line 3, delete "*Sections*" and insert "*Section*" and delete "*and 2 are*" and insert "*is*"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

H.F. No. 468: A bill for an act relating to state departments and agencies; clarifying the duties of the state demographer; amending Minnesota Statutes 1984, sections 275.14; 368.01, subdivision 1a; and 368.015.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

H.F. No. 648: A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, after "1950" insert "*and as allowed under section 3, subdivision 8*"

Page 4, line 26, delete "*committee*" and insert "*committees*"

Page 4, delete lines 28 to 30

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

H.F. No. 513: A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete "*world,*" and delete the comma after "*American*" and delete "*level*" and insert "*team*"

Page 1, after line 25, insert:

"Sec. 2. 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;	
<i>Chairman, metropolitan council</i>	
<i>Chairman, regional transit board</i>	
Commissioner of human rights;	\$40,000-\$52,500
Director, department of public service;	
Commissioner of veterans' affairs;	
Director, bureau of mediation services;	
Commissioner, public utilities commission;	
Member, transportation regulation board;	
Director, zoological gardens.	

Sec. 3. Minnesota Statutes 1984, section 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:

*Salary Range
Effective
July 1, 1983*

Chairman, metropolitan airports

commission \$15,000-\$25,000
Chairman, metropolitan waste control
commission"

Page 3, line 31, reinstate the stricken "classified" and delete "civil"

Page 6, after line 9, insert:

"Sec. 11. [REPEALER.]

Minnesota Statutes 1984, section 15A.081, subdivision 7, is repealed."

Page 6, line 11, delete "to 8" and insert "and 4 to 10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies;"

Page 1, line 8, after the first semicolon, insert "15A.081, subdivision 1, and by adding a subdivision;"

Page 1, line 11, before the period, insert "; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 755 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
755	678				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 755 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 755 and insert the language after the enacting clause of S.F. No. 678, the first engrossment; further, delete the title of H.F. No. 755 and insert the title of S.F. No. 678, the first engrossment.

And when so amended H.F. No. 755 will be identical to S.F. No. 678, and further recommends that H.F. No. 755 be given its second reading and substituted for S.F. No. 678, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 779 for comparison with companion Senate File, reports the fol-

lowing House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
779	822				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 779 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 779 and insert the language after the enacting clause of S.F. No. 822, the first engrossment; further, delete the title of H.F. No. 779 and insert the title of S.F. No. 822, the first engrossment.

And when so amended H.F. No. 779 will be identical to S.F. No. 822, and further recommends that H.F. No. 779 be given its second reading and substituted for S.F. No. 822, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1198 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1198	1152				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 221, 468, 513, 755, 779 and 1198 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Lessard moved that the name of Mr. Dahl be added as a co-author to S.F. No. 93. The motion prevailed.

RECESS

Mr. Luther moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that

the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 331: Mmes. Adkins, Lantry and Mr. Johnson, D.E.

Mr. Luther moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Johnson, D.E. introduced—

S.F. No. 1495: A bill for an act relating to local government; directing the reimbursement of Pope county for the expenses of law enforcement and damages to public property connected with certain public demonstrations; appropriating money.

Referred to the Committee on Finance.

Ms. Reichgott, Messrs. Merriam, Hughes, Nelson and Peterson, D.L. introduced—

S.F. No. 1496: A bill for an act relating to education; establishing the governor's high school scholar program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Mr. Samuelson introduced—

S.F. No. 1497: A bill for an act relating to taxation; property; providing that the basic maintenance levy not be applied against certain seasonal recreational property; providing a state reimbursement to school districts; appropriating money; amending Minnesota Statutes 1984, section 124A.03, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knaak and Jude introduced—

S.F. No. 1498: A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1984, sections 548.27; 548.30; 549.09; and 550.04.

Referred to the Committee on Judiciary.

MEMBERS EXCUSED

Messrs. Belanger; Kroening; Moe, R.D. and Waldorf were excused from the Session of today.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 2:00 p.m., Thursday, April 18, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-FIRST DAY

St. Paul, Minnesota, Thursday, April 18, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

Adkins	Dicklich	Kamrath	Moe, D.M.	Reichgott
Anderson	Diessner	Knaak	Moe, R.D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Samuelson
Benson	Frank	Kroening	Novak	Schmitz
Berg	Frederick	Kronebusch	Olson	Sieloff
Berglin	Frederickson	Laidig	Pehler	Solon
Bernhagen	Freeman	Langseth	Peterson, C.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.C.	Stumpf
Brataas	Hughes	Lessard	Peterson, R.W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 16, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 247, 287 and 546.

Sincerely,

Rudy Perpich, Governor

April 16, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
247		17	April 16	April 16
287		18	April 16	April 16
546		19	April 16	April 16
	327	20	April 16	April 16
	621	21	April 16	April 16
	894	22	April 16	April 16

Sincerely,

Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1218: A bill for an act relating to labor; providing for fair labor standard practice; providing penalties; amending Minnesota Statutes 1984, sections 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 181.79, subdivision 1; 181A.04, subdivision 3; and 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 27, delete "may" and insert "shall"

Page 7, line 29, after "treasurer" insert "if the administrative law judge finds that the employer had no meritorious defense against the claim"

Page 12, after line 14, insert:

"Sec. 14. [EFFECTIVE DATE.]

Section 9 is effective January 1, 1986. Sections 1 to 8 and 10 to 13 are effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1071: A bill for an act relating to corporations; providing for

access by shareholders to certain corporate records; protecting the privacy of individuals; clarifying legislative intent; amending Minnesota Statutes 1984, section 302A.461, subdivision 5, and by adding subdivisions; repealing Minnesota Statutes 1984, section 302A.461, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 302A.011, is amended by adding a subdivision to read:

Subd. 40. [PUBLICLY HELD CORPORATION.] “Publicly held corporation” means a corporation that has a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended through December 31, 1984.

Sec. 2. Minnesota Statutes 1984, section 302A.461, subdivision 4, is amended to read:

Subd. 4. [RIGHT TO INSPECT.] (a) A shareholder, beneficial owner, or a holder of a voting trust certificate of a corporation that is not a publicly held corporation has an absolute right, upon written demand, to examine and copy, in person or by a legal representative, at any reasonable time:

(1) The share register; and

(2) All documents referred to in subdivision 2.

(b) A shareholder, beneficial owner, or a holder of a voting trust certificate of a corporation that is not a publicly held corporation has a right, upon written demand, to examine and copy, in person or by a legal representative, other corporate records at any reasonable time only if the shareholder, beneficial owner, or holder of a voting trust certificate demonstrates a proper purpose for the examination. A “proper purpose” is one reasonably related to the person’s interest as a shareholder, beneficial owner, or holder of a voting trust certificate of the corporation.

(c) A shareholder, beneficial owner, or a holder of a voting trust certificate of a publicly held corporation has, upon written demand stating the purpose and acknowledged or verified in the manner provided in chapter 358, a right at any reasonable time to examine and copy the corporation’s share register and other corporate records upon demonstrating the stated purpose to be a proper purpose. The acknowledged or verified demand must be directed to the corporation at its registered office in this state or at its principal place of business.

(d) For purposes of this section, a “proper purpose” is one reasonably related to the person’s interest as a shareholder, beneficial owner, or holder of a voting trust certificate of the corporation.

Sec. 3. Minnesota Statutes 1984, section 302A.461, is amended by adding a subdivision to read:

Subd. 4b. [OTHER USE PROHIBITED.] A shareholder, beneficial owner, or holder of a voting trust certificate who has gained access under this section to any corporate record including the share register may not use or

furnish to another for use the corporate record or a portion of the contents for any purpose other than a proper purpose. Upon application of the corporation, a court may issue a protective order or order other relief as may be necessary to enforce the provisions of this subdivision.

Sec. 4. Minnesota Statutes 1984, section 302A.461, subdivision 5, is amended to read:

Subd. 5. [COST OF COPIES.] Copies of the share register and all documents referred to in subdivision 2, if required to be furnished under this section, shall be furnished at the expense of the corporation. ~~A copy of the most recently generated share register shall be furnished at the expense of the corporation if the requesting party shows a proper purpose.~~ In all other cases, the corporation may charge the requesting party a reasonable fee to cover the expenses of providing the copy.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to corporations; providing for access by shareholders to certain corporate records; protecting the privacy of individuals; amending Minnesota Statutes 1984, sections 302A.011, by adding a subdivision; and 302A.461, subdivisions 4 and 5, and by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete subdivision 3

Pages 2 and 3, delete subdivision 5 and insert:

"Subd. 4. [LOCAL REGULATION.] Subdivisions 1 to 3 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions."

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 3, delete "requiring a mandatory"

Page 1, delete line 4

Page 1, line 5, delete "house;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1214: A bill for an act relating to negligence; clarifying immunity from liability for volunteer firefighters who render assistance at scenes of emergency; amending Minnesota Statutes 1984, section 604.05, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, strike "nominal"

Page 2, line 14, before the period, insert "*paid to members of volunteer organizations*".

Page 2, delete lines 15 to 17

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1223: A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete the first "or" and insert a comma

Page 1, line 12, after "guardian" insert ", *or the parent or parents with legal custody*"

Page 1, line 12, strike "his" and insert "*the individual's*"

Page 1, line 22, after "parents" insert ", *a legal guardian, or the parent or parents with legal custody*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1371: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 674: A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after the period, insert "*When placement of an Indian child is being considered, "relative" means an extended family member as defined in United States Code, title 25, section 1903(2).*"

Page 3, line 33, before "*Upon*" insert "*(a)*"

Page 4, line 6, before "*Within*" insert "*(b)*"

Page 4, line 8, after the semicolon, insert "*and*"

Page 4, line 13, before "*The*" insert "*(c)*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 348: A bill for an act relating to crimes; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

Reports the same back with the recommendation that the bill be 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 or abdomen of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, or veterinary hospital registries;

(4) by an official license tag of a city or county through which the owner

can be promptly identified; or

(5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.

Sec. 2. [346.51] [BITES.]

An owner or custodian of an animal 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 identification whenever possible, and notify the owner of the location of the animal.

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 failing to keep confined an animal, known by him to have vicious propensities or to have caused substantial bodily harm, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 7. [609.226] [HARM CAUSED BY AN ANIMAL.]

A person who causes substantial bodily harm to another by failing to keep confined an animal known to have vicious propensities or to have caused substantial bodily harm in the past is guilty of a gross misdemeanor.

As used in this section, "substantial bodily harm" has the meaning given it in section 609.02, subdivision 7a, and includes bodily injury which involves a temporary but substantial cut or bruise.

Sec. 8. [609.227] [DANGEROUS ANIMALS KILLED.]

When a person has been convicted of an offense under section 7 or Minnesota Statutes, section 609.205, clause (4), the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and 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 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain animals to be unconfined or improperly confined; providing for the 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 927: A bill for an act relating to watercraft; exempting certain boats from watercraft licensing requirements; amending Minnesota Statutes 1984, section 361.03, subdivision 12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 1193: A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. [241.80] [AMERICAN INDIAN COUNSELING PROGRAM.]

Subdivision 1. [AUTHORITY.] The commissioner of corrections shall develop a policy to provide the counseling services listed in subdivision 2 to American Indian inmates of all juvenile and adult state correctional facilities and community-based correctional programs. The commissioner shall contract with appropriate American Indian private, nonprofit organizations to provide these counseling services.

Subd. 2. [COUNSELING SERVICES.] The policy shall include, but need

not be limited to, providing spiritual and cultural counseling services having the following purposes:

(1) the teaching of good work habits and the development of motivation through work;

(2) the development of cultural pride to improve American Indian self-image;

(3) the development of an understanding of and an adjustment to the cultural differences between American Indians and other ethnic groups;

(4) the development of attitudes of mutual trust, respect, and understanding among American Indian family members;

(5) the fostering of increased availability of medicine men and American Indian spiritual leaders to teach American Indian inmates about American Indian history, cultural sensitivity, and religion;

(6) the involvement of American Indian inmates in those aspects of the correctional system that will aid in their rehabilitation; and

(7) the provision of services to American Indian inmates that will facilitate their reentry into the community."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the commissioner of corrections to develop a policy to provide counseling services to American Indian inmates;"

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 241"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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 multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, delete "children" and insert "child"

Page 1, line 19, delete "service" and insert "services"

Page 1, line 22, delete "multidisciplinary"

Page 1, line 26, delete "MULTIDISCIPLINARY" and insert "JOINT"

Page 2, line 1, delete "develop" and insert "cooperate in the development of"

Page 2, line 2, delete "multidisciplinary educational" and insert "joint"

Page 2, after line 5, insert:

“(1) the public policy goals of the state as set forth in section 260.011 and Senate File 914 as introduced in the 1984 session, and the role of the assessment or investigation in meeting these goals;”

Page 2, line 10, after “services” insert “and strengthening family ties”

Page 2, after line 13, insert:

“(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;”

Page 2, line 14, delete “consideration” and insert “considerations”

Page 2, line 20, delete “, to the extent possible,”

Renumber the clauses in sequence

Page 2, line 30, delete “chapter”

Page 2, delete line 31

Page 2, line 32, delete everything after “10b” and insert a period

Page 2, delete lines 33 and 34

Page 2, after line 34, insert:

“Subd. 4. [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals.”

Page 2, line 36, delete “July 1, 1985” and insert “the day following final enactment”

Amend the title as follows:

Page 1, line 5, delete “multidisciplinary education” and insert “joint training” and after the semicolon, insert “requiring a report to the legislature;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 494: 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.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, after the comma, insert "*at this location or within a relevant market area*"

Page 1, line 25, after "*inventory*" insert "*for the sale by ordering or purchasing an unusual amount of merchandise*"

Page 2, line 1, delete everything after "*sale*" and insert "*or during the 90 days before the sale began;*"

Page 2, line 2, delete everything after "*business*"

Page 2, delete lines 3 to 7 and insert "*, or any of its officers or directors, has advertised any other sale as a "going out of business sale" during the 120 days before this sale began; or*"

Page 2, lines 8 and 11, delete "(5)" and insert "(4)"

Page 2, line 14, after the period, insert "*This subdivision does not apply to a sale in any statutory or home rule charter city that by ordinance requires the licensing of persons conducting a "going out of business sale," nor to public officers acting in the course of their official duties.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred.

H.F. No. 385: A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1272: A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 and 12, reinstate the stricken language and delete the new language

Page 2, lines 23 to 28, reinstate the stricken language and delete the new language

Page 2, line 29, delete the new language and insert “, *except that no landowner shall be required to pay any share of the construction or maintenance of a partition fence if that landowner has no need for a fence to either retain livestock on the premises or protect land from the livestock of others. If a landowner is exempt from payment of any of the costs of a partition fence because the fence is not needed, but the landowner's needs change within three years of completion of the partition fence, the landowner shall pay a share of the costs of construction and maintenance of the fence as if the landowner had never been exempt*”

Page 2, delete section 3

Page 3, delete sections 5 and 6 and insert:

“Sec. 4. Minnesota Statutes 1984, section 344.19, is amended to read:

344.19 [VIEWERS IN COUNTIES NOT ORGANIZED INTO TOWNS.]

In counties not organized into towns, the county commissioners shall be fence viewers ~~and~~ or may appoint five county employees to serve as fence viewers. The county commissioners or appointed county employees shall be governed by the provisions of this chapter, except that county commissioners shall not receive the per diem provided in section 344.18 but may be paid a per diem pursuant to section 375.055, subdivision 1, and in addition thereto their necessary expenses, including mileage in accordance with section 471.665. *County employees appointed as fence viewers shall not receive additional compensation for serving as fence viewers.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “1” delete the comma and insert “; and 344.19”

Page 1, line 5, delete everything before the second semicolon

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 308: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

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

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 602: A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 428: A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, before "city" insert "*statutory or home rule*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 1145: A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 13 and 14, delete section 13

Page 14, line 3, delete "[297C.14]" and insert "[297C.13]"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 603: A bill for an act relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 2 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 340.07, is amended by adding a subdivision to read:

Subd. 18. "Low alcohol malt liquor" means a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either; (a) the term "low alcohol" appears on the label of the beverage container; or (b) a brewer has provided written certification to the department of public safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after "license;" insert "defining low alcohol malt liquor and prescribing labeling;"

Page 1, line 6, delete "section" and insert "sections" and before the period, insert "; and 340.07, by adding a subdivision"

And when so amended the bill do pass: Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 698: A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 28, 1985:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Archie D. Chelseth
Mona J. Hintzman
Maureen A. Johnson
Orrin V. Rinke

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for January 31, 1985:

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Patricia Allinder

Alan Olson

Jane Preston

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 21, 1985:

STATE UNIVERSITY BOARD

James B. Lund

Rodney N. Searle

Russell P. Stanton

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1218, 1071, 1214, 1223, 1371, 1429, 348, 927, 800, 1272 and 1238 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 78, 674, 1193, 385, 308, 97, 602, 428, 1145, 603 and 698 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Benson be added as a co-author to S.F. No. 1127. The motion prevailed.

CALENDAR

H.F. No. 517: A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1231: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the resolution passed and its title was agreed to.

CONSENT CALENDAR

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 335: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 461: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frederickson	Kronebusch	Olson	Sieloff
Benson	Freeman	Laidig	Peterson, C. C.	Solon
Berg	Gustafson	Langseth	Peterson, D. C.	Spear
Berglin	Hughes	Lantry	Peterson, R. W.	Stumpf
Bernhagen	Isackson	Lessard	Petty	Taylor
Brataas	Johnson, D. E.	Luther	Pogemiller	Vega
Chmielewski	Johnson, D. J.	McQuaid	Purfeerst	Waldorf
Dahl	Jude	Mehrkens	Ramstad	
DeCramer	Kamrath	Moe, D. M.	Reichgott	
Dicklich	Knaak	Moe, R. D.	Renneke	

Those who voted in the negative were:

Bertram	Frank	Pehler	Wegscheid	Willet
Davis	Merriam			

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

H.F. No. 151, which the committee reports progress, subject to the fol-

lowing motion:

Mr. Stumpf moved to amend H.F. No. 151, as amended pursuant to Rule 49, adopted by the Senate March 19, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 117.)

Page 1, line 15, after "Day." insert "*Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 151 was then progressed.

S.F. No. 295, which the committee reports progress, subject to the following motions:

Mr. Willet moved to amend S.F. No. 295 as follows:

Page 2, after line 20, insert:

"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."

Page 4, line 17, delete "and" and insert a comma and after "2" insert "3, and 4"

Page 4, line 19, delete "3" and insert "5"

Page 4, line 22, delete "4" and insert "6"

Page 5, line 23, delete "7 to 12" and insert "9 to 14"

Page 6, line 4, delete "7" and insert "9"

Page 6, line 5, delete "12" and insert "14"

Page 6, line 6, delete the first comma and insert "or" and delete ", or other"

Page 6, line 7, delete "local ordinance"

Page 6, line 16, delete "7 to 12" and insert "9 to 14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "for" insert "county agricultural society and"

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend S.F. No. 295 as follows:

Page 4, after line 24, insert:

"Sec. 6. 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 for 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 after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan. 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."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon insert "increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements;"

Page 1, line 12, delete "section" and insert "sections 116J.36, subdivision 6; and"

The motion prevailed. So the amendment was adopted.

S.F. No. 295 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

RECESS

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

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

APPOINTMENTS

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

S.F. No. 118: Messrs. Nelson, Dicklich and Mehrkens.

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

Senate Concurrent Resolution No. 15: A Senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

Reports the same back with the recommendation that the resolution do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 15 be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 771: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for April 15, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Judiciary".

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committee indicated.

Mr. Mehrkens introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening, Waldorf, Ms. Peterson, D.C.; Messrs. Novak and Dieterich introduced—

S.F. No. 1500: A bill for an act relating to taxation; property; changing computation of homestead credit for nonagricultural homesteads; amending Minnesota Statutes 1984, section 273.13, subdivisions 7 and 14a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 1501: A bill for an act relating to taxation; property; providing for

assessment of certain agricultural land at its agricultural value; amending Minnesota Statutes 1984, section 273.111, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, Isackson and Mrs. Kronebusch introduced—

S.F. No. 1502: A bill for an act relating to taxation; property, changing property tax payments, settlement, and distribution dates; amending Minnesota Statutes 1984, sections 276.09; 276.10; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; and 473F.08, subdivision 7a.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Messrs. Peterson, D.L. and Storm were excused from the Session of today. Mr. Frederick was excused from the Session of today until 3:20 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Monday, April 22, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SECOND DAY

St. Paul, Minnesota, Monday, April 22, 1985

The Senate met at 1:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Peter Wykoff.

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

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 17, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985 April 17	Date Filed 1985 April 17
	470	23		

Sincerely,

Joan Anderson Growe
Secretary of State

April 19, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 177, 635 and 679.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

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

McEachern, Stanius and Vellenga.

Senate File No. 331 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1985

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 10: A House concurrent resolution congratulating Minnesota Rural Electric Cooperatives on their 50th Anniversary.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1985

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 191, 576, 839, 654, 766 and 847.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees

indicated.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 445, now on General Orders.

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.

Mr. Lessard moved that H.F. No. 576 be laid on the table. The motion prevailed.

H.F. No. 839: A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, section 609.485, subdivisions 2, 4, and by adding a subdivision.

Referred to the Committee on Judiciary.

H.F. No. 654: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; 609.245; and 609.582, by adding subdivisions.

Referred to the Committee on Judiciary.

H.F. No. 766: A bill for an act relating to crimes; creating a presumption in favor of the confinement of certain convicted defendants pending imposition of sentence; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Judiciary.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 41.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted; with the exception of the reports on H.F. No. 345, S.F. Nos. 352, 1080, 879, 1477, 357 and 928 and reports pertaining to appointments. The motion prevailed.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 345: A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for the payment of certain benefits; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete everything before the period

Page 2, after line 9, insert:

“Sec. 5. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 20. “Political subdivision” means any statutory or home rule charter city; county; town; school district; or metropolitan council, board or commission operating under chapter 473.”

Page 2, after line 18, insert:

“Sec. 7. Minnesota Statutes 1984, section 65B.48, subdivision 3a, is amended to read:

Subd. 3a. To carry out the purposes of subdivision 3, the commissioner may adopt rules pursuant to chapter 14, including emergency rules. These rules may:

(a) establish reporting requirements;

(b) establish standards or guidelines to assure the adequacy of the financing and administration of self-insurance plans;

(c) establish bonding requirements or other provisions assuring the financial integrity of entities that self-insure *other than bonding requirements for self-insuring political subdivisions*; and

(d) establish other reasonable requirements to further the purposes of this section.”

Pages 4 and 5, delete section 8 and insert:

"Sec. 10. Minnesota Statutes 1984, section 65B.525, subdivision 1, is amended to read:

Subdivision 1. The supreme court and the several courts of general trial jurisdiction of this state ~~may, on or before January 1, 1975,~~ shall by rules of court or other constitutionally allowable device, provide for the *mandatory* submission to arbitration, ~~upon mutual consent of all parties to the action,~~ of all cases at issue where a claim in an amount of \$5,000 or less is made by a motor vehicle accident victim, whether in an action to recover economic loss or non-economic detriment for the allegedly negligent operation, maintenance, or use of a motor vehicle within this state, or against any reparation obligor for benefits as provided in sections 65B.41 to 65B.71."

Page 5, line 5, before "8" insert "4, 6," and after "8" insert ", and 9"

Page 5, line 9, after the period, insert "*Sections 5 and 7 are effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "removing bonding requirements for self-insuring political subdivisions; providing for mandatory arbitration of certain insurance claims;"

Page 1, line 8, after the second semicolon, insert "65B.48, subdivision 3a;"

Page 1, line 10, delete "65B.70, by adding a subdivision" and insert "65B.525, subdivision 1"

And when so amended the bill do pass. Mr. Freeman questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 580: A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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 116M.03, subdivisions 10, 11, 13, and by adding subdivisions; 116M.04,

subdivision 1; 116M.06, subdivisions 2, 4, and 11; 116M.07, subdivisions 1, 2, 11, 12, and by adding a subdivision; 116M.08, subdivisions 11, 13, 16, 19, 20, and by adding subdivisions; 116M.10, subdivision 5; 474.01, subdivisions 6, 7b, 8, and 11; and Laws 1984, chapter 654, article 2, section 151, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 20, insert:

“Section 1. Minnesota Statutes 1984, section 116J.58, subdivision 1, is amended to read:

Subdivision 1. [ENUMERATION.] The commissioner shall:

(1) investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;

(2) locate markets for manufacturers and processors and aid merchants in locating and contacting markets;

(3) investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the commissioner in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(4) plan and develop an effective business information service both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state;

(5) compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;

(6) conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(7) study trends and developments in the industries of the state and analyze the reasons underlying the trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;

(8) serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;

(9) cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(10) cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans

and policies for the development of the state and for the use and conservation of its resources insofar as the use, conservation, and development may be appropriately directed or influenced by a state agency;

(11) assemble and coordinate information relative to the status, scope, cost, and employment possibilities and the availability of materials, equipment, and labor in connection with public works projects, state, county, and municipal; recommend limitations on the public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by him, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon;

(12) study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state;

(13) confer and cooperate with the executive, legislative, or planning authorities of the United States and neighboring states and of the counties and municipalities of such neighboring states, for the purpose of bringing about a coordination between the development of such neighboring states, counties, and municipalities and the development of this state;

(14) generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state, with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in a manner that seems wise;

(15) *advise and assist in the design and implementation of economic adjustment projects and coordinate existing state and federal economic assistance programs for those projects; and*

(16) *stimulate community development of alternative production design projects."*

Page 7, line 35, before "The" insert "Except as otherwise provided in section 116M.07, subdivision 9,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after "sections" insert "116J.58, subdivision 1;"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

H.F. No. 265: A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes

1984, section 340.11, subdivision 21.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 16. “Uninsured motor vehicle” means a motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

Sec. 2. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 17. “Underinsured motor vehicle” means a motor vehicle or motorcycle to which a bodily injury liability policy applies at the time of the accident but its limit for bodily injury liability is less than the amount needed to compensate the insured for his or her actual damages.

Sec. 3. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 18. “Uninsured motorist coverage” means coverage for the protection of persons insured under that coverage who are legally entitled to recover damages for bodily injury from owners or operators of uninsured motor vehicles.

Sec. 4. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 19. “Underinsured motorist coverage” means coverage for the protection of persons insured under that coverage who are legally entitled to recover damages for bodily injury from owners or operators of underinsured motor vehicles.

Sec. 5. Minnesota Statutes 1984, section 65B.49, subdivision 4, is amended to read:

~~Subd. 4. [UNINSURED OR HIT AND RUN MOTOR VEHICLE COVERAGE AND UNDERINSURED MOTORIST COVERAGES.]~~ (1) No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless ~~coverage is uninsured and underinsured motorist coverages are provided therein or supplemental thereto, in the amounts. The coverages combined, at a minimum, must provide limits of \$25,000 because of injury to or the death of one person in any accident, and subject to the said limit for one person, \$50,000 because of bodily injury to or the death of two or more persons in any one accident, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit and run motor vehicles because of injury.~~ *In the case of injury to, or the death of, two or more persons in any accident, the amount available to any one person must not exceed the coverage limit provided for injury to, or the death of, one person in any accident. For purposes of this subdivision, uninsured motorist coverage and underinsured motorist coverage shall be a single coverage.*

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured motor vehicle coverage and underinsured motorist coverages as provided in this subdivision.

(3) "Uninsured motor vehicle" means any motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect. No reparation obligor is required to provide limits of uninsured and underinsured motorist coverages in excess of the bodily injury limit provided by the applicable plan of reparation security.

(4) No recovery shall be permitted under the uninsured motor vehicle provisions and underinsured motorist coverages of this section for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible.

(5) Unless the language of the policy provides otherwise, if at the time of the accident the injured person is occupying a motor vehicle, the limit of liability for uninsured and underinsured motorist coverages available to the injured person is the limit specified for that motor vehicle. However, if the injured person is occupying a motor vehicle of which the injured person is not a named insured, the injured person may be entitled to excess insurance protection afforded by a policy in which the injured party is a named insured. The excess insurance protection is limited to the extent of covered damages sustained, and further is available only to the extent by which the limit of liability for like coverage applicable to any one motor vehicle listed on the automobile insurance policy of which the injured person is named insured exceeds the limit of liability of the coverage available to the injured person from the occupied motor vehicle.

If at the time of the accident the injured person is not occupying a motor vehicle, the injured person is entitled to select any one limit of liability for any one vehicle afforded by a policy under which the injured person is named insured.

(6) Regardless of the number of policies involved, vehicles involved, persons covered, claims made, vehicles or premiums shown on the policy, or premiums paid, in no event shall the limit of liability for uninsured and underinsured motorist coverages for two or more motor vehicles be added together to determine the limit of insurance coverage available to an injured person for any one accident.

(7) The uninsured and underinsured motorist coverages required by this subdivision do not apply to bodily injury of the insured while occupying a motor vehicle owned by the insured, unless the occupied vehicle is an insured motor vehicle.

(8) The uninsured and underinsured motorist coverages required by this subdivision do not apply to any bodily injury until the limits of bodily injury liability policies applicable to all insured motor vehicles causing the injury have been exhausted by payment of judgments or settlements and proof of such is submitted to the insurer providing the uninsured and underinsured motorist coverages.

Sec. 6. Minnesota Statutes 1984, section 65B.49, is amended by adding a subdivision to read:

Subd. 4a. [LIABILITY ON UNDERINSURED MOTOR VEHICLES.]

With respect to underinsured motor vehicles, the maximum liability of an insurer is the lesser of the difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization who may be held legally liable for the bodily injury; or the amount of damages sustained but not recovered.

Sec. 7. 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, *maintenance*, 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, 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~~

(3) *an annual aggregate policy limit for dramshop liability of not less than \$300,000 per policy year may be included in the policy provisions; 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 nonintoxicating 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. 8. Minnesota Statutes 1984, section 340.11, is amended by adding a subdivision to read:

Subd. 21a. [NOTIFICATION BY INSURER OF STATUS OF CLAIM.] Upon the request of the insured, an insurer who is providing coverage required by subdivision 21 shall inform the insured of the status of any claims made under the policy. The information must include:

(1) the employees of the insured that may be involved and the nature of their involvement;

(2) any amount the insurer is holding in reserve for payment of a claim or has paid in the disposition of the claim; and

(3) any amount paid in the defense of the claim.

This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation.

Sec. 9. Minnesota Statutes 1984, section 340.11, subdivision 23, is amended to read:

Subd. 23. [ASSIGNED RISK PLAN.] (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of commerce may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of commerce may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of commerce determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of commerce. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of commerce shall fix the compensation received by the agent of record.

(8) The commissioner of commerce shall adopt rules, including emergency rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of commerce regarding operation of the plan; and

(c) applicable rating plans and rating standards.

(9) *A liquor vendor may be denied or terminated from coverage through the assigned risk plan if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.*

Sec. 10. Minnesota Statutes 1984, section 340.12, is amended to read:

340.12 [APPLICATION FOR LICENSE.]

Every person desiring a license from the commissioner of public safety, shall file with him a verified written application in the form prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$10,000, according to the character of the license, made payable to the state of Minnesota. All applicants for a license to sell intoxicating liquors on any railroad train or other common carrier shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$1,000. All manufacturers and whole-

salers of wines containing not more than 25 percent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 percent of alcohol by weight shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$5,000.

Every person desiring a license from a local governing body shall file with the clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a verified written application in the form prescribed by the commissioner with the additional information the local governing body requires. An applicant for an "off sale" license shall file with the clerk of the proper municipality a bond with corporate surety or cash or United States government bonds in a sum not less than \$1,000 and not more than \$3,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body and the commissioner of public safety.

Every application for the issuance or renewal of a license for the sale of intoxicating or nonintoxicating liquor must include a copy of each summons received by the applicant under section 340.951 during the preceding year.

An applicant for an "on sale" license shall file with the clerk of the proper municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a bond with corporate surety or cash or United States government bonds in a sum not less than \$3,000 nor more than \$5,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body.

A liability insurance policy required by section 340.11, subdivision 21 shall provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days' notice to the municipality in writing of intention to cancel it, addressed to the city clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, to the executive director thereof. The operation of an "off sale" or "on sale" business without having on file at all times with the municipality the liability insurance policy herein referred to shall be grounds for immediate revocation of the license.

Bonds of manufacturers, wholesalers, and common carriers shall run to the state of Minnesota. Bonds of "on sale" and "off sale" retail dealers shall run to the municipality in which the license is issued. The bonds shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

- (a) That the licensee will obey the law relating to the licensed business;
- (b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act or any other law relating to the manufacture, distribution, or sale of intoxicating liquor;
- (c) That in the event of any violation of the provisions of law, the bond shall be forfeited to the state of Minnesota as hereinafter provided.

As to "off sale" and "on sale" dealers:

(a) That the licensee will obey the law relating to the licensed business;

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law;

(c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, the bond or policy shall be forfeited to the municipality in which the license was issued.

All bonds shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any bond for violation of law, the district court of the county wherein the licensed business was carried on may forfeit the penal sum of the bond, or any part thereof, to the state or municipality named as obligee in the bond.

Sec. 11. Minnesota Statutes 1984, section 340.135, is amended to read:

340.135 [LICENSES; REVOCATION; SUSPENSION.]

The authority issuing or approving any license or permit pursuant to the intoxicating liquor act ~~may~~ shall either suspend for not to exceed 60 days or revoke such license or permit or impose a civil fine not to exceed \$2,000 for each violation upon a finding that the licensee or permit holder has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing pursuant to sections 14.57 to 14.70.

Sec. 12. Minnesota Statutes 1984, section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.]

Subdivision 1. [CAUSE OF ACTION.] Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, or incurs other pecuniary loss by any intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any person who, by illegally selling or bartering intoxicating liquors or non-intoxicating malt liquors, caused the intoxication of that person, for all damages sustained. All damages recovered by a minor under this section shall be paid either to the minor or to his parent, guardian, or next friend, as the court directs. All suits for damages under this section shall be by civil action in any court of this state having jurisdiction. Actions for damages based upon liability imposed by this section shall be governed by section 604.01. ~~The provisions of section 604.01, as applied under this section, do not apply to actions for injury to person, property, or loss of means of support brought by a husband, wife, child, parent, guardian or other dependent of an intoxicated person.~~

Subd. 2. [SUBROGATION CLAIMS DENIED.] *There shall be no recovery by any insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or other first party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or part under this section. The provisions of section 65B.53, subdivision 3, do not apply to actions under this section.*

Sec. 13. Minnesota Statutes 1984, section 340.951, is amended to read:

340.951 [NOTICE OF INJURY; *DISCOVERY BEFORE ACTIONS.*]

Subdivision 1. [NOTICE REQUIRED.] Every person who claims damages, and every person or his insurer who claims contribution or indemnity, from any municipality owning and operating a municipal liquor store or from the licensee of any licensed establishment for the sale of intoxicating liquor or non-intoxicating malt liquor for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee, as the case may be, stating:

(1) The time and date when, and person to whom the liquor was sold or bartered;

(2) The name and address of the person or persons who were injured or whose property was damaged;

(3) The approximate time and date and the place where any injury to person or property occurred. Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless the error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless the notice has been given. In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relationship with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within two years after the injury.

Subd. 2. [EARLY DISCOVERY.] To aid claimants in providing accurate notice of claim to a liquor vendor, a person who claims damages pursuant to section 340.95 may subpoena any person or use any discovery method provided for in the Minnesota Rules of Civil Procedure prior to the commencement of an action on behalf of claimants. The discovery is inadmissible in any other pending or subsequent criminal matter, including implied consent hearings.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 6 are effective July 1, 1985, and apply to all insurance policies providing benefits for injuries arising out of the maintenance or use of a motor vehicle or motorcycle that are executed, issued, issued for delivery, delivered, continued, or renewed in this state after June 30, 1985.

Section 7 is effective the day following final enactment. Section 12 is effective July 1, 1985, and applies to causes of action arising on or after that date."

Delete the title and insert:

"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; 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [82A.01] [CITATION.]

This chapter may be cited as the "membership camping practices act."

Sec. 2. [82A.02] [DEFINITIONS.]

Subdivision 1. [ADVERTISEMENT OR ADVERTISING.] "Advertisement" or "advertising" means any written or printed communication or any communication transmitted on radio, television, electronic means, or similar communications media other than telephone, published in connection with the offer or sale of membership camping contracts or to induce prospective purchasers to visit or attend an offer or sales presentation.

Subd. 2. [AMENITY.] "Amenity" means any major recreational building, swimming pool, utility serviced camping sites, or similar facility which is represented as available for use by purchasers now or in the future. "Amenity" does not include a sports court or other minor facility.

Subd. 3. [AFFILIATE.] "Affiliate" of another person means any person directly or indirectly controlling, controlled by, or under common control with the other person.

Subd. 4. [BLANKET ENCUMBRANCE.] "Blanket encumbrance" means any mortgage, deed of trust, option to purchase, vendor's lien or in-

terest under a contract or agreement of sale, judgment lien, federal or state tax lien, or any other material lien or encumbrance which secures or evidences the obligation to pay money or to sell or convey any campground located in this state, or any portion thereof, made available to purchasers by the membership camping operator, and which authorizes, permits, or requires the foreclosure or other disposition of the campground. "Blanket encumbrance" also includes the lessor's interest in a lease of a campground which is located in this state, or any portion thereof, and which is made available to purchasers by a membership camping operator. "Blanket encumbrance" does not include a lien for taxes or assessments levied by any public authority which are not yet due and payable.

Subd. 5. [BROKER.] "Broker" means a person who, for a fee or other valuable consideration, resells a membership camping contract to a new purchaser on behalf of a prior purchaser or who engages in the business of buying and selling membership camping contracts. "Broker" does not include a membership camping operator or a licensed salesperson acting on behalf of a membership camping operator or a licensed broker.

Subd. 6. [CAMPGROUND.] "Campground" means real property owned or operated by a membership camping operator which is available for use by purchasers of membership camping contracts. Campground does not include:

(1) a recreational camping area as defined by section 327.14, subdivision 8, if the operator of the recreational camping area does not offer or sell membership camping contracts, but rather rents or licenses camping sites on the recreational camping area for a per use fee; or

(2) a manufactured home park as defined in section 327.14, subdivision 3.

Subd. 7. [CAMPING SITE.] "Camping site" means a space on a campground designed and promoted for the purpose of locating a trailer, tent, tent trailer, pickup camper, or other similar device used for camping.

Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of commerce of the state of Minnesota or his or her authorized delegate.

Subd. 9. [CONTROLLING PERSON.] "Controlling person" of a membership camping operator means each director and officer and each owner of 25 percent or more of stock of the operator, if the operator is a corporation; and each general partner and each owner of 25 percent or more of the partnership or other interests, if the operator is a general or limited partnership or other person doing business as a membership camping operator.

Subd. 10. [MEMBERSHIP CAMPING CONTRACT.] "Membership camping contract" means an agreement offered or sold within this state evidencing a purchaser's right or license to use for more than three years a campground owned or operated by a membership camping operator and includes a membership which provides for this use.

Subd. 11. [MEMBERSHIP CAMPING OPERATOR.] "Membership camping operator" or "operator" means any person, other than one that is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, that owns or operates a campground and offers or sells membership camping contracts paid for by a fee or periodic payments and has as one

of its purposes camping or outdoor recreation including use of camping sites by purchasers. "Membership camping operator" does not include any person who engages in the business of arranging and selling reciprocal programs except to the extent such person owns or operates campgrounds.

Subd. 12. [NONDISTURBANCE AGREEMENT.] "Nondisturbance agreement" means any instrument by which the holder of a blanket encumbrance agrees that:

(1) its rights in any campground located in this state made available to purchasers by the membership camping operator shall be subordinate to the rights of purchasers;

(2) the holder and all successors and assigns, and any person who acquires a campground located in this state through foreclosure or by deed in lieu of foreclosure of the blanket encumbrance, or by default or cancellation of a lease shall take the property subject to the rights of purchasers; and

(3) the holder or any successor acquiring a campground located in this state through the blanket encumbrance shall not use or cause the campground to be used in a manner which would materially prevent the purchasers from using or occupying the campground in the manner contemplated by the purchasers' membership camping contract; provided, however, the holder shall have no obligation or liability to assume the responsibilities or obligations of the membership camping operator under the membership camping contract.

The agreement may be in any form or language that reasonably evidences the foregoing.

Subd. 13. [OFFER.] "Offer" means every inducement, solicitation, or attempt to encourage a person to acquire a membership camping contract.

Subd. 14. [OWN, OWNED, OR OWNERSHIP.] "Own," "owned," or "ownership" means to hold title, either legal or equitable, in real property.

Subd. 15. [PERSON.] "Person" means an individual, corporation, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

Subd. 16. [PURCHASER.] "Purchaser" means a person who enters into a membership camping contract with a membership camping operator and obtains the right to use the campground owned or operated by the membership camping operator.

Subd. 17. [RECIPROCAL PROGRAM.] "Reciprocal program" means any arrangements allowing purchasers to use campgrounds owned or operated by persons other than the membership camping operator with whom the purchaser has entered into a membership camping contract.

Subd. 18. [SALE OR SELL.] "Sale or sell" means entering into, or other disposition of, a membership camping contract for value. "Value" does not include any fee charged by a membership camping operator to offset the reasonable costs of transfer of a membership camping contract from an existing purchaser to a new purchaser.

Subd. 19. [SALESPERSON:] "Salesperson" means an individual, other than a membership camping operator or broker, who offers or sells member-

ship camping contracts, but does not include individuals who refer persons without receiving compensation of more than \$150 per referral. The limitation of \$150 per referral imposed in this subdivision herein shall increase each year by an amount equal to the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or comparable index, should that be discontinued.

Sec. 3. [82A.03] [REGISTRATION REQUIREMENT.]

It is unlawful for any person to offer or sell a membership camping contract in this state unless:

(1) the membership camping contract is registered in accordance with the provisions of this chapter; or

(2) the membership camping contract or the transaction is exempted under section 82A.06.

Sec. 4. [82A.04] [APPLICATION FOR REGISTRATION.]

Subdivision 1. [FILING FEE.] A filing fee of \$500 shall accompany the application for registration of membership camping contracts.

Subd. 2. [APPLICATION CONTENTS.] The application for registration shall include:

(1) an irrevocable appointment of the commissioner to receive service of any lawful process as required by section 82A.22, subdivision 1;

(2) the membership camping operator's name and the address of its principal place of business, the form, date of organization, and jurisdiction of its organization; and the name and address of each of its offices in this state;

(3) a copy of the membership camping operator's articles of incorporation, partnership agreement, or joint venture agreement as contemplated or currently in effect;

(4) the name, address, and principal occupation for the past five years of the membership camping operator and of each controlling person of the membership camping operator, and the extent and nature of each such person's interest in the membership camping operator as of a specified date within 30 days prior to the filing of the application;

(5) a statement indicating whether or not the membership camping operator, or any of the persons identified in clause (4), within the past ten years has been:

(i) convicted of a felony; or

(ii) enjoined or received any adverse administrative order relating to the sale of securities, land, or campgrounds or based on violations of any consumer protection statutes. If any of the above has occurred, the name of the person involved, the jurisdiction, offense, and date of the offense shall be listed;

(6) a legal description of each campground owned or operated in this state by the membership camping operator which is represented to be available for use by purchasers, and a map or maps showing the location of all campgrounds, wherever located, which are owned or operated by the membership

camping operator and represented to be available for use by purchasers, and a statement identifying the existing amenities at each such campground and the planned amenities represented as to be available for use by purchasers in the future at each such campground;

(7) the states or jurisdictions in which an application for registration or similar document has been filed by the membership camping operator pursuant to any statute similar to this chapter regulating membership camping contracts and any adverse order, judgment, or decree entered against the operator in connection with membership camping contracts by any regulatory authority in any jurisdiction or by any court;

(8) a statement of the condition of the title to the campground owned or operated in this state by the membership camping operator and represented to be available for use by purchasers, including all encumbrances, deed restrictions, and covenants applicable thereto with data as to recording, as of a specified date within 30 days prior to the date of application, by a title opinion of a licensed attorney, by a title insurance policy, naming the operator or lender as beneficiaries and issued by an insurance company authorized to do business in this state, or by any evidence of title acceptable to the commissioner;

(9) copies of the instruments by which the membership camping operator's interest in the campgrounds in this state was acquired;

(10) copies of all recorded or unrecorded instruments, known to the membership campground operator, that evidence blanket encumbrances that materially adversely affect the campgrounds in this state:

(11) if there is a blanket encumbrance which materially adversely affects the campgrounds located in this state, a legal description of the encumbrance, and a description of the steps taken to protect purchasers, in accordance with section 82A.14, clause (1), in case of failure to discharge the lien or encumbrance;

(12) evidence showing compliance with the zoning and other applicable environmental or land use laws, ordinances, and regulations affecting the use of the campgrounds located in this state;

(13) a statement of the existing and planned provisions for the following with respect to campgrounds located in this state:

(i) purchasers' access to the campgrounds;

(ii) the availability of sewage disposal facilities and other public utilities, including but not limited to water, electricity, gas, and telephone facilities in the campgrounds;

(iii) the proximity of community fire and police protection;

(iv) a statement of the amenities which will be represented to purchasers as guaranteed to be constructed or installed, whether the operator will be responsible for their cost, installation and maintenance and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur, and may be extended for the period of any delays caused by or deferred due to the occurrence of events such as acts of God, strikes,

and other causes outside the reasonable control of the membership camping operator; and assurance that such amenities will be completed by filing a bond or irrevocable letter of credit, depositing funds in an escrow account, or such other provision as the commissioner may by order allow. The amount of the bond or escrow account shall be reduced monthly in proportion to the amount paid for completion of the amenities during such period. The bond, letter of credit, or escrow account shall be issued or held by a bank or insurance or surety company authorized to do business in this state;

(v) a statement of the amenities to be represented to purchasers as planned for construction and installation, but not guaranteed, whether the operator will be responsible for their costs, installation, and maintenance, and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur and may be extended for the period of any delays caused by or deferred due to the occurrence of events such as acts of God, strikes, and other causes outside the reasonable control of the membership camping operator.

(14) a copy of each item of advertising materials which has been prepared for public distribution in this state after the effective date of this act. Advertising material for off-site distribution which is pictorial in nature, other than site and conceptual plans which are labeled as such, shall be limited to a depiction of the actual on-site condition of the campgrounds or other areas that are material to the offer or sale of membership camping contracts pursuant to this registration; site and conceptual plans shall disclose which facilities are and are not currently in existence;

(15) the proposed disclosure statement as required by section 82A.05, subdivision 1, and the proposed separate disclosure, if applicable, as required by section 82A.05, subdivision 6;

(16) a financial statement of the membership camping operator as of the end of the membership camping operator's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year end of the membership camping operator is in excess of 120 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 120 days of the date of application;

(17) a statement of the applicable material permits, other than building permits, not yet obtained but required to be obtained from various federal, state, and local agencies to operate the campground in this state, stating which have been applied for. If any permit has been refused, the reasons for the refusal and the effect the refusal will have on subsequent development of the campgrounds must be disclosed;

(18) a copy of each type of membership camping contract to be sold in this state, the purchase price of each type and, if the price varies, the reason for the variance;

(19) the number of membership camping contracts proposed to be sold at each campground located in this state and a statement describing the method used to determine the number;

(20) rules or regulations of general applicability governing use and occupancy of the campgrounds; but not including any temporary or emergency

rules or regulations, or any rules or regulations adopted in response to unique local or immediate needs;

(21) copies of applications for and contracts with any reciprocal program entity in which the membership camping operator is to participate and represents as available for use by purchasers;

(22) information concerning purchase or lease costs, rules, forms, and any fees, other than the initial membership fee and annual dues, which are required for purchaser usage of in-park trailers, recreational vehicles, tents, or other overnight accommodations, provided by or through the membership camping operator, for purchasers as an alternative to using the purchaser's own mobile accommodations;

(23) any additional information the commissioner reasonably deems appropriate to administer the provisions of this chapter.

Subd. 3. [SIGNING OF APPLICATION.] The application shall be signed by the membership camping operator, duly authorized signatory, or any person holding a power of attorney for this purpose from the membership camping operator. If the application is signed pursuant to a power of attorney, a copy of the power of attorney shall be included with the application.

Subd. 4. [EFFECTIVE DATE.] Unless an order denying registration under section 82A.12 is in effect, or unless declared effective by order of the commissioner prior thereto, the application for registration shall automatically become effective upon the expiration of 15 business days following filing with the commissioner, but an applicant may consent in writing to the delay of registration until the time the commissioner may issue an order of registration. If the commissioner requests additional information with respect to the application, the application shall become effective upon the expiration of 15 business days following the filing with the commissioner of the additional information unless an order denying registration under section 82A.12 is in effect or unless declared effective by order of the commissioner prior thereto.

Sec. 5. [82A.05] [DISCLOSURE STATEMENT.]

Subdivision 1. [DELIVERY.] A disclosure statement shall be delivered to each person to whom an offer is made before or concurrently with:

- (1) the first written offer other than offer by means of an advertisement; or
- (2) any payment pursuant to a sale, whichever occurs first.

Each person to whom an offer is made must be afforded a reasonable opportunity to examine the disclosure statement and must be permitted to retain the statement. The seller shall obtain a receipt, signed by the person, acknowledging that he or she has received a copy of the disclosure statement prior to the execution by the purchaser of any membership camping contract. All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner, for a period of three years from the date of the receipt.

Subd. 2. [CONTENTS.] A disclosure statement shall include the following information:

- (1) the name, principal address, and telephone number of the membership camping operator and of its offices in this state;

(2) a brief description of the membership camping operator's experience in the membership camping business, including the number of years the membership camping operator has been in the membership camping business;

(3) a brief description of the campgrounds owned or operated by the membership camping operator and represented as available for use by purchasers, including identification of the amenities then available for use by purchasers, whether amenities will be available to nonpurchasers and, if so, the price to nonpurchasers therefor;

(4) a statement of whether or not the operator has obtained a bond, deposited funds in an escrow account, obtained an irrevocable letter of credit, or provided any other assurance securing the cost of the amenities which are represented as planned to be constructed or installed in the future for use by purchasers and, if so, the identity of the amenities and the year in which completion is estimated to occur;

(5) a description of the nature of the purchaser's title to, interest in, or right or license to use the campgrounds and amenities;

(6) a description of the membership camping operator's ownership of, or other right to use, the campground and amenities represented to be available for use by purchasers, together with a brief description of any material blanket or other material encumbrance on the campground, and the material provisions of any agreements which materially restrict a purchaser's use of the property, and a statement of the consequences to purchasers in the event of any conveyances of the campgrounds or foreclosure or other adverse action which can be taken with respect to the encumbrances.

(7) a statement or summary of what required material discretionary land use permits, the issuance of which is in the discretion of the issuing governmental authority, have not been obtained for each campground located in this state, and a description of the conditions that must be met to obtain the permits that have not yet been obtained;

(8) a summary and copy of the articles, bylaws, rules, restrictions, or covenants regulating the purchaser's use of each campground and amenities on each campground in this state, including a statement of whether and how the articles, bylaws, rules, restrictions, or covenants may be changed; provided that the foregoing need not include any temporary or emergency rules or regulations or any rules or regulations adopted in response to unique local or immediate needs if the rules and regulations are posted at the campground;

(9) a description of all payments required of a purchaser under a membership camping contract, including initial fees and any further fees, charges or assessments, together with any provisions for changing the payments;

(10) a description of any restraints on the transfer of membership camping contracts;

(11) a statement of the assistance, if any, that the membership camping operator will provide to the purchaser in the resale of membership camping contracts;

(12) a description of the policies of the membership camping operator relating to the availability of camping sites and whether reservations are required;

(13) a description of the membership camping operator's right to change or withdraw from use all or a material portion of the campgrounds or amenities and the extent to which the operator is obligated to replace campgrounds or amenities withdrawn;

(14) a description of any grounds for forfeiture of a membership camping contract;

(15) a statement of the person's right to cancel the membership camping contract as provided in section 82A.11;

(16) a statement describing all material terms and conditions of any reciprocal program represented to be available to purchasers, including whether the purchaser's participation in the reciprocal program is dependent upon the continued participation of the membership camping operator in the reciprocal program and whether the membership camping operator reserves the right to terminate the participation; and

(17) such additional information as may be reasonably required by the commissioner to assure full and fair disclosure of all material facts to prospective purchasers.

Subd. 3. [USE.] The disclosure statement shall not be used for any promotional purpose before registration of the membership camping contracts and after registration, when required to be delivered pursuant to subdivision 1 of this section, it shall be used only in its entirety. A person may not advertise or represent that the commissioner has approved or recommended the membership camping contracts or sale thereof. A portion of the disclosure statement may not be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement if the effect is to render the statement misleading or deceptive.

Subd. 4. [CONTRACT AS DISCLOSURE STATEMENT.] A membership camping contract which contains all of the information required by subdivision 2 shall be deemed to be a disclosure statement within the meaning of this section. Delivery of such a membership camping contract shall be sufficient compliance with the requirements imposed by this section for delivery of a disclosure statement.

Subd. 5. [OTHER LAW.] Any disclosure statement which complies with the requirements of any federal law or the laws of any other state requiring substantially the same disclosure of information as is required by this section, may by rule or order of the commissioner be deemed to be in full or partial compliance with this section.

Subd. 6. [SEPARATE DISCLOSURE.] If the membership camping operator or that person's salespersons represents to a prospective purchaser that the operator plans to construct or install any amenities in the future, but the operator has not guaranteed to do so and has not provided assurances that the amenities will be installed pursuant to section 82A.04, subdivision 2, clause (13)(iv), the operator shall furnish a separate disclosure to the prospective purchaser. The separate disclosure shall be in 10-point bold type and shall state: NOTICE: PURCHASE THIS MEMBERSHIP CAMPING CONTRACT ONLY ON THE BASIS OF EXISTING AMENITIES. CONSTRUCTION OF PLANNED AMENITIES IS NOT GUARANTEED. CONSTRUCTION MAY BE DEFERRED, REVISED, OR CANCELED

FOR A VARIETY OF REASONS. THE PLANNED AMENITIES FOR THIS CAMPGROUND ARE (Insert list of amenities, including estimated year of completion of each). IF THE SALESPERSON DESCRIBES A SIGNIFICANT AMENITY WHICH IS NOT ON THIS LIST, TELEPHONE COLLECT OR TOLL FREE TO (Insert headquarters telephone number) TO VERIFY THE OPERATOR'S PLAN FOR SUCH A FACILITY.

The separate disclosure shall be delivered to each person to whom an offer is made before or concurrently with:

- (1) the first written offer other than offer by means of an advertisement; or
- (2) any payment pursuant to a sale, whichever is first.

The seller shall obtain a receipt, signed by the person, acknowledging that the person has received a copy of the separate disclosure required herein prior to the execution by the purchaser of any membership camping contract. All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner for a period of three years from the date of the receipt.

Sec. 6. [82A.06] [EXEMPTIONS.]

Subdivision 1. The following transactions are exempt from the provisions of this chapter:

- (1) an offer, sale, or transfer by any one person of not more than one membership camping contract in any 12-month period; unless the offer, sale, or transfer is effected by or through a broker;
- (2) an offer or sale by a government or governmental agency;
- (3) a bona fide pledge of a membership camping contract; and
- (4) any transaction which the commissioner by rule or order exempts as not being within the purposes of this chapter and the registration of which he or she finds is not necessary or appropriate in the public interest or for the protection of purchasers.

Subd. 2. The following transactions are exempt from the provisions of sections 82A.03; 82A.04; 82A.05; 82A.07; 82A.08; 82A.11, subdivisions 2 and 4; 82A.14; 82A.16; and 82A.17: any sale which is made to a person who is not then physically present in this state, and any offer which invites an offeree to attend a sales presentation in another state if:

- (1) the offeror has given at least ten days prior written notice to the commissioner of its intention to offer or sell membership camping contracts to residents of this state pursuant to this exemption and paid a fee of \$50;
- (2) the offeror has demonstrated that the sales presentation will be made, and the sale will be consummated, in a state which specifically regulates the offer and sale of membership camping contracts;
- (3) the offeror has demonstrated that it will deliver a disclosure statement to offerees who are residents of this state which contains substantially the same or greater disclosure as is required by section 82A.05; and
- (4) the offeror has filed a consent to service of process pursuant to section 82A.22.

Sec. 7. [82A.07] [AMENDMENT OF REGISTRATION.]

A person with a registration in effect, within 30 days after the person becomes aware of, or should have become aware of, the occurrence of any material change in the information on file with the commissioner, including the disclosure statement, which change could adversely affect purchasers, shall notify the commissioner in writing of the change by an application to amend the registration accompanied by a filing fee of \$25. If the amendment is approved by the commissioner, it shall become effective upon the issuance by the commissioner of an order approving the amendment. The amendment shall automatically become effective upon the expiration of 15 business days following filing with the commissioner unless the commissioner has prior thereto issued an order denying or approving the amendment.

Sec. 8. [82A.08] [ANNUAL REPORT.]

Subdivision 1. [REQUIREMENT.] During the period a registration is effective, the membership camping operator shall file an annual report in a format the commissioner may reasonably prescribe. Every annual report shall be due by the 120th day following the end of the operator's fiscal year, unless extended in writing by the commissioner for good cause. The annual report shall:

(1) specify the aggregate number of membership camping contracts sold in this state pursuant to the registration or any amendment thereof;

(2) specify the number of membership camping contracts and aggregate dollar amount of all sales of membership camping contracts in this state by the membership camping operator since the date the registration became effective, or since the last annual report was filed with the commissioner, whatever date is later;

(3) specify any exemption from registration claimed for any sale described in clause (2);

(4) list any changes in the information required to be filed under section 82A.04, subdivision 2, clause (4);

(5) include an audited or unaudited financial statement consisting of a balance sheet for the membership camping operator's last fiscal year end and an income statement for the 12 months next preceding the date of the balance sheet, both prepared by an independent certified public accountant; and

(6) provide such other information as the commissioner may by rule or order reasonably require to administer the provisions of this chapter, including but not limited to, audited financial statements.

Subd. 2. [FEE.] Every annual report filed pursuant to this section shall be accompanied by a fee of \$100.

Subd. 3. [CANCELLATION.] Failure to file the annual report shall be cause for cancellation of the registration. Cancellation shall occur ten days after mailing of the notice of cancellation to the operator or registrant. If canceled, the registration may be reinstated immediately following the filing of the report and payment of the appropriate fees.

Sec. 9. [82A.09] [ADVERTISING.]

Subdivision 1. [REQUIREMENTS.] No person shall publish or cause to be

published in this state any advertisement offering a membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, unless an actual copy of a sample of the advertisement has been filed in the office of the commissioner at least ten days prior to the first publication thereof, or at such earlier time as the commissioner by rule or order may allow, or unless the advertisement has been exempted by rule of the commissioner.

Subd. 2. [RESTRICTIONS.] No person shall publish or cause to be published in this state any advertisement concerning any membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, after the commissioner has found that the advertisement contains any statement that is false or misleading, or omits to make any statement necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, and has so notified the person by written order. The order may be issued without prior notice or hearing. Up to 30 days after the issuance of the order, the person desiring to use the advertisement may in writing request a hearing on the order. Upon receipt of a written request, the matter shall be set for hearing to commence within 15 days after the receipt unless the person making the request consents to a later date. After the hearing, which shall be conducted in accordance with the provisions of chapter 14, the commissioner shall, by written order, either affirm, modify, or vacate the order.

Sec. 10. [82A.10] [INSPECTION OF RECORDS.]

All records of a membership camping operator and broker and their agents pertaining to the advertising or sale of membership camping contracts in this state shall be maintained by the membership camping operator or broker at that person's principal place of business and shall there be subject to inspection by the commissioner during normal business hours. The commissioner shall be promptly notified of any change of address affecting the location of the records of the membership camping operator or broker and that person's agents.

Sec. 11. [82A.11] [SALES CONTRACT; RESCISSION.]

Subdivision 1. [WRITING.] Every membership camping contract shall be in writing.

Subd. 2. [GENERALLY.] Any membership camping contract not exempt under section 82A.06, and entered into after the effective date of this chapter, is voidable at the discretion of the purchaser, for a period of three years from the date of the sale, if the contract was not registered under this chapter at the time of the sale, unless subsequently thereto the contract is registered under this chapter and in connection therewith, the purchaser has received a written offer to repurchase the contract for cash payable on closing of the repurchase, together with interest thereon from the date of the purchase at the legal rate or at the rate charged by the membership camping operator or lender to the purchaser, whichever is higher, and the purchaser has failed to accept the offer in writing within 30 days of its receipt. No offer of repurchase shall be effective unless a duplicate copy thereof has been filed with the commissioner at least 20 days prior to its delivery to the offeree and the commissioner has not objected to the offer within that time. The offer to

repurchase shall be in the form and contain the information the commissioner by rule or order prescribes. If the purchaser no longer owns the membership camping contract, the purchaser shall be entitled to maintain an action at law, and the damages shall be the consideration paid for the membership camping contract, together with interest thereon as specified above from the date of acquisition to the date of disposition, plus costs and reasonable attorney's fees, less the value received by the purchaser upon disposition of the membership camping contract.

Subd. 3. [RIGHT OF RESCISSION.] A purchaser has an unconditional right to rescind any membership camping contract, or revoke any offer, at any time prior to or within three days after the date the purchaser actually receives a legible copy of the binding contract. Predating of a document does not affect the time in which the right to rescind may be exercised.

Subd. 4. [LABELING OF CONTRACT.] Each membership camping contract shall be prominently labeled and captioned that it is a document taken in connection with a sale of membership camping contracts under this chapter.

Subd. 5. [NOTICE.] Each membership camping contract shall contain the following notice which shall be in at least ten-point type, stating:

"You are entitled to rescind this agreement for any reason within three calendar days from the day you actually receive a legible copy of this document signed by all parties. The rescission must be in writing and sent by certified mail to the membership camping operator along with this agreement and any membership card issued to you or your family at the address stated in this document. Upon rescission, you will receive a refund of all money paid within 30 days after the membership camping operator receives notice of your rescission."

The operator or broker may impose a fee of not more than \$25 for processing of a rescission. If the operator or broker does so, it shall add the following clause to the notice: "provided that the membership camping operator (or broker, if the seller is a broker) may retain a processing fee of \$_____", and insert the amount of the charge to be imposed.

In the event the membership camping contract is sold by a broker or the broker's salesperson, the above notice shall be modified to substitute the name of the broker for "membership camping operator."

Subd. 6. [EFFECTIVE DATE.] Rescission occurs when the purchaser gives written notice of rescission, whether or not the membership camping contract or any membership card accompanies the notice, to the membership camping operator or the broker at the address stated in the contract. Notice of rescission, if given by mail, is effective when the purchaser deposits a certified letter properly addressed and postage prepaid in a mailbox. A notice of rescission given by the purchaser need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the purchaser not to be bound by the membership camping contract.

Subd. 7. [NONWAIVER.] No act of a purchaser shall be effective to waive the right to rescind as provided in this section.

Sec. 12. [82A.12] [ENFORCEMENT; POWERS OF COMMISSIONER.]

Subdivision 1. [GENERALLY.] The commissioner may issue a cease and desist order and may issue an order denying, suspending, or revoking any registration, amendment renewal, or exemption if the commissioner finds any of the following:

(1) that the membership camping operator or registrant or any controlling person thereof has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order of the commissioner;

(2) that the offer or sale of the membership camping contract has constituted or would constitute a material misrepresentation to purchasers, or has operated or would operate as a fraud or deceit upon purchasers;

(3) that the membership camping operator or registrant or any controlling person, agent, or employee thereof, is engaging or about to engage in false, fraudulent, or deceptive practices in connection with the offer and sale of a membership camping contract;

(4) that the membership camping operator or registrant or any controlling person or employee thereof, has engaged in any fraudulent or deceptive practice, whether or not in connection with the offer and sale of membership camping contracts, and the involvement of the person in the business of the membership camping operator or registrant creates a substantial risk of harm to prospective purchasers;

(5) that the financial condition of the membership camping operator materially adversely affects, or would materially adversely affect, the ability of the membership camping operator such that there is a reasonable likelihood that the membership camping operator will not be able to substantially fulfill its obligations under the membership camping contract, and no other financial security or assurance is provided by the membership camping operator to fulfill the obligations;

(6) that the membership camping operator's or registrant's enterprise or method of business with respect to the operation of a campground in this state includes or would include activities which are illegal or not in conformance with applicable statutes, ordinances, or regulations of any governmental entity;

(7) that the membership camping operator or registrant or any controlling person thereof has made material misrepresentations or concealed material facts in an application for registration;

(8) that any fee required by this chapter to be paid by the operator or registrant has not been paid; and

(9) that the membership camping operator or controlling person, agent, or employee thereof, has failed faithfully to perform any stipulation or agreement made with the commissioner as an inducement to grant any registration, to reinstate any registration, or to permit any disclosure statement; provided, however, that this clause shall not be deemed to require any stipulations or agreements.

Subd. 2. [HEARING ON ORDER.] If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, the commissioner may issue an order under subdivision 1 without a prior hearing.

Upon the entry of such an order, the commissioner shall promptly serve a copy of the order upon the subject membership camping operator or other person. The order shall state the reasons for its issuance and shall either order a hearing, which shall be set for no later than 20 days from the date of the order, or specify that upon the written request of the membership camping operator, or other person, the matter will be set for hearing within 15 days after receipt of the request; provided that with the consent of the membership camping operator, or other person, a hearing may be held subsequent to the expiration of either period specified herein. If no hearing is requested within 30 days of service of the order and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of chapter 14, shall affirm, modify, or vacate the order.

Subd. 3. [ORDER TO SHOW CAUSE.] If there are not grounds to employ the procedure prescribed in subdivision 2, the commissioner may issue an order to show cause setting a hearing on a date not later than ten days after its entry and requiring a membership camping operator or other person to appear and show cause why a cease and desist order should not be issued, or why an order denying, suspending, or revoking a registration, amendment, or exemption should not be issued. The order to show cause shall give reasonable notice of the time and place for hearing thereon, which shall be within ten days after entry of the order, unless the respondent agrees otherwise, and shall state the reasons for the entry of the order. The hearing shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require.

Subd. 4. [BURDEN OF PROOF.] In any proceeding under this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

Subd. 5. [INVESTIGATIONS.] The commissioner may make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. For purposes of any investigation or proceeding under this chapter, the commissioner or any person designated by him or her may require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, setting forth the facts and circumstances concerning the matter to be investigated; administer oaths or affirmations, and upon his or her own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the commissioner may apply to the district court for an order to compel compliance.

Sec. 13. [82A.13] [PROHIBITED PRACTICES.]

Subdivision 1. [UNTRUE STATEMENTS FILED IN DOCUMENTS.] No person shall make or cause to be made any untrue statement of a material fact in an application or other document filed with the commissioner under this chapter, or omit to state in the application or other document any material fact which is required to be stated therein, or fail to notify the commissioner of any material change as required by sections 82A.07 and 82A.16, subdivision 3.

Subd. 2. [FRAUD.] No person shall, in connection with the offer or sale of any membership camping contract, directly or indirectly:

- (1) employ any device, scheme, or artifice to defraud;*
- (2) make any untrue statement of a material fact, or omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or*
- (3) engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.*

Subd. 3. [MISREPRESENTATIONS.] No person may represent or cause to be represented to any prospective purchaser of a membership camping contract that the filing of any document under this chapter or the registration or exemption from registration of a membership camping contract constitutes a finding by the commissioner that any document filed under this chapter is true, complete, and not misleading, or that the commissioner has passed in any way upon the merits of any membership camping contract, and no person may represent that a membership camping contract is registered or exempted from registration when in fact, such is not the case.

Sec. 14. [82A.14] [UNFAIR PRACTICES.]

No membership camping operator shall:

(1) sell or offer to sell any membership camping contract with respect to a campground located in this state which is subject to a blanket encumbrance unless:

(i) each person holding an interest in a blanket encumbrance shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located; or

(ii) a bond or irrevocable letter of credit has been issued, or cash or a certified check in an amount sufficient to cover payment of all amounts secured by the blanket encumbrance has been deposited, in the name of the state for the benefit and protection of purchasers of membership camping contracts and subject to terms as approved by the commissioner. Any interest accruing on amounts held in the account shall be payable, as and when earned, to the membership camping operator. Any bond shall be executed by an insurance company authorized to do business in this state, which has sufficient net worth to satisfy the indebtedness and which has given consent to be sued in this state. Any irrevocable letter of credit shall be issued by a bank or savings and loan association which has sufficient net worth to satisfy the indebtedness and which has given its consent to be sued in this state. The bond, cash, certified check, or irrevocable letter of credit shall be in an amount which is not less than 110 percent of the remaining principal balance

of every indebtedness or obligation secured by a blanket encumbrance affecting the campground. The bond or agreement accompanying the cash, certified check, or irrevocable bank letter of credit shall provide for the payment of all amounts secured by the blanket encumbrance, including costs, expenses, and legal fees of the lien holder, if for any reason the blanket encumbrance is enforced. The bond, cash, certified check, or letter of credit may be reduced periodically in proportion to the reductions in the amount secured by the blanket encumbrance; or

(iii) the lender providing the major hypothecation loan to the membership camping operator (the "hypothecation lender"), and having a lien on or security interest in the membership camping operator's interest in the campground, shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located in this state. Each person holding an interest in a blanket encumbrance superior to the interest held by the hypothecation lender shall have executed, delivered, and recorded an instrument stating that the person shall give the hypothecation lender notice of, and at least 30 days' opportunity to cure, any default under the blanket encumbrance which entitles the person to foreclose upon the campground. The instrument shall state that the notice and opportunity to cure shall be given before the person commences any foreclosure action affecting the campground and in accordance with the instrument. The hypothecation lender shall have guaranteed that it will cure or arrange for the cure of the default. Any holder of a blanket encumbrance inferior to the hypothecation lender who acquires the campground in foreclosure shall take the campground subject to the hypothecation lender's nondisturbance agreement. For purposes of this provision, a "hypothecation lender" is any lender extending a loan or line of credit to a membership camping operator secured by all or substantially all of the contract receivables arising from the membership camping operator's sale of membership camping contracts in this state. For purposes of this provision, "lender" means an insurance company or a federally or state chartered bank, savings and loan association, any other lending institution, the deposits of which are guaranteed or insured, by a federal agency, or any other person which has sufficient net worth to pay the obligations pursuant to this section if there are no reasonable grounds to believe that the lender will not be able to pay these obligations in the future; or

(iv) the operator can provide an alternative plan acceptable to the commissioner;

(2) sell any campground which is located in this state and available for use by purchasers, unless:

(i) the membership camping operator sells the campground to a person who takes the campground subject to all rights and interests of purchasers, and contractually agrees not to compromise the rights and interests of purchasers in regard to future conveyances of, or encumbrances placed on the campground;

(ii) the membership camping operator immediately substitutes for the use of purchasers another campground which is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area"

means a location within a 50-mile radius of the previous campground; or

(iii) the membership camping operator immediately substitutes for the use of purchasers another campground and the substitution is approved by two-thirds of all existing purchasers;

(3) substitute any campground located in this state and available for use by purchasers with a different campground, unless the substituted campground is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area" means a location within a 50-mile radius of the previous campground;

(4) sell membership camping contracts with respect to any campground located in this state that is not owned by the membership camping operator or leased by the membership camping operator for a lease term at least equal to the term of the membership camping contract with respect to the campground;

(5) fail to disclose the circumstances, if any, under which any reciprocal program that has been offered as an inducement to purchasers may be terminated;

(6) materially modify any campground rules or regulations or modify purchasers' rights to or the scope and nature of an amenity in a manner which significantly degrades or diminishes the material rights of any purchaser without prior notice to purchasers resident in this state; or materially adversely modify any material campground rules or regulations or materially adversely modify purchaser's rights to or the scope and nature of an amenity in a manner which the purchaser proves:

(i) significantly degrades or diminishes any material rights of that purchaser; and

(ii) has no compensating benefit to any other purchaser or groups of purchasers;

(7) terminate or provide for termination of a membership camping contract, except for good cause. "Good cause" shall mean failure of the purchaser to substantially or consistently comply with reasonable requirements imposed upon him or her by the membership camping contract and campground rules and regulations;

(8) terminate a membership camping contract without first giving written notice setting forth all reasons for the termination to the purchaser at least 30 days prior to the termination becoming effective;

(9) increase a purchaser's membership dues after the sale of a contract in such a manner as to result in an increase thereof greater than whichever of the following increases is higher:

(i) the actual increase in costs of services or improvements for which the membership dues are imposed; or

(ii) the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or such other federally prepared consumer price index or wage earner index as reasonably selected by the operator in its discretion;

(10) require purchaser to certify the absence of any misrepresentation or other violation of this chapter provided, however, that a purchaser's acknowledgment of receipt of a copy of the membership camping contract shall not be deemed to constitute such a certification;

(11) require the purchaser to waive the right to assert against the membership camping operator or any assignee any claim or defense the purchaser may have against the membership camping operator under the membership camping contract; or

(12) materially and repeatedly fail to maintain a campground in this state in the manner contractually agreed upon.

Sec. 15. [82A.15] [PRESERVATION OF PURCHASER'S CLAIMS AND DEFENSES.]

Any assignee of a membership camping contract or obligation relating to membership camping contracts shall be subject to all claims and defenses of the purchaser against the membership camping operator arising from the sale, notwithstanding any agreement to the contrary. An assignee who takes assignment of the membership camping contract without assumption of any obligations thereunder shall have no obligation or liability to assume the obligations or responsibilities of the membership camping operator under the membership camping contract. The assignee's liability under this section shall not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. The rights of the purchaser under this subdivision can only be asserted as a matter of defense to or set off against a claim by the assignee.

Sec. 16. [82A.16] [LICENSURE REQUIREMENT.]

Subdivision 1. [SALESPERSON OR BROKER.] A salesperson or broker may not offer or sell a membership camping contract until duly licensed under this chapter.

Subd. 2. [FEE AND CONTENTS.] A salesperson or broker may apply for a license by filing a fee of \$25 and an application with the commissioner which includes the following information:

(1) the applicant's name, age, residence address, and, in the case of a salesperson, the name and place of business of the membership camping operator or broker on whose behalf the salesperson will be acting;

(2) the applicant's date and place of birth;

(3) a statement whether or not the applicant within the past ten years has been convicted of a misdemeanor or felony involving theft, fraud, or dishonesty or whether or not the applicant within the past ten years has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any securities, land sales, camping, or consumer protection statutes;

(4) a statement whether or not the applicant is named as a defendant in a pending criminal indictment or proceeding involving fraud, theft, or dishonesty or is a defendant in a pending lawsuit arising out of alleged violations of securities, land sales, camping, or consumer protection statutes. A copy of the charge, complaint, or lawsuit shall be provided to the commissioner;

(5) a statement describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was occasioned by a theft, fraud, or act of dishonesty;

(6) an affidavit certifying that the applicant is knowledgeable concerning the provisions of sections 82A.05, 82A.13, 82A.14, and 82A.16 and any rules adopted under those sections;

(7) a statement whether or not the applicant has ever been licensed by this state or its political subdivisions to engage in any other business or profession; whether any such license has been denied, suspended, or revoked and, if so, the circumstances of the denial, suspension, or revocation;

(8) such other information as the commissioner may reasonably deem necessary to administer the provisions of this act, by rule or order.

Subd. 3. [AMENDMENTS.] Each licensee shall, within 15 days after the occurrence of any material change in the information contained in the initial application for license, file with the commissioner an amendment to the application setting forth the facts of change. The following shall be material changes requiring amendment:

(1) any termination of employment with a membership camping operator or broker;

(2) any new employment with a different membership camping operator or broker;

(3) upon any occasion when the salesperson or broker is named as a defendant in any criminal indictment or proceeding involving fraud, theft, or dishonesty or is a defendant in any pending lawsuit arising out of alleged violations of this chapter or any securities, land sales, or consumer protection statutes. A copy of the complaint or lawsuit shall be provided to the commissioner; and

(4) a change of name or address.

Subd. 4. [SALESPERSONS.] A salesperson must be licensed to act on behalf of a registered membership camping operator or licensed broker and may not be licensed to act on behalf of more than one membership camping operator or broker in this state during the same period of time. The license of each salesperson shall be mailed to and remain in the possession of the salesperson until canceled.

Subd. 5. [EXPIRATION.] Every license issued pursuant to this chapter shall expire on the February 28 next following the issuance of the license.

Subd. 6. [RENEWAL.] The license of a salesperson and broker shall be renewed annually by the filing of a form prescribed by the commissioner and payment of a fee of \$10.

Subd. 7. [ALTERNATIVE SYSTEM.] Notwithstanding the provisions of subdivisions 5 and 6, the commissioner may institute a system by rule pursuant to chapter 14 to provide three-year licenses from the date of issuance for any license prescribed by this section.

Subd. 8. [RESPONSIBILITY OF OPERATOR.] Each membership camping operator or broker shall be responsible for any violations of section

82A.13 or 82A.14 by any and all of its salespersons while acting as its agents in connection with the offer or sale of membership camping contracts. Unless the broker is liable for such violations pursuant to section 82A.19, subdivision 2, the operator's or broker's liability under this subdivision shall be limited to rescission and refund of the purchaser's payments for the membership camping contract.

Sec. 17. [82A.17] [DENIAL; SUSPENSION; REVOCATION OF LICENSES.]

Subdivision 1. [GROUNDS.] The commissioner may by order deny a license application, suspend or revoke any license, or may censure a licensee if he or she finds that the order is in the public interest, and that the applicant or licensee:

(1) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent or deceptive practice;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the membership camping contract business or any other statute designed to protect consumers; or

(4) has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order under this chapter.

Subd. 2. [ORDER TO SHOW CAUSE.] The commissioner shall issue an order requiring a licensee or applicant for a license to show cause why the license should not be revoked or suspended, or the licensee censured, or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, the commissioner may by order summarily suspend a license pending final determination of any order to show cause. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension. All hearings shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which he or she has been duly notified, the person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Sec. 18. [82A.18] [ENFORCEMENT; PENALTIES AND REMEDIES.]

Subdivision 1. [CIVIL ACTION.] Whenever the commissioner has reasonable cause to believe that any person has engaged or is about to engage in any act or practice constituting a violation of any provisions of this chapter or any rule or order thereunder, he or she may, in addition to all other remedies, institute on behalf of the state of Minnesota a civil action seeking appropriate relief. In addition to all other penalties and remedies provided by this

chapter, whether administrative or judicial in nature, the courts of this state shall have jurisdiction to grant such temporary, interlocutory, or permanent injunctive relief as is necessary to prevent and restrain violations of this chapter and may upon a proper showing appoint a receiver for the property, assets, business, and affairs of a membership camping operator.

Subd. 2. [CIVIL PENALTY.] Any person who materially or repeatedly violates section 82A.03, 82A.05, 82A.09, 82A.13, 82A.14, or 82A.16 shall be subject to a fine of not more than \$1,000 for each violation provided, however, that the total recovery arising from the same failure to comply, but involving different purchasers, shall be limited to \$5,000. A fine authorized by this subdivision may be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.

Subd. 3. [PENALTY FOR UNPAID FEES.] Any person who fails to pay the filing fees required by this chapter and continues to sell membership camping contracts, is liable civilly in an action brought by the attorney general on behalf of the commissioner for a penalty in an amount equal to treble the unpaid fees.

Sec. 19. [82A.19] [CIVIL LIABILITY.]

Subdivision 1. [GENERALLY.] A person who violates any provision of section 82A.05, 82A.13, or 82A.14 or any rule or order thereunder shall be liable to the purchaser who may sue for actual damages caused thereby, for rescission, or other relief as the court may deem appropriate.

Subd. 2. [JOINT AND SEVERAL LIABILITY.] Every person who materially aids in the act or a violation of section 82A.05, 82A.13, or 82A.14 is also liable jointly and severally with and to the same extent as the person, directly committing the violation unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subd. 3. [COSTS AND DISBURSEMENTS.] The prevailing party, in any suit authorized under this section or brought pursuant to section 82A.11, may recover costs and disbursements plus reasonable attorney's fees, in addition to any other relief granted.

Subd. 4. [REMEDIES ADDITIONAL.] The rights and remedies provided by this chapter shall be in addition to any and all other rights and remedies that may exist at law or in equity.

Subd. 5. [LIMITATIONS ON ACTIONS.] An action shall not be commenced pursuant to this section later than three years from the date the person enters into the contract.

Sec. 20. [82A.20] [RULES AND OPINIONS.]

Subdivision 1. [RULEMAKING POWER.] The commissioner may adopt rules to carry out the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify membership camping contracts, persons, or matters within his or her jurisdiction, and prescribe different requirements for different classes insofar as they are consistent with this chapter. Rules shall be adopted in accordance with chapter 14, and shall not be inconsistent with the provisions of this chapter.

Subd. 2. [OPINIONS.] The commissioner, upon request and upon payment of a fee of \$50, may honor requests for interpretive opinions relating to this chapter.

Sec. 21. [82A.21] [SCOPE.]

The provisions of this chapter concerning offers and sales of membership camping contracts apply when an offer or sale is made in this state.

For the purpose of this chapter, an offer or sale is made in this state when a sales presentation is made in this state. An offer or sale is also made in this state, whether or not either party is then present in this state, when:

(1) the offer originates from this state and is intended to induce the offeree to attend a sales presentation in this state; or

(2) the offer is directed by the offeror to this state, received by the offeree in this state and is intended to induce the offeree to attend a sales presentation in this or another state.

An offer or sale is not made in this state when a publisher circulates or there is circulated on the publisher's behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this state, or a radio or television program originating outside this state is received in this state.

Sec. 22. [82A.22] [SERVICE OF PROCESS.]

Subdivision 1. [CONSENT TO SERVICE.] Every membership camping operator or broker, on whose behalf an application for registration or exemption is filed, shall file with the commissioner, in such form as the commissioner may prescribe, an irrevocable consent appointing the commissioner and the commissioner's successors in office to be the membership camping operator's or broker's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the membership camping operator or broker or his or her successor, executor, or administrator which arises under this chapter or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the membership camping operator or the operator's successor, executor, or administrator. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless:

(1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at that person's last address on file with the commissioner; and

(2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

Subd. 2. [APPOINTMENT OF COMMISSIONER.] When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter, or any rule or order thereunder, and the person has not filed a consent to service of process under subdivision 1 and personal jurisdiction over this person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment

of the commissioner or the commissioner's successor to be the person's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the person which grows out of that conduct and which is brought under this chapter or any rule or order thereunder, with the same force and validity as if served on the person personally. Service may be made by leaving a copy of the process in the office of the commissioner, and it is not effective unless:

(1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by the commissioner, forthwith sends notice of the service and a copy of the process by certified mail to the defendant or respondent at his or her last known address or takes other steps which are reasonably calculated to give actual notice; and

(2) the plaintiff's affidavit of compliance with this subdivision is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

Subd. 3. [CONTINUANCES.] When process is served under this section, the court or the commissioner in a proceeding before him or her shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.

Sec. 23. [82A.23] [WAIVERS VOID.]

Any condition, stipulation, or provision purporting to bind any person acquiring any membership camping contract to waive compliance with any provision of this chapter or any rule or order thereunder is void.

Sec. 24. [82A.24] [ADMINISTRATION.]

Subdivision 1. [GENERALLY.] This chapter shall be administered by the commissioner of commerce.

Subd. 2. [RESPONSIBILITIES OF DEPARTMENT.] It is unlawful for the commissioner or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the commissioner and which is not generally available to the public. Nothing in this chapter authorizes the commissioner or any of his or her officers or employees to disclose any confidential information except among themselves or to other administrators or regulatory authorities, or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates any privilege or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his or her officers or employees.

Subd. 3. [PUBLIC DOCUMENTS.] All applications and other documents filed with the commissioner under this chapter, except for loan or real estate agreements and building plans and specifications which have not otherwise been made public by the membership camping operator, shall be open to public inspection in accordance with rules prescribed by the commissioner. Loan or real estate agreements and building plans and specifications which have not otherwise been made public by the operator shall be classified as protected nonpublic data or private data on individuals. The commissioner may publish information filed with him or her or obtained by him or her if, in

the judgment of the commissioner; such action is in the public interest.

Subd. 4. [DOCUMENT FILING.] A document is filed when it is received by the commissioner.

Subd. 5. [REGISTER OF FILING.] The commissioner shall keep a register of all filings which are or have ever been effective under this chapter and all denial, suspension, revocation, and other orders which have been entered under this chapter. The register shall be open for public inspection.

Subd. 6. [COPIES.] The commissioner upon request shall furnish to any person at a reasonable charge photostatic or other copies, certified under his or her seal of office if certification is requested, of any entry in the register or any order or other document on file in his or her office except for documents not available to the public pursuant to subdivision 3. Any copy so certified is admissible in evidence under section 600.13.

Subd. 7. [SERVICE OF ORDERS.] Orders of the commissioner shall be served by mailing a copy by certified mail to the most recent address of the recipient of the order as it appears in the files of the commissioner. Subpoenas shall be served in the same manner as provided in civil actions in the district courts.

Sec. 25. [82A.25] [CRIMINAL PENALTIES.]

Any person who willfully violates section 82A.03 by offering or selling unregistered, nonexempt membership camping contracts or section 82A.13 or any order of the commissioner pursuant thereto of which that person has notice, may be fined not more than \$5,000 or imprisoned not more than five years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of the offenses shall not bar prosecution or conviction for any other offense.

Sec. 26. [82A.26.] [NONAPPLICABILITY OF CERTAIN LAW.]

Membership camping contracts registered pursuant to this chapter are exempt from the provisions of chapter 83. To the extent that licensed salespersons and licensed brokers engage in the offer or sale of membership camping contracts, those brokers and salespersons are exempt from the licensing requirements of chapter 82.

Sec. 27. [EFFECTIVE DATE.]

This act is effective January 1, 1986."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 801: A bill for an act relating to crimes; authorizing the commissioner of revenue to request the attorney general or a prosecuting authority of a county to assist in criminal tax investigations; proposing coding for new law in Minnesota Statutes, chapter 270.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. [270.062] [ACCESS TO CRIMINAL JUSTICE DATA.]

The commissioner of revenue may enter into an agreement with the commissioner of public safety allowing designated employees of the revenue department to have access to the criminal justice datacommunications network provided in section 299C.46. For purposes of that section, the special investigation unit of the revenue department is considered a criminal justice agency.”

Page 1, after line 18, insert:

“Sec. 3. Minnesota Statutes 1984, section 290.53, subdivision 11, is amended to read:

Subd. 11. [ASSISTING IN FRAUD AND FALSE STATEMENTS; CRIMINAL PROVISIONS.] Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under this chapter, of a return, affidavit, claim, or other document, which is fraudulent or false as to any material matter, ~~where~~ *whether or not* the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a felony. Any criminal offense under this subdivision may be prosecuted in the same manner and within the same period of limitations provided in subdivision 4.

Sec. 4. Minnesota Statutes 1984, section 290.92, subdivision 15, is amended to read:

Subd. 15. [PENALTIES.] (1) In the case of any failure to withhold a tax on wages, make and file quarterly returns or make payments to or deposits with the commissioner of amounts withheld, as required by this section, within the time prescribed by law, there shall be added to the tax a penalty equal to ten percent of the amount of tax that should have been properly withheld and paid over to or deposited with the commissioner if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which the failure continues, not exceeding 25 percent in the aggregate. The amount of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid. The amount added to the tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the negligence, in which case the amount added shall be collected in the same manner as the tax.

(2) If any employer required to withhold a tax on wages, make deposits, make and file quarterly returns and make payments to the commissioner of amounts withheld, as required by sections 290.92 to 290.97, willfully fails to withhold the tax or make the deposits, files a false or fraudulent return, willfully fails to make the payment or deposit, or willfully attempts in any manner to evade or defeat the tax or the payment or deposit of it, there shall also be imposed on the employer as a penalty an amount equal to 50 percent of the amount of tax, less any amount paid or deposited by the employer on the basis of the false or fraudulent return or deposit, that should have been properly withheld and paid over or deposited with the commissioner. The amount

of the tax together with this amount shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid. The penalty imposed by this paragraph shall be collected as a part of the tax, and shall be in addition to any other penalties civil and criminal, prescribed by this subdivision.

(3) If any person required under the provisions of subdivision 7 to furnish a statement to an employee or payee and a duplicate statement to the commissioner, or to furnish a reconciliation of the statements, and quarterly returns, to the commissioner, willfully furnishes a false or fraudulent statement to an employee or payee or a false or fraudulent duplicate statement or reconciliation of statements, and quarterly returns, to the commissioner, or willfully fails to furnish a statement or the reconciliation in the manner, at the time, and showing the information required by the provisions of subdivision 7, or rules prescribed by the commissioner thereunder, there shall be imposed on the person a penalty of \$50 for each act or failure to act, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$25,000. The penalty imposed by this paragraph is due and payable within ten days after the mailing of a written demand therefor, and may be collected in the manner prescribed in subdivision 6, paragraph (8).

(4) In addition to any other penalties prescribed, any person required to withhold a tax on wages, make and file quarterly returns and make payments or deposits to the commissioner of amounts withheld, as required by this section, who willfully fails to withhold the tax or truthfully make and file the quarterly return or make the payment or deposit, or attempts to evade or defeat the tax is guilty of a gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a felony.

(5) In lieu of any other penalty provided by law, except the penalty provided by paragraph (3), any person required under the provisions of subdivision 7 to furnish a statement of wages to an employee and a duplicate statement to the commissioner, who willfully furnishes a false or fraudulent statement of wages to an employee or a false or fraudulent duplicate statement of wages to the commissioner, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required by the provisions of subdivision 7, or rules prescribed by the commissioner thereunder, is guilty of a gross misdemeanor.

(6) Any employee required to supply information to his employer under the provisions of subdivision 5, who willfully fails to supply information or willfully supplies false or fraudulent information thereunder which would require an increase in the tax to be deducted and withheld under subdivision 2a or subdivision 3, is guilty of a gross misdemeanor.

(7) The term "person," as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership, who as an officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(8) All payments received may, in the discretion of the commissioner of revenue, be credited first to the oldest liability not secured by a judgment or lien, but in all cases shall be credited first to penalties, next to interest, and then to the tax due.

(9) In addition to any other penalty provided by law, any employee who furnishes a withholding exemption certificate to his employer which the employee has reason to know contains a materially incorrect statement is liable to the commissioner of revenue for a penalty of \$500 for each instance. The penalty is immediately due and payable and may be collected in the same manner as any delinquent income tax.

(10) In addition to any other penalty provided by law, any employer who fails to submit a copy of a withholding exemption certificate required by subdivision 5a, clause (1)(a), (1)(b), or (2) is liable to the commissioner of revenue for a penalty of \$50 for each instance. The penalty is immediately due and payable and may be collected in the manner provided in subdivision 6, paragraph (8).

(11) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or 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~~ *whether or not* the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor, unless the tax involved exceeds \$300, in which event he is guilty of a felony.

(12) 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.

Sec. 5. Minnesota Statutes 1984, section 297A.39, subdivision 8, is amended to read:

Subd. 8. [PENALTY; FALSE CLAIM.] Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or 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~~ *whether or not* the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a felony. Any criminal offense under this subdivision may be prosecuted in the same manner and within the same period of limitations provided in subdivision 4.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing the revenue department to have access to certain information;"

Page 1, line 5, after the semicolon, insert "conforming preparer penalty with federal law; amending Minnesota Statutes 1984, sections 290.53, subdivision 11; 290.92, subdivision 15; and 297A.39, subdivision 8;"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1329: A bill for an act relating to taxation; clarifying definitions for sales and use tax; clarifying exemptions; imposing civil and criminal penalties for underreporting or failing to report motor vehicle excise tax; repealing certain refund procedures; amending Minnesota Statutes 1984, sections 297A.01, subdivisions 4, 11, and by adding subdivisions; 297A.041; 297A.25, subdivision 1; 297B.10; and 297B.11; repealing Minnesota Statutes 1984, section 297A.35, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 2, after line 25, insert:

“Personal property does not include:

(a) large ponderous machinery and equipment used in a business or production activity which at common law would be considered to be real property;

(b) property which is subject to an ad valorem property tax;

(c) property described in section 272.02, subdivision 1, clause (8), paragraphs (a) to (d);

(d) property described in section 272.03, subdivision 2, clauses (3) and (5).”

Pages 2 and 3, delete sections 3 and 4

Page 3, line 32, strike “shall” and insert “does”

Page 3, line 34, after “show,” insert “convention exhibit area,” and after “is” insert “: (1)”

Page 3, line 36, after “year” insert “; or (2) conducted by a nonprofit organization annually or less frequently”

Page 12, line 1, after “Minnesota” insert “. Mailing and reply envelopes and cards used exclusively in connection with the advertising and promotional materials are included in this exemption”

Page 13, line 16, after “or” insert “any purchaser”

Page 14, line 30, delete “6” and insert “3”

Page 14, line 31, delete “7” and insert “4” and delete “8” and insert “5”

Page 14, line 32, delete “9” and insert “6”

Page 14, line 33, delete “1986” and insert “1987”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after “exemptions;” insert “providing an exemption for

certain mailing materials used for advertising purposes;"

Page 1, line 7, delete everything after "297A.01," and insert "subdivision 11"

Page 1, line 8, delete "subdivisions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1308: A bill for an act relating to Olmsted county; providing for sales, leases, and conveyances; providing certain exceptions to public bidding requirements.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete section 3

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1208: A bill for an act relating to the city of Gaylord; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of municipal buildings.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, delete "*compliance with*" and insert "*final enactment.*"

Page 2, delete lines 14 and 15

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1061: A bill for an act relating to taxation; property; clarifying the definition of real property; amending Minnesota Statutes 1984, section 272.03, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, reinstate the stricken "clause" and delete "*paragraph*" and strike "(c)"

Page 2, line 5, strike "clauses" and insert "*paragraphs*"

Page 2, line 11, delete "*paragraph (c)*" and insert "*clause*"

Page 2, line 17, after the period, insert "*This clause shall not be applicable*

to farm crop dryers or crop dryers later used for grain storage located on a farm."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1477: A bill for an act relating to crimes; prohibiting sale, possession or use of electric weapons; exempting law enforcement agencies and peace officers from the possession and use prohibition; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. 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 the person's 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 *dangerous* 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."

Delete the title and insert:

"A bill for an act relating to crimes; regulating the use, possession and sale of electronic incapacitation devices; imposing penalties; amending Minnesota Statutes 1984, section 624.731."

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 576: A bill for an act relating to state departments and agencies; regulating initial fees and fee adjustments for agency services; amending Minnesota Statutes 1984, section 16A.128.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, before "Fees" insert "Unless the commissioner determines that the fee shall be lower,"

Page 1, line 19, reinstate the stricken language and after the reinstated "plus" insert "only"

Page 1, line 20, reinstate the stricken language and after the reinstated "costs" insert "directly"

Page 2, line 5, delete everything after "14"

Page 2, lines 6 and 7, delete the new language

Page 2, after line 16, insert:

“Sec. 2. Minnesota Statutes 1984, section 16A.1281, is amended to read:
16A.1281 [REPORT ON LOW OR HIGH FEES.]

~~In even-numbered years,~~ *Each biennium* the commissioner shall review fees collected by agencies. ~~By November 15,~~ The commissioner shall report on the fees to the appropriation and finance committees *not later than the date the governor submits the biennial budget to the legislature.* The report must analyze the fees that the commissioner believes are too low *or too high* for the service provided. The analysis must take into account the cost of collecting the fee.”

Amend the title as follows:

Page 1, line 4, delete “section 16A.128” and insert “sections 16A.128 and 16A.1281”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 438: A bill for an act relating to local government; clarifying interest arbitration for firefighters and peace officers in state employment; excluding firefighters and peace officers from the local government job evaluation system and pay equity requirements; amending Minnesota Statutes 1984, section 43A.05, by adding a subdivision; and Laws 1984, chapter 456, section 1; proposing coding for new law in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 471.992, is amended to read:

471.992 [EQUITABLE COMPENSATION RELATIONSHIPS.]

Subdivision 1. [ESTABLISHMENT.] Subject to sections 179A.01 to 179A.25 but notwithstanding any other law to the contrary, every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees.

Subd. 2. [ARBITRATION.] In all interest arbitration held pursuant to sections 179A.01 to 179A.25, the arbitrator shall ~~follow~~ *consider* the equitable compensation relationship standards established under ~~Laws 1984, chapter 651, sections 1 to 10~~ *section 471.993 together with other standards appropriate to interest arbitration.* *The arbitrator shall consider both the results of a job evaluation study and any employee objections to the study.*

Subd. 3. [EFFECTIVE DATE.] *This section will become effective August 1, 1987.*

Sec. 2. [471.9966] [EFFECT ON OTHER LAW.]

A political subdivision may specify an amount of funds to be used solely to correct inequitable compensation relationships as well as an amount of funds to be used for general salary increases. The provisions of sections 471.991 to 471.999 do not diminish a political subdivision's duty to bargain in good faith under chapter 179A or sections 179.35 to 179.39.

Sec. 3. [REPEALER.]

Minnesota Statutes 1984, section 471.9965, is repealed.”

Delete the title and insert:

“A bill for an act relating to local government; clarifying the correction of inequitable compensation relationships; amending Minnesota Statutes 1984, section 471.992; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 471.9965.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 1236: A bill for an act relating to licensed occupations; requiring a certified signature on final documents prepared by certain licensed professionals; amending Minnesota Statutes 1984, section 326.12, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

H.F. No. 730: A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 896: A bill for an act relating to energy; providing for the method of calculating the payback of certain energy conservation investments; amending Minnesota Statutes 1984, section 116J.37, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete “*prior to January 1, 1986*”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

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; 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete "An"

Page 2, delete lines 18 to 20

Page 2, line 22, after "are" insert "*based on each vehicle's mileage in the preceding year and are*"

Page 2, line 25, delete "\$ 92" and insert "\$9 per 1,000 miles"

Page 2, line 26, delete "\$128" and insert "\$16 per 1,000 miles"

Page 2, line 27, delete "\$160" and insert "\$23 per 1,000 miles"

Page 2, line 28, delete "\$192" and insert "\$27 per 1,000 miles"

Page 2, line 29, delete "\$240" and insert "\$34 per 1,000 miles"

Page 2, after line 30, insert:

"The maximum fee for an annual compressed natural gas user permit for vehicles in all gross vehicle weight classes shall not exceed the fee charged for 22,000 actual miles driven. If no true cumulative mileage figures are available for the preceding year, the fee charged under this section shall be based on 15,000 miles driven."

Page 3, line 8, delete "and"

Page 3, after line 8, insert:

"(3) the true cumulative mileage registered on the odometer; and"

Renumber the clauses in sequence

Page 4, line 10, before "and" insert "*the true cumulative mileage registered on the odometer,*"

Page 4, after line 20, insert:

"Sec. 5. [296.027] [PENALTY.]

Any person who provides false information, including but not limited to false odometer readings, or who otherwise fails to comply with the provisions of section 4, subdivisions 3 and 6, is guilty of a misdemeanor.

Sec. 6. [296.028] [REPORT TO THE LEGISLATURE.]

The commissioner of public safety, in cooperation with the commissioner of revenue, the commissioner of transportation, and the director of the department of public service, shall report to the legislature by October 1, 1988, on the number of annual compressed natural gas user permits issued; the impact of fees collected under section 4 on the highway user tax distribution fund; the percentage of usage of compressed natural gas and gasoline by

vehicles utilizing both fuels; the impact of consumption of compressed natural gas on natural gas rates charged by regulated public utilities; and the costs to utilities of expenses incurred for equipment and marketing compressed natural gas as a motor vehicle fuel."

Page 4, line 22, delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring a report to the legislature; providing a penalty;"

And when so amended the bill do pass. Mr. Johnson, D.J. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 94: A bill for an act relating to state government; providing for the status of seasonal employees of the department of revenue; amending Minnesota Statutes 1984, sections 43A.08, subdivision 1; and 43A.081, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1984, section 43A.15, is amended by adding a subdivision to read:

Subd. 13. [REVENUE SEASONAL EMPLOYEES.] The commissioner may authorize the administration of a qualifying selection process for the filling of seasonal positions in the department of revenue used in the processing of returns and providing information during the tax season. The commissioner of revenue may consider any candidate found qualified through this process for probationary appointment.

Sec. 3. Minnesota Statutes 1984, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

(1) elective state officers;

(2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;

(3) employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;

(4) employees of the University of Minnesota who are excluded from cov-

erage by action of the board of regents;

(5) officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;

(6) election officers;

(7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) all courts and court employees, referees, receivers, jurors, and notaries public, except employees of the appellate courts and referees and adjusters employed by the department of labor and industry;

(10) patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) all temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period

and all seasonal help in the ~~unclassified~~ *classified* service employed by the department of revenue;

(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer 1 on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) persons employed in subsidized on-the-job training, work experience

or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 4. [TRANSITION FOR CURRENT EMPLOYEES.]

The commissioner of revenue shall appoint to the classified service, without a probationary period, current seasonal employees of the department of revenue who have worked a total of at least six months for the department since January 1, 1982. The commissioner shall appoint to the classified service, with a probationary period, people who are seasonal employees of the department of revenue on April 15, 1985, who have not worked a total of six months for the department since January 1, 1982.

Page 3, line 10, delete "*Sections 1 and 2 are*" and insert "*This act is*" and delete "*their*" and insert "*its*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "and 43A.081" and insert "43A.15" and before the period insert "; and 352.01, subdivision 2B"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

H.F. No. 786: A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board 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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 1.22, is amended to read:

1.22 [COMMISSIONERS.]

In pursuance of Article IV of the compact, there shall be five commissioners on the Great Lakes commission from this state. Two shall be members of the house of representatives and two shall be members of the state senate. One member shall be appointed by and serve at the pleasure of the ~~governor~~ *commissioner of transportation*. The house members shall be appointed by the speaker of the house and the members of the senate shall be appointed by the committee on committees. The commissioners shall exercise all voting rights conferred by the compact on the commissioners from the party state as provided in Article IV, (B and C) of the compact.

Sec. 2. 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. 3. 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 rule 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. 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 84B.11, subdivision 1, is amended to read:

Subdivision 1. The ~~governor shall appoint, except for the legislative members;~~ a citizen's council on Voyageurs National Park, ~~consisting consists of 17.15~~ members as follows:

Four residents of Koochiching county, *two to be appointed by the commissioner of natural resources and two to be appointed by the commissioner of energy and economic development;*

Four residents of St. Louis county, *two to be appointed by the commissioner of natural resources and two to be appointed by the commissioner of energy and economic development;*

~~Five~~ *Three* residents of the state at large from outside Koochiching and St. Louis counties *to be appointed by the governor;*

Two members of the state senate to be appointed by the committee on committees;

Two members of the state house of representatives to be appointed by the speaker of the house.

The governor shall designate one of the appointees to serve as chairman and the committee may elect such other officers as it deems necessary. Members shall be appointed so as to represent differing viewpoints and interest groups on the facilities included in and around the park. Legislator members shall serve for the term of the legislative office to which they were elected. The terms, compensation and removal of nonlegislator members shall be as provided in section 15.059. This section is repealed June 30, 1987.

Sec. 6. 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. 7. Minnesota Statutes 1984, section 121.82, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT OF MEMBERS.] Legislative members of the education commission established in article III (A) are appointed as follows: One member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the committee on committees for a two year term. *The commissioner of education shall make the four remaining appointments described in article III(A) of the compact.* Members of the education commission appointed by the ~~governor~~ *commissioner* are appointed for a term which coincides with the term of the appointing ~~governor~~ *commissioner*. Members appointed from the legislature and members appointed by the ~~governor~~ *commissioner* serve until their successors are appointed and qualified.

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 ~~46~~ *two* other persons; ~~two~~ from each congressional district of which one shall be a legislator, ~~appointed by the governor~~. *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 238.02, subdivision 4, is amended to read:

Subd. 4. "~~Board Commissioner~~" shall mean the ~~cable communications board created by section 238.04~~ *commissioner of administration*.

Sec. 11. Minnesota Statutes 1984, section 238.05, is amended to read:

238.05 [DUTIES OF THE ~~BOARD~~ COMMISSIONER.]

Subdivision 1. The ~~board commissioner~~ shall develop and maintain a statewide plan for development of cable communications services, setting forth the objectives which the ~~board commissioner~~ deems to be of regional and state concern.

Subd. 2. The ~~board commissioner~~ shall, to the extent permitted by, and not contrary to, applicable federal and state law, rules and regulations:

(a) prescribe procedures and practices which municipalities shall follow in granting franchises, including those providing for issuance of a public invitation to compete for the franchise, said invitation containing the outlines for the municipality's cable system and the desired services, as well as the criteria and priorities the municipality has developed to review franchise applications;

(b) prescribe minimum standards for inclusion in franchises, including maximum initial, renegotiation and renewal periods; length of residential subscriber contracts; provisions for municipal purchase; prohibitions against the invasion of privacy through a cable communications system; provisions covering construction, operation and abandonment of cable communications systems; and a requirement that no such franchise may be exclusive. Taking into account the size of the cable communications system, the ~~board commissioner~~ shall also prescribe minimum standards for performance bond re-

quirements; for channel capacity; for two-way capability; for access to, and facilities to make use of, channels for education, government, and the general public; and for construction and operation of the cable communications system;

(c) prescribe standards for: franchises awarded in the twin cities metropolitan area which designate a uniform regional channel; the interconnection of all cable systems within this area; and the designation of a single entity to schedule programs and facilitate use of this channel;

(d) designate the entity referred to in clause (c) and prescribe rules for its operation and practice which rules shall insure that priority is given to public use of the uniform regional channel.

Subd. 3. The *board commissioner* shall provide advice and assistance to the cable communications industry; federal, state and local governments; members of the citizenry not commercially involved in cable communications activities; community organizations; and other private and public agencies interested in matters relating to cable communications and services.

Subd. 4. The *board commissioner* shall issue certificates of confirmation in accordance with the standards prescribed by the *board commissioner*.

Subd. 5. The *board commissioner* shall represent the interests of the people of the state before the federal communications commission.

Subd. 6. The *board commissioner* shall adopt, after consulting with either the metropolitan council or regional development commissions of the state as appropriate, a set of minimum standards for the establishment of cable territories within which a franchise may be awarded, and procedures to be followed for alteration of cable service territory boundaries.

Subd. 7. The *board commissioner* shall approve or reject boundaries for specific territories upon receipt of proposals from municipalities or cable communications operator applicants, after consultation with the metropolitan council or the affected regional planning commission. If the proposed boundaries, in whole or part, are within the seven county metropolitan area, the metropolitan council shall be allowed 45 days to review and comment on the proposed boundaries.

Subd. 8. The *board commissioner* shall prohibit invasion of privacy.

Subd. 9. The *board commissioner* shall insure that minorities and all other groups have the fullest access to cable communications at all levels, including the establishment of an affirmative action regulation and compliance mechanism consistent with Federal Executive Order No. 11246, of the President, as amended by Executive Order No. 11375 and Executive Order No. 11478.

Subd. 10. The *board commissioner* shall establish standards pertaining to transfer, renewal, termination or amendment of franchises.

Subd. 11. The *board commissioner* shall establish standards pertaining to ownership and control of cable communications companies.

Subd. 12. The *board commissioner* shall prescribe standards for interconnection and compatibility of cable communications systems.

Subd. 13. The *board commissioner* shall establish provisions pertaining to

liability for obscenity and defamation.

Subd. 14. The ~~board~~ *commissioner* shall encourage experimental, innovative approaches to the building and operation of cable communications systems.

Subd. 15. The ~~board~~ *commissioner* shall encourage the establishment of nonprofit corporations to facilitate production for the access channels.

Subd. 16. The ~~board~~ *commissioner* shall establish standards covering the construction, operation and abandonment of cable communications systems.

Subd. 17. The ~~board~~ *commissioner* shall also promulgate rules pertaining to cable transmission line extension by cable communications companies.

Subd. 18. The ~~board~~ *commissioner* shall adopt rules to ensure that all cable communications systems as defined in section 238.02, subdivision 3, and all systems which would meet that definition but for the number of subscribers served, provide adequate access for educational and governmental programming. In adopting the rules, the ~~board~~ *commissioner* shall give consideration to both the needs of the community and the capability of the system.

Subd. 19. The ~~board~~ *commissioner* may adopt rules to ensure reasonable access by cable systems to multiple unit dwellings and any site, lot, field, or tract of land and water upon which two or more occupied mobile or immobile dwelling units are located.

Sec. 12. Minnesota Statutes 1984, section 238.06, is amended to read:

238.06 [POWERS OF ~~BOARD~~ COMMISSIONER.]

Subdivision 1. The ~~board~~ *commissioner* may promulgate, issue, amend, rescind, and provide for the enforcement of such rules and regulations as it may find necessary or appropriate to carry out the provisions of this chapter in accordance with chapter 14. The ~~board~~ *commissioner* may also issue any necessary and appropriate orders. Such orders, rules and regulations may classify persons and matters within the jurisdiction of the ~~board~~ *commissioner* and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.

Subd. 2. The ~~board~~ *commissioner* or other aggrieved party shall have the right to institute or to intervene as a party in any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of sections 238.01 to 238.17 or any rules, regulations or orders issued thereunder.

Subd. 3. The ~~board~~ *commissioner* may subpoena witnesses, administer oaths, take testimony, and require the production of such books, records, papers, or documents as are material in a contested case and designated in the subpoena. The ~~board~~ *commissioner* may authorize hearing officers to exercise the authority conferred by this subdivision. Disobedience of a subpoena issued by the ~~board~~ *commissioner* or a hearing officer pursuant to this subdivision shall be punishable in like manner as a contempt of the district court in proceedings instituted upon application of the ~~board~~ *commissioner* or a hearing officer made to the district court of Ramsey county or the county in which the person who was subpoenaed resides or has his principal place of

business.

Subd. 4. The ~~board~~ *commissioner* may by rule prescribe a schedule of filing fees for matters heard by it pursuant to section 238.14, provided the amount of the fee charged may not exceed the fee charged by the district court for hearings on a similar matter.

Subd. 5. The ~~board~~ *commissioner* may, upon a suitable showing of need in individual instances, order the interconnection of cable communications systems.

Subd. 6. The ~~board~~ *commissioner* may require from a cable communications system granted a certificate of confirmation information and supporting documentation in the form the ~~board~~ *commissioner* deems appropriate on an annual basis, or on sale, transfer or other major activity within a cable communications company. The ~~board~~ *commissioner* shall not release economic data of the cable communications company, including operating revenues and profitability, to the general public or to other cable communication companies except in furtherance of specific duties or obligations of the ~~board~~ *commissioner*.

Sec. 13. 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~~ *commissioner*, unless such requirement is inconsistent with this chapter or any ~~regulation~~ *rule* of the ~~board~~ *commissioner*.

Sec. 14. 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~~ *commissioner* to the same extent as would any nonpublic cable communications system.

Sec. 15. Minnesota Statutes 1984, section 238.09, is amended to read:

238.09 [CERTIFICATE OF CONFIRMATION.]

Subdivision 1. Except as provided in subdivisions 4, 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the ~~board~~ *commissioner* has confirmed such franchise.

Subd. 3. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations on May 24, 1973, may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the ~~board~~ *commissioner* by such date as the ~~board~~ *commissioner* shall set, an application in such form and containing such information and supporting documentation as the ~~board~~ *commissioner* may require. The ~~board~~ *commissioner* shall issue a certificate of confirmation to such a cable communications company valid for five years without further proceedings.

Subd. 4. Cable communications companies which have been granted a franchise prior to April 1, 1973, and which were not in operation prior to May

24, 1973, shall be given a ten year certificate of confirmation provided such company files with the ~~board~~ commissioner by such date as the ~~board~~ commissioner shall set, an application in such form and containing such information and supporting documentation as the ~~board~~ commissioner may require, and further provided such companies have commenced substantial construction, indicated by erection of the "head end" and stringing of no less than five miles of trunk and distribution cable, by January 1, 1974.

Subd. 5. Notwithstanding the provisions of subdivision 6, a municipality may issue a franchise by September 15, 1973, if done so pursuant to a municipal enabling ordinance on cable communications enacted by April 1, 1973, containing detailed specifications for the construction and operation of a cable communications system. Any cable communications company so franchised may exercise its franchise pursuant to the terms thereof, provided such company files with the ~~board~~ commissioner an application in such form and containing such information and supporting documentation as the ~~board~~ commissioner may require. The ~~board~~ commissioner shall issue a certificate of confirmation to such a cable communications company valid for ten years.

Subd. 6. Except as provided in subdivision 3, a cable communications company shall secure a certificate of confirmation from the ~~board~~ commissioner before becoming operational. Except as provided in subdivisions 3, 4, 5 and 9, a certificate issued after the effective date of subdivision 4 may be granted after full ~~board~~ commissioner proceedings and shall be for the same number of years as the franchise to be confirmed. A renewal certificate of confirmation may be issued prior to the expiration of an existing certificate.

Subd. 7. A renewal of a certificate of confirmation shall be for the same number of years as the renewal franchise period. A renewal certificate of confirmation may be issued prior to the expiration of an existing certificate.

Subd. 8. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on May 24, 1973. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

Subd. 9. Notwithstanding the provisions of subdivision 6, the ~~board~~ commissioner may issue an interim certificate of confirmation after its acceptance of an application in a form containing the information and supporting documentation the ~~board~~ commissioner requires, the certificate to be valid for not more than five years, to an operating company having a franchise approved by the ~~board~~ commissioner to erect a community antenna and establish cable television service for any municipality having a population not greater than 15,000 according to the 1970 latest federal census; provided that the system shall be constructed and ready for operation by July 1, 1975, in full compliance with all applicable regulations of the federal communications commission and with any special terms or conditions set by the Minnesota ~~board~~ commissioner to apply in any individual situation to include stipulations regarding minimum channel capacity; extent of two-way capability; means for interconnection; and availability of facilities for public access cablecasting and for local program origination. The special terms and conditions are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the ~~board~~ commissioner may use the provisions of section 14.38, subdivisions 5 to 9.

Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may, notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978, or such time as the ~~commission~~ commissioner adopts line extension rules, whichever date is earlier.

Subd. 11. Upon expiration of the certificate issued pursuant to subdivisions 3, 4, 5 and 9, or upon the renewal of a certificate prior to its expiration pursuant to subdivision 7, a certificate shall not be renewed unless the franchise is, or is amended to be, in compliance with the franchise requirements and procedures prescribed by the ~~board~~ commissioner.

Sec. 16. Minnesota Statutes 1984, section 238.11, subdivision 1, is amended to read:

Subdivision 1. The ~~board~~ commissioner may not promulgate any regulation rule or condition which would interfere with the right of free speech by means of cable communications.

Sec. 17. Minnesota Statutes 1984, section 238.12, subdivision 3, is amended to read:

Subd. 3. The ~~board~~ commissioner shall provide assistance regarding rates and related economic matters to interested municipalities and their citizens. The ~~board~~ commissioner shall study, or cause to be studied, the desirability of regulation of all rates and charges of cable communications system.

Sec. 18. Minnesota Statutes 1984, section 238.13, is amended to read:

238.13 [POLES, DUCTS AND CONDUITS.]

The ~~board~~ commissioner may adopt appropriate rules specifying necessary regulations for contractual agreements between cable communications operators and any public utilities with respect to the use of poles, ducts, conduits, and other appurtenances related to the cable communications transmission lines.

Sec. 19. Minnesota Statutes 1984, section 238.14, is amended to read:

238.14 [APPEALS TO THE ~~BOARD~~ COMMISSIONER.]

Any franchised cable communications company, who is aggrieved by action of any franchise authority in modifying, suspending, cancelling, revoking, or declaring forfeited the franchise, may appeal to the ~~board~~ commissioner within 30 days following notice of such action by a petition in writing, setting forth all the material facts in the case. Any municipality which is aggrieved by the failure of its franchisee to perform according to the municipal ordinance may appeal to the ~~board~~ commissioner for assistance in gaining franchisee compliance with the municipal ordinance by a petition in writing, setting forth all the material facts in the case.

The ~~board~~ commissioner at its discretion shall hold a hearing upon such appeals requiring due notice to be given to all interested parties.

If the ~~board~~ commissioner approves the action of the municipality it shall issue notice to it to that effect, but if the ~~board~~ commissioner disapproves of

its action it shall issue a decision in writing advising the municipality of the reasons for its decision and ordering the municipality to conform with such decision. If the ~~board~~ *commissioner* approves the action of the cable communications company it shall issue notice to it to that effect, but if the ~~board~~ *commissioner* disapproves of its action it shall issue a decision in writing advising the cable communications company of the reasons for its decision and ordering the cable communications company to conform with the decision.

Upon request, or upon its own initiative, the ~~board~~ *commissioner* may investigate the renewal or assignment of such franchise or the conduct of the business being done thereunder, and may, after hearing, modify, suspend, revoke or cancel such license for cause.

If the municipality fails to suspend, revoke, cancel or declare forfeited a license or to perform any other disciplinary act when lawfully ordered so to do by the ~~board~~ *commissioner* upon appeal or otherwise, within such reasonable time as it may prescribe, the ~~board~~ *commissioner* may itself revoke such license or perform such act with the same force and effect as if performed by the municipality.

Sec. 20. Minnesota Statutes 1984, section 238.15, is amended to read:

238.15 [FINANCIAL INTEREST OF MEMBERS.]

No ~~member employee~~ of the ~~board~~ or person appointed pursuant to section 238.04, ~~subdivision 7~~ *department of administration engaged in enforcing this chapter* 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. 21. Minnesota Statutes 1984, section 238.16, subdivision 1, is amended to read:

Subdivision 1. The ~~board~~ *commissioner* may seek such injunctive relief as is necessary to prevent violations of the orders, rules or regulations of the ~~board~~ *commissioner*.

Sec. 22. 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 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~~ *commissioner* first approves, in accordance with procedures set forth in the

~~board's commissioner'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 commissioner~~ an extension permit issued by the municipality or municipalities which have jurisdiction over the extension area.

Sec. 23. 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 commissioner~~.

Sec. 24. Minnesota Statutes 1984, section 238.17, subdivision 6, is amended to read:

Subd. 6. [WAIVER OR MODIFICATION.] The ~~board commissioner~~ shall liberally construe this section and may, upon petition by either of the parties to an extension permit, waive or modify requirements to abide by the terms of the franchise of the core service unit if the terms are found to be unique to the core service unit and either inapplicable or inoperable in the extension area.

Sec. 25. Minnesota Statutes 1984, section 238.17, subdivision 8, is amended to read:

Subd. 8. [RULES.] The ~~board commissioner~~ may promulgate such rules as it deems necessary to effectuate the purposes and provisions of this section.

Sec. 26. 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~~ *current 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 employees 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. 27. 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. 28. 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. 29. [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. 30. [TRANSFER OF POWERS OF CABLE COMMUNICATIONS BOARD TO COMMISSIONER OF ADMINISTRATION.]

The responsibilities of the cable communications board are transferred to the commissioner of administration as provided in section 15.039, except that the positions for board members are abolished. The board as constituted before the effective date of this section is abolished.

Sec. 31. [TERMS OF TELECOMMUNICATIONS COUNCIL MEMBERS.]

Notwithstanding Minnesota Statutes, sections 15.059 or 16C.01, the terms of all present members of the telecommunications council shall expire on July 31, 1985.

Sec. 32. [REPEALER.]

Minnesota Statutes 1984, sections 3.29, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 16C.01; 238.04; and 238.17, subdivision 7; and Laws 1984, chapter 654, article 2, section 151, subdivision 2; are repealed.

Sec. 33. [EFFECTIVE DATE.]

Sections 10 to 25 are effective January 1, 1986.

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; transferring the duties of the cable communications board to the commissioner of administration; abolishing the telecommunications council; abolishing the manufacturers growth council; transferring the duties of the public employment relations board to the bureau of mediation services; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 84B.11, subdivision 1; 116C.41, subdivision 2; 121.82, subdivision 1; 121.83; 161.1419, subdivision 2; 238.02, subdivision 4; 238.05; 238.06; 238.08, subdivisions 2 and 3; 238.09; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.15; 238.16, subdivision 1; 238.17, subdivisions 1, 5, 6, and 8; 250.05; 254A.04; and 611.215, subdivision 1; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.04; and 238.17, subdivision 7; and Laws 1984, chapter 654, article 2, section 151, subdivision 2.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be 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 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 the 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 by the commissioner or local welfare agency 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 FACIL-

ITY.] (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. The facility shall be notified whenever the commissioner or local welfare agency exercises this discretionary authority. 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.

(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 or inconclusive.

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 pursuant to 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. The local welfare agency may also provide this information to the guardian or conservator of the person of any other vulnerable adult in the facility who is under guard-

ianship 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.

(b) When the investigation required under subdivision 10 is complete, 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): 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. 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 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 inconclusive.

(c) In determining whether to exercise the discretionary authority granted under paragraphs (a) and (b), 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. Whenever the local welfare agency exercises this authority, the facility shall be notified.

(d) Where federal law specifically prohibits the disclosure of patient identifying information, the local welfare agency shall not provide any notice under paragraph (a) or any memorandum under paragraph (b) 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 in-

formation 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."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 6, after "sections" insert "13.46, subdivisions 3 and 4;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1080: A bill for an act relating to animals; prohibiting transfer of certain animals for use in research or experimentation; providing a penalty; amending Minnesota Statutes 1984, section 35.71.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 5, delete everything after "*establishment*" and insert "*No operator of a pound or establishment may receive more compensation from the sale of dogs or cats for research or education purposes than the operator*

would have received upon redemption of the animal by the owner.”

Page 5, delete lines 6 to 36

Page 6, delete lines 1 to 3

Renumber the subdivisions in sequence

And when so amended the bill do pass. Mr. Benson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

H.F. No. 656: A bill for an act relating to local government; allowing for an increase in the appropriation a county may make for a county humane society in any year; authorizing the Otter Tail county board to adopt an ordinance for the control of dogs and cats; amending Minnesota Statutes 1984, section 343.11.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

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; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.25, subdivisions 1 and 4; and 240.29.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, strike the first “the” and strike “on the”

Page 1, line 28, strike “secretary of state” and insert “, in the manner provided in Minnesota rules of court,”

Page 1, line 29, strike everything after the period

Page 2, lines 1 to 7, strike the old language

Page 2, line 6, delete “director”

Page 2, line 8, strike “changes in it.”

Page 4, line 13, after “of” insert “racing”

Page 8, after line 19, insert:

“Sec. 14. Minnesota Statutes 1984, section 240.14, subdivision 1, is amended to read:

Subdivision 1. [ASSIGNMENT OF RACING DAYS.] The commission

shall assign racing days to each racetrack licensee authorized to conduct racing with pari-mutuel betting, and a licensee may conduct racing with pari-mutuel betting only on a racing day assigned by the commission. The commission may assign racing days for up to three years beyond the year in which the assignment is made. Assignments of racing days in any year must be made by ~~July~~ *December 31* of the previous year, except that days may be assigned after that date to a licensee whose license is issued after that date.

Sec. 15. Minnesota Statutes 1984, section 240.15, subdivision 5, is amended to read:

Subd. 5. [UNREDEEMED TICKETS.] Not later than 100 days after the end of a racing meeting a licensee who sells pari-mutuel tickets must remit to the commission or its representative an amount equal to the total value of unredeemed tickets from the racing meeting. The remittance must be accompanied by a detailed statement of the money on a form the commission prescribes.

Notwithstanding any provision to the contrary in chapter 345, unredeemed pari-mutuel tickets shall not be considered unclaimed funds and shall be handled in accordance with the provisions of this subdivision. Any person claiming to be entitled to the proceeds of any unredeemed ticket who fails to claim said proceeds prior to their being remitted to the commission, may within one year after the date of remittance to the commission file with the commission a verified claim for such proceeds on such form as the commission prescribes along with the pari-mutuel ticket. Unless the claimant satisfactorily establishes the right to the proceeds, the claim shall be rejected. If the claim is allowed, the commission shall pay the proceeds without interest to the claimant. There is hereby appropriated from the general fund to the commission an amount sufficient to make payment to persons entitled to such proceeds."

Page 11, after line 3, insert:

"Sec. 21. Minnesota Statutes 1984, section 240.24, is amended to read:

240.24 [MEDICATION.]

Subdivision 1. [RULES.] The commission shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks. The rules must provide that no medication, as the commission defines that term by rule, may be administered to a horse within 48 hours of a race it runs at a licensed racetrack. The commission shall by rule establish the qualifications for laboratories used by it as testing laboratories to enforce its rules under this section.

Subd. 2. [FEES.] The commission shall establish by rule a fee or schedule of fees to recover the costs of medical testing of horses running at racetracks licensed by the commission. Fees charged for the testing of horses shall not exceed \$30 per horse. Fee receipts shall be deposited in the state treasury and credited to the equine drug testing account in the special revenue fund."

Page 12, after line 3, insert:

"Sec. 25. Minnesota Statutes 1984, section 541.20, is amended to read:

541.20 [RECOVERY OF MONEY LOST.]

Every person who, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gambling, shall lose to any person so playing or betting any sum of money or any goods, and pays or delivers the same, or any part thereof, to the winner, may sue for and recover such money by a civil action, before any court of competent jurisdiction. *For purposes of this section, gambling shall not include pari-mutuel wagering conducted under a license issued pursuant to chapter 240, or gambling authorized under chapter 349.*

Sec. 26. Minnesota Statutes 1984, section 541.21, is amended to read:

541.21 [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. *The provisions of this section shall not apply to pari-mutuel wagering conducted under a license issued pursuant to chapter 240.*

Sec. 27. [REPEALER.]

Minnesota Statutes 1984, section 624.02, is repealed.

Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 13 and 15 to 27 are effective the day following final enactment. Section 14 is effective August 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

Page 1, line 11, after the second semicolon, insert "240.14, subdivision 1;"

Page 1, line 11, delete "subdivision" and insert "subdivisions 5 and"

Page 1, line 12, after "240.22;" insert "240.24;"

Page 1, line 13, delete the second "and" and before the period, insert "541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 143: A bill for an act relating to utilities; providing that gas and electric utilities may not seek compensation from landlords for delinquent

bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "not" insert ":(1) recover or" and before "from" insert "payment" and after "landlord" insert " , property owner or manager,"

Page 2, line 3, delete "nor" and insert "who has not contracted for the service; (2)"

Page 2, line 4, delete "to another, subsequent customer upon the" and insert "on"

Page 2, line 6, delete "delinquent" and insert "previous"

Page 2, line 7, delete "where" and insert "when" and delete "said" and insert "of the" and delete "customer or"

Page 2, line 8, after "property" insert " ; or (3) obtain a lien for an outstanding bill or charge whether created by local ordinance or otherwise"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 1254: A bill for an act relating to local government; permitting insurance and indemnification of certain municipal electric power personnel; correcting a statutory cross reference; amending Minnesota Statutes 1984, section 453.55, subdivision 11.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 1037: A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1258: A bill for an act relating to natural resources; grants to counties to aid in timber development; amending Minnesota Statutes 1984, section 282.38.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 282.38, subdivision 1, is amended to read:

Subdivision 1. [DEVELOPMENT.] In any county where the county board by proper resolution sets aside funds for timber development pursuant to section 282.08, clause (3)(a), or section 459.06, subdivision 2, the ~~Commissioner~~ *commissioner of Iron Range natural resources* may upon request of the county board assist ~~the~~ county in carrying out any project for the long range development of its timber resources through matching of funds or *other resources. otherwise, provided that any such project shall first be approved by the commissioner of natural resources* ~~The commissioner of natural resources shall provide funds that are appropriated for timber development as prescribed under sections 2 and 3.~~

Sec. 2. Minnesota Statutes 1984, section 282.38, is amended by adding a subdivision to read:

Subd. 4. [COUNTIES ELIGIBLE FOR GRANTS.] (a) *The commissioner shall allocate a timber development appropriation to counties that submit:*

(1) *a statement of the amount of set-aside funds under subdivision 1; and*

(2) *an annual work plan describing timber management and development programs with management targets and the projected costs of each major program category.*

(b) *A county is not eligible for a grant under this section unless previous grants have been properly spent, or the county returns the unexpended grant money to the commissioner.*

(c) *A county that receives a grant must submit a report annually to the commissioner of natural resources and the legislative commission on Minnesota resources. The report must show how the grant was used to implement the annual work plan.*

Sec. 3. Minnesota Statutes 1984, section 282.38, is amended by adding a subdivision to read:

Subd. 5. [ALLOCATION OF GRANTS.] *The commissioner shall make grants to eligible counties for up to 80 percent of the projected costs. If the appropriation is insufficient, the commissioner shall allocate the appropriation among the eligible counties in proportion to the percentage of the county's eligible land area to the total eligible land area of all eligible counties. The eligible land area of each county is determined by the area of other natural resources land defined under section 477A.12, that is administered by the county. The county auditor must certify the area of land administered by July 31 of each year.*

Sec. 4. [REPEALER.]

Minnesota Statutes 1984, section 282.38, subdivision 3, is repealed.”

Amend the title as follows:

Page 1, line 2, before “grants” insert “providing”

Page 1, line 4, before the period, insert “, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1984, section 282.38, subdivision 3”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-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 the Minneapolis community development agency; amending Minnesota Statutes 1984, sections 462C.02, by adding subdivision 1; 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, chapter 462C; repealing Minnesota Statutes 1984, sections 462.445, subdivision 13; and 462C.09, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, line 2, delete "273.68" and insert "272.68"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 172: A bill for an act relating to education; providing for aids for education and for libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, state board of education, board of teaching, and higher education coordinating board; modifying certain aspects of foundation aid; providing for payment of certain obligations to employees by school districts; providing for open enrollment among school districts with certain limitations; establishing the Minnesota arts resource center; providing for certain programs relating to teachers and pupils; amending Minnesota Statutes 1984, sections 120.03, subdivision 1, and by adding a subdivision; 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; 121.612, subdivision 3, and by adding a subdivision; 121.88; 121.882; 121.904, subdivisions 4a, 4c, and by adding subdivisions; 121.912, subdivision 1; 121.931, subdivision 7; 121.936, subdivisions 1 and 2; 122.531, subdivisions 5 and 6; 122.86, subdivision 1; 123.36, subdivision 1; 123.39, by adding subdivisions; 123.705, subdivision 1; 123.742, subdivisions 1, 3, 5, and by adding subdivisions; 123.7431; 124.09; 124.14, by adding a subdivision; 124.17, subdivision 1; 124.175; 124.19, subdivisions 1 and 5; 124.195, subdivisions 7, 8, 9, 10, and 11; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.245; 124.247, subdivision 3; 124.26; 124.271, subdivision 2b, and by adding a subdivision; 124.2711; 124.32, subdivisions 1b, 1d, 2, 5, 7, 10, and by adding a subdivision; 124.573; subdivisions 2 and 3a; 124.574, subdivision 2b; 124.76, subdivision 2; 124A.02, subdivisions 7, 8, and 9; 124A.03, subdivision 4; 124A.033, subdivisions 2, 3, and 5; 124A.036, by adding

subdivisions; 124A.06, subdivision 1, and by adding subdivisions; 124A.10, subdivision 1, and by adding a subdivision; 124A.12, subdivision 1; 124A.14, subdivisions 1, 3, and 4, and by adding subdivisions; 124A.16; 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, subdivision 3; 129B.04, by adding a subdivision; 129B.17; 129B.20; 129B.21; 129B.34, subdivisions 2 and 3; 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; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5c, 5d, 8, 8b, 11a, and by adding subdivisions; 298.24, subdivision 3; 298.28, subdivision 1; 354.092; 354.094, subdivision 1; 354.43, subdivision 3; 354.53, subdivision 1; 354.66, subdivisions 3 and 4; 354A.094, subdivision 2; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; amending Laws 1973, chapter 683, section 26, as amended; Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1983, chapter 314, article 8, section 11; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 126; 129B; 134; and 136A; repealing Minnesota Statutes 1984, sections 120.03, subdivisions 2, 3, and 4; 120.68; 121.11, subdivision 7a; 121.601; 122.531, subdivision 3a; 122.89; 123.35, subdivision 14; 123.705, subdivision 2; 123.742, subdivision 2; 123.80, subdivisions 2 and 3; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.245, subdivision 1; 124.247, subdivision 6; 124.271, subdivisions 2, 2a, and 2c; 124.272; 124.32, subdivision 9a; 124A.02, subdivisions 4a, 17, and 18; 124A.03, subdivision 5; 125.05, subdivision 5; 126.60, subdivision 4; 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 8a; 354.43, subdivisions 4 and 5; 354.66, subdivision 4a; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 7, delete "shall be .0235" and after "levies" insert "and thereafter"

Page 5, line 8, before the period, insert "and thereafter shall be established according to section 7"

Page 6, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 124A.03, is amended by adding a subdivision to read:

Subd. 1a. [ESTABLISHMENT OF BASIC MAINTENANCE MILL RATE.] The commissioner of revenue shall establish the basic maintenance mill rate by August 1 of each year for levies payable in the following year and shall certify the rate to the commissioner of education. The mill rate shall be a rate, rounded up to the nearest tenth of a mill that, when applied to the adjusted assessed valuation of all school districts under section 124A.03, subdivision 1 or 3, as applicable, raises the total amount specified in this subdivision. The amount levied by a school district to replace aids subtracted pursuant to section 124A.037 shall not be included when computing the mill rate. After the mill rate has been certified to the commissioner of education, it shall not be recomputed for changes or corrections to a district's adjusted

assessed valuation. The basic maintenance mill rate for the 1986 payable 1987 levies and for foundation aid for the 1987-1988 school year shall be established at a rate that raises a total of \$717,000,000."

Page 28, line 2, delete "34" and insert "35" and delete "20" and insert "21"

Page 28, line 3, delete "30" and insert "31"

Renumber the sections of article I in sequence

Page 54, line 27, after "disability" insert "or an emotional/behaviorial disorder" and delete the second "a"

Page 54, line 28, delete "condition" and insert "conditions"

Page 54, line 29, after "disability" insert "and emotional/behaviorial disorder"

Page 65, line 27, delete "(4)" and insert "(5)"

Page 69, line 18, delete "(4), as amended" and insert "(5)"

Page 86, lines 18 and 20, delete "between" and insert "among"

Page 88, line 11, delete "sections" and insert "section 2 and Minnesota Statutes, section"

Page 88, line 12, delete "and 2"

Page 92, line 24, reinstate the stricken "For the"

Page 92, line 25, after the stricken "1983-1984" insert "1985-1986" and reinstate the stricken "school year"

Page 92, line 29, after the period, insert "For the 1986-1987 school year and thereafter, the state shall pay a school district the difference by which an amount equal to \$50 per pupil unit exceeds the amount raised by four mills times the adjusted assessed valuation of the taxable property in the district for the preceding year."

Page 94, line 6, after "to" insert "chapter 136D,"

Page 94, line 7, delete "136D,"

Page 96, line 4, after "to" insert "chapter 136D,"

Page 96, line 5, delete "136D,"

Page 101, line 28, delete ", subdivision"

Page 101, line 29, delete "9,"

Pages 103 and 104, delete section 14 and insert:

"Sec. 14. Minnesota Statutes 1984, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In addition to the levy authorized in subdivision 11a, each year a school district may levy an amount not to exceed the amount equal to ~~\$25~~ \$50 per total pupil unit. No levy under this clause shall exceed ~~two~~ four mills times the adjusted assessed valuation of the property in the district for the preceding year. The

proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:

(a) for energy audits on district-owned buildings, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for expenditures for the removal of asbestos from school buildings or property ~~or for~~, asbestos encapsulation, *or asbestos-related repairs*;

(e) for expenditures for the cleanup and disposal of polychlorinated biphenyls *found in school buildings or property*; ~~and~~

(f) to pay principal and interest on loans from the state authorized by sections 116J.37 and 298.292 to 298.298; *and*

(g) *for capital improvements and repairs of school sites, buildings, and attached fixtures.*"

Page 107, line 10, delete "\$57,600" and insert "\$94,500"

Page 107, line 15, delete "\$50,700" and insert "\$87,600"

Page 107, line 18, delete "\$59,600" and insert "\$103,000"

Page 107, line 28, delete "\$57,000" and insert "\$6,300"

Page 107, line 33, delete everything after "1987" and insert a period

Page 107, delete line 34

Page 107, line 36, delete "and \$59,600 for fiscal year 1987"

Page 117, line 1, delete the second "subdivision" and insert "subdivisions" and after "8a" insert "and 11c"

Page 117, line 6, delete "subdivision" and insert "subdivisions" and after "1" insert "and 4"

Page 117, line 7, delete "is" and insert "are"

Pages 129 to 135, delete sections 24 to 28

Page 136, line 27, delete "29" and insert "24"

Page 136, delete lines 29 to 36

Page 137, delete line 1

Re-number the sections of article 7 in sequence

Page 175, after line 5, insert:

"Subd. 28. [PROJECT GRANT.] *For a one-time grant to independent school district No. 621, Mounds View, for the purpose of the WICAT project there is appropriated:*

\$12,000_____1986;

\$12,000_____1987.

The grant shall be used for costs of a service contract and a portion of the coordinator's salary."

Page 175, line 6, delete "28" and insert "29"

Page 176, line 8, delete "23" and insert "24"

Page 185, after line 8, insert:

"Sec. 11. Laws 1984, chapter 462, article 9, section 9, is amended to read:

Sec. 9. [EDUCATION AIDS INCREASE ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] There is established an education aids increase account in the general fund of the state treasury for the deposit of funds to insure adequate funding for increases in aids to school districts for the biennium beginning July 1, 1985 education.

Subd. 2. [INITIAL TRANSFER.] The commissioner of finance shall transfer \$23,000,000 to the education aids increase account on July 1, 1984.

Subd. 3 2. [CONTINGENT TRANSFERS.] If forecasts of general fund revenues and expenditures prepared by the commissioner of finance pursuant to chapter 16A prior to December 1, 1984, indicate a projected general fund balance for the biennium ending June 30, 1985, the commissioner shall transfer the amount of the balance to the education aids increase account; however, in no case shall the cumulative total of all transfers according to this subdivision exceed \$27,000,000. Transfers to the education aids increase account shall remain in the account until expended appropriated.

Subd. 4 3. [EXPIRATION OF ACCOUNT.] The education aids increase account shall expire on June 30, 1987. Any unexpended moneys in the education aids increase account on June 30, 1987, shall be transferred to the general fund.

Sec. 12. [APPROPRIATION FOR EDUCATION AIDS INCREASE.]

\$50,000,000 is appropriated from the education aids increase account to the general fund for the purpose of paying education aids for fiscal years 1986 and 1987."

Renumber the sections of article 10 in sequence

Amend the title as follows:

Page 1, line 36, after "subdivision 4" insert ", and by adding a subdivision"

Page 2, line 5, after "11a," insert "11b,"

Page 2, line 14, after the semicolon, insert "Laws 1984, chapter 462, article 9, section 9;"

Page 2, lines 22 and 29, delete "subdivision" and insert "subdivisions"

Page 2, line 23, before the first semicolon, insert "and 4"

Page 2, line 30, after "8a" insert "and 11c"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; limiting the use of transit assistance funds; extending unclassified coverage to certain employees; giving the transit board condemnation authority; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; regulating management contracts; prohibiting certain persons from receiving remuneration from certain suppliers; providing for various standards and procedures of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; providing for the audit of certain metropolitan commissions; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 174.32, subdivisions 1, 2, and 3; 473.129, by adding a subdivision; 473.141, subdivisions 9 and 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245; 473.373, subdivisions 2, 4, and 7; 473.375, subdivisions 1 and 16, and by adding a subdivision; 473.38, subdivision 1; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.405, subdivision 12; and 473.435, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 15, line 7, delete "23" and insert "24"

Page 15, line 8, delete "35" and insert "36"

Page 16, line 31, delete "[473.3956]" and insert "[473.3955]"

Page 17, line 4, delete "[473.3957]" and insert "[473.3956]"

Page 17, line 12, delete "[473.3958]" and insert "[473.3957]"

Page 17, line 19, delete "[473.3959]" and insert "[473.3958]"

Page 17, line 23, delete "[473.396]" and insert "[473.3959]"

Page 17, line 30, delete "[473.3961]" and insert "[473.396]"

Page 17, line 34, delete "[473.3962]" and insert "[473.3961]"

Page 17, line 35, delete "24" and insert "25" and delete "31" and insert "32"

Page 19, after line 23, insert:

"Sec. 39. Minnesota Statutes 1984, section 473.446, subdivision 1, is amended to read:

473.446 [TRANSIT TAX LEVIES.]

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the regional transit board shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued or to be issued pursuant to section under sections 473.39 and 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission or board has specifically pledged tax levies under this clause.

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within *statutory and home rule charter cities* ~~or~~ and towns that receive full peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.5 mills on the property. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within *statutory and home rule charter cities* ~~or~~ and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.75 mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy. He may make changes in the certification as he may deem necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the regional transit board the amounts certified by the county auditors on the dates provided in section 273.13, subdivision 15a, clause (3). There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments in fiscal year 1987 and thereafter.

For the purposes of this subdivision, "full peak and limited off-peak service" means peak period service, plus weekday midday service with a frequency of more at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period service only.

Sec. 40. Minnesota Statutes 1984, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections 473.401 to 473.451, and the metropolitan transit system, the metro-

~~politan transit commission~~ *regional transit board* shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Sec. 41. Minnesota Statutes 1984, section 473.446, subdivision 2a, is amended to read:

Subd. 2a. [PROTECTION OF RIGHTS OF HOLDERS OF OUTSTANDING INDEBTEDNESS.] The provisions of subdivisions 1 and 2 or any other law changing the boundaries of the metropolitan transit taxing district or reducing the levy otherwise required to be levied within the district shall not be deemed to impair the rights of holders of outstanding indebtedness of the ~~commission~~ to require the ~~certification to the transit board~~ levy of property taxes, if necessary to provide for any deficiency in accordance with the conditions of such indebtedness, on all property within the limits of the metropolitan transit taxing district as such limits were in effect at the date of issuance of such indebtedness.

Sec. 42. Minnesota Statutes 1984, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] On or before October 10 in each year the ~~commission~~ *regional transit board* shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in his county that proportion of the tax which the assessed value of taxable property in his county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the ~~commission~~ *board*. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the ~~commission~~ *board* for other purposes authorized by law and shall be in addition to any other property tax authorized by law."

Page 18, line 3, delete "[473.3963]" and insert "[473.3962]"

Page 18, line 7, delete "[473.3965]" and insert "[473.3963]"

Page 19, line 32, delete "for transfer to the metropolitan taxicab"

Page 19, line 33, delete "commission" and delete "23" and insert "24" and delete "35" and insert "36" and delete "39" and insert "43"

Page 19, line 34, delete "commission" and insert "board"

Page 21, after line 27, insert:

"Sec. 47. [REPEALER.]

Minnesota Statutes 1984, section 473.446, subdivision 6, is repealed."

Page 21, line 29, delete "22, 36 to 38, 41, and" and insert "23, and 37 to"

Page 21, line 30, delete "23" and insert "24" and delete "35, 39, and 40" and insert "36"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 31, delete "and"

Page 1, line 32, before "proposing" insert "and 473.446, subdivisions 1, 1a, 2a, and 3;"

Page 1, line 33, before the period, insert "; repealing Minnesota Statutes 1984, section 473.446, subdivision 6"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1104: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1984, section 60A.13, subdivision 1a, is amended to read:

Subd. 1a. In addition, on or before March 1 of each year, an insurance company, including ~~fraternal beneficiary associations~~ and reciprocal exchanges, doing business in Minnesota shall file with the commissioner of revenue a copy of the annual statement required by subdivision 1. A company that fails to file a copy of the statement with the commissioner is subject to the penalties in section 72A.061."

Page 3, line 9, after "appeal" insert "to the tax court"

Page 5, delete section 9

Page 9, line 3, after "filed" insert "; provided that the commissioner and the taxpayer may agree to extend this period beyond four years"

Page 16, line 4, after "individual" insert "by the same person"

Page 17, lines 35 and 36, delete the new language

Page 18, line 1, delete the new language

Page 18, line 28, delete "For purposes of this"

- Page 18, line 29, delete "*chapter,*"
- Page 20, line 11, delete "*commission*" and insert "*commissioner*"
- Page 20, line 20, delete "*1 to 4, 7*" and insert "*2 to 5, 8*"
- Page 20, line 21, delete "*5*" and insert "*6*"
- Page 20, line 22, delete "*6*" and insert "*7*"
- Page 20, line 24, delete "*8*" and insert "*9*"
- Page 20, line 28, delete everything after the period
- Page 20, line 29, delete everything before "*Section*"
- Page 20, line 30, delete "*the day after final enactment, and applies to*" and insert "*for*"
- Page 20, line 31, delete "*within two*" and insert "*after January 1, 1983.*"
- Page 20, line 32, delete everything before "*Section*"
- Renumber the sections of article 1 in sequence
- Page 21, line 6, delete the new language
- Page 21, line 7, delete "*are allowed to*" and insert "*may not*"
- Page 23, line 15, reinstate the stricken "*The alternate shall be*"
- Page 23, line 16, after the stricken "*in*" insert "*an employee of*" and reinstate the stricken "*the department of revenue.*"
- Page 25, line 30, delete "*a tax imposed*" and insert "*an understatement of liability.*"
- Page 25, delete line 31
- Page 27, line 7, begin a new paragraph with "*In*"
- Amend the title as follows:
- Page 1, line 5, after "*sections*" insert "*60A.13, subdivision 1a;*"
- Page 1, line 10, delete "*subdivisions 3 and*" and insert "*subdivision*"
- And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1220: A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 616: A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 904: A bill for an act relating to the city of Red Wing; granting the city of Red Wing the authority to establish a port authority; authorizing the port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the city to impose restrictions and limitations upon the powers and procedures of the port authority; permitting the city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 639: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 7, after "city" insert "*, wherever located, except a city of the first class,*"

Page 8, line 10, strike "home rule charter city,"

Page 8, line 11, strike the language before "may" and insert "*municipality*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "of a town" and delete "368.01," and insert "444.075."

Page 1, delete line 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1087: A bill for an act relating to drainage; authorizing the construction of roads rather than crossings in certain instances; proposing coding for new law in Minnesota Statutes, chapter 106.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [106.272] [CONSTRUCTION OF ROAD INSTEAD OF BRIDGE OR CULVERT.]

If the drainage authority finds that constructing a private road would be more cost effective or practical than constructing a bridge or culvert, the drainage authority may order that a private road be constructed. The private road must be constructed and maintained in the same manner as a bridge or culvert. The private road must be constructed in a manner suitable for farm vehicles, but may not have a right-of-way wider than 33 feet. The drainage authority has jurisdiction over the land required for the private road and the road is part of the drainage system.

Sec. 2. Minnesota Statutes 1984, section 106.471, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION; MAINTENANCE OF BRIDGES.] (a) The term "repair" as used in this section means restoring all or a part of a ditch system as nearly as practicable to the same condition as when originally constructed or subsequently improved, including resloping of open ditches and leveling of waste banks if deemed essential to prevent further deterioration, and routine operations as may be required from time to time to remove obstructions and preserve the efficiency of the ditch.

(b) After construction, all highway bridges and culverts on any ditch system established by proceedings instituted on or after March 25, 1947, shall be maintained by the municipality or public authority charged with the duty of maintaining the same as set forth in section 106.271. Private bridges and culverts, constructed as a part of any ditch system established by proceedings instituted on or after March 25, 1947, shall be maintained by the ditch authority as a part of the ditch system. Private bridges or culverts constructed as a part of any ditch system established by proceedings instituted before March 25, 1947, may be maintained, repaired, or rebuilt, as a part of the ditch by the ditch authority at the option of the ditch authority and the cost may be paid in whole or part by the ditch system.

(c) In proceedings for the repair of a public drainage ditch in which a redetermination of benefits is made as set forth in section 106.465, the drainage authority may direct that any existing bridge or culverts constructed as part of the ditch system which serve as township or city roadways, be repaired or rebuilt as a part of the ditch by the ditch authority, and the cost may be paid in whole or in part by the ditch system.

(d) In a repair proceeding under this section, if the drainage authority finds that constructing a private road is more cost-effective or practical than constructing a bridge or culvert, a drainage authority may order a private road to be constructed under section 1 instead of a bridge or culvert.

Amend the title as follows:

Page 1, line 3, delete "crossings" and insert "bridges or culverts" and after the semicolon, insert "amending Minnesota Statutes 1984, section 106.471, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H.F. No. 521: A bill for an act relating to counties; allowing counties to dispose of interests in land without reserving mineral rights under certain circumstances; amending Minnesota Statutes 1984, section 373.01, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [WINONA COUNTY; CONVEYANCE OF ERRONEOUSLY ACQUIRED HIGHWAY RIGHT OF WAY.]

Notwithstanding Minnesota Statutes, section 373.01, subdivision 1, or any other law to the contrary, the county board of Winona county may convey to a private person by private sale, free of any public purposes requirement or limitation, any interests in real property, including minerals and mineral rights, acquired by error for highway purposes and described as follows: A strip of land 66 feet wide and 2166 feet long located in the East Half of the Northeast Quarter of Section 19, Township 105 North, Range 8 West, as

more particularly described in that warranty deed to Winona county dated June 21, 1929, which was filed for record on July 26, 1929, as document number 89426, and recorded in Book 151 of Deeds, page 141.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to Winona county; authorizing the conveyance of certain erroneously acquired highway right of way."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H.F. No. 231: A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ST. LOUIS COUNTY CONVEYANCE.]

(a) Notwithstanding the public sale requirements of Minnesota Statutes, section 282.01, St. Louis county may sell and convey tax-forfeited land described in paragraph (b) to Daniel and Candy Solowiej of Duluth, Minnesota, at private sale, but otherwise in the manner provided for appraisal, sale and conveyance of tax-forfeited land by Minnesota Statutes, chapter 282.

(b) The land that may be sold is in St. Louis county and described as:

that portion of the southeast quarter of the northwest quarter of Section 18, Township 51, Range 17, lying north and east of the existing Duluth, Mesabi and Iron Range Railroad right of way, consisting of approximately 7.4 acres.

The county may provide a more accurate legal description.

(c) The property was not surveyed before the Solowiejs purchased adjoining property. The Solowiejs built a house on an existing foundation that is partially located on the property described in paragraph (b)."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 98.47, is amended by adding a subdivision to read:

Subd. 3a. The commissioner shall issue a resident license to take fish to a person who is in the military and in training at Camp Ripley.”

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete “seasons” and insert “fishing license for military persons training at Camp Ripley”

Page 1, line 5, after the comma, insert “by adding a” and delete “3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 and 13, reinstate the stricken language

Page 1, lines 11, 12, and 14, delete the new language

Page 1, line 16, reinstate the stricken language and delete the new language and after the period, insert “*The governing body may authorize the treasurer or chief financial officer to exercise the powers of the governing body in designating a depository of the funds.*”

Page 3, line 6, reinstate the stricken “governing body of the municipality”

Page 3, line 7, after the stricken “designation” insert “*may sell or authorize the*” and strike “shall have”

Page 3, line 8, strike “full power and authority”

Page 4, line 23, after “*by the*” insert “*governing body of the municipality or the*”

Page 4, line 24, after “*officer*” insert “*, if approval authority is designated to the treasurer or chief financial officer*”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred.

H.F. No. 701: A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards;

amending Minnesota Statutes 1984, section 245.66.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE I

Section 1. [PURPOSE.]

The legislature finds that profound changes in the state economy and in the availability and nature of federal support have created new needs among the people of this state for assistance in their quest for jobs, for training to fill those jobs, for income maintenance programs, and for a wide array of other human services. At the same time, those changes have altered the role of state government in the planning, development, and delivery of all human services, creating a need for coordinating all the agencies that share responsibilities for those services. Accordingly, the legislature finds that in order to maximize productivity of human resources and economic opportunity within the state of Minnesota, it is necessary to streamline and coordinate the state's employment, training, and public assistance programs and to set new priorities so that state government might better meet its duty to help its citizens realize the dignity of a paycheck and achieve economic independence. Further, the legislature finds it necessary to act swiftly and decisively to achieve the dual goal of lowering the unemployment rate among the people of this state and decreasing the welfare caseload that is at once a reflection of the difficulties challenging some and a burden that must be borne by all.

Sec. 2. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

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;	
Coordinator of full productivity and opportunity;	
Commissioner of administration;	\$50,000-\$60,000
Commissioner of agriculture;	
Commissioner of commerce;	
Commissioner of corrections;	
Commissioner of economic security employ-	

ment and training;

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;

Commissioner of human rights;

\$40,000-\$52,500

Director, department of public service;

Commissioner of veterans' affairs;

Director, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Director, zoological gardens.

Sec. 3. Minnesota Statutes 1984, section 86.33, is amended by adding a subdivision to read:

Subd. 2. [PROJECT COORDINATION.] Prior to submitting projects to the governor, the commissioner of natural resources shall consult with the full productivity and opportunity coordinator and shall develop a biennial plan which establishes: a priority for unemployed individuals who are economically disadvantaged as defined in Public Law 97-300; the ways in which participants will be assisted in gaining ongoing employment or training upon completing the projects; and how specific projects are coordinated with other publicly authorized or subsidized programs.

Sec. 4. Minnesota Statutes 1984, section 86.33, is amended by adding a subdivision to read:

Subd. 3. [REPORTING.] The commissioner of natural resources shall cooperate with the full productivity and opportunity coordinator in developing and implementing any evaluation and reporting systems for employment and training programs.

Sec. 5. Minnesota Statutes 1984, section 116J.035, is amended by adding a subdivision to read:

Subd. 3. [BIENNIAL PLAN.] The commissioner shall prepare a biennial plan which must cover the community development corporation program and which must be available to the full productivity and opportunity coordinator for use in developing a biennial statewide employment and training plan.

Sec. 6. Minnesota Statutes 1984, section 116L.03, subdivision 7, is amended to read:

Subd. 7. [OFFICES.] The commissioner of ~~administration~~ *employment and training shall upon request provide office space and support services for the board within the capitol area complex.*

Sec. 7. Minnesota Statutes 1984, section 116L.04, is amended by adding a subdivision to read:

Subd. 3. [BIENNIAL PLANS.] *The board shall prepare a biennial plan which must be available to the full productivity and opportunity coordinator for use in developing a biennial statewide employment and training plan.*

Sec. 8. Minnesota Statutes 1984, section 129A.02, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department of *employment and training* and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. ~~The commissioner shall be appointed by the governor and serve under the provisions of section 15.06. The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs.~~

Sec. 9. Minnesota Statutes 1984, section 136.63, is amended by adding a subdivision to read:

Subd. 1b. *Before prescribing any program involving training in semi-professional and technical fields or adult education, the board shall consult with the full productivity and opportunity coordinator and shall develop a biennial plan.*

Sec. 10. Minnesota Statutes 1984, section 136C.06, is amended to read:

136C.06 [SOLE STATE AGENCY.]

The state board of vocational technical education is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The state board shall develop and submit the state plan for vocational technical education. The state board shall develop the state plan according to terms of agreement with the state board of education. *Before developing and submitting the state plan, the state board shall consult with the full productivity and opportunity coordinator and shall develop a biennial plan.*

Sec. 11. Minnesota Statutes 1984, section 178.03, is amended by adding a subdivision to read:

Subd. 5. [COORDINATION AND PLANNING.] *The commissioner of labor and industry shall consult with the full productivity and opportunity coordinator and, in conjunction with the apprenticeship advisory council and the apprenticeship committees, shall develop a biennial plan for preparing, recruiting, and the successful participation of economically disadvantaged, chronically unemployed, minority, and female individuals in apprenticeship programs.*

Sec. 12. Minnesota Statutes 1984, section 245.87, is amended to read:

245.87 [ALLOCATIONS.]

For the purposes of section 245.84, subdivision 2, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for migrant day care services, administrative costs and statewide projects. At least ten percent of the total program allocation under section 245.84, subdivision 1 shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

Sec. 13. Minnesota Statutes 1984, section 248.07, is amended to read:

248.07 [COMMISSIONER OF HUMAN SERVICES EMPLOYMENT AND TRAINING, DUTIES.]

Subdivision 1. [COOPERATION.] It shall be the duty of the commissioner of *human services employment and training* to cooperate with state and local boards and agencies, both public and private, in preventing loss of sight, in alleviating the condition of blind persons and persons of failing sight, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social, and civic well being. *In furtherance of this duty, the commissioner shall create a distinct division with its own activity budget within the department of employment and training to provide and coordinate the services to the blind.*

Subd. 2. [STATISTICS.] The commissioner of *human services employment and training* shall collect statistics of the blind, including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired.

Subd. 3. [SPECIAL ATTENTION.] The commissioner of *human services employment and training* shall give special attention to the cases of handicapped youth who are eligible to attend the Minnesota Braille and sight-saving school, the Minnesota school for the deaf, or the public school classes for handicapped children, but are not in attendance thereat, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Subd. 4. [VOCATIONAL TRAINING.] The commissioner of *human services employment and training* shall endeavor to secure for the adult blind of the state and youths of legal working age such vocational training, labor, and employment as may be adapted to their respective capacity, and shall so far as may be feasible aid such persons in securing any provisions which may be made by the school for the blind or other state agencies for the betterment of their lot. When vocational training under the division of vocational rehabilitation is secured, such aid may take the form of payments for the maintenance of persons in training, under rules to be adopted by the commissioner of human services. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in his opinion would be suitable and practical for him.

Subd. 5. [AIDS.] The commissioner of ~~human services~~ *employment and training* shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by aid in marketing the products of their labors; (4) by care and relief for blind persons who are not capable of self-support; and, (5) in any other practicable means of alleviating their condition.

Subd. 7. [BLIND, VENDING STANDS AND MACHINES ON GOVERNMENTAL PROPERTY.] For the rehabilitation of blind persons the commissioner of ~~human services~~ *employment and training* shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by any department of the state of Minnesota except the department of natural resources properties operated directly by the Division of State Parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include soft drinks, (except 3.2 beer), milk, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner of human services. The commissioner of ~~human services~~ *employment and training* may waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.

Subd. 8. [USE OF REVOLVING FUND, LICENSES FOR OPERATION OF VENDING MACHINES.] The revolving fund created by Laws 1947, Chapter 535, Section 5, is continued as provided in this subdivision and shall be known as the revolving fund for vocational rehabilitation of the blind. It shall be used for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into the fund. All equipment, supplies, and expenses for setting up these stands shall be paid for from the fund. Authority is hereby given to the commissioner of ~~human services~~ *employment and training* to use the moneys available in the revolving fund for the establishment, operation and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of equipment; (2) purchase of initial and replacement stock of supplies and merchandise; (3) expenses incidental to the setting up of new stands and improvement of old stands; (4) purchase of general liability insurance as deemed advisable for any vending stand by the commissioner; (5) reimbursement to individual blind vending operators for reasonable travel and maintenance expenses incurred in attending supervisory meetings as called by the commissioner of ~~human services~~ *employment and training*; (6) purchase of fringe benefits for blind vending operators and their employees such as group health insurance, retirement program, vacation or sick leave assistance provided that the purchase of any fringe benefit is approved by a majority vote of blind vending operators licensed pursuant to this subdivision after the commissioner provides to each blind vending operator information on all matters relevant to the fringe benefits. Fringe benefits shall be paid only from assessments of operators for specific benefits, gifts to the fund for fringe benefit purposes, and vending income which is not assignable to an individual stand.

The commissioner shall issue each license for the operation of a vending

stand or vending machine for an indefinite period but he may terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of this preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

Subd. 9. [TRAINING OF SELECTED APPLICANTS.] Each applicant selected by the commissioner for a license to operate a vending stand or vending machine shall be given training in the operation and conduct of such vending stand or vending machine.

Subd. 10. [REVOCAION OF LICENSES; HEARING.] The commissioner shall not revoke any license except for good cause shown. An opportunity for a fair hearing shall be afforded any operator within 30 days after revocation of license.

Subd. 11. [POLICY CHANGES; NOTICE AND HEARING.] Any major changes in policies made by the commissioner in the conduct of this program will be preceded by a public hearing. Each operator shall be given 30 days notice of such hearing.

Subd. 12. [REIMBURSEMENT OUT OF STATE DISTRIBUTION OF BRAILLE AND TALKING BOOKS.] The commissioner of *human services employment and training* shall obtain reimbursement from other states for the estimated cost of handling of Braille books and talking books for the blind distributed by the department of human services to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement. All money received hereunder shall be paid to the state treasurer and placed in the general fund.

Subd. 13. [REHABILITATION FACILITIES.] From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner of *human services employment and training* may make grants, upon such terms as he may determine, to public or nonprofit organizations for the establishment, maintenance or improvement of rehabilitation facilities or sheltered workshops for the blind.

Subd. 14. [TRAINING OF WORKERS FOR REHABILITATION OF BLIND.] From funds provided by the state or the United States for the rehabilitation of blind persons, the commissioner of *human services employment and training* may make provision for:

(1) Specialized supplementary training of professional workers employed by services for the blind, which shall consist of selected courses of study designed to improve worker techniques in providing assistance with adjustment to blindness, guidance, training and vocational placement services to blind children and adults;

(2) The employment of student trainees enrolled in graduate school programs. Such trainees to be employed on a one-third time basis during the regular school term and on a full time basis during the extra school term. Student trainees shall not be counted against the regular staff complement and shall not exceed eight in number employed concurrently.

Subd. 14a. [RULES.] The commissioner of *human services employment*

and training shall, no later than February 1, 1985, adopt rules to set standards for the provision of rehabilitative services to blind and visually handicapped persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15, and include specific requirements for timely responses by the agency.

Subd. 15. [APPEALS FROM AGENCY ACTION.] An applicant for or recipient of rehabilitation service who is dissatisfied with an agency's action with regard to the furnishing or denial of services may:

(1) File a request for an administrative review and redetermination of that action to be made by a ~~member or members of the supervisory staff of the state agency~~ *the commissioner*.

(2) ~~When an individual is dissatisfied with the findings of this administrative review, he shall be granted an opportunity for a fair hearing before the state administrator or his designee.~~

(3) If further appeal is deemed necessary by the applicant or recipient, his grievance shall be considered and relief if any recommended by an appeal committee. The committee shall be composed of one person nominated by the applicant or recipient, one person nominated by the agency, and a third person nominated jointly by the applicant or recipient and the agency. If the third person cannot be mutually agreed upon within ten days of the applicant's or recipient's request for a committee hearing, the judge of the district court in the applicant's or recipient's county of residence shall make the third appointment.

Sec. 14. Minnesota Statutes 1984, section 248.08, is amended to read:

248.08 [PAYMENTS BY COMMISSIONER OF HUMAN SERVICES EMPLOYMENT AND TRAINING.]

The commissioner of ~~human services~~ *employment and training* is hereby authorized to defray the necessary expenses of the work from the appropriation for the current expenses of the commissioner of ~~human services employment and training~~; provided, that in any county of this state now or hereafter having a population of over 150,000, and an assessed valuation of over \$200,000,000, including money and credits, the county board is hereby authorized to defray part or all of the necessary expenses of maintaining the work within the county from the general revenue fund of the county, not exceeding the total sum of \$3,600, in any one calendar year; and, in carrying on this work, may appoint and employ an assistant to the regular field agent for the blind in the county, who shall work under the direction of the agent in the county. The portion of the salary of the field agent, and of any assistant to be paid by the county, shall be fixed by the county board at its first meeting in January in each year; and such salary of the field agent and assistant shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of the agent and assistant in carrying on this

work in the county, not paid by the commissioner of human services employment and training, shall be paid by the county board as other claims against the county are paid.

Sec. 15. Minnesota Statutes 1984, section 256.736, is amended to read:

256.736 [WORK INCENTIVE EMPLOYMENT AND TRAINING PROGRAM.]

~~Subdivision 1. [CREATION.] There is hereby established a program to help appropriate recipients of aid to families with dependent children become self-supporting members of society.~~

~~Subd. 1a. [COMMISSIONER.] The commissioner of employment and training shall administer, on behalf of the commissioner of human services, those aspects of the aid to families with dependent children program, excluding categorical and financial eligibility, which directly relate to:~~

- ~~(1) recipients' participation in employment and training programs;~~
- ~~(2) requirements for and conditions of participating in employment and training programs;~~
- ~~(3) the design and administration of such programs; and~~
- ~~(4) the supervision of county boards in carrying out responsibilities related to employment and training programs.~~

~~The commissioner of employment and training and the commissioner of human services are authorized to implement those programs and authorities, including supported work programs and other demonstration projects which are authorized under federal regulations to increase services or federal reimbursement available for providing employment and training services for recipients of aid to families with dependent children.~~

~~Subd. 2. [DUTIES OF THE COMMISSIONER OF ECONOMIC SECURITY.] The commissioner of economic security shall develop a training and employment program for each appropriate relative and dependent child receiving aid to families with dependent children, with the objective of assuring, to the maximum extent possible, that the relative and child will enter the labor force, accept reasonable employment, and become self-sufficient.~~

~~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 employment and training shall provide, by rule, standards for county welfare agencies boards and human services boards consistent with the standards promulgated by the secretary of health and human services. County welfare agencies boards shall certify appropriate individuals to the commissioner of economic security employment and training and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:~~

- ~~(1) a child who is under age 16, a child age 16 or 17 who is attending elementary or secondary school or a secondary level vocational or technical school full time, or a full-time student age 18 who is attending a secondary school or a secondary level vocational or technical program and who is expected to complete the school or program before reaching age 19;~~

- (2) a person who is ill, incapacitated or of advanced age;
- (3) a person so remote from a ~~work incentive~~ *an employment and training* project that his effective participation is precluded;
- (4) a person whose presence in the home is required because of illness or incapacity of another member of the household;
- (5) a parent or other caretaker relative of a child under the age of six who personally provides full-time care for the child;
- (6) a parent or other caretaker if another adult relative in the house is registered and has not, without good cause, failed or refused to participate or accept employment; or
- (7) *a pregnant woman in the last trimester of pregnancy; or*
- (8) a parent who is not the principal earner if the parent who is the principal earner is not exempt under clauses (1) to (6) (7).

Any individual referred to in ~~clause~~ *clauses (5) to (8)* shall be advised of the option to register for employment services, training *services*, and employment if the individual so desires, and shall be informed of the child care *and other services*, ~~if any~~, which will be available if the individual decides to register.

If, after planning with a recipient, a decision is made that the recipient must register for employment services, training, and employment, the county ~~welfare department~~ *boards* shall give notice in writing to the recipient stating that he or she must register with the commissioner of ~~economic security~~ *employment and training* for participation in a ~~work incentive~~ *an employment and training* program and that the recipient has a right to a fair hearing under section 256.045 with respect to the appropriateness of the registration.

Subd. 4. [CONDITIONS OF CERTIFICATION.] The commissioner of human services shall:

(1) Arrange for or provide any relative or child certified to the commissioner of ~~economic security~~ *employment and training* pursuant to this section with child-care services, *transportation*, and other necessary family services;

(2) Pay ten percent of the cost of ~~programs of training and employment~~ *established by the commissioner of economic security for persons certified hereunder the work incentive program and of other costs that are required by federal regulation for employment and training programs for recipients of the aid to families with dependent children program*;

(3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of ~~economic security~~ *employment and training* is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination *to the extent permitted by federal regulations*; and

(4) Provide that when it has been certified by the commissioner of ~~economic security~~ *employment and training*, certification to be binding upon the commissioner of human services, that a relative or child certified under the ~~work incentive~~ *employment and training* program to the commissioner of economic security has been found by the commissioner, after a hearing con-

ducted 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~~ *an employment and training* program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of *protective or vendor payments except that when protective payments are made, the local agency may continue payments to the relative if a protective payee cannot reasonably be found.*

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his *or her* needs will not be taken into account in making the grant determination.

(d) If the assistance unit's eligibility is based on the *nonexempt* principal earner's unemployment and the 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, *if the family is subject to requirements of the work incentive program. Otherwise, the nonexempt principal wage earner's failure or refusal to participate or to accept employment will result only in that person's needs not being taken into account in making the grant determination.*

Subd. 5. [EXTENSION OF WORK INCENTIVE EMPLOYMENT AND TRAINING OPPORTUNITIES.] The commissioner of human services shall cooperate with the commissioner of ~~economic security~~ *employment and training* to ~~promote~~ *extend* the availability of training and employment opportunities on a state wide basis.

Subd. 6. [PROTECTION FROM GARNISHMENT.] Earnings of a recipient while participating in full or part-time employment or training shall be protected from garnishment. This protection shall extend for a period of six months from the date of termination of a recipient's grant of assistance.

Subd. 7. [COMPLIANCE WITH FEDERAL CHANGES RULEMAKING.] The commissioner of human services ~~is and the commissioner of employment and training are~~ *authorized to promulgate such coordinated rules and regulations* as are necessary to qualify for any federal funds available under this section *and to carry out the provisions of this section.*

Subd. 8. *The commissioner of human services shall amend the state plan for aid to families with dependent children to provide as special needs payments funds for the costs of child care, transportation, tuition, and items associated with education or seeking employment to the extent allowed under federal regulations and state appropriations.*

Subd. 9. [CHANGES IN STATE PLAN AND RULES; WAIVERS.] *The commissioner of human services shall make changes in the state plan and rules or seek any waivers or demonstration authority necessary to minimize*

barriers to participation in the employment and training programs or to employment. Changes must be sought in at least the following areas: allowances, child care, work expenses, the amount and duration of earnings incentives, medical care coverage, limitations on the hours of employment, and administrative standards and procedures. The commissioner shall implement each change as soon as possible.

Subd. 10. [LONG-TERM WELFARE RECIPIENT PROGRAM.] The commissioner of employment and training shall establish a supported work program for recipients of aid to families with dependent children who have received public assistance for more than three years and who are residents of counties that have had more than three percent of their aid to families with dependent children recipients on such assistance for three years or longer.

The goals of the supported work program must be made a part of the biennial plan of the commissioner.

Sec. 16. 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, except those in Morrison, Otter Tail, and Itasca counties, 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. Projects in Morrison, Otter Tail, and Itasca counties must end no later than June 30, 1986, and a preliminary report made to the legislature on those projects by February 15, 1986.

Sec. 17. Minnesota Statutes 1984, section 256C.24, is amended to read:

256C.24 [REGIONAL SERVICE CENTERS.]

Subdivision 1. [LOCATION.] The commissioner of ~~economic security~~

human services shall establish up to eight regional service centers for hearing impaired persons. The centers shall be ~~co-located with existing vocational rehabilitation field offices~~ and be distributed regionally to provide access for hearing impaired persons in all parts of the state. The center shall maintain a current registry of those persons having or suspected of having a hearing impairment who live in that region. A special task of the registry is to assure that referrals and follow-up services are completed with respect to persons in the register:

Subd. 2. [RESPONSIBILITIES.] The regional service center shall:

(a) Serve as the central entry point for hearing impaired persons in need of human services and make referrals to the services needed;

(b) Employ staff trained to work with hearing impaired persons;

(c) Provide to all hearing impaired persons interpreter services which are necessary to help them obtain human services;

(d) Serve as the regional interpreter referral center for hearing impaired persons and human services agencies;

(e) Loan equipment and resource materials to hearing impaired persons; and

(f) Cooperate with the department of ~~human services~~ *employment and training* to provide access for hearing impaired persons to services provided by state, county and regional human services agencies.

Subd. 3. [ADVISORY COMMITTEE.] The commissioner of ~~economic security, in consultation with the commissioner~~ of human services shall appoint an advisory committee of eight persons for each regional service center. Members shall include four persons who are hearing impaired persons or who are the parents of a hearing impaired child and four representatives of county and regional human services, including representatives of private service providers. Members shall serve without payment by the state of per diem or expense. The commissioner of ~~economic security~~ *human services* shall designate one member as chairperson. The ~~commissioners of economic security and commissioner of~~ human services shall assign staff to serve as ex officio members of the committee.

Sec. 18. Minnesota Statutes 1984, section 256C.25, is amended to read:

256C.25 [INTERPRETER SERVICES.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of ~~economic security~~ *human services* shall supervise the development and implementation of a statewide interpreter referral service. The commissioner of ~~economic security~~ *human services* shall contract with appropriate organizations to provide this centralized service.

Subd. 2. [DUTIES.] The central interpreter referral service shall:

(a) Establish and maintain a statewide directory of interpreters who have received appropriate training and certification;

(b) Provide technical assistance to the regional service centers in implementing the interpreter referral service; and

(c) Assess the present and projected supply and demand for interpreting

services statewide.

Sec. 19. Minnesota Statutes 1984, section 256C.26, is amended to read:

256C.26 [EMPLOYMENT SERVICES.]

The commissioner of ~~economic security~~ *employment and training* shall ~~develop and implement a~~ *include in the biennial plan under section 45, subdivision 3, clause (9), a method* to deal with the underemployment of hearing impaired persons. The plan shall provide for training regarding the nature of hearing handicaps for department staff who consult with prospective employers or who provide job placement services.

Sec. 20. Minnesota Statutes 1984, section 256D.02, subdivision 13, is amended to read:

Subd. 13. "Suitable employment" means an appropriate income producing job including, but not limited to, all ~~public~~ *publicly* subsidized jobs procured through the ~~work equity program~~ *programs administered by or coordinated with the commissioner of employment and training*. "Suitable employment" *does not mean employment in a community investment program under section 51.*

Sec. 21. Minnesota Statutes 1984, section 256D.03, subdivision 2, is amended to read:

Subd. 2. After December 31, 1980, state aid shall be paid to local agencies for 75 percent of all general assistance grants up to the standards of section 256D.01, subdivision 1, and according to procedures established by the commissioner. *After October 1, 1985, state aid shall be paid to local agencies for 60 percent of the cost of wages paid to individuals who are eligible for and were receiving general assistance prior to their placement in a part-time publicly subsidized job in a community investment program under section 51, up to the standards of section 256D.01, subdivision 1, plus 100 percent of the amounts established by the commissioner of employment and training to account for employment expenses and necessary equipment costs.*

After June 30, 1986, state aid shall be paid to local agencies for 25 percent of general assistance grants paid to individuals who are not exempt from work requirements under section 256D.111, subdivision 2, or who are not employed in a permanent job subsidized by grant diversion pursuant to section 256D.09, subdivision 3, if the county does not have an approved and operating community investment program.

Any local agency may, from its own resources, make payments of general assistance: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or, (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, but for whom the aid would further the purposes established in the general assistance program in accordance with rules promulgated by the commissioner pursuant to the administrative procedure act.

Sec. 22. Minnesota Statutes 1984, section 256D.09, subdivision 3, is amended to read:

Subd. 3. [EMPLOYMENT PAYMENTS FUNDED BY GRANT DIVERSION.] Notwithstanding the provisions of subdivision 1, the commissioner

may of employment and training shall establish by rule or emergency rule a grant diversion program for payment of all or a part of a recipient's grant to a private, nonprofit, or public employer who agrees to employ the recipient in a permanent job. The commissioner of employment and training shall design the program to provide, to the extent possible, employment or employment-related training that will enable recipients to become self-supporting. A recipient shall be eligible for general assistance medical care during the term of the grant diversion contract to the extent that medical care coverage is not provided by the employer. Any rule adopted by the commissioner of employment and training:

(a) Shall require the local agencies to administer *and deliver* the grant diversion program directly or to ~~delegate administration contract for the delivery~~ of the program ~~to~~ with another unit of government or service provider certified by the full productivity and opportunity coordinator;

(b) Shall require that grants paid to employers be paid pursuant to a written grant diversion contract;

(c) Shall determine the amount of the grant to be paid to the employer and the term of the grant diversion contract;

(d) Shall establish standards to ensure that recipients hired pursuant to grant diversion contracts do not displace other workers;

(e) Shall provide for the amount of the wage to be paid to the recipient, which shall not be less than the minimum wage ~~for jobs with nonprofit and public employers~~ and shall be the usual and customary wage for similar jobs with ~~private~~ the employers;

(f) Shall provide for the minimum number of hours per month the recipient ~~must work~~ job must provide, which shall be sufficient to provide a net monthly wage equal to or exceeding the difference between the amount of the grant retained by the recipient and ~~150~~ 175 percent of the recipient's monthly grant; and

(g) May establish other terms and conditions for the operation of the grant diversion program.

Sec. 23. Minnesota Statutes 1984, section 256D.09, is amended by adding a subdivision to read:

Subd. 4. [PART-TIME EMPLOYMENT PAYMENTS.] If an individual who is not exempt from work requirements is not placed in permanent employment, in training, or in an employment and training program, the individual must be advised after he or she has received public assistance for six months of the option to receive part-time employment in a community investment program under section 51, if such a program is approved and operating.

The recipient must be offered a community investment program job, commensurate with his or her skills, at the wage rate paid to employees doing similar work, plus amounts for work expenses and necessary equipment costs as established by the commissioner of human services.

Eligibility for general assistance medical care continues during the time of employment.

Sec. 24. Minnesota Statutes 1984, section 256D.111, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] A recipient is not required to register with the department of ~~economic security~~ *employment and training* and comply with the other requirements of subdivision 1 if he is:

(a) a person who is suffering from a permanent or temporary illness, injury, or incapacity which is medically certified and which prevents the person from obtaining or retaining employment;

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

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

(d) a person who resides in a shelter facility described in section 256D.05, subdivision 3;

(e) a person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40, but only if that person is enrolled as a full-time student;

(f) a person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(g) a person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind and disabled, or who has been terminated from either program and has an appeal from that termination pending;

(h) a person who is unable to obtain or retain employment because his advanced age significantly affects his ability to seek or engage in substantial work;

(i) a person completing a secondary education program or one who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other vocational or technical training program, *including those persons receiving grants from the higher education coordinating board as part-time students*; however, the period of time that the person is exempted under this clause waiting for acceptance into the program shall not be more than two months;

(j) an adult member of a household with children in which another adult is employed full time or has registered for employment services with the department of economic security or been accepted in a work training program;

(k) a person who has substantial barriers to employment, including but not limited to factors relating to work or training history, as determined by the local agency in accordance with permanent or emergency rules adopted by the commissioner after consultation with the commissioner of economic se-

curity; or

(l) a person who is certified by the commissioner of economic security as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment, as defined in a permanent or emergency rule adopted by the commissioner of economic security in consultation with the commissioner.

The exemption of a person described in clause (k) or (l) shall be reassessed annually.

Sec. 25. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

Subd. 34. [COORDINATOR.] "Coordinator" means the full productivity and opportunity coordinator.

Sec. 26. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

Subd. 35. [LOCAL SERVICE UNIT.] "Local service unit" means a county, joint power agreement, city of the first class, or service delivery area.

Sec. 27. [268.041] [COUNCIL FOR THE BLIND.]

Subdivision 1. [MEMBERSHIP.] There is created the Minnesota council for the blind within the department of employment and training. The council consists of seven members appointed by the commissioner. At least four of the council members shall be blind or visually handicapped. Council members are appointed for four-year terms, except for the members first appointed, of whom three are appointed for a term ending December 31, 1990, two for terms ending December 31, 1989, and two for terms ending December 31, 1988.

Subd. 1a. [REMOVAL; VACANCIES.] The compensation, removal of members, and filling of vacancies on the council shall be as provided in section 15.0575.

Subd. 2. [DUTIES.] The council shall:

(1) advise the commissioner on the qualifications for the director of the division of services for the blind;

(2) advise the commissioner regarding the development of policies, programs, services affecting the blind and visually impaired, and on the use of appropriate federal funds;

(3) advise the commissioner regarding policies relating to eligibility determinations;

(4) create a public awareness of the special needs and potentialities of blind and visually impaired persons; and

(5) provide the commissioner with a review of ongoing services, programs, and proposed legislation affecting the blind and visually impaired.

Sec. 28. Minnesota Statutes 1984, section 268.08, is amended by adding a subdivision to read:

Subd. 10. [APPROVED TRAINING.] (a) [CREATION.] There is created

a training program for structurally unemployed workers in Minnesota under which individuals may be enrolled in an on-the-job training program, and an additional 1,000 individuals may be enrolled in classroom training in accordance with the provisions of this subdivision. Nothing in this subdivision shall be considered to limit or adversely affect the approved training provisions applicable to an individual under section 268.08, subdivision 1, clause (3). An individual approved under this subdivision shall be eligible for tuition aid under the provisions of chapter 136A. The commissioner shall report to the legislature annually regarding the status of the training program under this subdivision.

(b) [APPROVAL OF TRAINING.] An individual's enrollment in a training course shall be approved for the purposes of this subdivision if the commissioner finds that:

(1) the individual is not unemployed due to the seasonal nature of the work or a temporary work shortage;

(2) the individual's separation from most recent employment was caused by job obsolescence, plant shutdown, regional decline in the individual's customary occupation, or industry slowdown;

(3) the individual has received a notice of layoff and is unlikely to return to work for that employer or in that occupation within the 12-month period immediately following the separation;

(4) reasonable and suitable work opportunities for which the individual is fitted by training, experience, and physical capabilities do not exist within the local labor market;

(5) the training course is designed to provide preparation for available employment within the local labor market or in an area to which the individual is willing to relocate;

(6) the training is conducted by an agency, education institution, or employing unit which has been approved by the department of education or state board for vocational technical education or higher education coordinating board to conduct training programs; except that any agency, education institution, or employing unit which is not subject to regulation and approval by one of the above agencies may be approved by the commissioner if it is determined that the curriculum, facilities, staff, and other essentials are adequate to achieve the training objective;

(7) the training consists of a full course load, as defined by the institution, necessary to achieve the approved training objective, and the individual is making satisfactory progress in the course. The department may require the training institution to periodically certify to the individual's attendance and progress.

(c) [ON-THE-JOB TRAINING.] An individual who meets the criteria set forth under paragraph (b) shall be eligible for participation in a full-time on-the-job training program provided that:

(1) the on-the-job training position is in an occupation for which the commissioner has determined a demand exists or will exist. In making this determination, the commissioner shall consider labor market information as contained in state and national occupational outlook publications, as well as

other generally accepted authoritative sources with verifiable validity;

(2) the employer pays an hourly wage during training of at least the state minimum wage;

(3) the employer guarantees to provide at least 12 months of employment to the trainee after the completion of training at the prevailing area labor market wage for a trained individual in that occupation;

(4) the employer will not terminate the trainee during the period of training or guaranteed employment except for misconduct or demonstrated substandard performance;

(5) the employer may not terminate, lay off, or reduce the hours of any employee for the purpose of hiring an individual with funds available, and may not hire an individual if any other person is on layoff from the same or substantially equivalent job.

(d) [TRAINING ALLOWANCE.] During participation in an approved on-the-job training program, the trainee shall maintain both satisfactory progress and attendance. During the period of training specified in the agreement between the commissioner and the employer, individuals participating in an approved on-the-job training program shall be paid with respect to each week claimed during the benefit year and prior to exhaustion a benefit in an amount equal to the weekly benefit amount, less that part of the earnings, including holiday pay, which is in excess of \$100. The benefit shall be computed by rounding down to the nearest dollar amount. Notwithstanding any other provision, an individual participating in on-the-job training on a full-time basis shall not be considered employed for purposes of benefit eligibility.

(e) [EMPLOYER PENALTY.] An employer who enters into an on-the-job training agreement with the department and terminates the trainee in a manner other than provided in this subdivision shall repay 70 percent of the amount of unemployment insurance benefits paid to the individual while in the training program with that employer if terminated during the training period. If terminated during the 12-month period of guaranteed employment, the employer shall receive a proportional reduction in the amount it must repay. The commissioner shall use any funds collected by him under this paragraph for job search and relocation expenses of structurally unemployed workers participating in the training program.

(f) [FUNDING.] In arranging for training, existing federal and state financed job training service deliverers and Wagner-Peyser mechanisms and funds shall be utilized in the most efficient and effective manner.

Sec. 29. Minnesota Statutes 1984, section 268.31, is amended to read:

268.31 [DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.]

To the extent of available funding, the commissioner of economic security employment and training shall ~~hire~~ establish a program to employ individuals from the ages of 14 years up to 22 years. The commissioner shall allocate 80 percent of available funds to youths from families with household incomes of less than 125 percent of the poverty guidelines established by the federal office of management and budget and 20 percent of available funds to youths

from families with household incomes no greater than 150 percent of the federal poverty guidelines. Funds must be used to support employment under this section for a maximum of 12 weeks, not to exceed 40 hours per week per individual, during the summer for the purpose of placing such individuals in service with the department of economic security and with community investment programs under section 50 or with other departments, agencies and instrumentalities of the state, county, local governments, school districts and with nonprofit organizations and for support services for eligible youths placed in private-sector summer employment. Priority for employment shall be given to those young individuals between the ages of 16 years up to 22 years. The commissioner shall determine and make use of the most effective means to assure that income earned under the program is not included as family income for aid to families with dependent children purposes.

Sec. 30. Minnesota Statutes 1984, section 268.32, is amended to read:

268.32 [RATE OF PAY.]

Persons hired employed pursuant to sections 268.31 to 268.36 shall be compensated at the federal minimum wage rate. Persons hired in a supervisory capacity shall be compensated at a rate according to criteria established by the commissioner in rules.

Sec. 31. Minnesota Statutes 1984, section 268.33, is amended to read:

268.33 [ELIGIBILITY FOR EMPLOYMENT AND PLACEMENT.]

~~Subdivision 1.~~ The department of economic security commissioner of employment and training shall promulgate rules determining the priority and eligibility for employment and placement pursuant to sections 268.31 to 268.36. The ~~department~~ commissioner shall have emergency powers and permanent rulemaking authority to implement rules for carrying out sections 268.31 to 268.36.

~~Subd. 2.~~ The department of economic security commissioner of employment and training shall, for the purposes of sections 268.31 to 268.36, be exempt from complying with any law relating to hiring by departments, agencies or instrumentalities of the state.

Sec. 32. Minnesota Statutes 1984, section 268.34, is amended to read:

268.34 [EMPLOYMENT CONTRACTS.]

The commissioner may shall enter into arrangements with existing public and private nonprofit organizations and agencies with experience in administering summer youth employment programs for the purpose of providing employment opportunities in furtherance of sections 268.31 to 268.36 and to advance up to 20 percent of a summer youth employment contract to any participating organization or agency. The department of economic security employment and training shall retain ultimate responsibility for the administration of this employment program, including but not limited to, approval of summer job opportunities, review eligibility of applicants therefor, placement of youth in jobs and the disbursement of funds.

Sec. 33. Minnesota Statutes 1984, section 268.35, is amended to read:

268.35 [ALLOCATION OF FUNDS.]

The commissioner shall allocate funds proportionally to recipient organi-

zations and agencies throughout the state taking into account in making such allocations the youth population of the county adjusted to eliminate the influence of post secondary educational institutions located in the county, on the basis of the unemployment rate in the county unemployment rate and the number of families children living below 125 percent of the poverty level in the county in which the recipient organization or agency is located, as determined by the most recent special census.

Sec. 34. Minnesota Statutes 1984, section 268.36, is amended to read:

268.36 [REPORT TO THE GOVERNOR COORDINATOR AND THE LEGISLATURE.]

The commissioner, after consultation with the CETA prime sponsors counties and providers of employment and training services, shall evaluate the effectiveness of the youth employment program programs, taking into account the extent of other all programs which are providing summer employment opportunities for youth covered under sections 268.31 to 268.36, and shall report to the governor coordinator and the legislature no later than January 15 of each even even-numbered year with an evaluation of the program this and other programs and any recommendations for improvements.

Sec. 35. 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, For the purposes of this subdivision, 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 to be unemployed under this subdivision.~~

Sec. 36. Minnesota Statutes 1984, section 268.676, subdivision 1, is amended to read:

Subdivision 1. [AMONG JOB APPLICANTS.] Allocation of funds among eligible job applicants within a service delivery area shall be determined by the employment administrator in each service delivery area. The employment administrator shall give priority to:

- (1) applicants living in households with no other income source; and
- (2) applicants who would otherwise be eligible to receive general assistance;
- (3) applicants who are eligible for aid to families with dependent children; and
- (4) applicants who live in a farm household who demonstrate severe household financial need.

In service delivery areas where the unemployment rate for the 12-month period ending the most recent March 31 is below the statewide unemployment

rate at that time, the employment administrator shall give higher priority to applicants described in clause (2) than to those described in clause (1).

Sec. 37. Minnesota Statutes 1984, section 268.686, is amended to read:

268.686 [SUNSET SUSPENSION.]

Laws 1983, chapter 312, article 7, sections 1 to 18 are repealed suspended January 1, 1986.

Sec. 38. [267.01] [PURPOSE.]

The legislature finds that changes in the state economy and the structure of federal support have altered the role of state government in the planning, development, and delivery of employment, job training, job creation, income maintenance, and human service programs; that the proliferation of these programs, coupled with the rapidly changing characteristics and requirements of people who seek public assistance, has produced a need for the state to coordinate the delivery of services and programs; that there exists no office of sufficient interagency and intergovernmental focus to develop a plan to achieve full economic productivity and opportunity in Minnesota and effectively coordinate the delivery of services and programs for the purpose of simultaneously reducing unemployment rates and welfare caseloads.

Sec. 39. [267.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 38 to 42, the following terms have the meanings given them.

Subd. 2. [BIENNIAL PLAN.] "Biennial plan" means the plan submitted by the coordinator to the governor in accordance with section 267.03, subdivision 6.

Subd. 3. [COORDINATOR.] "Coordinator" means the full productivity and opportunity coordinator.

Subd. 4. [EMPLOYMENT PROGRAMS.] "Employment programs" means programs related to job training, job placement, job creation, and job-related counseling, including but not limited to job service programs, job training partnership act programs, wage subsidy programs, work incentive programs, community work experience programs, displaced homemaker programs, disadvantaged job training programs, grant diversion, youth employment programs, conservation corps, apprenticeship programs, and community investment programs, supported work programs, and opportunities industrialization centers.

Subd. 5. [INCOME MAINTENANCE AND SUPPORT SERVICES.] "Income maintenance and support services" means programs through which the state or its subdivisions provide direct financial or in-kind support to unemployed or underemployed persons; including but not limited to aid to families with dependent children, general assistance, food stamps, energy assistance, disability determination unit, and child care; but not including medical assistance; aging, and deaf services; social services; community social services; mental health services; or services for the emotionally disturbed, the mentally retarded, or residents of nursing homes.

Subd. 6. [LOCAL SERVICE UNIT.] "Local service unit" means a county, joint power agreement, city of the first class, or service delivery

area.

Subd. 7. [SERVICE PROVIDER.] "Service provider" means a public, private, or nonprofit agency that is capable of providing one or more of the services or administering one or more of the programs for which the full productivity and opportunity coordinator has responsibility under the scope of this section.

Subd. 8. [WAGE SUBSIDIES.] "Wage subsidies" means subsidizing of wages and fringe benefits for eligible employees. All wage subsidies are subject to the restrictions in sections 268.672, subdivisions 3 to 7, and 9; 268.676, subdivision 1; 268.677, clauses (a), (c), (d), (e), and (f); 268.68; 268.681, subdivision 1, clauses (c), (d), and (f), and subdivisions 2, 3, and 4; and 268.682.

Sec. 40. [267.03] [OFFICE OF FULL PRODUCTIVITY AND OPPORTUNITY; COORDINATOR.]

Subdivision 1. [OFFICE OF FULL PRODUCTIVITY AND OPPORTUNITY.] The office of full productivity and opportunity is created in the executive branch.

Subd. 2. [FULL PRODUCTIVITY AND OPPORTUNITY COORDINATOR.] The governor, with the advice and consent of the senate, shall appoint a full productivity and opportunity coordinator to serve at the pleasure of the governor in the unclassified service. The salary of the coordinator is set under section 15A.081. The coordinator is head of the office of full productivity and opportunity and chairs the full productivity and opportunity council. The coordinator shall administer the provisions of sections 38 to 41.

Subd. 3. [POWERS.] The coordinator of full productivity and opportunity is authorized to:

(1) appoint a deputy and a confidential secretary, who shall serve at the coordinator's pleasure in the unclassified service;

(2) appoint other employees under chapter 43A;

(3) issue, revoke, and amend rules under the administrative procedure act;

(4) enter into contracts;

(5) where it would further the purposes of the biennial plan, recommend to the governor interdepartmental transfer of programs included in section 39, subdivisions 4, 5, and 8, which the commissioner of administration, if so ordered by the governor, shall carry out as provided in section 16B.37, subdivisions 1, 2, and 3, and implement so as not to lead to a reduction of federal funds to the state or its political subdivisions;

(6) where it would further the purposes of the biennial plan, recommend to the governor transfer of one or more programs included in section 39, subdivisions 4 and 8, to a service provider other than a state agency;

(7) initiate and oversee wage subsidies;

(8) require the department of employment and training, the department of human services, the department of energy and economic development, and the state planning agency to furnish such assistance as the coordinator may deem necessary to fulfill the duties of his or her office;

(9) require agencies to submit any emergency or permanent rule that relates to programs or activities included in section 39, subdivisions 4, 5, and 8, for the coordinator's approval or disapproval before the publication of the notice of intent required by sections 14.22 or 14.30, and prevent any rule disapproved by the coordinator taking effect;

(10) based on performance related to standards established by the coordinator for the reduction of unemployment rates and welfare caseloads, the coordinator with the approval of the governor may increase or decrease the county share of payments for general assistance, under section 256D.03, subdivision 2, by as much as five percent; aid to families with dependent children, under section 256.82, subdivision 1, by as much as three percent; and state reimbursements, under section 256D.22, by as much as ten percent;

(11) certify competent service providers and decertify service providers that fail to comply with performance criteria developed by the commissioner; and

(12) if the coordinator finds that a local service unit over the period of two years consistently fails to provide service of sufficient quantity and quality to satisfy criteria established for the receipt of state funds, the coordinator has the authority to contract with another service provider for employment and training programs in that local service unit.

Sec. 41. [267.04] [DUTIES AND RESPONSIBILITIES.]

Subdivision 1. [DUTIES.] *The coordinator of full productivity and opportunity shall:*

(1) coordinate the delivery of income maintenance and support services under the laws of the state;

(2) coordinate the delivery of employment programs under the laws of the state;

(3) review the operating performance, effectiveness, and degree of integration of income maintenance and employment programs;

(4) consult with the governor on the subjects of income maintenance and employment, provide assistance to the governor related to income maintenance and employment, and recommend to the governor improvements in delivery of employment and income maintenance services;

(5) confer with and advise state agencies and local service units that are responsible for income maintenance and employment programs;

(6) ensure coordination and cooperation among state and federal agencies, county and local government, and private service providers serving on a contract basis;

(7) prepare and oversee the implementation of the biennial plan;

(8) review criteria established by the department of employment and training and the department of human services for receipt of state funds designated for employment, training, and income maintenance programs included in section 39, subdivisions 4, 5, and 8;

(9) review the performance of local service units and obtain from them the reports necessary to monitor and evaluate the success of their employment

and training programs;

(10) report to the legislature regarding changes needed to more adequately serve the needs of those who are unemployed, underemployed or untrained;

(11) design and monitor the development and administration of the intake, referral, and inventory system;

(12) oversee and monitor the coordination of programs and the sharing of responsibility for employment and training by the department of employment and training and the department of human services;

(13) review and make recommendations concerning plans of the department of employment and training and the department of human services for federally sponsored programs and demonstration projects;

(14) develop guidelines governing the contents, submission, and updating of biennial plans by state agencies and local service units;

(15) establish performance objectives for individual local service units that include realistic goals for reducing or managing unemployment rates and welfare caseloads;

(16) work with the commissioner of administration to coordinate databases and information systems among state agencies, including, but not limited to, the departments of energy and economic development, employment and training, human services, transportation, natural resources, and the state planning agency; and

(17) seek input from representatives of local service units, business, and labor on the delivery and development of employment and training programs.

Subd. 2. [BIENNIAL PLAN.] The coordinator shall submit a biennial plan to the governor by July 1 of each even-numbered year. Upon approval by the governor, the plan serves as a basis for the development of the governor's budget proposal for employment, training, and income maintenance. After the legislature has acted, and before July 1 of each odd-numbered year, the coordinator shall revise the biennial plan to incorporate legislative action. Upon approval by the governor, the revised plan governs the administration and delivery of all employment programs and income maintenance and support services.

The plan must provide at least the following:

(1) a strategy for achieving full productivity and opportunity in Minnesota that specifies priorities among employment, income maintenance and support services, and economic development programs;

(2) unemployment reduction goals;

(3) welfare caseload reduction goals;

(4) a review and comment on the vocational programs administered by the vocational technical education system and the community colleges;

(5) a strategy for efficient integration of federal, state, local, and private resources;

(6) a strategy to encourage local and private involvement in the full productivity and opportunity program; and

(7) suggestions to maximize the effectiveness of appropriated funds.

Subd. 3. [INTAKE, REFERRAL, AND INVENTORY SYSTEM.] Within 30 days of appointment, the coordinator shall develop guidelines and a timetable for the development of an intake, referral, and inventory system (IRIS). The system must provide for localized, single-point client intake with direct access to a statewide database. The system must include information on all available public and private programs for employment and income maintenance. The system must emphasize methods to match client needs with employment opportunities, appropriate services, programs, providers, funding sources, and other sources of assistance. The system must be coordinated with other state databases. Access to the system, within federal and state data practices provisions, must be available in each public assistance office. Employees in public assistance offices shall actively use the system to assist clients.

Subd. 4. [DUTIES WITH RESPECT TO COMMUNITY INVESTMENT PROGRAMS.] The coordinator shall:

(1) confer with the commissioners of employment and training, energy and economic development, human services, education, agriculture, public safety, natural resources, and health, and representatives of local governments to determine the type of activities valuable to the state and local communities and the type of jobs that would provide valuable training, skills, and work experience to part-time program employees;

(2) adopt emergency and permanent rules governing plan content, criteria for approval, and administrative standards;

(3) refer community investment program administrators to the appropriate state agency for technical assistance to aid in developing and administering community investment programs;

(4) develop monitoring and evaluation criteria and institute ongoing methods for overseeing the administration and results of community investment programs;

(5) establish the method by which community investment programs will be approved or disapproved by the state and approve or disapprove county plans, which have been submitted on a timely basis, by November 1 of each even-numbered year;

(6) report to the governor and legislature, semiannually, on the operation and performance of the community investment programs; and

(7) inform the commissioners of human services and employment and training of those counties which do not have an approved plan.

Subd. 5. [ALLOCATION OF WAGE SUBSIDY FUNDS.] The coordinator shall allocate wage subsidy funds twice each fiscal year in the following manner. Seventy percent of the funds available for allocation to local service units for wage subsidy programs must be allocated among local service units as follows: the proportion of the wage subsidy funds available to each service delivery unit shall be calculated by giving equal weight to the number of unemployed persons in the local service unit divided by the total number of unemployed persons in the state for the 12-month period ending the most recent March 31 and the number of public assistance recipients in

the local service unit divided by the total number of public assistance recipients in the state for the 12-month period ending the most recent March 31; 30 percent of the funds allocated to local service units under the program must be allocated at the discretion of the coordinator.

Where federal and state law allow, wage subsidy funds may be pooled and used in combination with funds from other employment and training or income maintenance programs for the purpose of enhancing clients' opportunities to obtain full-time employment and achieve economic independence.

Subd. 6. [SPECIAL WAGE SUBSIDY PROGRAMS.] (a) The coordinator shall monitor local and statewide unemployment rates. If the coordinator determines that an economic emergency exists in one or more local service units, he may recommend to the governor to increase the wage subsidy funding received by service providers for the affected area or areas. For the purposes of this paragraph, the governor shall designate that these funds come from either the general fund or the budget reserve account established in section 16A.15, subdivision 6.

(b) When the unemployment rate for the state of Minnesota equals or exceeds nine percent, the coordinator shall recommend to the governor to increase statewide wage subsidy funding. For the purposes of this paragraph, the governor may designate that these funds come from the budget reserve account established in section 16A.15, subdivision 6.

These funds shall be distributed to local service units in a proportion equal to the number of unemployed people in each local service unit divided by the total number of unemployed people in the state at the end of the most recent quarter.

Sec. 42. [267.05] [FULL PRODUCTIVITY AND OPPORTUNITY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] The full productivity and opportunity council consists of the following members: the commissioners of education, economic security, finance, energy and economic development, and human services, the president of the board for community colleges, the directors of the state planning agency, the job skills partnership, and the vocational technical education system, a representative of organized labor, and a representative of the president of the University of Minnesota.

Subd. 2. [DUTIES.] The council shall provide information and advise the coordinator in the preparation of the biennial plan.

Sec. 43. [267.06] [COOPERATION OF STATE AGENCIES AND COUNTY AND LOCAL GOVERNMENTS.]

All state agencies, counties, and units of local government shall cooperate fully with the plans and directives of the full productivity and opportunity coordinator.

Sec. 44. [268A:01] [CREATION.]

Subdivision 1. There is created the department of employment and training with broad responsibility to increase the economic independence of Minnesotans with special effort toward those who are currently unemployed or who face special disadvantages in the labor market.

The department shall develop employment policies and shall link training and employment-related services with temporary income replacement and income maintenance programs, veterans' programs, workers' compensation, vocational and post-secondary education, federal income insurance programs, and economic development programs.

Subd. 2. The department shall be supervised and controlled by the commissioner, appointed by the governor with the advice and consent of the senate under section 15.06. The commissioner serves at the pleasure of the governor.

Subd. 3. (a) The commissioner may establish positions in the unclassified service in accordance with section 43A.08. The commissioner shall appoint a deputy commissioner and may appoint and define the duties of other subordinate officers and employees as he or she deems necessary to discharge the functions of the department.

(b) The commissioner may delegate any powers or duties subject to his or her control to officers and employees in the department. Notwithstanding any other law, the commissioner may delegate the execution of specific contracts or specific types of contracts to his deputies, an assistant commissioner, or a program director if the delegation has been approved by the commissioner of administration and filed with the secretary of state.

(c) The commissioner may accept gifts, bequests, grants, payments for services, and other public and private funds to help finance the activities of the department.

Sec. 45. [268A.02] [POWERS AND DUTIES.]

Subdivision 1. [STATE AGENCY.] The commissioner of employment and training is designated the "state agency" as defined by United States Code 1976, title 29, sections 49 et seq., the Wagner-Peyser Act of the United States, as amended and the laws of this state.

Subd. 2. [SPECIFIC POWERS.] The commissioner of employment and training shall:

(1) administer and supervise all forms of unemployment insurance provided for by federal and state laws that are vested in the commissioner;

(2) administer and supervise all employment and training programs assigned to the department of employment and training by federal or state law;

(3) establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department;

(4) supervise the county boards of commissioners and any other units of government designated in federal or state law as responsible for employment and training programs;

(5) have authority to conduct and administer demonstration projects to test methods and procedures for providing employment and training services. The demonstration must provide alternative methods and procedures of administration and must not conflict with the basic purposes, coverage, or benefits provided by law;

(6) establish administrative standards and payment conditions for providers

of employment and training services; and

(7) have authority to make emergency and permanent rules to carry out the purposes of this chapter.

Subd. 3. [DUTIES AS A STATE AGENCY.] The commissioner shall:

(1) administer the unemployment insurance laws and related programs;

(2) administer those aspects of the aid to families with dependent children, general assistance, and food stamp programs which are related to providing employment and training services, subject to the limitations of federal regulations;

(3) administer wage subsidy programs;

(4) administer a national system of public employment offices as prescribed by United States Code 1976, title 29, sections 49 et seq., the Wagner-Peyser Act, as amended and other federal employment and training programs;

(5) cooperate with the federal government and its employment and training agencies in any reasonable manner as may be necessary to qualify for federal aid for employment and training programs and funds;

(6) enter into agreements with other departments of the state and local units of government as necessary;

(7) administer all programs for which it is responsible or for which it coordinates with other state agencies so that the state provides consistent, integrated employment and training services across the state;

(8) develop and administer a method for providing current state and sub-state labor market information and forecasts, in cooperation with other agencies;

(9) prepare and submit a biennial plan to the coordinator on or before July 1 of each even-numbered year for the succeeding biennium;

(10) submit to the governor, the coordinator, the commissioners of human services and finance, and the chairs of the senate finance and house appropriations committees a semiannual report which:

(a) reports by client type, an unduplicated count of the types and number of services furnished through each program administered or supervised by the department or coordinated with it;

(b) reports on the number of job openings listed, developed, available, and obtained by clients of the department;

(c) identifies the number of cooperative agreements in place and the number of individuals being served and the types of service;

(d) evaluates the performance of special state programs, such as the wage subsidy, community investment, and grant diversion programs;

(e) explains the effects of current employment levels, unemployment rates, and program performance on the unemployment insurance fund and general assistance and aid to families with dependent children caseloads and program expenditures;

(11) with the advice and consultation of the coordinator prescribe the form, nature, and method of information collected by counties and providers of service; and

(12) under the plan and timetable issued by the coordinator, develop and maintain the intake, inventory, and referral system required under section 36, subdivision 3.

Sec. 46. [268A.03] [GENERAL DUTIES WITH RESPECT TO APPLICANTS FOR AND RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN, GENERAL ASSISTANCE, AND FOOD STAMPS.]

Subdivision 1. The commissioner may develop grant diversion processes for both aid to families with dependent children and general assistance recipients. In selecting employers, priorities shall be given to small businesses, businesses which have the potential for offering new jobs on a long-term basis, and businesses which make use of Minnesota resources and which operate primarily in Minnesota. Businesses shall be subject to the terms and conditions of sections 268.681, subdivision 3, and 268.682.

Subd. 2. Under the direction of the coordinator, the commissioner shall supervise the counties in the administration of the community investment programs to meet the needs and circumstances of public assistance recipients.

Subd. 3. (a) The department shall register clients within time limits necessary to avoid delaying a client's receipt of assistance, denying benefits, or reducing the amounts of benefits.

(b) The department shall assure that a client's employment status is appraised within 30 days and that a written employability development plan is prepared for each participating recipient in consultation with the recipient within 90 days of the referral from the local agency.

The plan must be designed to aid the recipient in obtaining suitable permanent employment, training, or work skills necessary to secure suitable employment, and may include an arrangement with another service provider or agency for specialized employment, education, training, or support services.

A copy of the plan must be given to the recipient at the time it is prepared; an additional copy must be given to the local agency for its files.

(c) If either the recipient or the local agency disagrees with the determination that the individual is lacking work skills or training, the individual or the county may appeal the decision to the commissioner.

Subd. 4. The commissioner has emergency and permanent rulemaking authority to implement this section.

Sec. 47. [268A.04] [SERVICE PRIORITIES FOR EMPLOYMENT AND TRAINING PROGRAMS, GRANT DIVERSION, AND WAGE SUBSIDIES.]

Subdivision 1. To the extent that the state has the authority to establish priority groups to be served under these programs, greatest consideration must be given to client groups identified as experiencing the most severe disadvantages to employment. Individuals volunteering for employment, re-

ardless of whether or not they are required to register, must also be given preference to avoid the effects of long-term unemployment or dependence on public assistance.

Subd. 2. (a) The priority for services to be provided is:

(1) permanent, unsubsidized, full-time private or nonprofit sector employment;

(2) permanent, subsidized, full-time private sector employment;

(3) permanent, subsidized, full-time nonprofit sector employment;

(4) training or relocation; and

(5) part-time, subsidized, nonprofit, or public employment with continued employment assistance.

(b) Individuals receiving any of the priority services in paragraph (a) will be provided with child care, transportation, or other support services as necessary and in relation to their eligibility and the availability of funds.

Sec. 48. [268A.05] [EMPLOYMENT AND TRAINING PROGRAMS FOR APPLICANTS FOR AND RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN, GENERAL ASSISTANCE, AND FOOD STAMPS.]

Subdivision 1. The commissioner shall develop and administer employment and training programs to assist appropriate recipients of aid to families with dependent children, food stamps, and general assistance to become economically independent. The programs shall have as their objective improving clients' opportunities for economic independence through permanent employment. The programs shall provide sufficient employment and training options to allow local service units to effectively meet the support services, educational, and training needs of their public assistance clients.

Subd. 1a. Under agreements necessary to comply with federal regulations, the commissioner shall administer employment and training programs for applicants for or recipients of aid to families with dependent children and food stamps on behalf of the commissioner of human services. The commissioner shall administer employment and training services and programs for general assistance recipients in consultation with the commissioner of human services.

Subd. 2. The commissioner shall establish, by rule, the conditions under which individuals participate in programs, their rights and responsibilities while participating, and the standards by which the programs must be administered, and shall provide fair hearings procedure governing participation.

Subd. 3. In administering the work incentive program under section 256.736, the commissioner shall assure that no later than July 1, 1986, at least 25 percent of all state and federal funds appropriated to that program must be spent for direct client services, including child care, transportation, institutional training, and on-the-job training. Seventy-five percent or less of the funds must be spent for services provided directly by state or county staff.

Subd. 4. In developing employment and training programs and services,

the commissioner shall identify and incorporate, to the extent possible, funding from both federal and state income maintenance, employment and training, and educational programs.

Sec. 49. [268A.06] [LOCAL DELIVERY OF EMPLOYMENT AND TRAINING PROGRAMS AND SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS.]

Subdivision 1. Unless otherwise determined by the coordinator, the counties are responsible for the delivery of employment and training programs for public assistance recipients. In carrying out the employment and training programs in sections 44 to 58, counties shall contract with an established and certified public, nonprofit, or private employment and training agency or capable post-secondary education institution and, unless the county already operates the job training partnership act program, shall not develop new administrative bodies or assign responsibilities to existing county departments. In contracting, counties must give preference, whenever possible, to state employment and training providers, including, but not limited to, job service, opportunities industrialization centers, displaced homemaker programs, work incentive programs, and job training partnership act programs.

Subd. 1a. The counties are responsible for enforcing employment and training requirements for recipients of aid to families with dependent children, food stamps, and general assistance, and must include provisions for enforcement of these requirements in any contracts with providers under subdivision 1.

Subd. 2. In establishing a contract, the county shall agree to out-station income maintenance and social service staff as necessary to accept applications and determine eligibility, monitor ongoing client eligibility, and authorize services and grants available under programs administered by the county social service or income maintenance agencies that are related to employment and training or the client's successful participation in employment and training activities.

Subd. 3. The commissioner of employment and training shall furnish sufficient co-located staff as are necessary to make the services provided through the department of employment and training and the programs it administers or supervises available to clients being served by the contract agency.

Subd. 4. The commissioner shall have emergency and permanent rule-making authority to implement this section.

Sec. 50. [268A.07] [JOBS TRAINING PARTNERSHIP ACT; ADMINISTRATION.]

Subdivision 1. [COORDINATION OF STATE AND FEDERAL PROGRAMS.] The commissioner shall act as the governor's agent in administering the federal jobs training partnership act. To the extent permitted under federal regulation, this program shall be administered in conjunction with a comprehensive state employment and training strategy and its resources used in coordination with state programs and to further state objectives.

Subd. 2. The commissioner shall recommend to the governor the priorities, performance standards, and special projects which are consistent with the

coordinator's biennial plan.

Subd. 3. Strong consideration for income maintenance recipients must be included in the goals, objectives, and criteria of the governor's coordination and special services plan under section 121 of Public Law 97-300. Local service delivery area plans and job service plans must describe methods of complying with the coordination criteria under the governor's coordination and special services plan as required under section 104 of Public Law 97-300 and under United States Code 1976, title 29, as amended.

Sec. 51. [268A.08] [COMMUNITY INVESTMENT PROGRAMS.]

Subdivision 1. In order to improve its use of natural, human, and economic resources, the state shall encourage the establishment of community investment programs. These programs shall hire people who are experiencing prolonged unemployment and economic hardship and who have been receiving public assistance for six months. The community investment programs shall be directed toward improving or maintaining the state's social and physical environment.

Subd. 2. [SCOPE OF ACTIVITIES.] Community investment programs shall consist of one or more projects. These projects must be beneficial to the state and the communities in which they are located and must provide program employees with training and work experience. The projects must include activities which:

(1) expand or improve public services, including, but not limited to, education, health, social services, recreation, and safety;

(2) improve or maintain natural resources, including, but not limited to, rivers, streams and lakes, forest lands and roads, and soil conservation;

(3) make permanent improvements to public lands and buildings; or

(4) weatherize public buildings and private residential dwellings.

Subd. 3. [ACCESS TO EMPLOYMENT.] In developing community investment plans, counties shall consult with the exclusive representatives of their employees. In order to gain state approval, counties must incorporate into their community investment plans, at a minimum, sufficient jobs to provide part-time employment for 50 percent of the individuals who have for six months received general assistance pursuant to sections 256D.01 to 256D.18, and aid to families with dependent children pursuant to sections 256.72 to 256.879, who are not exempt from work requirements or not otherwise engaged in employment or training related activities, and who volunteer for the employment. Concurrence with respect to job slots filled under the community investment programs must be obtained from a review panel established by the coordinator that includes the coordinator, a statewide public employee representative as a permanent member, and the appropriate exclusive bargaining representative. Community investment programs which include other funding sources or authorized programs may provide employment for the groups eligible for the included programs. These programs include, but are not limited to: the Minnesota conservation corps, Minnesota summer youth program, county emergency jobs program, and the jobs training partnership act.

Subd. 4. [EMPLOYMENT CONDITIONS.] (a) An eligible nonprofit or

public employer may not terminate, lay off, or reduce the regular working hours of an employee for the purpose of hiring an individual with funds available under this program. An eligible employer may not hire an individual with funds available through this program if any other person is on layoff from the same or a substantially equivalent job.

(b) Community investment program participants are employees of the project site or the county within the meaning of workers' compensation laws, personal income tax, and the federal insurance contribution act, but not retirement or civil service laws.

(c) Each project and job shall be in compliance with all applicable affirmative action, fair labor, health, safety, and environmental standards.

(d) Individuals employed under the community investment program shall be paid a wage at the same wage rates as work site or employees doing comparable work in that locality, unless otherwise specified in law.

(e) Each general assistance recipient must have available no fewer hours of employment than are necessary to meet general assistance standards. Recipients of the aid to families with dependent children program who are eligible on the basis of an unemployed parent, shall not have available more than 100 hours per month. All employees shall be limited to a maximum of 32 hours or four days per week, so that they can continue to seek full-time private sector employment, unless otherwise specified in law.

(f) The commissioner shall establish, by rule, the terms and conditions governing the voluntary participation of public assistance recipients. The rules shall, at a minimum, establish the procedures by which the minimum and maximum number of work hours and maximum allowable travel distances are determined, the amounts and methods by which work expenses will be paid, the manner in which support services will be provided, and periodic reviews of clients continuing employment in community investment programs.

Subd. 5. [COUNTY BOARDS OF COMMISSIONERS.] (a) The county boards of commissioners shall:

(1) be encouraged to establish community investment programs that are administered jointly according to section 471.59, or through multi-county human service boards, pursuant to chapter 402;

(2) plan community investment programs by involving nonprofit organizations and other governmental units, community action agencies, community-based organizations, local union representatives, and representatives of client groups;

(3) give preference to individual community investment projects which are administered under contract by nonprofit organizations and other governmental units, including departments and agencies of cities, towns, school districts, state and federal agencies, park reserve districts, and other special districts;

(4) submit plans which incorporate identified local human and environment needs, jobs requiring skills at the level found among the area's unemployed, including public assistance recipients;

(5) submit reports and meet administrative standards established by rule;

(6) monitor the performance of entities under contract to administer individual community investment projects;

(7) enter into contracts with other governmental and private bodies to jointly fund or jointly administer approvable projects when agreements expand the resources available, the scope of people employed, or further recognized public purposes; and

(8) submit the first biennial plan between October 1, 1985, and May 1, 1986, and subsequent plans no later than September 1 of each odd-numbered year.

(b) The plan must be in the format prescribed by the coordinator.

Subd. 6. [STATE FINANCIAL PARTICIPATION.] The statutorily established state rates of financial participation or available state appropriations or grants shall not be affected by their incorporation into a community investment program.

Subd. 7. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.

Subd. 8. [VOLUNTARY PARTICIPATION.] Participation in the community investment program by any recipient of aid to families with dependent children shall be voluntary.

Sec. 52. [268A.09] [STATE FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.]

Subdivision 1. Any administrative aid for employment and training programs administered under sections 43 to 57 must be paid to the counties by the commissioner according to the formula established in rules by the commissioner. The rules must provide that 50 percent of the funds are allocated among counties based on general assistance caseloads of individuals not exempt from work requirements as forecast by the department of human services and that 50 percent are allocated in a way that encourages full-time, private-sector job placement, program completion by public assistance clients, and other performance characteristics.

Subd. 2. The commissioner has emergency and permanent rulemaking authority to implement this section.

Sec. 53. [268A.10] [OFFICE OF INDIVIDUAL ENTERPRISE.]

Subdivision 1. The commissioner shall establish an office of individual enterprise that shall be responsible for coordinating state activities related to self-employment enterprises, including, but not limited to, home-based businesses, individual self-employment initiatives, and collective and cooperative efforts as involve individual entrepreneurs.

Subd. 2. The commissioner shall undertake activities to expand the marketing of goods or services produced by the state's independent entrepreneurs in public facilities and in conjunction with other state-funded activities and may establish a council or committee to select products and services to be included.

Subd. 3. The commissioner shall provide or arrange information, technical assistance, and support as necessary to help individuals determine whether

they wish to become self-employed, to obtain needed training, to develop business plans and financing, and to sustain the initiatives.

Subd. 4. The commissioner of energy and economic development shall develop resources for a pilot program, in cooperation with the commissioners of employment and training and human services to enable low-income persons to start or expand self-employment opportunities or home-based businesses which are designed to make the individual entrepreneurs economically independent. The commissioner of human services shall seek necessary waivers from federal regulations to allow recipients of aid to families with dependent children to participate and retain eligibility while establishing a business.

Subd. 5. The commissioner shall conduct a study of the needs of individual entrepreneurs and beginning businesses and recommend to the governor how state programs and resources can provide further assistance.

Subd. 6. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.

Sec. 54. [268A.11] [FIRST SOURCE AGREEMENTS.]

Subdivision 1. Any business or private enterprise receiving grants or loans from the state in amounts over \$50,000 per year, shall as part of the grant or loan agree to list any vacant or new positions with the job services of the department of employment and training. An agreement obligates the employer to consider qualified applicants but does not establish an obligation to hire individuals referred by the department.

Subd. 2. The commissioner of energy and economic development shall incorporate the provisions of this section into grant and loan instruments and assist the commissioner of employment and training in promoting private sector listings with job services and in evaluating their effect on employers and individuals who are referred.

Subd. 3. [RULEMAKING.] The commissioner shall have emergency and permanent rulemaking authority to implement this section.

Sec. 55. [268A.12] [CHILD CARE SLIDING FEE PROGRAM.]

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

(a) "Child care services" means family day care homes, group day care homes, nursery schools, day nurseries, child day care centers, play groups, head start, parent cooperatives, and in-home child care as defined in the Minnesota plan for social services to families and children.

(b) "Child" means any person 14 years of age or younger.

(c) "Commissioner" means the commissioner of employment and training.

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner shall develop standards for county boards and certified service providers regarding the provision of child care services to enable eligible families to participate in employment or training programs. The commissioner shall establish a program to allocate available appropriations to counties for the purpose of re-

ducing the costs of child care for eligible families. The commissioner shall adopt rules to govern the program in accordance with this section. The rules must establish a sliding schedule of fees for parents receiving child care services. The commissioner shall require counties to collect and report data that the commissioner deems necessary to evaluate the effectiveness of the program in preventing and reducing participants' dependence on public assistance and in providing other benefits, including improvement in the care provided to children. The commissioner shall report to the full productivity and opportunity coordinator no later than January 15 of each even-numbered year on the effectiveness of the program.

Subd. 3. [ALLOCATION.] (a) No later than August 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation and the procedures used for the sliding fee program. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties.

(b) For the purposes of this section, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for statewide administrative costs. The commissioner shall allocate 50 percent of the funds among counties on the basis of the number of families below poverty, as determined from the most recent special census and 50 percent on the basis of caseloads of aid to families with dependent children for the preceding fiscal year as determined by the commissioner of human services.

Subd. 4. [FINANCIAL ELIGIBILITY.] (a) Child care services must be available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

(1) receive aid to families with dependent children under sections 256.72 to 256.87; or

(2) have household income below the eligibility levels for aid to families with dependent children;

(3) have household income within a range established by the commissioner.

(b) Child care services for the families receiving aid to families with dependent children must be made available as in-kind services, to cover any difference between the actual cost and the amount disregarded under the aid to families with dependent children program. Services to families whose incomes are below the threshold for aid to families with dependent children, but that are not receiving aid to families with dependent children, must be made available without cost to the families.

(c) Child care services to families with incomes in the commissioner's established range must be made available on a sliding fee basis. The lower limit of the sliding fee range must be the eligibility limit for aid to families with dependent children. The upper limit of the range must not be less than 70 percent, and must not be more than 90 percent, of the state median income for a family of four, adjusted for family size.

Subd. 5. [EMPLOYMENT OR TRAINING ELIGIBILITY.] (a) Persons

who are seeking employment and who are eligible for assistance under this section are eligible to receive the equivalent of one month of child care.

(b) Employed persons who work at least ten hours per week and receive at least minimum wage for all hours worked are eligible for child care assistance.

Persons eligible under this section for child care assistance for education or training shall receive assistance for the length of the program or 24 months, whichever is shorter. Any education or training program approved by the department of education and accredited by the appropriate agency is an eligible program, including but not limited to high school or an equivalent program, an English competency program, technical or vocational training, or a four-year or associate degree program.

Subd. 6. [COUNTY CONTRIBUTION.] In addition to payments from parents, the program must be funded by county contributions. Counties shall contribute five percent of the cost of the program in the program's first year and 15 percent in the second and subsequent years. By rule, the commissioner may require each county to pay to the state treasurer the portion of sliding fee allocations paid by the state for which the county is responsible. The county shall advance its portion of sliding fee costs, based upon allocations made by the commissioner for that county for expenditures in the succeeding month. Adjustments of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any succeeding month.

Subd. 7. [SLIDING FEE SCALE.] In setting the sliding fee schedule, the commissioner shall exclude from the amount of income used to determine eligibility, an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The fee schedule must be designed to use any available tax credits and to progress smoothly from appropriated assistance to tax-related assistance.

Subd. 8. [LIMITS ON USE OF STATE FUNDS.] The state's payment is limited to the difference between the fee set by the commissioner and the provider's charge for care. When the provider of child care services charges more than 125 percent of the median charge for similar care arrangements in the geographic area defined by the commissioner of human services for the purpose of ascertaining the median charge, the state's payment is limited to the difference between 125 percent of the median charge for similar care arrangements in the geographic area and the parents' fee.

Subd. 9. [EXTENSION OF WORK INCENTIVE OPPORTUNITIES.] The county board shall ensure that child care services available to county residents are well advertised and that everyone who receives or applies for aid to families with dependent children is informed of training and employment opportunities and programs, including child care services.

Subd. 10. [ADMINISTRATIVE EXPENSES.] A county must not use more than seven percent of its allocation for its administrative expenses under this section.

Sec. 56. [TRANSFER OF POWERS.]

The department of economic security as now constituted is abolished. The

responsibilities of the department of economic security are transferred to the department of employment and training and the department of human services as specified in sections 1 to 55. Responsibilities of the department of human services specified in sections 13, 14, 15, and 22, together with designated support functions, are transferred to the department of employment and training. Section 15.039 governs the transfer of powers, except that positions in the unclassified service established under section 268.011, subdivision 2, are abolished. Commencing with the passage and signing of this act, the commissioners of economic security, human services, administration, finance, and employee relations shall cooperate in assuring a smooth transfer of the designated personnel, equipment, and supplies to carry out the purposes of this act.

Sec. 57. [REVISOR'S INSTRUCTION; NAME CHANGES.]

In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall change the words "economic security" to "employment and training," except as otherwise specified by sections 1 to 55.

Sec. 58. [REVISOR'S INSTRUCTION; RENUMBERING.]

In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall renumber each section listed in column A with the number in column B. The revisor shall also make necessary cross-reference changes consistent with renumbering. In the renumbered sections, the revisor shall change the words "economic security" to "employment and training."

A	B
268.014	268A.13
268.021	268A.14
268.026	268A.15
268.03	268A.16
268.04	268A.17
268.05	268A.18
268.06	268A.19
268.061	268A.2
268.07	268A.21
268.071	268A.22
268.072	268A.23
268.08	268A.24
268.081	268A.25
268.09	268A.26
268.10	268A.27
268.11	268A.28
268.12	268A.29
268.121	268A.3
268.13	268A.31
268.14	268A.32
268.15	268A.33
268.16	268A.34
268.17	268A.35
268.18	268A.36
268.20	268A.37
268.21	268A.38
268.22	268A.39
268.23	268A.4, subdivision 1

268.231	268A.4, subdivision 2
268.24	268A.4, subdivision 3
268.25	268A.4, subdivision 4
268.31	268A.4, subdivision 5
268.32	268A.4, subdivision 6
268.33	268A.401
268.34	268A.402
268.35	268A.41
268.36	268A.411
268.37	268A.412
268.38	268A.42
268.52	268A.43
268.53	268A.44
268.54	268A.45
268.60	268A.46
268.61	268A.47
268.62	268A.48
268.63	268A.49
268.64	268A.5
268.671	268A.51
268.672	268A.52
268.673	268A.53
268.674	268A.54
268.675	268A.55
268.676	268A.56
268.677	268A.57
268.678	268A.58
268.679	268A.59
268.68	268A.6
268.681	268A.61
268.682	268A.62
268.683	268A.63
268.685	268A.64
268.82	268A.65
268.83	268A.66
268.84	268A.67

Sec. 59. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the office of full productivity and opportunity for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. The unencumbered balance remaining in the first year does not cancel but is available for the second year.

	1986	1987
(a) For administration	\$_____	\$_____
(b) For an information and referral system	_____	_____
(c) For staff training	_____	_____
(d) For wage subsidy programs	_____	_____
(e) For general assistance	_____	_____
(f) For aid to families with dependent children	_____	_____
(g) For day care programs	_____	_____

- (h) For day care sliding fee programs _____
- (i) For employment and training programs _____
- (j) For job service programs _____
- (k) For job skills partnership programs _____
- (l) For heating assistance grants _____
- (m) For training and community programs _____
- (n) For job training partnership act matching funds _____
- (o) For community development corporations _____
- (p) For opportunities industrialization centers _____
- (q) For the displaced homemaker program _____

Sec. 60. [REPEALER.]

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 are repealed.

Sec. 61. [EFFECTIVE DATE.]

Section 56 and all transfers of responsibility in sections 1 to 37 are effective January 1, 1986. Sections 12; 15, subdivision 4; and 55 are effective July 1, 1985.

ARTICLE II

Section 1. Minnesota Statutes 1984, section 245.66, is amended to read:

245.66 [COMMUNITY MENTAL HEALTH CENTER BOARDS.]

Subdivision 1. [BOARD REQUIRED; MEMBERSHIP AND RESPONSIBILITIES.] Every city, county, town, combination thereof or nonprofit corporation establishing a community mental health center shall establish a community mental health center board. The community mental health center board may include county commissioner representatives from each participating county and shall be representative of the local population, including at least health and human service professions and advocate associations, other fields of employment, and the general public. Each community mental health center board shall be responsible for the governance and performance of its center.

Subd. 2. [COUNTY OPERATED COMMUNITY MENTAL HEALTH CENTER BOARDS.] Notwithstanding subdivision 1, a county board of commissioners that operates a community mental health center with county employees shall designate itself as the governing board of that center.

If the county board elects to be the community mental health center board, it may establish advisory committees to assist it to plan, set priorities, and evaluate the services which the board provides or purchases.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employment, economic opportunity and human services; 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 board 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; allowing the county boards to serve as the community mental health center boards; appropriating money; 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; 245.66; 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; 268.35; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapter 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 when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was re-referred

S.F. No. 357: A bill for an act relating to Pine county; permitting the county to participate separately in the community health services system.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PINE COUNTY COMMUNITY HEALTH SERVICES.]

Subdivision 1. [REQUIREMENTS.] Notwithstanding the population requirement of Minnesota Statutes, section 145.917, subdivision 1, paragraph (a), Pine county shall be eligible for a subsidy pursuant to section 145.921, effective July 1, 1985, provided:

(a) the county meets all other requirements of sections 145.913 and

145.917; and

(b) the county meets the population requirement of section 145.917, subdivision 1, paragraph (a), on or before January 1, 1986; and

(c) sufficient funds are appropriated for this purpose.

Subd. 2. [PAYMENT.] Payment of the subsidy authorized by this special law shall begin on the last day of the month following the month in which the county complies with the provisions of subdivision 1. Subsidy for the period July 1, 1985, through December 31, 1985, shall be provided in a single payment. Subsequent payment shall be made as prescribed in section 145.921.

Sec. 2. [REPEALER.]

Section 1 is repealed effective January 2, 1986.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective without local approval the day following final enactment."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was re-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; appropriating money; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete "*Cochlear implants*" and insert "*Surgically implanted hearing instruments*" and before the period, insert "*for purposes of sections 1 to 15. Assistive listening devices not requiring testing, fitting, or the use of ear molds, and which devices or their attachments are not worn within the ear canal, are not hearing instruments*"

Page 2, line 32, delete the period and insert "; and"

Page 2, after line 32, insert:

"(6) ensure that hearing instruments are dispensed in compliance with requirements of the federal Food and Drug Administration."

Page 2, line 33, delete "(5)" and insert "(6)"

Page 3, line 31, delete "and"

Page 3, line 33, after "*injury*" insert "; and (10) knowledge of the federal and state laws regarding hearing instrument dispensing"

Page 3, line 36, after "*with*" insert "*otolaryngologists,*"

Page 4, line 26, after "*members,*" insert "*including consumers, hearing instrument dispensers, audiologists and otolaryngologists,*"

Page 5, delete line 23 and insert "*person is licensed under sections 1 to 15 or employs a person licensed under sections 1 to 15;*"

Page 5, line 26, delete "or" and insert a comma and after "audiologist" insert ", or person licensed under chapter 147"

Page 5, lines 35 and 36, after "DISPENSER" insert "OR PHYSICIAN"

Page 6, line 1, after "include" insert ", upon patient authorization,"

Page 7, line 3, delete "to persons"

Page 7, line 4, delete "licensed under chapter 147 or"

Page 7, line 8, after the period, insert "Sections 1 to 15 do not apply to persons licensed under chapter 147. The board of medical examiners may regulate the dispensing of hearing instruments by persons licensed under chapter 147."

Page 7, after line 8, insert:

"Sec. 17. [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 prior to consideration of any other applications 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 foregoing application. The commissioner of commerce shall cooperate with the commissioner of health with respect to the study of the dispensing of hearing instruments.

Sec. 18. [REPEALER.]

Sections 1 to 16 are repealed effective July 1, 1987."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing;"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1382 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1382	1371				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1382 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1382 and insert the language after the enacting clause of S.F. No. 1371, further, delete the title of H.F. No. 1382 and insert the title of S.F. No. 1371.

And when so amended H.F. No. 1382 will be identical to S.F. No. 1371, and further recommends that H.F. No. 1382 be given its second reading and substituted for S.F. No. 1371, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for February 7, 1985:

MINNESOTA HOUSING FINANCE AGENCY
J. Mark Wedel

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Vega from the Committee on Energy and Housing, to which were referred the following appointments as reported in the Journal for January 31, 1985:

MINNESOTA HOUSING FINANCE AGENCY
Demetrius G. Jelatis
Shirley Van Dyck
Robert A. Worthington

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Lessard from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for February 14, 1985:

BOARD OF THE ARTS
Leonard J. Nadasdy
James Nardone
Bunny (Isabelle) Robinson

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred the following appointment as reported in the Journal for February 7, 1985:

METROPOLITAN WASTE CONTROL COMMISSION
CHAIRMAN
Peter E. Meintma

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Schmitz from the Committee on Local and Urban Government, to which were referred the following appointments as reported in the Journal for April 17, 1985:

METROPOLITAN WASTE CONTROL COMMISSION

Bruce Baumann
George Dahlvang
Judith Fletcher
JoEllen Hurr
Susan E. Kimberly
Carol Kummer
Mark Mahon
Paul McCarron

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred the following appointment as reported in the Journal for February 21, 1985:

METROPOLITAN COUNCIL

CHAIRMAN

Sandra S. Gardebring

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Schmitz from the Committee on Local and Urban Government, to which were referred the following appointments as reported in the Journal for January 31, 1985:

METROPOLITAN COUNCIL

Mary Elizabeth Anderson
Leon F. Cook
Dirk deVries
Mary M. Hauser
Mary Martin
Josephine D. Nunn
Dottie Rietow
Donald E. Stein
Charles Wiger

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the

table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 661, 801, 1329, 1308, 1208, 1061, 615, 438, 896, 1249, 1190, 1104, 1220, 616, 904, 639, 1447, 721, 1087 and 1398 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 580, 265, 1236, 730, 786, 213, 656, 143, 1254, 1037, 58, 521, 231, 18 and 1382 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Willet moved that the name of Mr. Samuelson be added as a co-author to S.F. No. 295. The motion prevailed.

Mr. Benson moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 378. The motion prevailed.

Mr. Lessard moved that the name of Mr. Dahl be added as a co-author to S.F. No. 868. The motion prevailed.

CONFIRMATION

Mr. Merriam moved that the reports from the Committee on Agriculture and Natural Resources, reported March 18, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the reports from the Committee on Agriculture and Natural Resources, reported March 18, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA WATER RESOURCES BOARD

Marlin A. Rieppel, Rt. 2, Box 78, Appleton, Swift County, effective May 3, 1984, for a term expiring the first Monday in January, 1988.

Erika Sitz, 6521 - 154th Ln. N.W., Anoka, Anoka County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Mr. Berg requested that the appointment of Erika Sitz be divided out.

The question was taken on the motion of Mr. Merriam to confirm the appointment of Marlin A. Rieppel. The motion prevailed. So the appointment was confirmed.

The question was taken on the motion of Mr. Merriam to confirm the appointment of Erika Sitz.

The roll was called, and there were yeas 46 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Langseth	Peterson, D.C.	Sieloff
Berglin	Hughes	Lantry	Peterson, R.W.	Solon
Bernhagen	Johnson, D.E.	Lessard	Petty	Spear
Brataas	Johnson, D.J.	Luther	Pogemiller	Storm
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R.D.	Ramstad	Willet
Dicklich	Knutson	Nelson	Reichgott	
Diessner	Kroening	Novak	Renneke	
Dieterich	Kronebusch	Pehler	Samuelson	
Frank	Laidig	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Anderson	Berg	Isackson	Mehrkens	Stumpf
Belanger	Bertram	Kamrath	Olson	Taylor
Benson	Frederickson	McQuaid	Peterson, D.L.	Wegscheid

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Solon moved that the report from the Committee on Economic Development and Commerce, reported March 18, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Solon moved that the foregoing report be now adopted. The motion prevailed.

Mr. Solon moved that in accordance with the report from the Committee on Economic Development and Commerce, reported March 18, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

WORLD TRADE CENTER BOARD

Biorn Biornstad, 5653 Woodcrest Dr., Edina, Hennepin County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Ronald M. Bosrock, 1814 Hillcrest, St. Paul, Ramsey County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Willis R. Eken, Twin Valley, Norman County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Martha R. Firling, 21 Don Avon St., Duluth, St. Louis County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Thomas A. Foster, 332 Westwood Dr. N., Golden Valley, Hennepin County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Richard M. Nolan, 370 Selby Ave., St. Paul, Ramsey County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Pete R. Petrafeso, 2624 Joppa Ave. S., St. Louis Park, Hennepin County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Irving M. Stern, 5901 Laurel Ave., Golden Valley, Hennepin County,

effective June 23, 1984, for a term expiring the first Monday in January, 1987.

Paul Rexford Thatcher, 15 S. 1st St., Minneapolis, Hennepin County, effective June 23, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Dieterich moved that the reports from the Committee on Public Utilities and State Regulated Industries, reported March 14, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Dieterich moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Dieterich moved that in accordance with the reports from the Committee on Public Utilities and State Regulated Industries, reported March 14, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

PUBLIC UTILITIES COMMISSION

Robert J. O'Keefe, 1845 Juliet Ave., St. Paul, Ramsey County, effective January 2, 1985, for a term expiring January 2, 1991.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Dieterich moved that the reports from the Committee on Public Utilities and State Regulated Industries, reported March 14, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Dieterich moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Dieterich moved that in accordance with the reports from the Committee on Public Utilities and State Regulated Industries, reported March 14, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

CABLE COMMUNICATIONS BOARD

Janna King, Rt. 1, Box 216C, Browerville, Todd County, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Eugene F. Trumble, 2025 Audubon Dr., Chaska, Carver County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Mr. Knaak requested that the appointment of Janna King be divided out.

The question was taken on the motion of Mr. Dieterich to confirm the appointment of Eugene F. Trumble. The motion prevailed. So the appointment was confirmed.

The question was taken on the motion of Mr. Dieterich to confirm the appointment of Janna King. The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 21, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 21, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

WASTE MANAGEMENT BOARD

Mary A. Robinson, 422 Oak Ave., Delano, Wright County, effective January 21, 1985, for a term expiring 90 days after site selection.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported April 2, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported April 2, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

WASTE MANAGEMENT BOARD

Ernest Lund, Box 149A, Gheen, St. Louis County, effective September 19, 1984, for a term expiring 90 days after site selection.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported April 1, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported April 1, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY

Bill Walker, Itasca Star Rt., Park Rapids, Becker County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and

Natural Resources, reported March 28, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing report be now adopted. The motion prevailed.

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 28, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY

Carol Lee Baudler, 309 - 4th Ave. N.W., Austin, Mower County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Langseth	Novak	Ramstad
Berglin	Hughes	Lantry	Pehler	Reichgott
Dahl	Jude	Luther	Peterson, C.C.	Samuelson
Davis	Knaak	Merriam	Peterson, D.C.	Spear
Diessner	Kroening	Moe, D. M.	Peterson, R.W.	Vega
Dieterich	Kronebusch	Moe, R. D.	Petty	Willet
Frank	Laidig	Nelson	Pogemiller	

Those who voted in the negative were:

Anderson	Chmielewski	Johnson, D.E.	Mehrkens	Sieloff
Belanger	Dicklich	Johnson, D.J.	Olson	Storm
Benson	Frederick	Kamrath	Peterson, D.L.	Wegscheid
Berg	Frederickson	Knutson	Purfeerst	
Bernhagen	Gustafson	Lessard	Renneke	
Bertram	Isackson	McQuaid	Schmitz	

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Purfeerst moved that the report from the Committee on Transportation, reported April 3, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Purfeerst moved that the foregoing report be now adopted. The motion prevailed.

Mr. Purfeerst moved that in accordance with the report from the Committee on Transportation, reported April 3, 1985, the Senate, having given its advice, do now consent to and confirm the appointment of:

REGIONAL TRANSIT BOARD CHAIR

Elliott Perovich, 863 River Ln., Anoka, Anoka County, effective July 17, 1984, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Pehler moved that the reports from the Committee on Education, reported April 18, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Pehler moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Pehler moved that in accordance with the reports from the Committee on Education, reported April 18, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Archie D. Chelseth, 509 Chestnut St., Cloquet, Carlton County, effective January 28, 1985, for a term expiring the first Monday in January, 1989.

Mona J. Hintzman, 4018 - 58th Ave. N., Brooklyn Center, Hennepin County, effective February 11, 1985, for a term expiring the first Monday in January, 1986.

Mauréen A. Johnson, 407 N. Grant, Minneota, Lyon County, effective January 28, 1985, for a term expiring the first Monday in January, 1991.

Orrin V. Rinke, 819 N. 2nd Ave., Sauk Rapids, Benton County, effective January 28, 1985, for a term expiring the first Monday in January, 1991.

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Patricia Allinder, 801 W. 17th St., Willmar, Kandiyohi County, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Alan Olson, 5710 Upper 182nd St., Farmington, Dakota County, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

Jane Preston, 2145 Lakeview Ave., White Bear Lake, Ramsey County, effective December 27, 1984, for a term expiring the first Monday in January, 1989.

STATE UNIVERSITY BOARD

James B. Lund, 519 N. 2nd St., Mankato, Blue Earth County, effective January 19, 1985, for a term expiring the first Monday in January, 1987.

Rodney N. Searle, Rt. 1, Box 44, Waseca, Waseca County, effective January 19, 1985, for a term expiring the first Monday in January, 1989.

Russell P. Stanton, 1004 N. 4th, Marshall, Lyon County, effective January 19, 1985, for a term expiring the first Monday in January, 1989.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Hughes moved that the report from the Committee on Elections and Ethics, reported March 18, 1985, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hughes moved that the foregoing report be now adopted. The motion prevailed.

Mr. Hughes moved that in accordance with the report from the Committee on Elections and Ethics, reported March 18, 1985, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE ETHICAL PRACTICES BOARD

Martin J. McGowan, Rt. 1, Box 41, Kimball, Stearns County, effective September 10, 1984, for a term expiring the first Monday in January, 1987.

Ellen G. Sampson, 1415 Bayard Ave., St. Paul, Ramsey County, effective January 16, 1985, for a term expiring the first Monday in January, 1989.

The motion prevailed. So the appointments were confirmed.

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

CONSENT CALENDAR

H.F. No. 221: A bill for an act relating to highways; designating the George Mann Memorial Highway; amending Minnesota Statutes 1984, section 161.14, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.J.	Merriam	Renneke
Anderson	Diessner	Jude	Moe, D. M.	Samuelson
Benson	Dieterich	Knaak	Moe, R. D.	Schmitz
Berg	Frank	Kroening	Novak	Sieloff
Berglin	Frederick	Kronebusch	Peterson, C.C.	Spear
Bernhagen	Frederickson	Laidig	Peterson, D.C.	Storm
Bertram	Freeman	Langseth	Peterson, R.W.	Stumpf
Brataas	Gustafson	Lantry	Pogemiller	Taylor
Chmielewski	Hughes	Lessard	Purfeerst	Waldorf
Davis	Isackson	Luther	Ramstad	Wegscheid
DeCramer	Johnson, D.E.	McQuaid	Reichgott	Willet

Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 761: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of

warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29; proposing coding for new law in Minnesota Statutes, chapter 169.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 14 and nays 48, as follows:

Those who voted in the affirmative were:

Bertram	DeCramer	Hughes	Pehler	Reichgott
Dahl	Diessner	Luther	Peterson, D.C.	Spear
Davis	Gustafson	Merriam	Peterson, R.W.	

Those who voted in the negative were:

Adkins	Frank	Kroening	Nelson	Solon
Anderson	Frederick	Kronebusch	Novak	Storm
Belanger	Frederickson	Laidig	Olson	Stumpf
Benson	Freeman	Langseth	Peterson, C.C.	Taylor
Berg	Isackson	Lantry	Peterson, D.L.	Vega
Berglin	Johnson, D.E.	Lessard	Pogemiller	Waldorf
Bernhagen	Johnson, D.J.	McQuaid	Ramstad	Wegscheid
Brataas	Jude	Mehrken	Samuelson	Willet
Chmielewski	Kamrath	Moe, D. M.	Schmitz	
Dieterich	Knaak	Moe, R. D.	Sieloff	

So the bill failed to pass.

Mr. Knaak raised a point of order as to the designation of Special Orders pursuant to Rule 10.

The President ruled that the point of order was not well taken.

Mr. Knaak appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 42 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Spear
Berglin	Diessner	Kronebusch	Peterson, C.C.	Stumpf
Bernhagen	Dieterich	Lantry	Peterson, D.C.	Vega
Bertram	Frank	Lessard	Peterson, R.W.	Waldorf
Brataas	Freeman	Luther	Pogemiller	Wegscheid
Chmielewski	Hughes	Merriam	Reichgott	Willet
Dahl	Johnson, D.E.	Moe, D. M.	Samuelson	
Davis	Johnson, D.J.	Moe, R. D.	Schmitz	
DeCramer	Jude	Nelson	Solon	

Those who voted in the negative were:

Anderson	Frederickson	Knaak	Peterson, D.L.	Taylor
Belanger	Gustafson	Laidig	Ramstad	
Benson	Isackson	McQuaid	Sieloff	
Berg	Kamrath	Olson	Storm	

So the decision of the President was sustained.

CALL OF THE SENATE

Mr. Stumpf imposed a call of the Senate for the proceedings on H.F. No. 151. The Sergeant at Arms was instructed to bring in the absent members.

SPECIAL ORDER

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.J.	Peterson, C.C.	Storm
Anderson	Diessner	Kroening	Pogemiller	Stumpf
Belanger	Dieterich	Laidig	Purfeerst	Vega
Berglin	Frank	Langseth	Reichgott	Willet
Chmielewski	Freeman	Lantry	Samuelson	
Dahl	Gustafson	Lessard	Sieloff	
Davis	Hughes	Moe, D. M.	Solon	
DeCramer	Johnson, D.E.	Pehler	Spear	

Those who voted in the negative were:

Bernhagen	Jude	Mehrkens	Peterson, D.C.	Waldorf
Bertram	Kamrath	Merriam	Peterson, D.L.	Wegscheid
Brataas	Knaak	Moe, R. D.	Peterson, R.W.	
Frederick	Kronebusch	Nelson	Ramstad	
Frederickson	Luther	Novak	Schmitz	
Isackson	McQuaid	Olson	Taylor	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 241: A bill for an act relating to commerce; modifying certain motor vehicle sale and distribution regulations; amending Minnesota Statutes 1984, sections 80E.04, subdivision 4; 80E.06, subdivision 1; 80E.10, subdivision 5; 80E.12; and 80E.14, subdivision 1; repealing Minnesota Statutes 1984, section 80E.03, subdivision 11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Novak	Samuelson
Anderson	Diessner	Knaak	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Pogemiller	Vega
Chmielewski	Isackson	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Davis	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
DeCramer	Jude	Nelson	Renneke	

Mrs. Brataas voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 94: A bill for an act 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Olson	Sieloff
Anderson	Diessner	Kroening	Peehler	Solon
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Spear
Benson	Frank	Laidig	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Gustafson	Luther	Pogemiller	Vega
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, R.D.	Renneke	
Davis	Jude	Nelson	Samuelson	
DeCramer	Kamrath	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 266: A bill for an act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on- or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 629.34, subdivision 1; and 629.40.

Mr. Merriam moved to amend H.F. No. 266, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 527.)

Page 2, after line 2, insert:

"Sec. 3. Minnesota Statutes 1984, section 97.50, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of

any provisions of chapters 84, 97 to 102, 105 and 106 84A, 85, 86A, 88 to 106, 361, and sections 18.341 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and section 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

On or before the return day, the officer shall return the notice or summons to the court before whom it is returnable. If the person summoned fails to appear on the return day, the court shall issue a warrant for his arrest. Upon his or her arrest, proceedings shall be had as in other cases."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the first semicolon insert "97.50, subdivision 1;"

The motion prevailed. So the amendment was adopted.

H.F. No. 266 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Nelson	Renneke
Anderson	Dicklich	Kamrath	Novak	Samuelson
Belanger	Diessner	Knaak	Olson	Schmitz
Benson	Dieterich	Kroening	Pehler	Sieloff
Berg	Frank	Kronebusch	Peterson, C.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.L.	Storm
Bertram	Gustafson	Luther	Peterson, R.W.	Stumpf
Brataas	Hughes	McQuaid	Pogemiller	Taylor
Chmielewski	Isackson	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	Willet

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

SPECIAL ORDER

H.F. No. 267: A bill for an act relating to local government; authorizing

certain political subdivisions to enter into certain joint insurance agreements.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Novak	Samuelson
Anderson	Dicklich	Kamrath	Olson	Schmitz
Belanger	Diessner	Knaak	Pehler	Sieloff
Benson	Dieterich	Kroening	Peterson, C.C.	Spear
Berg	Frank	Kronebusch	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Gustafson	Luther	Pogemiller	Vega
Brataas	Hughes	McQuaid	Purfeerst	Wegscheid
Chmielewski	Isackson	Mehrrens	Ramstad	Willet
Dahl	Johnson, D.E.	Merriam	Reichgott	
Davis	Johnson, D.J.	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 247: A bill for an act relating to local government; providing conditions for the adoption or amendment of comprehensive municipal plans; amending Minnesota Statutes 1984, section 462.355, subdivisions 2 and 3.

Mr. Merriam moved to amend H.F. No. 247, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 505)

Page 2, after line 23, insert:

“Sec. 3. Minnesota Statutes 1984, section 462.357, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. *If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.*

Sec. 4. Minnesota Statutes 1984, section 473.858, subdivision 1, is amended to read:

Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with Laws 1976, Chapter 127, Sections 1 to 23 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 473.175. The provisions of Laws 1976, Chapter 127, Sections 1 to 23 shall supersede the provisions of the applicable planning statute wherever a conflict may exist. *If the comprehensive municipal plan is in conflict with the zoning ordinance, the zon-*

ing ordinance supersedes the plan."

ReNUMBER the remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for resolution of conflicts between a zoning ordinance and the comprehensive municipal plan;" and delete "section" and insert "sections"

Page 1, line 5, after "3" insert "; 462.357, subdivision 2; and 473.858, subdivision 1"

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend H.F. No. 247, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 505.)

Page 2, after line 23, insert:

"Sec. 3. [REPEALER.]

Laws 1984, chapter 644, section 83, is repealed."

Page 2, line 24, delete "3" and insert "4"

Page 1, line 5, before the period, insert "; repealing Laws 1984, chapter 644, section 83"

Mr. Luther questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Mr. Berg appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Senate?"

The roll was called, and there were yeas 39 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Langseth	Pehler	Schmitz
Berglin	Frank	Lantry	Peterson, C.C.	Solon
Bertram	Freeman	Lessard	Peterson, D.C.	Spear
Chmielewski	Hughes	Luther	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	Merriam	Pogemiller	Vega
Davis	Jude	Moe, R.D.	Purfeerst	Waldorf
DeCramer	Kroening	Nelson	Reichgott	Willet
Dicklich	Kronebusch	Novak	Samuelson	

Those who voted in the negative were:

Anderson	Brataas	Johnson, D.E.	Olson	Storm
Belanger	Diessner	Kamrath	Peterson, D.L.	Taylor
Benson	Frederickson	Knaak	Ramstad	
Berg	Gustafson	McQuaid	Renneke	
Bernhagen	Isackson	Mehrkens	Sieloff	

The motion prevailed. So the decision of the Chair was sustained.

H.F. No. 247 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Langseth	Peterson, C. C.	Solon
Berg	Freeman	Lantry	Peterson, D. C.	Spear
Bernhagen	Gustafson	Lessard	Peterson, D. L.	Storm
Bertram	Hughes	Luther	Peterson, R. W.	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Mehrkins	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, R. D.	Reichgott	Willet
DeCramer	Kamrath	Nelson	Renneke	

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

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Langseth	Peterson, C. C.	Spear
Benson	Frederickson	Lantry	Peterson, D. C.	Storm
Berg	Freeman	Lessard	Peterson, D. L.	Taylor
Bernhagen	Gustafson	Luther	Peterson, R. W.	Vega
Bertram	Hughes	McQuaid	Pogemiller	Waldorf
Brataas	Isackson	Mehrkins	Purfeerst	Wegscheid
Chmielewski	Johnson, D. E.	Merriam	Ramstad	Willet
Dahl	Johnson, D. J.	Moe, D. M.	Reichgott	
Davis	Jude	Moe, R. D.	Renneke	
DeCramer	Kamrath	Nelson	Samuelson	
Dicklich	Knaak	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 295: A bill for an act relating to counties; authorizing a special levy for 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; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; authorizing political subdivisions to accept certain grants, loans, or advances of money; amending Minnesota Statutes 1984, section 471.65; proposing coding for new law in Minnesota Statutes, chapter 471.

Mr. Johnson, D.E. moved to amend S.F. No. 295 as follows:

Page 6, line 36, strike "in the sixth"

Page 7, line 1, before "after" strike "year" and insert "*at the time specified in the resolution adopted by the municipality under subdivision 9, but not more than 5 years*"

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "allowing municipalities to accelerate repayment of principal of energy loans;"

The motion prevailed. So the amendment was adopted.

Mr. Kamrath moved to amend S.F. No. 295 as follows:

Pages 5 to 7, delete section 8

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 15, delete "sections 116J.36, subdivision" and insert "section"

Page 1, line 16, delete "6; and"

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

Mr. Sieloff moved to amend S.F. No. 295 as follows:

Pages 7 and 8, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete everything before "amending"

Page 1, line 15, delete "sections" and insert "section"

Page 1, line 16, delete "and 471.65;"

CALL OF THE SENATE

Mr. Vega imposed a call of the Senate for the vote on the Sieloff amendment. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Peterson, R.W. requested division of the Sieloff amendment as follows:

First portion:

Page 7, lines 20 to 31, delete subdivision 1 of section 9

Amend the title accordingly

Second portion:

Page 7, lines 32 to 36, and page 8, lines 1 and 2, delete subdivision 2 of section 9

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 46 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knaak	Novak	Sieloff
Anderson	Frank	Kroening	Olson	Spear
Belanger	Frederickson	Kronebusch	Pehler	Storm
Benson	Freeman	Laidig	Peterson, C.C.	Taylor
Berg	Gustafson	Langseth	Peterson, D.C.	Waldorf
Bernhagen	Hughes	Lantry	Peterson, D.L.	Wegscheid
Bertram	Isackson	Luther	Purfeerst	
Brataas	Johnson, D.E.	McQuaid	Ramstad	
Dahl	Jude	Mehrkens	Renneke	
Diessner	Kamrath	Moe, R.D.	Schmitz	

Those who voted in the negative were:

Chmielewski	Dicklich	Merriam	Pogemiller	Willet
Davis	Johnson, D.J.	Nelson	Stumpf	
DeCramer	Lessard	Peterson, R.W.	Vega	

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

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 54 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Nelson	Schmitz
Anderson	Diessner	Knaak	Novak	Sieloff
Belanger	Frank	Kroening	Olson	Spear
Benson	Frederickson	Kronebusch	Pehler	Storm
Berg	Freeman	Laidig	Peterson, C.C.	Stumpf
Bernhagen	Gustafson	Langseth	Peterson, D.C.	Taylor
Bertram	Hughes	Lessard	Peterson, R.W.	Vega
Brataas	Isackson	Luther	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Mehrkens	Reichgott	Willet
DeCramer	Jude	Moe, R.D.	Renneke	

Messrs. Davis, Dieterich, Mrs. Lantry and Mr. Merriam voted in the negative.

The motion prevailed. So the second portion of the amendment was adopted.

S.F. No. 295 was then progressed.

SPECIAL ORDER

H.F. No. 316: A bill for an act relating to the military; providing for the appointment of an additional assistant adjutant general for the army national guard; amending Minnesota Statutes 1984, section 190.08, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, D.M.	Ramstad
Anderson	Dieterich	Knaak	Moe, R.D.	Reichgott
Belanger	Frank	Kronebusch	Nelson	Renneke
Berg	Frederickson	Laidig	Novak	Schmitz
Bernhagen	Freeman	Langseth	Olson	Sieloff
Bertram	Gustafson	Lantry	Pehler	Storm
Brataas	Hughes	Lessard	Peterson, C.C.	Stumpf
Chmielewski	Isackson	Luther	Peterson, D.C.	Taylor
Davis	Johnson, D.E.	McQuaid	Peterson, D.L.	Vega
DeCramer	Johnson, D.J.	Mehrkens	Peterson, R.W.	Wegscheid
Dicklich	Jude	Merriam	Purfeerst	Willet

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 379: A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Spear
Anderson	Dieterich	Kroening	Olson	Storm
Belanger	Frank	Kronebusch	Peterson, C.C.	Stumpf
Benson	Frederickson	Laidig	Peterson, D.C.	Taylor
Berg	Freeman	Langseth	Peterson, D.L.	Vega
Bernhagen	Gustafson	Lantry	Peterson, R.W.	Waldorf
Bertram	Hughes	Lessard	Purfeerst	Wegscheid
Brataas	Isackson	Luther	Ramstad	Willet
Chmielewski	Johnson, D.E.	McQuaid	Reichgott	
Dahl	Johnson, D.J.	Mehrkens	Renneke	
Davis	Jude	Merriam	Schmitz	
DeCramer	Kamrath	Moe, R.D.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 415: A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, D.M.	Schmitz
Anderson	Diessner	Knaak	Moe, R.D.	Sieloff
Belanger	Dieterich	Kroening	Novak	Spear
Benson	Frank	Kronebusch	Olson	Storm
Berg	Frederickson	Laidig	Peterson, C.C.	Stumpf
Bernhagen	Freeman	Langseth	Peterson, D.C.	Taylor
Bertram	Gustafson	Lantry	Peterson, D.L.	Vega
Brataas	Hughes	Lessard	Peterson, R.W.	Waldorf
Chmielewski	Isackson	Luther	Purfeerst	Wegscheid
Dahl	Johnson, D.E.	McQuaid	Ramstad	Willet
Davis	Johnson, D.J.	Mehrkens	Reichgott	
DeCramer	Jude	Merriam	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Spear
Anderson	Frank	Kronebusch	Pehler	Storm
Belanger	Frederickson	Laidig	Peterson, C.C.	Stumpf
Benson	Freeman	Langseth	Peterson, D.C.	Taylor
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Vega
Bertram	Hughes	Luther	Peterson, R.W.	Waldorf
Brataas	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Ramstad	Willet
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Moe, D.M.	Renneke	
DeCramer	Kamrath	Moe, R.D.	Schmitz	
Dicklich	Knaak	Novak	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R.D.	Schmitz
Anderson	Diessner	Knaak	Nelson	Sieloff
Belanger	Dieterich	Kroening	Olson	Solon
Benson	Frank	Kronebusch	Pehler	Spear
Berg	Frederick	Laidig	Peterson, C.C.	Storm
Bernhagen	Frederickson	Lantry	Peterson, D.C.	Stumpf
Bertram	Freeman	Lessard	Peterson, D.L.	Taylor
Brataas	Gustafson	Luther	Peterson, R.W.	Waldorf
Chmielewski	Hughes	McQuaid	Purfeerst	Wegscheid
Dahl	Isackson	Mehrkens	Ramstad	Willet
Davis	Johnson, D.E.	Merriam	Reichgott	
DeCramer	Jude	Moe, D.M.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Sieloff
Anderson	Dieterich	Kroening	Novak	Solon
Belanger	Frank	Kronebusch	Olson	Spear
Benson	Frederick	Laidig	Pehler	Storm
Berg	Frederickson	Langseth	Peterson, C.C.	Stumpf
Bernhagen	Freeman	Lantry	Peterson, D.C.	Taylor
Bertram	Gustafson	Lessard	Peterson, D.L.	Vega
Brataas	Hughes	Luther	Peterson, R.W.	Waldorf
Chmielewski	Isackson	McQuaid	Purfeerst	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Willet
Davis	Johnson, D.J.	Merriam	Reichgott	
DeCramer	Jude	Moe, D.M.	Renneke	
Dicklich	Kamrath	Moe, R.D.	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Langseth moved that H.F. No. 58, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Frederickson moved the adoption of the following resolution:

House Concurrent Resolution No. 10: A House concurrent resolution congratulating Minnesota Rural Electric Cooperatives on their 50th Anniversary.

WHEREAS, fifty years ago virtually all of rural Minnesota did not have central station electric service available to farmers and homes; and

WHEREAS, President Franklin D. Roosevelt signed the executive order creating the Rural Electrification Administration on May 11, 1935; and

WHEREAS, the REA program, through Minnesota's Rural Electric Cooperatives, has brought the benefits of electricity to some 425,000 rural Minnesota farms and homes; and

WHEREAS, May 11, 1985, is the 50th Anniversary of the REA program; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that it congratulates the Rural Electric Cooperatives of Minnesota for the outstanding contribution they have made to the economic development and improved living standards of Minnesota citizens.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and those of the Speaker, the President of the Senate, and the Secretary of the Senate, and present it to the Minnesota Rural Electric Association.

The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Samuelson, Solon and Mrs. Brataas introduced—

S.F. No. 1503: A bill for an act relating to insurance; life; providing for the payment of a fee to the commissioner for valuing policies; amending Minnesota Statutes 1984, section 60A.14, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

MEMBERS EXCUSED

Mr. Knutson was excused from the Session of today at 2:00 p.m. Ms. Berglin was excused from the Session of today at 4:00 p.m.

The following member was excused from today's Session for a brief period of time: Mr. Frederick.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Tuesday, April 23, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-THIRD DAY

St. Paul, Minnesota, Tuesday, April 23, 1985

The Senate met at 1:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Roger A. Davis.

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

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

April 15, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board on Judicial Standards is hereby respectfully submitted to the Senate for confirmation as required by law:

Ruth K. Plotnicky, 5525 Kellogg Ave., Edina, Hennepin County, has been appointed by me, effective April 17, 1985, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Judiciary.)

Sincerely,

Rudy Perpich, Governor

April 19, 1985

The Honorable David 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
177		24	April 19	April 19
635		25	April 19	April 19
679		26	April 19	April 19
	85	27	April 19	April 19
	422	28	April 19	April 19
	796	29	April 19	April 19
	991	30	April 19	April 19

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 46, 379, 437, 1231 and 625.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 1985

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

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

Sviggum, McPherson and Nelson, K.

Senate File No. 118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 1985

Mr. President:

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

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

Senate File No. 70 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 1985

CONCURRENCE AND REPASSAGE

Mr. Schmitz moved that the Senate concur in the amendments by the House to S.F. No. 70 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway right-of-way; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Merriam	Samuelson
Anderson	Diessner	Kamrath	Moe, R. D.	Schmitz
Belanger	Dieterich	Knaak	Nelson	Sieloff
Benson	Frank	Knutson	Olson	Spear
Berg	Frederickson	Kronebusch	Peterson, D.C.	Storm
Berglin	Freeman	Laidig	Peterson, D.L.	Stumpf
Bertram	Gustafson	Langseth	Peterson, R.W.	Taylor
Brataas	Hughes	Lantry	Petty	Vega
Chmielewski	Isackson	Lessard	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Luther	Ramstad	Wegscheid
Davis	Johnson, D.J.	McQuaid	Reichgott	Willet

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 399, 418, 863, 1570, 823, 886,

1113, 1374, 449, 507, 558, 368 and 450.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 1985

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 399: A bill for an act relating to education; the permanent school fund; requiring exchange for 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 377, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 438, now on General Orders.

H.F. No. 863: A bill for an act relating to transportation; specifying the method of payment for landscape contractors providing goods or services to the department of transportation; amending Minnesota Statutes 1984, section 161.32, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 833, now on General Orders.

H.F. No. 1570: A bill for an act relating to agriculture; creating an exception to the corporate farming law; amending Minnesota Statutes 1984, section 500.24, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1197, now on General Orders.

H.F. No. 823: A bill for an act relating to Ramsey county; placing the position of law clerk investigator and law clerks in the unclassified service; amending Minnesota Statutes 1984, section 383A.29, subdivision 6.

Referred to the Committee on Local and Urban Government.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1057, now on General Orders.

H.F. No. 1113: A bill for an act relating to state lands; authorizing con-

veyance by commissioner of transportation of certain state lands for historical preservation purposes.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 795, now on General Orders.

H.F. No. 1374: A bill for an act relating to mines and minerals; prescribing fencing of unused mine pits and shafts; providing exceptions to tort liability in regard to certain water access sites related to mining areas; providing for a study and report; providing penalties; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 180.03, subdivisions 2, 3, and 4; 180.10; and 466.03, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources:

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 591.

H.F. No. 507: A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 536, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 541, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1037, now on General Orders.

H.F. No. 450: A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 10A.25, subdivision 10, and by adding a subdivision; 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 723: A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, subdivision 16; 290.421, subdivision 5; and 290.431; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [40.41] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 4.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of agriculture.

Subd. 3. [MARGINAL AGRICULTURAL LAND.] “Marginal agricultural land” means erosive land that 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.

Sec. 2. [40.43] [CONSERVATION RESERVE PROGRAM.]

Subdivision 1. [AUTHORITY.] The commissioner may contract with landowners for the conservation of marginal agricultural land. The contracts must be for a period of five to ten years with provision for renewal for an additional five to ten year period. The commissioner may adjust payment rates for a renewal period after examining the condition of the established cover, land values, and crop values. A contract may not provide for payment of more than \$10,000 to a landowner in any year. Contracts under this section are exempt from contractual provisions of chapter 16B.

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

(1) is marginal agricultural land;

(2) is privately owned;

(3) is not currently set aside or diverted under another federal or state government program; and

(4) has been in crop production or rotation pasture in at least two of the prior five years.

Subd. 3. [LANDOWNER'S AGREEMENT.] (a) The contract must require the landowner:

(1) to place marginal agricultural land in the program for the period of the contract;

(2) not to place more than 20 percent of the landowner's total acreage within the state in the program, unless the land has previously been in a conservation program approved by the commissioner;

(3) to seed the land by the date specified in the contract and establish and maintain a continuous cover either of a grass-legume mixture or of native grasses for the term of the contract at seeding rates determined by the commissioner, and, if required by the commissioner, to plant trees on the land;

(4) not to burn, fill, impair, or destroy the wildlife habitat and other natural features of the land;

(5) not to use the land for agricultural crop production purposes as determined by the commissioner;

(6) to prevent livestock from grazing on land in the program, unless a severe drought or other natural disaster has occurred and the approval of the commissioner is obtained after the commissioner has consulted with the commissioner of natural resources;

(7) not to conduct chemical spraying or mowing, except for spot weed control necessary to comply with noxious weed control laws or emergency control of pests necessary to protect public health;

(8) not to convert other wetlands, woodlots, shelterbelts, windbreaks, brushlands, native prairie, or wild hay land that has not been in crop production and 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 contract;

(9) to forfeit all rights to further payments and to refund to the state all payments received under the contract if the contract is violated and the commissioner determines that the violation warrants termination of the contract; and

(10) to comply with additional provisions required by the commissioner.

(b) The commissioner may require that the landowner make refunds or accept payment adjustments if the commissioner determines that a violation by the landowner does not warrant termination of the contract.

Subd. 4. [COMMISSIONER'S AGREEMENT.] The commissioner must:

(1) make a payment to the landowner to establish the cover crop required by the contract in an amount up to \$75 per acre as determined by the commissioner;

(2) make a payment to the landowner to pay the cost of planting trees required by the contract in an amount up to \$75 per acre;

(3) make annual payments to the landowner for the period of the contract at

a rate equal to five percent of the most recent fair market value of the land in the program, as established by the county assessor; and

(4) provide advice about soil and water conservation through the local soil and water conservation district in cooperation with field personnel of the department of natural resources.

Subd. 5. [CONTRACT RENEWAL.] A contract may be renewed at the end of the contract period for an additional period of five to ten years by mutual agreement of the commissioner and the landowner, subject to a rate adjustment by the commissioner. If the landowner sells or otherwise transfers the ownership or right of occupancy of the land during the contract period, the new landowner is subject to the original contract unless a new contract is entered.

Subd. 6. [CONTRACT TERMINATION.] The commissioner may terminate a contract by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest. The commissioner may agree to a modification of a contract that is necessary to carry out the purposes of the program or facilitate its administration.

Sec. 3. [40.45] [COOPERATION AND TECHNICAL ASSISTANCE.]

Subdivision 1. [COOPERATION.] In implementing section 2, the commissioner must share information and cooperate with the commissioner 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 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 contract and on cultural practices relating to the establishment and maintenance of permanent cover. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet about state and federal programs for land acquisition, conservation, and retirement and make the booklets available to the public.

Sec. 4. [40.47] [RULES.]

The commissioner may adopt rules to administer and implement sections 2 and 3.

Sec. 5. [84.941] [FISH AND WILDLIFE RESOURCES MANAGEMENT PLAN.]

Subdivision 1. [PREPARATION.] The commissioner shall prepare a comprehensive fish and wildlife management plan. The preliminary plan must be completed by July 1, 1986, and include a program outline and issues analysis. The final plan must be completed by July 1, 1987, and include a resource assessment, a resource plan under subdivision 3, and other items determined by the commissioner. The final plan must be reviewed and updated every two years. The resource assessment must be updated every five

years after the final plan is completed.

Subd. 2. [RESOURCE ASSESSMENT.] The resource assessment must include:

(1) a description of the statewide historical and present use, supply, and demand for fish and wildlife resources;

(2) an assessment of the statewide projected use and demand for fish and wildlife resources; and

(3) an assessment of the capability of fish and wildlife resources to meet future demand.

Subd. 3. [RESOURCE PLAN.] The resource plan must include:

(1) an issue analysis describing major fish and wildlife management problems;

(2) a strategic plan that states goals, policies, and alternative actions to address the resource management problems, and recommendations for actions of other agencies to accomplish fish and wildlife resource goals;

(3) an operational plan that describes the management program's objectives and specific actions needed to address the resource management problems, an estimate of the cost of the actions, and a description of the sources and amounts of revenue available to pay the estimated costs and recommendations for additional funding sources; and

(4) a procedure to review expenditures and evaluate the effectiveness of the plan.

Subd. 4. [FEDERAL COORDINATION.] The commissioner shall coordinate all fish and wildlife planning efforts with the appropriate federal agencies to achieve optimum public benefit.

Subd. 5. [PUBLIC AND PRIVATE COORDINATION.] The commissioner shall coordinate fish and wildlife planning efforts with other public agencies and private organizations engaged in fish and wildlife resource management and research.

Sec. 6. [84.943] [MINNESOTA CRITICAL HABITAT PRIVATE SECTOR MATCHING ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] A Minnesota critical habitat private sector matching account is established as an account in the state treasury. The account shall be administered by the commissioner.

Subd. 2. [FUNDING SOURCES.] The Minnesota critical habitat private sector account shall consist of contributions from private sources and appropriations by the legislature.

Subd. 3. [APPROPRIATIONS MUST BE MATCHED BY PRIVATE FUNDS.] The appropriations by the legislature may only be spent to the extent that they are matched with contributions to the Minnesota critical habitat private sector account from private sources, or by funds contributed to the nongame wildlife management account. Money in the account that is appropriated by the legislature and not matched within three years from the date of the appropriation shall revert to the general fund. The private con-

tributions may be any gift, bequest, devise, or grants of lands or interest in lands or personal property of any kind or of money. For the purposes of this section, the private contributions of land or interests in land shall be valued at their appraised value.

Subd. 4. [MANAGEMENT.] The Minnesota critical habitat private sector account shall be managed to earn the highest interest compatible with prudent investment, preservation of principal, and reasonable liquidity. Unless a legislative appropriation reverts under subdivision 3, the appropriation and interest attributable to the appropriation shall remain in the account until spent.

Subd. 5. [PLEDGES AND CONTRIBUTIONS.] The commissioner may accept contributions and pledges to the Minnesota critical habitat private sector account. Pledges made contingent on appropriations by the legislature may be accepted and shall be reported with other pledges. On each December 1 preceding a budgetary biennium, the commissioner shall report the amount that has been contributed to the nongame management account, and the amount that has been contributed and the amount that has been pledged for payment to the private sector matching fund, in the succeeding two calendar years in the department's budget request. The commissioner shall report the contributed and pledged amounts to the governor and to the senate committees on finance and on agriculture and natural resources, and the house of representatives committees on environment and natural resources and on appropriations.

Subd. 6. [EXPENDITURES.] Money from the Minnesota critical habitat private sector account may only be spent for acquisition of land or interests in land under section 7, except that the money matched to the nongame wildlife management account may be used for the management of nongame wildlife projects as specified in section 290.431. Acquisition includes: (1) purchase by the commissioner of land or an interest in land; and (2) acceptance by the commissioner of gifts of land or interests in land.

Sec. 7. [84.945] [DESIGNATION OF SITES AS PROGRAM ACQUISITIONS.]

Subdivision 1. [ACQUISITION OF CRITICAL NATURAL HABITAT.] The commissioner shall spend money from the Minnesota critical habitat private sector account under section 6, to acquire lands by purchase or gift that are critical natural habitat for the benefit of wildlife and related resources.

Subd. 2. [DETERMINATION OF CRITICAL NATURAL HABITAT.] The commissioner shall consider the following criteria in determining which critical natural habitat land to acquire:

- (1) the significance of the land for wildlife habitat;*
- (2) the significance of the land for nongame species habitat;*
- (3) the significance of the land as habitat for native plant or animal species classified as endangered or threatened;*
- (4) the presence of a native ecological community that is now uncommon or diminishing on the land; or*
- (5) the importance of the land to enhance efforts to protect or manage*

natural systems or features in an existing state-owned wildlife or natural area that meets the criteria of the program.

Subd. 3. [OUTDOOR RECREATION UNIT DESIGNATION.] Each site acquired by the commissioner under this section shall be designated by the commissioner as an outdoor recreation unit under section 86A.07, subdivision 3.

Sec. 8. [84.947] [WATER RECREATION ACCOUNT.]

The water recreation account is established in the state treasury. Money from the unrefunded tax paid on gasoline used for motor boat purposes shall be deposited into the account as provided in section 296.421, subdivision 4. The money may be spent by the commissioner for the following purposes after appropriation by the legislature:

(1) acquisition, development, maintenance, and rehabilitation of sites for public access and boating facilities on public waters;

(2) lake and river improvement;

(3) state park development; and

(4) boat and water safety.

Sec. 9. [97.4835] [CONSIDERATION OF LEASING.]

The commissioner shall consider leasing land for wildlife habitat and establishing cooperative agreements with landowners in wildlife habitat acquisition. The commissioner shall report on wildlife habitat acquisition to the senate agriculture and natural resources committee and the house environment and natural resources committee by January 1 of each year.

Sec. 10. 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. 11. 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 attributable to 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. 12. 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 credited to the water recreation account under section 8.~~

Sec. 13. Minnesota Statutes 1984, section 296.421, subdivision 5, is amended to read:

Subd. 5. [COMPUTATION OF UNREFUNDED TAX.] The amount of unrefunded tax shall be a sum equal to ~~three fourths of one and one-half~~ percent of all revenues derived from the excise taxes on gasoline, except on gasoline used for aviation purposes, together with interest thereon and penalties for delinquency in payment, paid or collected pursuant to the provisions of sections 296.02 to 296.17. The amount of such tax shall be computed for each six-month period commencing January 1, 1961, and shall be paid

into the state treasury on November 1 and June 1 following each six-month period.

Sec. 14. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the commissioner of natural resources to carry out the provisions of section 5.

\$_____ is appropriated from the general fund to the commissioner of agriculture for the period ending June 30, 1987, to carry out the provisions of sections 1 to 4. No more than ten percent shall be expended for administrative expenses, including technical assistance.

\$_____ is appropriated from the general fund to the Minnesota critical habitat private sector matching account for the period ending June 30, 1987, to carry out the provisions of sections 6 and 7. This amount and any private contributions to the account are appropriated to the commissioner of natural resources to carry out the provisions of sections 6 and 7.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to game and fish; providing for conservation of marginal agricultural lands; enhancement of fish and wildlife; requiring planning and implementation of wildlife management; accelerating an aspen recycling program; changing the funding source for certain county payments; increasing the penalty for buying and selling fish and game; changing distribution of the unrefunded gas tax; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 290.431; and 296.421, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 97."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1225: A bill for an act relating to agriculture; regulating organic foods; proposing coding for new law in Minnesota Statutes, chapter 31.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and 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.

Sec. 2. [31.92] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 4.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture.

Subd. 3. [ORGANIC FOOD.] "Organic food" means any food product, including meat, dairy products, and beverages, that is marketed using the term "organic" or a derivative of the term "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 a person who sells organic food to consumers or vendors.

Sec. 3. [31.93] [REQUIREMENTS.]

Subdivision 1. [ORGANICALLY GROWN.] Organic food must be grown, raised, or composed of ingredients that were grown or raised without the use of chemical fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals, or other substances, not essential to proper nutrition as determined by the commissioner.

Subd. 2. [INFORMATION.] Upon request by the commissioner, vendors must provide the commissioner with the names and addresses of producers.

Sec. 4. [31.94] [ENFORCEMENT AND RULES.]

The commissioner shall enforce section 3 and may withhold organic food from sale or trade if the organic food is grown or composed in violation of section 3. The commissioner shall adopt standards for organically grown food under section 3, subdivision 1, and may adopt rules for administration of sections 3 and 4.

Sec. 5. [ADOPTION OF STANDARDS.]

The commissioner of agriculture must adopt the standards for organically grown food by August 1, 1985.

Sec. 6. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Delete the title and insert:

"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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 533: A bill for an act relating to occupations and professions; concerning the practice of veterinary medicine; allowing foreign veterinary graduates to be admitted to practice under certain conditions; amending Minnesota Statutes 1984, sections 156.001; 156.02, subdivision 1; 156.081, subdivision 2; and 156.12, subdivision 2; repealing Minnesota Statutes 1984, section 156.09.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [144A.43] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 144A.43 to 144A.46.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 3. [HOME CARE SERVICE.] "Home care service" means any of the following services when delivered in a place of residence to a person whose advanced age, illness, disability, or physical condition creates a need for the service:

- (1) nursing services, including the services of a home health aide;*
- (2) personal care services not included under sections 148.171 to 148.299;*
- (3) physical therapy;*
- (4) speech therapy;*
- (5) respiratory therapy;*
- (6) occupational therapy;*
- (7) nutritional services;*
- (8) homemaker services, meal preparation, and similar nonmedical services when arranged to be provided along with at least one other home care service listed in this subdivision;*
- (9) medical social services; and*
- (10) other similar medical services and health-related support services identified by the commissioner in rule.*

Subd. 4. [HOME CARE AGENCY.] "Home care agency" means an organization, unit of government, self-employed individual, or other entity that is regularly engaged in the delivery, directly or by contractual arrangement, of home care services for a fee. "Home care agency" does not include:

- (1) any home or nursing services conducted by and for the adherents of any recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing;*
- (2) an individual who only provides services to a relative; or*
- (3) an agency that only provides chore or housekeeping services which do not involve any medical care or treatment or personal care services.*

Sec. 2. [144A.44] [HOME CARE BILL OF RIGHTS.]

Subdivision 1. [STATEMENT OF RIGHTS.] A person who receives home care services has these rights:

(1) the right to receive written information about rights, including what to do if rights are violated;

(2) the right to receive care and services according to a suitable and up-to-date plan, subject to accepted medical and nursing standards, and to take an active part in creating and changing the plan and evaluating care and services;

(3) the right to be told, as part of the doctor's treatment plan, about treatment and services that are being provided or suggested, about other choices that are available, and about the consequences of these choices including the consequences of refusing treatment;

(4) the right to refuse services or treatment;

(5) the right to know, in advance, any limits to the services available from an agency and whether the services are covered by health insurance, medical assistance, or other health programs;

(6) the right to know what the charges are for services, no matter who will be paying the bill;

(7) the right to know that there may be other services available in the community, including other home care services, agencies, and case management services, and to know where to go for information about these services;

(8) the right to choose freely among available agencies and to change agencies after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(9) the right to have personal, financial, and medical information kept private;

(10) the right to be served by people who are properly trained and competent to perform their duties;

(11) the right to be treated with courtesy and respect;

(12) the right to be free from physical and verbal abuse;

(13) the right to reasonable notice of changes in services or charges;

(14) the right to a smooth transition when there will be a change in the agency which provides the services;

(15) the right to know how to contact the director of an agency who is responsible for handling problems and where to go for help outside the agency; and

(16) the right to assert these rights without retaliation.

Subd. 2. [INTERPRETATION AND ENFORCEMENT OF RIGHTS.] These rights are established for the benefit of persons who receive home care services. "Home care services" means home care services as defined in section 144A.43, subdivision 3. A home care agency may not require a person to surrender these rights as a condition of receiving services. A guardian

or conservator or, when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist. The commissioner of health shall establish guidelines for interpretation of these rights.

Sec. 3. [144A.45] [REGULATION OF HOME CARE SERVICES.]

Subdivision 1. [AUTHORITY TO REGULATE.] The commissioner may regulate and control the delivery of home care services in order to protect consumers; assure quality of care; improve access to services; prevent fraud, overcharging and other undesirable practices; promote desirable forms of competition; and control health care costs. The commissioner may:

(1) require home care agencies to furnish relevant information and documentation including information requested for purposes of section 144A.46;

(2) inspect the office and records of an agency during regular business hours;

(3) with the consent of the consumer, visit the home where services are being provided;

(4) issue correction orders and assess civil penalties in accordance with section 144.653, subdivisions 5 to 8; and

(5) take other action the commissioner considers appropriate to accomplish the purposes of sections 144A.43 to 144A.46.

In the exercise of the authority granted in sections 144A.43 to 144A.46, the commissioner shall comply with the applicable requirements of section 144.122, the government data practices act, and the administrative procedure act. When conducting routine office visits or inspections, the commissioner shall provide at least 48 hours advance notice to the home care agency.

Subd. 2. [LICENSURE.] A home care agency may not operate in the state without a current license issued by the commissioner of health. In addition to the exemptions listed in subdivision 3, the commissioner may by rule exempt other classes of agencies from licensure requirements. When determining whether to exempt a class of agencies, the commissioner shall consider: (1) the extent to which the agencies, or the individuals who provide services through the agencies, are regulated under another law; (2) the risk to the health, safety, and well-being of the client; and (3) other factors the commissioner considers appropriate. The commissioner may establish different classes of licenses for different types of agencies and may impose different standards and requirements for different kinds of home care services.

Subd. 3. [EXEMPTIONS.] The following agencies are exempt from the requirement to obtain a home care agency license:

(1) a person who is licensed under sections 148.171 to 148.299 and who independently provides nursing services in the home without any contractual or employment relationship to a home care agency or other organization;

(2) a personal care attendant authorized by the commissioner of human services to provide services under the medical assistance program as authorized under section 256B.02, subdivision 8, paragraph (17); and

(3) a professional corporation organized under sections 319A.01 to

319A.22.

An exemption under this subdivision does not excuse the exempted agency from complying with applicable provisions of the home care bill of rights.

Subd. 4. [ENFORCEMENT.] The commissioner may refuse to grant or renew a license, or may suspend or revoke a license, for violation of statutes or rules relating to home care services or for conduct detrimental to the welfare of the consumer. In addition to any other remedy provided by law, the commissioner may, without a prior contested case hearing, temporarily suspend a license or prohibit delivery of services by an agency for not more than 60 days if the commissioner determines that the health or safety of a consumer is in imminent danger, provided (1) advance notice is given to the agency; (2) after notice, the agency fails to correct the problem; (3) the commissioner has reason to believe that other administrative remedies are not likely to be effective; and (4) there is a subsequent opportunity for a contested case hearing. The process of suspending or revoking a license must include a plan for transferring affected clients to other agencies. At the request of a licensee who has been issued a correction order, the commissioner shall order a review of the appropriateness of the correction order by a person designated by the commissioner other than the person who issued the correction order. The review process must allow an opportunity for the licensee to submit a brief explanation of the objections to the correction order. If, after receiving the report and recommendation of the reviewer, the commissioner determines that the correction order was issued inappropriately, the commissioner shall retract the correction order and remove from the licensee's record all references to the order.

Subd. 5. [RELATION TO OTHER REGULATORY PROGRAMS.] In the exercise of the authority granted under sections 144A.43 to 144A.46, the commissioner shall not duplicate or replace standards and requirements imposed under another state regulatory program. The commissioner shall not impose additional training or education requirements upon members of a licensed or registered occupation or profession, except as necessary to address or prevent problems that are unique to the delivery of services in the home or to enforce and protect the rights of consumers listed in section 144A.44. For home care agencies certified under the medicare program, the state standards must not be inconsistent with the medicare standards for medicare services.

Subd. 6. [RULES.] The commissioner shall, in consultation with representatives of home care agencies, community health service agencies, and consumers, adopt rules to implement sections 144A.43 to 144A.46. The rules shall, to the extent possible, assure the health, safety, well-being, and appropriate treatment of persons who receive home care services.

Sec. 4. [144A.46] [INFORMATION AND REFERRAL SERVICES.]

The commissioner shall ensure that information and referral services relating to home care are available in all regions of the state. The commissioner shall collect and make available information about available home care services, costs, sources of payment, agencies, the rights of consumers, and other information the commissioner determines to be appropriate. The commissioner may require home care agencies to provide information requested for the purposes of this section, including price information, as a condition of

licensure. Specific price information furnished by agencies under this section is not public data and must not be released without the written permission of the agency. The commissioner may publish and make available:

- (1) general information about the range of costs of home care services in the state and a summary of the range of prices charged by specific agencies;*
- (2) summary information about the number and nature of complaints received about individual agencies;*
- (3) summary information about consumer evaluations of individual agencies;*
- (4) limitations on hours, availability of services, and eligibility for third-party payments, applicable to individual agencies; and*
- (5) other information the commissioner determines to be appropriate.*

Sec. 5. Minnesota Statutes 1984, section 144A.51, is amended by adding a subdivision to read:

Subd. 7. "Home care agency" means a home care agency as defined in section 144A.43.

Sec. 6. Minnesota Statutes 1984, section 144A.52, subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, home care agencies, and the state commissioner of health.

Sec. 7. Minnesota Statutes 1984, section 144A.53, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] The director may:

- (a) Promulgate by rule, pursuant to chapter 14, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers, *home care agencies*, or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;
- (b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government;
- (c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider, *home care agency*, or a health facility;
- (d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, a *home care agency*, or a health facility which he deems necessary for the discharge of his responsibilities;
- (e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;
- (f) Issue a correction order pursuant to section 144.653 or any other law

which provides for the issuance of correction orders to health care facilities or home care agencies, or under section 144A.45;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, home care agencies, and health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Sec. 8. Minnesota Statutes 1984, section 144A.53, subdivision 2, is amended to read:

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, a home care agency, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, the home care agency, and the health facility of the action taken.

Sec. 9. Minnesota Statutes 1984, section 144A.53, subdivision 3, is amended to read:

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider, a home care agency, or a health facility should:

- (a) Modify or cancel the actions which gave rise to the complaint;
- (b) Alter the practice, rule or decision which gave rise to the complaint;
- (c) Provide more information about the action under investigation; or
- (d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, a home care agency, or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Sec. 10. Minnesota Statutes 1984, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board or other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the

jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that an official or employee of an administrative agency, a *home care agency*, or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of human services, an appropriate prosecuting authority, or other appropriate agency.

Sec. 11. Minnesota Statutes 1984, section 144A.54, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, a *home care agency*, or a health facility, the director shall consult with that agency, health care provider, *home care agency*, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, a *home care agency*, or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider, *home care agency*, or health facility in defense or explanation of the action.

Sec. 12. [TEMPORARY PROCEDURES.]

Beginning December 1, 1985, no home care agency may provide home care services in this state without a license issued by the commissioner. The commissioner shall, in consultation with representatives of home care agencies, community health service agencies, and consumers, establish temporary licensing procedures and standards under sections 14.29 to 14.36. Notwithstanding section 14.35, emergency rules adopted under this section are effective until December 31, 1986, or until permanent rules are adopted, whichever is earlier. The activities of the commissioner under this section are limited to the following:

- (1) requiring providers to obtain a license;*
- (2) collecting information from providers;*
- (3) collecting licensing fees; and*
- (4) requiring providers to disclose, to clients, information about rights and complaint procedures.*

Granting of a license under temporary procedures does not exempt a home care agency from requirements later adopted in permanent rules.

Sec. 13. Minnesota Statutes 1984, section 156.001, is amended to read:

156.001 [DEFINITIONS.]

Subdivision 1. [TERMS.] Except where the context otherwise indicates, for the purposes of this chapter, and acts amendatory thereof, the terms defined in this section have the meanings given them.

Subd. 2. [ACCREDITED OR APPROVED COLLEGE OF VETERINARY MEDICINE.] *'Accredited or approved college of veterinary medi-*

“cine” means a veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the American veterinary medical association.

Subd. 2 3. [ANIMAL.] “Animal” does not mean poultry or birds of any kind.

Subd. 3 4. [BOARD.] “Board” means the state board of veterinary medicine.

Subd. 4 5. [COMPENSATION.] “Compensation” includes but is not limited to all fees, monetary rewards, discounts, and emoluments received directly or indirectly.

Subd. 6. [ECFVG CERTIFICATE.] “ECFVG certificate” means a certificate issued by the American veterinary medical association education commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

Subd. 5 7. [LICENSEE.] “Licensee” means a person licensed to practice veterinary medicine in the state of Minnesota.

Subd. 6 8. [OPERATION.] “Operation” includes but is not limited to any act of cutting, scraping, or disturbing the intact body surface in any way, and any surgical or dental procedure, except as otherwise provided in this chapter.

Subd. 7 9. [PRACTICE OF VETERINARY MEDICINE.] “Practice of veterinary medicine” has the meaning given by section 156.12.

Subd. 8 10. [VETERINARY MEDICINE.] “Veterinary medicine” includes veterinary surgery, obstetrics, pathology, radiology, dentistry, ophthalmology, cardiology, dermatology, laboratory animal medicine, and all other branches or specialties of veterinary medicine.

Sec. 14. Minnesota Statutes 1984, section 156.02, subdivision 1, is amended to read:

Subdivision 1. Application for a license to practice veterinary medicine in this state shall be made in writing to the board of veterinary medicine upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is at least 18 years of age, is of good moral character, and has received one of the following:

(1) a diploma conferring the degree of doctor of veterinary medicine, or an equivalent degree, from a ~~veterinary school approved by the board~~, an accredited or approved college of veterinary medicine;

(2) an ECFVG certificate; or

(3) a certificate from the dean of an accredited or approved college of veterinary medicine stating that the applicant is a student in good standing expecting to be graduated at the completion of the next academic term of the college in which he is enrolled.

The application shall contain the information and material required by subdivision 2 and any other information that the board may, in its sound judg-

ment, require. The application shall be filed with the secretary of the board at least 30 days before the date of the examination. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

Sec. 15. Minnesota Statutes 1984, section 156.081, subdivision 2, is amended to read:

Subd. 2. The board may revoke or suspend a license for any of the following causes:

(1) The employment of fraud, misrepresentation or deception in obtaining such license.

(2) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record shall be conclusive evidence of such conviction.

(3) Chronic inebriety or addiction to the use of habit forming drugs.

(4) Existence of professional connection with or the lending of one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(5) Violation or attempt to violate, directly or indirectly, any of the provisions of this chapter.

(6) Revocation by a sister state or territory of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that state or territory, notwithstanding that such license or certificate did not support the application for license to practice in this state.

(7) Conviction of or cash compromise of a charge or violation of the Harrison Narcotic Act, regulating narcotics, in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence.

(8) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

(9) Employment of anyone but a veterinarian licensed in the state of Minnesota to demonstrate the use of biologics in the treatment of animals.

(10) False or misleading advertising having for its purpose or intent deception or fraud.

(11) Habitual conduct reflecting unfavorably on the profession of veterinary medicine or conduct in violation of law or rules or regulations of the board.

(12) Conviction on a charge of cruelty to animals.

(13) Failure, after written notification by the board, to keep one's premises and all equipment therein in a clean and sanitary condition, according to reasonable standards adopted by the board.

(14) Fraud, deception, or incompetence in the practice of veterinary medicine.

(15) *Unprofessional conduct as defined in rules adopted by the board.*

A plea or verdict of guilty to a charge of a felony or of any offense involving

moral turpitude is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal.

Sec. 16. Minnesota Statutes 1984, section 156.12, subdivision 2, is amended to read:

Subd. 2. No provision of this chapter shall be construed to prohibit:

(a) A person from rendering necessary gratuitous assistance in the treatment of any animal when the assistance does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

(b) A person who is a regular student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by his instructors or preceptors or working under the direct supervision of a licensed veterinarian;

(c) A veterinarian regularly licensed in another jurisdiction from consulting with a licensed veterinarian in this state;

(d) The owner of an animal and the owner's regular employee from caring for and treating the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) Veterinarians employed by the University of Minnesota from performing their duties with the college of veterinary medicine, college of agriculture, agricultural experiment station, agricultural extension service, medical school, school of public health, or other unit within the university; or a person from lecturing or giving instructions or demonstrations at the university or in connection with a continuing education course or seminar to veterinarians;

(f) Any person from selling or applying any pesticide, insecticide or herbicide;

(g) Any person from engaging in bona fide scientific research or investigations which reasonably requires experimentation involving animals;

(h) Any employee of a licensed veterinarian from performing duties other than diagnosis, prescription or surgical correction under the direction and supervision of the veterinarian, who shall be responsible for his or her performance;

(i) A graduate of a foreign college of veterinary medicine from working under the direct personal instruction, control, or supervision of a licensed veterinarian in order to complete the requirements necessary to obtain an ECFVG certificate.

Sec. 17. 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 any~~ Except as otherwise provided in subdivision 3a, a person applying for, receiving, or having received ~~any of the forms of public assistance described in subdivision 2 granted by a local agency under sections 256.72 to 256.87;~~

chapters 256B, 256D, or 261; the federal food stamp program; 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. 18. Minnesota Statutes 1984, section 256.045, is amended by adding a subdivision to read:

Subd. 3a. [DENIALS OF MEDICAL BENEFITS; RECIPIENTS' RIGHTS TO HEARINGS.] A person who is receiving or has received public assistance under the medical assistance or general assistance medical care program who is aggrieved by a decision of the commissioner of human services denying, limiting, or restricting the provision or the nature, scope, or duration of the medical services covered by the program, may contest that decision under 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 is aggrieved by a decision of the prepaid health plan denying, limiting, or restricting 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 provides for the plan to bear all of the costs of the grievance procedure and impartial arbitration, establishes procedures to assure that a written resolution of the grievance will be issued within 60 days of its filing with the plan, and provides for submission of copies of all grievances and written resolutions to the commissioner, the person must contest the decision under the procedures in section 62D.11 and does not have standing to file an appeal under subdivision 3.

Sec. 19. 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. 20. 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. A physician must not be denied the privilege of treating a recipient required to utilize a hospital under contract with the commissioner, as long as the physician meets credentialing standards of the individual hospital.*

Sec. 21. 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 that identify billings for services that were not delivered or never ordered. The audit findings may be based on a statistically valid sample of billings of the hospital. After the audits are complete, the commissioner shall adjust rates paid in subsequent years to reflect the audit findings and recover any payments in excess of the adjusted rates or reimburse hospitals when audit findings indicate that underpayments were made to the hospital.*

Sec. 22. 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. 23. [256B.031] [PREPAID HEALTH PLAN.]

Subdivision 1. [SERVICES AND INFORMATION:] The commissioner may contract with a health maintenance organization licensed and operating under chapter 62D; a health insurer licensed and operating under chapter 62A, or a health service plan corporation licensed and operating under chapter 62C, to provide medical services to medical assistance recipients as a prepaid health plan. These health insurers shall be authorized to enter into contracts with the commissioner under this section. As a condition of the contract, health insurers and health service plan corporations must agree to comply with the requirements in section 62D.04, subdivision 1, clauses (a), (b); (c), (d), and (f), and provide a complaint procedure that satisfies the requirements of section 62D.11. State contracts for these services must assure recipients of at least the comprehensive health services defined in section 256B.02, subdivision 8, and the rules that implement this section, except services by skilled nursing facilities; intermediate care facilities including ICF I, ICF II, and ICF-MR services; and services provided by waived service providers. For counties with a county operated or affiliated public teaching hospital, the commissioner must contract with the hospital if the hospital satisfies the criteria for participation as a prepaid health plan and the terms of the contract, including capitation rates, are competitive with the terms of other contracts awarded for services to similar populations. All prepaid health plans under contract shall provide information to the commissioner as required by the contract including, but not 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 allowable rate established by the commissioner of human services for payment to prepaid health plans must be 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 from the calculation recipients who are voluntarily enrolled in prepaid health plans. Maximum allowable rates may be calculated separately for each county and may be adjusted to reflect differences among classes of recipients. For payments made during calendar year 1987, the maximum allowable rates payable must be 105 percent of the previous year's rate. For payments made during calendar year 1988 and subsequent years, contracts must be awarded on a competitive basis. Rates established for prepaid health plans must be based on the services 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 contracted with prepaid health plans, the following recipients' free choice of provider is limited to choosing from among the prepaid health plans: (1) recipients of aid to families with dependent children; and (2) those persons who are over age 65, are eligible for medicare parts A and B, are eligible for medical assistance, and are not residents of a long-term care facility. The commissioner shall implement the mandatory enrollment during the period from July 1, 1985, to December 30, 1986. Enrollment in a prepaid health plan is mandatory for recipients designated in this section and who become eligible or whose eligibility is redetermined, after January 1, 1985. Enrollment in a prepaid health plan is mandatory only if 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 must participate in the prepaid health plan in which the obligee has enrolled if the commissioner has contracted with the plan.

Subd. 4. [GRIEVANCES; MONITORING.] The commissioner shall monitor the complaints and grievances filed by enrollees in prepaid health plans to assure the cost-effectiveness and quality of care provided. The commissioner shall publish an annual report with information on the number and nature of grievances, the resolution of the grievances, and any pattern of denials of medical benefits among prepaid health plans generally, or individual health plans specifically.

Subd. 5. [OMBUDSMAN.] The commissioner shall designate an ombudsman to be an advocate for persons required to enroll in prepaid health plans under this section. The ombudsman shall advocate for enrollees through prepaid health plan grievance procedures and ensure that necessary services are provided either by the prepaid health plan directly or by referral to appropriate social services. When enrollees choose their prepaid plan, they must be informed about the ombudsman program and their right to file a grievance with the prepaid health plan if they experience a problem with the plan or its providers. The ombudsman may consult with the commissioner of health or the commissioner of commerce to assure quality care for enrollees.

Sec. 24. 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 that participate in a medicaid demonstration project under sections 256B.69 and 256B.71, the division of the nonfederal share of medical assistance expenses for payments made to health maintenance organizations in the form of prepaid capitation payments; this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

State contracts with health maintenance organizations shall assure medical assistance recipients of at least the comprehensive health maintenance services defined in section 62D.02, subdivision 7. The contracts shall require health maintenance organizations to provide information to the commissioner concerning the number of people receiving services, the number of encounters, the type of services received, evidence of an operational quality assurance program pursuant to section 62D.04 and information about utilization.

Persons who become eligible for medical assistance after July 1, 1984, who

are not participating in any Medicaid demonstration project as defined under sections 256B.70 and 256B.71, and who choose at the time of application for assistance to receive services from a health maintenance organization, shall be guaranteed six months of coverage by a state contracted health maintenance organization if the recipient remains in the health maintenance organization from the time of initial enrollment. The continued eligibility guarantee shall not be granted when ineligibility for medical assistance is due to death, loss of state or county residency, failure to respond to the county's efforts to contact the recipient, failure to locate the recipient, or when the recipient is eligible for continued eligibility as defined in section 256B.062. In 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 is the responsibility of the county of financial responsibility.

Sec. 25. Minnesota Statutes 1984, section 256B.69, subdivision 4, is amended to read:

Subd. 4. [LIMITATION OF CHOICE.] *Notwithstanding section 256B.031, subdivision 3, the commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner.*

Sec. 26. Minnesota Statutes 1984, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level, eyeglasses and eye examinations provided by a physician or optometrist, hearing aids, prosthetic devices, laboratory and x-ray services, physician's services, medical transportation, *chiropractic services as covered under the medical assistance program, podiatric services, 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. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital, the commissioner shall consider the risks the prepaid program creates for the public hospital and allow the county or public hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. 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 must be calculated according to section 256B.031, subdivision 2.*

(c) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. For the period July 1, 1983 1985, to June 30, 1984 1986, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 20 percent; payments for all other inpatient hospital care may be reduced no more than 35 15 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than 25 five percent. For the period July 1, 1984 1986 to June 30, 1985 1987, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 15 percent; payments for all other inpatient hospital care may be reduced no more than 20 ten percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten five percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts. *During the biennium ending June 30, 1985, the commissioner shall phase out ratable reductions in the general assistance medical care program to the extent possible using any surplus projected to exist at the end of the biennium within the appropriations for medical assistance and general assistance medical care. On or after July 1, 1986, the commissioner shall phase out, partially or completely, ratable reductions in the general assistance medical care program to the extent that sufficient savings are identified within the appropriations for medical assistance and general assistance medical care to cover the costs of the phase-out.*

(d) Any county may, from its own resources, provide medical payments for which state payments are not made.

Sec. 27. 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.~~ *In 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 is the responsibility of the county of financial responsibility.*

Sec. 28. [CASE MIX REIMBURSEMENT STUDY; REPORTS.]

Subdivision 1. [CASE MIX REIMBURSEMENT STUDY.] The commissioner of human services shall study mechanisms for reimbursement of providers of services in intermediate care facilities for the mentally retarded, developmental achievement centers, or waived services under section 256B.501 based on the needs and resource use of the persons served by a provider, with incentives designed to encourage quality care and, when feasible, the developmental progress of persons receiving those services.

Subd. 2. [REPORTS.] The commissioner shall report to the legislative long-term care commission no later than July 1, 1986, with recommendations on the implementation of a new reimbursement system. The commissioner shall at the request of the legislative long-term care commission, report on the process of implementing changes in the general assistance medical care and medical assistance programs as a result of this act.

Sec. 29. [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 state supervision and county administration of medical assistance, general assistance, general assistance medical care, aid to families with dependent children, and the food stamp program. The commissioner shall report to the legislature no later than January 15, 1987.

Sec. 30. Minnesota Statutes 1984, section 626.557, 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 context indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; a mental health program receiving funds pursuant to section 245.61; or a home health care agency certified for participation in Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq licensed by the state pursuant to section 3.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or inpatient of a facility;

(2) Who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) Who receives services from a home health care agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq licensed by the state under section 3; or

(4) Who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation under sections 609.221 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

(e) "Neglect" means:

(1) Failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision; or

(2) The absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

(f) "Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) The commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) The commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) Any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) Any agency responsible for credentialing human services occupations.

Sec. 31. Laws 1983, chapter 199, section 17, is amended to read:

Sec. 17. [LEGISLATIVE COMMISSION ON LONG-TERM HEALTH CARE.]

Subdivision 1. A legislative study commission is created

(a) to monitor the inspection and regulation activities, including rule developments, of the departments of health and public welfare with the goal of improving quality of care;

(b) to monitor the implementation of cost containment programs and other changes in the general assistance medical care and medical assistance programs;

(c) to study and report on alternative long-term care services, including respite care services, day care services, and hospice services; and

(e) (d) to study and report on alternatives to medical assistance funding for providing long term health care services to the citizens of Minnesota.

The study commission shall consider the use of such alternatives as private insurance, private annuities, health maintenance organizations, preferred provider organizations, medicare, and such other alternatives as the commission may deem worthy of study.

Subd. 2. The commission shall consist of six members of the house of representatives appointed by the speaker and six members of the senate appointed by the subcommittee on committees.

Subd. 3. The commission shall report its findings and recommendations to the governor and the legislature not later than January 1, 1985.

Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairperson and other officers from its membership as it deems necessary.

Subd. 5. The commission shall make use of existing legislative facilities and staff of the house and senate research department and senate counsel, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All additional personnel shall be hired and supervised by the directors of the house and senate research departments and senate counsel. The commission shall have full authority to contract for expert services and opinions relevant to the purposes of this section. The commission, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and giving of relevant testimony.

Sec. 32. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the commissioner of health for the regulation and licensure of home care services and agencies, to be available until June 30, 1987.

\$1,014,000 is appropriated from the general fund to the commissioner of human services for the purpose of administering sections 17 to 29. Of this amount, \$500,000 is to be used for the purpose of sections 28 and 29, and \$364,000 is to be used to fund six new staff positions in the department of human services. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Sec. 33. [REPEALER.]

Minnesota Statutes 1984, sections 148.281, subdivision 1a; and 156.09;

are repealed effective August 1, 1985.

Minnesota Statutes 1984, sections 256.045, subdivision 2; and 256.966, subdivision 2, are repealed effective July 1, 1988. Minnesota Statutes 1984, section 256B.031, subdivision 3, is repealed effective July 1, 1987.

Sec. 34. [EFFECTIVE DATES.]

Sections 1 to 12, and 30 are effective the day following final enactment. Sections 17 to 29 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to health; requiring licensure of home care agencies; allowing foreign veterinary graduates to be admitted to practice under certain conditions; establishing prepaid health plans; extending hospital rate limitations; establishing grievance procedures; authorizing the commissioner to select vendors for general assistance medical care; reducing ratable reductions in general assistance medical care; expanding the responsibilities of the legislative commission on long-term care; authorizing special projects and studies by the commissioner; appropriating money; amending Minnesota Statutes 1984, sections 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53, subdivisions 1, 2, 3, and 4; 144A.54, subdivision 1; 156.001; 156.02, subdivision 1; 156.081, subdivision 2; 156.12, subdivision 2; 256.045, subdivision 3, and by adding a subdivision; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.19, subdivision 1; 256B.69, subdivision 4; 256D.03, subdivisions 4 and 6; and 626.557, subdivision 2; amending Laws 1983, chapter 199, section 17; proposing coding for new law in Minnesota Statutes, chapters 144A and 256B; repealing Minnesota Statutes 1984, sections 148.281, subdivision 1a; 156.09; 256.045, subdivision 2; and 256.966, subdivision 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 222: A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to beginning farmers and to banks who make loans to beginning farmers; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [273.113] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 and 2.

Subd. 2. [AGRICULTURAL LAND.] "Agricultural land" means land within the state that, on the last day of the taxpayer's taxable year, has been

used for a period of at least five years for agricultural purposes. "Agricultural land" includes agricultural buildings and an agricultural homestead located on the land. Wetlands, naturally vegetated lands, and woodlands, contiguous to or surrounded by agricultural lands are agricultural lands if they are under the same ownership or management as the agricultural lands during the period of agricultural use.

Subd. 3. [AGRICULTURAL PURPOSES.] "Agricultural purposes" means the production of vegetables, forage, grains, or other agricultural crops, livestock or livestock products, dairy animals or dairy products, poultry or poultry products, horticultural or nursery stock, fruit, or bees and apiary products.

Subd. 4. [BEGINNING FARMER.] "Beginning farmer" means an individual who is a United States citizen and a state resident; who can or will provide proof of participation in an adult farm management program or its equivalent, if one is reasonably available; who uses or intends to use the agricultural land purchased or rented exclusively for agricultural purposes; who has prepared or will prepare a plan with the assistance of the local soil and water conservation office for the agricultural land rented or purchased; more than one-half of whose annual gross income before deducting expenses or taxes is derived from the occupation of using agricultural land for agricultural purposes, unless the person initially begins farming during the first tax year of a lease under section 2, subdivision 2; and who, together with spouse and dependents, has a total net worth valued at less than \$75,000, adjusted as provided in section 6, subdivision 4.

Subd. 5. [LANDOWNER.] "Landowner" means a partner, family farm corporation, an authorized farm corporation as defined in section 500.24, subdivision 2, that owns agricultural land, or an individual who is a United States citizen or permanent resident alien, and a Minnesota resident who owns agricultural land, except that a partner, family farm corporation, authorized farm corporation, or individual that acquires agricultural land for the purpose of obtaining the property tax credit in section 2 is not a landowner.

Sec. 2. [273.114] [BEGINNING FARMERS PROPERTY TAX CREDIT.]

Subdivision 1. [ELIGIBILITY.] A landowner that leases agricultural land to a beginning farmer under the provisions of this section shall receive a property tax credit equal to the property taxes attributable to the agricultural land under the lease.

Subd. 2. [LEASE REQUIREMENTS.] To qualify for a property tax credit under this section, the landowner must execute a written lease under this subdivision with the beginning farmer. The lease must be for a period of at least five years with an option to purchase the land by the beginning farmer. The rent stated in the lease must be on the basis of a crop share that reflects the landowner assuming part of the risk of production. The lease and option to purchase the land must be approved by the county farm lease committee under section 7. The lease is not transferable and terminates on the death or disability of the beginning farmer.

Subd. 3. [CERTIFICATION.] A landowner who claims a property tax credit under this section must certify on the form furnished by the commis-

sioner of revenue that a rental agreement with another person was not canceled to enable the landowner to enter the lease. The local assessor must certify each landowner that has received the property tax credit.

Subd. 4. [CREDITS CERTIFIED BY COUNTY AUDITORS.] *The total amounts of credits allowed under subdivision 1 shall be submitted by the county auditor to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. The commissioner of revenue shall review certifications to determine their accuracy. The commissioner may make necessary changes in the certification or return a certification to the county auditor for corrections.*

Subd. 5. [PROPERTY TAX STATEMENT.] *The amount of the property tax credit shall be reflected on the property tax statement of each eligible taxpayer.*

Subd. 6. [PAYMENT OF CREDITS.] *Payment shall be made according to the procedure provided in sections 273.13, subdivision 15a, and 124.2137 for the purpose of replacing revenue lost as a result of the credit provided in this section.*

Subd. 7. [APPROPRIATION.] *There is appropriated from the general fund in the state treasury to the commissioner of revenue and the commissioner of education the amount necessary to make the payments provided in subdivision 6.*

Subd. 8. [REPORT.] *The commissioner of revenue shall collect data on property tax credits paid under this section, capital gains exclusion under sections 3 and 4, and loans to beginning farmers under section 6. The commissioner shall report to the commissioner of agriculture, the senate agriculture and natural resources committee, and the house agriculture committee on the number of persons receiving tax credits, capital gain exclusion, and income tax exemption under sections 1 to 8 and other information requested by the commissioner of agriculture. The report must be submitted by January 31 each year.*

Sec. 3. Minnesota Statutes 1984, section 290.01, subdivision 20b, is amended to read:

Subd. 20b. [MODIFICATIONS REDUCING FEDERAL ADJUSTED GROSS INCOME.] *There shall be subtracted from federal adjusted gross income:*

(1) *Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;*

(2) *The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 40 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.*

(3) *Income from the performance of personal or professional services*

which is subject to the reciprocity exclusion contained in section 290.081, clause (a);

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954, or (iii) severance pay distributed to an individual upon discontinuance of the individual's employment due to termination of business operations by the individual's employer, provided that the termination is reasonably likely to be permanent, involves the discharge of at least 75 percent of the employees at that site within a one-year period, and the business is not acquired by another person who continues operations at that site. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. For purposes of the preceding sentence, "federal adjusted gross income" shall not include railroad retirement or social security benefit amounts provided in sections 86 and 72(r) of the Internal Revenue Code of 1954. For purposes of this clause, "severance pay" means an amount received for cancellation of an employment contract or a collectively bargained termination payment made as a substitute for income which would have been earned for personal services to be rendered in the future. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(8) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(9) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1986 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(10) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in subdivision 20b, clause (6);

(11) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(12) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(13) For an estate or trust, the amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

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

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

(16) To the extent included in federal adjusted gross income, distributions from a qualified governmental pension plan which represent a return of designated employee contributions to the plan and which contributions were included in gross income pursuant to subdivision 20a, clause (18). The provisions of this clause shall apply before the provisions of clause (6) apply and an amount subtracted under this clause may not be subtracted under clause (6);

(17) To the extent included in federal adjusted gross income, distributions from an individual retirement account which represent a return of contributions if the contributions were included in gross income pursuant to subdivision 20a, clause (17). The distribution shall be allocated first to return of contributions included in gross income until the amount of the contributions has been exhausted; and

(18) To the extent included in federal adjusted gross income, social security benefits as defined and as provided in section 86 of the Internal Revenue Code of 1954, railroad retirement benefits as provided in section 72(r) of the Internal Revenue Code of 1954, and sick pay paid under the Railroad Unemployment Insurance Act as provided in section 105(i) of the Internal Revenue Code of 1954, provided that any amount subtracted under this clause may not be subtracted under clause (6); and

(19) *Capital gains on the sale of agricultural land as allowed in section 4.*

Sec. 4. [290.0802] [AGRICULTURAL LAND SALE EXCLUSION.]

Subdivision 1. [DEFINITIONS.] The definitions in section 1 apply to this section.

Subd. 2. [CAPITAL GAINS EXCLUSION.] To the extent included in federal adjusted gross income, there is excluded from the gross income of a landowner, 50 percent of the capital gain recognized and otherwise taxable on the sale of agricultural land to a beginning farmer who purchases the land for agricultural purposes by exercising the option of a lease under section 2, subdivision 2. The exclusion is not allowed unless the landowner covenants on the deed that the land will be kept only in agricultural use for a period of at least ten years and that the restrictive covenant will be binding on the purchaser, the purchaser's successors and assigns, and will run with the land. The exclusion applies only to capital gain recognized during the taxable year that the sale occurred. The exclusion under this section may not exceed \$50,000.

Sec. 5. Minnesota Statutes 1984, section 290.361, subdivision 2, is amended to read:

Subd. 2. [COMPUTATION OF TAXABLE NET INCOME.] The taxable net income shall be computed in the manner provided by this chapter except that in the case of national and state banks: (a) the rates shall be as established in section 290.06, subdivision 1; (b) the basic date for the purpose of computing gain or loss and depreciation shall be January 1, 1940, instead of January 1, 1933; (c) property consisting of investments in bonds, stocks, notes, debentures, mortgages, certificates, or any evidence of indebtedness, and any property acquired in liquidation thereof when such property is held for investment or for sale, shall not be deemed to be capital assets; and (d) in computing net income there shall be allowable as a deduction from gross

income, in addition to deductions otherwise provided for in this chapter, any dividend (not including any distribution in liquidation) paid, within the taxable year, to the United States or to any instrumentality thereof exempt from federal income taxes, on the preferred stock of the bank owned by the United States or such instrumentality; and (e) in computing net income there is allowable as a deduction from gross income, in addition to deductions otherwise provided for in this chapter, income from interest on a loan made to a beginning farmer as allowed under section 6.

Sec. 6. [290.362] [DEDUCTION FOR INTEREST ON LOAN TO BEGINNING FARMER.]

Subdivision 1. [DEFINITIONS.] The definitions in section 1 apply to this section.

Subd. 2. [EXCLUSION FOR INTEREST ON LOAN TO BEGINNING FARMER.] There is allowed as a subtraction from the gross income of national and state banks the interest income earned on a loan to a beginning farmer for the purchase of at least 80 acres of agricultural land for agricultural purposes if the following conditions are met:

(1) the loan will be completely amortized in 20 years or more with equal installments and without a balloon payment at the end, or the loan is amortized in 20 years or more with a balloon payment after ten years or more; and

(2) the loan has an annual interest rate of 12 percent or less.

Subd. 3. [NET WORTH ADJUSTMENT.] The maximum net worth allowed for qualification as a beginning farmer is \$75,000 for taxable years beginning in calendar year 1985. For taxable years beginning in each calendar year after 1985, the maximum net worth amount for the previous year must be adjusted by the percentage used to adjust the taxable net income brackets as provided in section 290.06, subdivision 2d, for that taxable year. The percentage announced by the commissioner under section 290.06, subdivision 2d, is the percentage by which the maximum net worth amount is increased for sales occurring or leases first occurring during the following calendar year.

Sec. 7. [395.50] [AGRICULTURAL LAND LEASE COMMITTEE.]

Subdivision 1. [DEFINITIONS.] The definitions in section 1 apply to this section.

Subd. 2. [APPOINTMENT.] The county board of commissioners shall appoint an agricultural land lease committee consisting of five residents of the county. The committee members shall be members of the agricultural stabilization and conservation service committee unless members are unable or unwilling to serve. The members shall have three-year terms. The terms shall be staggered as provided by the county board.

Subd. 3. [LEASE.] (a) The agricultural land lease committee shall encourage eligible landowners and beginning farmers to participate in leases under section 2, subdivision 2, and section 8.

(b) The agricultural land lease committee must:

(1) review each proposed lease and evaluate the lease terms;

(2) require changes in the lease to conform to sections 2 and 8;

(3) consider the share amounts for crop share rentals in the county;

(4) consider the amount of agricultural production inputs paid for by landowners;

(5) consider the livestock facilities and their use;

(6) approve leases that meet the requirements and comply with the purposes of sections 2 and 8;

(7) certify the approved leases to the commissioner of revenue as being eligible for the property tax credit under section 2; and

(8) certify that the beginning farmer is farming at least 80 acres of land.

Sec. 8. [395.51] [LEASE.]

Subdivision 1. [DEFINITIONS.] The definitions in section 1 apply to this section.

Subd. 2. [REQUIREMENTS.] The lease must:

(1) provide that the beginning farmer has the exclusive right to occupy and farm the agricultural land under the lease;

(2) require the beginning farmer to implement soil and water conservation practices that maintain the productive value of the agricultural land;

(3) require the beginning farmer to use the agricultural land for farming purposes;

(4) provide an option for the beginning farmer to purchase the agricultural land under the lease; and

(5) the lease may not be for more tillable acres than the average farm size in the county, as determined by the commissioner of agriculture.

Subd. 3. [EARLY TERMINATION OF LEASE.] If a lease is terminated by a landowner prior to the expiration of the minimum five-year lease period, the amount of credits received in previous years under section 2 must be added to the property tax of the landowner for the taxable year in which the lease was terminated.

Sec. 9. [EFFECTIVE DATE.]

Section 2 is effective for property taxes levied in 1985 and payable in 1986 and afterwards. Sections 3, 4, and 6 are effective for taxable years after December 31, 1984. The remaining sections are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to agriculture; providing a property tax credit for landowners that lease agricultural land to beginning farmers; excluding a portion of the capital gains from an exercise of an option to purchase agricultural land by a beginning farmer; establishing a county lease committee to approve leases to beginning farmers; exempting interest on agricultural loans made to beginning farmers; appropriating money; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; 290.361, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 273, 290, and 395."

And when so amended the bill do pass and be re-referred to the Committee

on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after the semicolon, insert "or"

Page 1, line 24, delete "thereof"

Page 1, line 25, delete "which" and insert "that" and delete "standard conditions of" and insert "a"

Page 1, line 25, delete "and" and insert "of"

Page 2, line 1, delete "pressure (" and after "and" insert "pressure of"

Page 2, line 2, delete the parenthesis

Page 2, line 9, delete everything after "means"

Page 2, delete line 10 and insert "a container and its connected"

Page 2, line 11, delete "connected thereto, which" and insert "that"

Page 2, line 12, delete "an accumulation of" and delete "and the volume"

Page 2, delete line 13

Page 2, line 14, delete "connected to them," and insert "that"

Page 2, line 22, after "facilities" insert a comma and delete the parenthesis and after "lines" insert a comma

Page 2, line 30, delete "(such as a" and insert "including"

Page 2, line 31, delete everything before "if" and insert "basements, cellars, mineworkings, drifts, shafts, and tunnels,"

Page 3, line 6, delete "permanently taken out of" and insert "that is not in" and delete "on or after"

Page 3, line 8, delete "his"

Page 3, line 9, delete "or her" and insert "the owner's"

Page 3, line 14, after "of" insert "permanent removal from service or"

Page 3, line 23, delete "which he" and insert "that the person"

Page 3, line 31, delete "proposing" and insert "adopting"

Page 3, line 32, delete "underground storage" and insert "regulated substances as defined in section 1, subdivision 6, clause (1). The agency shall delay adopting the rules for regulated substances, as defined in section 1, subdivision 6, clause (2), until the United States Environmental Protection Agency publishes final regulations for underground storage tanks or Febru-

ary 8, 1987, whichever is earlier."

Page 3, delete line 33

Page 4, delete section 5 and insert:

"Sec. 5. [LOCAL ORDINANCES.]

No local unit of government shall require notification for underground storage tanks or enact rules or ordinances that establish environmental protection requirements for underground tanks that conflict with those adopted by the agency."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 1, after "to" insert "this" and strike "80B.03"

Page 12, line 19, after "or" insert "in" and after "bylaws" insert "approved by the shareholders"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 2 and insert:

"Sec. 2. [DULUTH TEACHERS; AMENDMENT OF ARTICLES.]

Authorization is hereby granted in accordance with Minnesota Statutes, section 354A.12, subdivision 4, for the Duluth teachers retirement fund association to amend its articles of incorporation to authorize an annual lump sum postretirement adjustment payable to retirees or beneficiaries.

The amendment may provide that the board of trustees shall have the discretion to eliminate or reduce the adjustment in any fiscal year and to establish a minimum period during which a recipient must have been receiving

an annuity or benefits in order to be eligible for an adjustment, which shall be at least three years. The adjustment shall only be made if the investment income of the fund during the preceding fiscal year was at least six percent of the asset value of the fund at the end of that fiscal year. The amount that each eligible annuitant or benefit recipient shall be entitled to receive shall be determined as follows:

(a) the years of service of each annuitant as credited by the fund and the years of service of each person on behalf of whom a survivor benefit is paid as credited by the fund and the years receiving payments shall be totaled;

(b) the dollar amount equal to up to one percent of the asset value of the fund at the end of the previous fiscal year shall be determined by the board of trustees;

(c) the dollar amount determined pursuant to clause (b) shall be divided by the aggregate years of credited service and years receiving payments in a manner determined by the board of trustees pursuant to clause (a), the result is to be considered the adjustment figure per unit;

(d) for each eligible annuitant and benefit recipient, the adjustment shall be equal to the adjustment figure per unit determined pursuant to clause (c) multiplied by the combination of years of service and years receiving payments as determined by the board of trustees based on the records of the fund.

Sec. 3. Laws 1979, chapter 109, section 1, as amended by Laws 1981, chapter 157, section 1, is amended to read:

Section 1. Authorization is hereby granted in accordance with Minnesota Statutes, Section 354A.12, for the St. Paul teachers retirement fund association to amend its bylaws as follows:

(1) Paragraph 9 of Section 3 of Article IV of the bylaws may be amended to provide a lump sum payment to annuitants and survivor benefit recipients who have been receiving annuities or benefits for at least three years, payable ~~three~~ six months following the end of a fiscal year. The payments shall only be made if the investment income of the fund during the preceding fiscal year was ~~in excess of 5-1/2~~ at least six percent of the asset value of the fund at the end of that fiscal year. The amount that each eligible annuitant or benefit recipient shall be entitled to receive shall be determined as follows:

(a) The years of service of each annuitant as credited by the fund and the years of service of each person on behalf of whom a survivor benefit is paid as credited by the fund shall be totaled;

(b) The dollar amount equal to one-half of one percent of the asset value of the fund at the end of the previous fiscal year shall be determined;

(c) The dollar amount determined pursuant to clause (b) shall be divided by the aggregate years of credited service totaled pursuant to clause (a), the result to be considered the bonus figure per year of service credit;

(d) For each eligible annuitant and benefit recipient, the payment shall be equal to the bonus figure per year of service credit determined pursuant to clause (c) multiplied by each year of service credited for that person by the fund.

(2) A new paragraph may be added to Section 2 of Article IV of the bylaws to

provide that any active member of the fund with service credit prior to July 1, 1978 who elects in the social security referendum to become a coordinated member shall be entitled to a retirement annuity when otherwise qualified, the calculation of which shall utilize the formula specified in Laws 1977, Chapter 429, Section 61 for that portion of credited service which was served prior to July 1, 1978 and the new coordinated formula specified in the bylaws for the remainder of credited service, both applied to the average salary as specified in Paragraph 2 of Section 1 of Article IX. The formula percentages to be used in calculating the coordinated portion of a retirement annuity on coordinated service shall recognize the coordinated service as a continuation of any service prior to July 1, 1978.

(3) Paragraph 5 of Section 3 of Article IV of the bylaws in effect on June 1, 1978 may be amended to provide that the recomputation of a disability benefit in an amount equal to a service pension shall occur when the member attains the age of 60 years and shall be recomputed without any reduction for early retirement, and that if the disability terminates prior to age 60 the member shall be eligible for benefits as provided in Paragraph 1 of Section 3 of Article IV and the years of service and final average salary accrued to disability termination date would be used as provided in Paragraph 5 of Section 3 of Article IV of the bylaws in effect June 1, 1978 and that Paragraph 3 of Section 4 of Article IV be amended to conform to this provision.

(4) Article VIII of the bylaws in effect July 1, 1978 may be amended by adding a new section 5 providing augmentation of benefits in the same manner as Minnesota Statutes 1978, Section 354.55, Subdivision 11.

(a) *the years of service of each annuitant as credited by the fund and the years of service of each person on behalf of whom a survivor benefit is paid as credited by the fund and the years receiving payments shall be totaled;*

(b) *the dollar amount equal to up to one percent of the asset value of the fund at the end of the previous fiscal year shall be determined by the board of trustees;*

(c) *the dollar amount determined pursuant to clause (b) shall be divided by the aggregate years of credited service and years receiving payments in a manner determined by the board of trustees pursuant to clause (a), the result is to be considered the bonus figure per unit;*

(d) *for each eligible annuitant and benefit recipient, the bonus payment shall be equal to the bonus figure per unit determined pursuant to clause (c) multiplied by the combination of years of service and years receiving payments as determined by the board of trustees based on the records of the fund.*

Sec. 4. [MINNEAPOLIS TEACHERS AMENDMENT.]

Pursuant to Minnesota Statutes, section 354A.12, subdivision 4, authority is hereby granted to the Minneapolis teachers' retirement fund association to amend subsection (11) of article IX of its articles of incorporation to eliminate the maximum of 30 years of service which may be used in the computation of formula annuities.

Sec. 5. [RATIFICATION OF RESCISSION BY FARIBAULT CITY COUNCIL.]

The action of the Faribault city council of March 26, 1985, rescinding the

adoption of the resolution of the Faribault city council of August 8, 1980, exempting from phase out the Faribault police and firefighters relief associations, is ratified and confirmed.

By rescission of the resolution of August 8, 1980, and the enactment of the March 26, 1985, resolution, all salaried firefighters and police officers hired prior to October 23, 1984, shall remain as members of the Faribault firefighters relief association or Faribault relief association, whichever is applicable. All salaried firefighters and police officers hired on or after October 23, 1984, shall be members of the public employees retirement association.

By rescission of the resolution of August 8, 1980, the provisions of Laws 1980, chapter 607, article 15, sections 4, 5, and 7, are made applicable to the municipality and relief associations, where applicable.

Sec. 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.

Sec. 7. [LUMP SUM PAYMENT TO RETIREES.]

Subdivision 1. [ENTITLEMENT.] Any person who was entitled to receive a lump sum payment under the provisions of Laws 1983, chapter 246, section 1, subdivision 1, or any person receiving an annuity from the Minneapolis employees retirement fund which was computed under the laws in effect prior to March 5, 1974, shall be entitled to receive a lump sum payment from the applicable retirement fund in the amount specified in subdivision 2.

Subd. 2. [CALCULATION OF LUMP SUM; PAYMENT.] Any person entitled to receive a lump sum payment pursuant to subdivision 1, and who is receiving an annuity or benefit on November 30, 1985, or on November 30, 1986, shall receive a lump sum payment for each full year of allowable service credited to the person by the respective retirement fund. For both 1985 and 1986 the amount for each full year of allowable service shall be \$35 for persons receiving a basic annuity or benefit and \$20 for persons receiving a coordinated annuity or benefit. The lump sum payment provided for in this section shall be payable on December 1, 1985, for persons receiving an annuity or benefit on November 30, 1985, and on December 1, 1986, for persons receiving an annuity or benefit on November 30, 1986. Nothing in this section shall authorize the payment of a lump sum payment to an estate. Notwithstanding Minnesota Statutes, section 356.18, the lump sum payment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the lump sum payment not be paid.

Subd. 3. [COVERED RETIREMENT FUNDS.] The lump sum payment provided for in this section shall apply to the following retirement funds:

- (1) public employees retirement fund;*
- (2) public employees police and fire fund;*

(3) teachers retirement fund;

(4) state patrol retirement fund;

(5) state employees retirement fund of the Minnesota state retirement system; and

(6) Minneapolis employees retirement fund.

Subd. 4. [TERMINAL AUDIT.] Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1986, lump sum payment, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the lump sum payment provided for in this section. The calculations required by this subdivision shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.

Sec. 8. [APPROPRIATION.]

There is appropriated during the 1986-1987 biennium, the amount of \$18,399,665 for the purpose of funding the lump sum payments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the lump sum payment as follows:

	FY 1986	FY 1987
public employees retirement fund	\$ _____	\$ _____
public employees police and fire fund	_____	_____
teachers retirement fund	_____	_____
state patrol retirement fund	_____	_____
state employees retirement fund	_____	_____
Minneapolis employees retirement fund	_____	_____

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment. The remaining sections are effective July 1, 1985."

Amend the title as follows:

Page 1, line 3, before the period, insert “; 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”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "MISSION" and insert "PURPOSE"

Page 1, line 9, delete "upon" and insert "in"

Page 1, after line 16, insert:

"Sec. 2. [PURPOSE.]

The legislature intends to continue the operation of the residential academies for the deaf, for the blind, and multiple handicapped. The academies shall provide a residential learning program for students with the following handicapping conditions: hearing impairment, visual impairment, and multiple handicaps. The learning program shall be a developmental program that provides instruction to address motor, cognitive, language, emotional, and social development in the classroom and dormitory. The learning program shall be designed to help students acquire knowledge, skills, and positive attitudes toward self and others that will enable them to solve problems, continue learning, and develop maximum potential for leading productive fulfilling lives.

Sec. 3. 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. 4. 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. For the purpose of the programs listed in this subdivision, the academies are a school district and may participate in the following:

- (1) basic skills program under section 121.495;*
- (2) subject area in-service training under section 121.601;*
- (3) instructional effectiveness plan and training under sections 121.608 and 121.609;*
- (4) the Minnesota academic excellence act under section 121.612;*
- (5) advanced academic credit under section 123.3513;*
- (6) ECSUs under section 123.58;*
- (7) in-service training programs under section 123.581;*
- (8) the planning, evaluating, and reporting process under sections 123.741*

to 123.7431;

(9) gifted and talented aid under section 124.247;

(10) limited English proficiency program aid under section 124.273;

(11) chemical abuse aid and instruction under sections 124.246 and 126.031;

(12) programs of excellence under sections 126.60 to 126.64;

(13) the pupil fair dismissal act under sections 127.26 to 127.42; and

(14) all grant programs under chapter 129B.

Participation in programs listed in this subdivision may not result in payment of aid or a grant to the academies and another school district for the same pupil.

Subd. 1b. 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 and may place any other position in the unclassified service if the position is one that reports to the board and if it meets the criteria established in section 43A.08, subdivision 1a. These schools academies shall be 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 academies shall be 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. Staff employed by the academy for the blind must be knowledgeable in Braille communication. 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. 5a. The state board is encouraged to develop, in cooperation with the Faribault area vocational technical institute and the Austin community college, or any other public post-secondary institution, courses of instruction to train individuals for employment as dormitory staff. The department of employee relations, in cooperation with the state board, shall develop a statement of necessary qualifications and skills for dormitory staff.

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. 5. 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~~ *council* 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. 6. 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 21 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. 7. [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. 8. [STATE BOARD PROGRESS REPORT.]

By February 15, 1986, the state board shall submit a progress report to the education committees of the legislature on the status of the academies in meeting statutory provisions relating to the academies.

Sec. 9. [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 just cause for dismissal.

Sec. 10. [MANAGEMENT AND GOVERNANCE REPORT.]

The management analysis unit of the department of administration, in cooperation with the department of education, shall study the management organization structure and the governance of the academies. The actual cost of the study may be charged to and shall be paid by the academies. By January 15, 1986, they shall report findings and recommendations to the education committees of the legislature and to the state board of education."

Amend the title as follows:

Page 1, line 2, delete "mission" and insert "purpose"

Page 1, line 3, delete "elementary and secondary" and after the semicolon, insert "changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; authorizing the academies to participate in certain state programs; 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;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

H.F. No. 729: A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, 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, lighting, 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 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 422A.101, subdivision 3, is amended to read:

Subd. 3. [STATE CONTRIBUTIONS.] The state shall pay to the Minneapolis employees retirement fund annually an amount equal to the financial requirements of the Minneapolis employees retirement fund reported by the actuary in the actuarial valuation of the fund prepared pursuant to section 356.215 for the most recent year but based on a target date for full amortization of the unfunded liabilities by the year 2017 less the amount of employee contributions required pursuant to section 422A.10, and the amount of employer contributions required pursuant to subdivisions 1a and 2, and the amount of contributions required of the metropolitan airports commission by subdivision 4. Payments shall be made in four equal installments on March 15, July 15, September 15, and November 15 annually.

Sec. 5. Minnesota Statutes 1984, section 422A.101, is amended by adding

a subdivision to read:

Subd. 4. [METROPOLITAN AIRPORTS COMMISSION CONTRIBUTION.] The metropolitan airports commission shall pay to the Minneapolis employees retirement fund annually in installments as specified in subdivision 3, that share of the additional support rate required for full amortization of the unfunded liabilities by the year 2017 which is attributable to commission employees who are members of the fund. The amount of the payment shall be determined by the most recent actuarial valuation, as calculated by the actuary for the legislative commission on pensions and retirement.

Sec. 6. 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. 7. [423A.07] [ADDITIONS TO BOARD.]

Notwithstanding any other law, each local police and salaried firefighters relief association may amend its bylaws and its articles of incorporation, if necessary, to provide for the inclusion of retirees on its board.

Upon adoption of the amendments, the relief association must file a copy of the amended bylaws with the executive secretary of the legislative commission on pensions and retirement. A relief association amending its articles of incorporation must comply with any statutory requirements pertaining to the filing of amended articles of incorporation.

Sec. 8. 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. 9. Minnesota Statutes 1984, section 424A.02, subdivision 6, is amended to read:

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONASSIGNABILITY.] 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. 10. 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 limita-

tions:

(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 bylaws 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. 11. 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 nonforfeitable 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."

Page 5, line 13, strike "currently" and delete "or"

Page 5, line 14, delete "subsequently"

Page 5, delete section 4 and insert:

"Sec. 15. 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. 16. 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. 17. 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. 18. 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 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. 19. 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~~ *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. 20. [EVELETH POLICE AND FIREFIGHTERS; BENEFIT IN-

CREASE.]

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 retroactive to January 1, 1985.

Sec. 21. [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. 22. [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, 1985.

Sec. 23. [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 180 days of the date the model cities health center project is taken over by a private corporation or organization.

Sec. 24. [OWATONNA CITY HOSPITAL.]

Refunds authorized by Laws 1984, chapter 574, section 31, may be paid prior to July 1, 1985.

Sec. 25. [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. 26. [MOORHEAD POLICE AND FIREFIGHTERS; RETIREMENT COVERAGE FOR ACTIVE MEMBERS.]

Subdivision 1. [TRANSFER OF COVERAGE.] Notwithstanding any other law, active police officers and firefighters or deferred recipients employed by the police and fire departments of the city of Moorhead on the effective date of sections 26 to 32 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 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 26 to 32 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 28, subdivision 2.

Sec. 27. [RETIREMENT COVERAGE FOR CURRENT RECIPIENTS OF BENEFITS.]

Current recipients of retirement benefits, disability benefits, or survivor benefits paid by either relief association shall receive future benefits from the police and fire fund with future adjustments from the Minnesota postretirement investment fund, called the postretirement fund in sections 28 to 31, pursuant to Minnesota Statutes, section 11A.18.

The relief associations 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 28, subdivision 3.

Future adjustments, pursuant to 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, adjustment 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. 28. [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 five 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 POSTFUND 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 27, 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. 29. [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 27. 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 26 to 32. 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. 30. [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. 31. [SAVING CLAUSE.]

Notwithstanding any other law, any person receiving a benefit from either relief association on or before the effective date of sections 26 to 32, 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. 32. [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 to 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. 33. [REPEALER.]

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 repealed.

Sec. 34. [EFFECTIVE DATE.]

Sections 2, 6 to 11, 18, 22 to 24, and 33 are effective the day following final enactment. Section 11 is retroactive to January 1, 1985. Section 1 is effective May 31, 1985. Sections 3 and 25 are effective July 1, 1985. Sections 4 and 5 are effective January 1, 1986. Sections 12 to 14 are effective on approval by the Hennepin county board. Section 15 is effective retroactive to January 1, 1985, on approval by the Thief River Falls city council. Sections 16 and 17 are effective retroactive to January 1, 1985, on approval by the Virginia city council. Section 19 is effective on approval by the Buhl city council. Section 20 is effective retroactive to January 1, 1985, on approval by the Eveleth city council. Section 27 is effective on approval by the New Ulm city council. Sections 26 to 32 are effective on approval by the Moorhead city council. All local approvals must comply with 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; 422A.101, subdivision 3, and by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1969, chapter 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 1965, chapter 592, section 4, as amended; 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."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

H.F. No. 440: A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 28, insert:

“Sec. 3. Minnesota Statutes 1984, section 176.021, subdivision 7, is amended to read:

Subd. 7. [PUBLIC OFFICER.] If an employee who is a public officer of the state or governmental subdivision continues to receive the compensation of his office during a period when he is receiving benefits under the workers' compensation law for temporary total or temporary partial disability or permanent total disability and the compensation of his office exceeds \$100 a year, the amount of that compensation attributable to the period for which benefits under the workers' compensation law are paid shall be deducted from such benefits. *If an employee covered by the Minnesota state retirement system receives total and permanent disability benefits pursuant to section 352.113 or disability benefits pursuant to sections 352.95 and 352B.10, the amount of disability benefits shall be deducted from workers' compensation benefits otherwise payable. Notwithstanding the provisions of section 176.132, a deduction under this subdivision does not entitle an employee to supplemental benefits under section 176.132.*

Sec. 4. Minnesota Statutes 1984, section 352.01, subdivision 11, is amended to read:

Subd. 11. [ALLOWABLE SERVICE.] “Allowable service” means:

(1) Any service rendered by an employee for which on or before July 1, 1957, he was entitled to allowable service credit on the records of the system by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, chapter 352, as amended by Laws 1955, chapter 239, ~~or~~;

(2) Any service rendered by an employee for which on or before July 1, 1961, he elected to obtain credit for service by making payments to the fund pursuant to Minnesota Statutes 1961, section 352.24, ~~or~~;

(3) Except as provided in ~~clause (9)~~ *clauses (9) and (10)*, any service rendered by an employee after July 1, 1957, for any calendar month in which he is paid salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041, ~~or~~;

(4) Except as provided in ~~clause (9) clauses (9) and (10)~~, any service rendered by an employee after July 1, 1957 for any calendar month for which payments in lieu of salary deductions are made, deposited and credited in the fund, as provided in section 352.27 and Minnesota Statutes 1957, section 352.021, subdivision 4.

For purposes of ~~paragraphs clauses (3) and (4) of this subdivision~~, except as provided in ~~clause (9) clauses (9) and (10)~~, any salary paid for a fractional part of any calendar month is deemed the compensation for the entire calendar month; ~~or~~;

(5) The period of absence from their duties by employees who by reason of injuries incurred in the performance thereof are temporarily disabled and for which disability the state is liable under the workers' compensation law until the date authorized by the director for the commencement of payments of a total and permanent disability benefit from the retirement fund; ~~or~~;

(6) The unused portion of an employee's annual leave allowance for which he is paid salary; ~~or~~;

(7) Any service covered by a refund repaid as provided in sections 352.23 or 352D.05, subdivision 4, but does not include service rendered as an employee of the adjutant general for which the person has credit with the federal civil service retirement system; ~~or~~;

(8) Any service prior to July 1, 1978 by an employee of the transit operating division of the metropolitan transit commission or by an employee on an authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division which was credited by the metropolitan transit commission-transit operating division employees retirement fund or any of its predecessor plans or funds as past, intermediate, future, continuous or allowable service as defined in the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977; ~~or~~;

(9) Any service rendered after July 1, 1983, by an employee who is employed on a part-time basis for less than ~~80~~ 50 percent of full time, for which the employee is paid salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041 or for which payments in lieu of salary deductions are made, deposited and credited in the fund as provided in section 352.27 shall be credited on a fractional basis either by pay period, monthly, or annually based upon the relationship that the percentage of salary earned bears to a full-time salary, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time pay period, month, or a full-time year; ~~or~~. *For periods of part-time service which is duplicated service credit, the provisions of section 356.30, subdivision 1, clauses (i) and (j), shall govern;*

(10) Any service by an employee in the Minnesota demonstration job-sharing program pursuant to sections 43.56 to 43.62 which is less than 40 hours per week or 2,080 hours per year and for which the employee is paid salary from which deductions are made, deposited and credited in the fund,

shall be credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year.

The allowable service determined and credited on a fractional basis pursuant to clauses (9) and (10) shall be used in calculating the amount of benefits payable, but shall not be used in determining the length of service required for eligibility for benefits;

(11) Any period of authorized leave of absence without pay which does not exceed one year and for which the employee obtained credit by payment to the fund made in lieu of salary deductions. To obtain credit, the employee shall pay an amount equal to the employee and employer contribution rate provided in section 352.04, subdivisions 2 and 3, multiplied by the employee's hourly rate of salary on the date of return from leave of absence and by the days and months of the leave of absence without pay for which the employee desires to obtain allowable service credit. The employing department, at its option, may pay the employer amount on behalf of its employees. Payments made under this clause shall include interest at the rate of six percent per annum from the date of termination of the leave of absence to the date payment is made unless payment is completed within one year of the return from leave of absence.

Sec. 5. Minnesota Statutes 1984, section 352.029, is amended to read:

352.029 [COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.]

Subdivision 1. [QUALIFICATIONS.] A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees or a state employee on leave of absence without pay to provide service as an employee or officer of a labor organization that is an exclusive bargaining agent representing state employees, may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2B.

Subd. 2. [ELECTION.] A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before ~~July 1, 1977~~ or December 31, 1985, within ~~30~~ 90 days of being employed by the labor organization, or within 90 days of commencing their first leave of absence with an exclusive bargaining agent, whichever is later.

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.

Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former state

~~employee~~ *person* who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to ~~July 1, 1977~~ *December 31, 1985*, in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all ~~employee, employer and additional employer~~ contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to ~~July 1, 1982~~ *December 31, 1985* or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.

Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] ~~Persons~~ *Employees* of a labor organization who become members of the state retirement system pursuant to this section shall not be eligible for election to the board of trustees.

Sec. 6. Minnesota Statutes 1984, section 352.22, subdivision 3, is amended to read:

Subd. 3. [DEFERRED ANNUITY.] (1) Any employee with at least ten years of allowable service when such termination occurs may at his option leave his accumulated contributions in the fund and thereby be entitled to a deferred retirement annuity. This annuity shall be computed in the manner provided by the law in effect at the time state service terminated, on the basis of allowable service prior to termination of service.

(2) An employee on layoff or on leave of absence without pay, except a leave of absence for health reasons, who does not return to state service shall have any annuity, deferred annuity or other benefit to which he may become entitled computed under the law in effect on his last working day.

(3) No application for a deferred annuity shall be made more than 60 days prior to the time the former employee reaches the required age to entitle him to the payment of the annuity. The deferred annuity shall begin to accrue no earlier than 60 days prior to the date the application is filed in the office of the system except that if an optional annuity as provided in section 352.116 is selected the annuity shall begin to accrue 30 days after the application is filed, but in no event prior to the date the employee reaches the required age to entitle him to the annuity nor prior to the day following the termination of state service in a position not covered by the retirement system nor prior to the day following the termination of employment in a position which requires the employee to be a member of either the public employees retirement association or the teachers retirement association.

(4) Application for the accumulated contributions left on deposit with the fund may be made at any time after 30 days following the date of termination of service.

Sec. 7. Minnesota Statutes 1984, section 352.95, subdivision 1, is amended to read:

Subdivision 1. Any covered correctional employee less than 55 years of

age who shall become disabled and physically unfit to perform the duties of the position as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty which shall render the employee physically or mentally unable to perform the duties, shall be entitled to a disability benefit based on covered correctional service only, in an amount equal to 50 percent of the average salary defined in section 352.93, plus an additional ~~two~~ 2-1/2 percent for each year of covered correctional service in excess of 20 years *but not in excess of 25 years, and two percent for each year of covered correctional service in excess of 25 years*, pro-rated for completed months, to a maximum monthly benefit of 75 percent of the average monthly salary.

Sec. 8. Minnesota Statutes 1984, section 352B.10, is amended to read:

352B.10 [DISABILITY BENEFITS.]

(1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied (a) by 50 percent and, (b) by an additional ~~two~~ 2-1/2 percent for each year and pro rata for completed months of service in excess of 20 years, *but not exceeding 25 years and two percent for each year and pro rata for completed months of service in excess of 25 years*.

~~(2) If a member is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the workers' compensation law.~~

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates employment because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and computed in the same manner as if the member were 55 years of age at the date of disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be computed as though the member had ten years service.

(4) (3) No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should such member or former member resume a gainful occupation and his or her earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit shall be continued in an amount which when added to earnings does not exceed the salary received at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) (4) No disability benefit payment shall be made except upon adequate

proof furnished to the director of the existence of such disability, and during the time when any such benefits are being paid, the director shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

(6) (5) A disabled member not eligible for survivorship coverage pursuant to section 352B.11, subdivision 2, may elect the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 2. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of this election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

Sec. 9. Minnesota Statutes 1984, section 352D.01, is amended to read:

352D.01 [ESTABLISHMENT.]

There is hereby established within the Minnesota state retirement system a retirement program for certain ~~unclassified public employees in state service~~ to be known as the Minnesota ~~unclassified employees retirement program~~ *savings plan*, which shall be administered by the Minnesota state retirement system.

Sec. 10. Minnesota Statutes 1984, section 352D.015, subdivision 2, is amended to read:

Subd. 2. "~~Unclassified program Plan~~" means the ~~program~~ *Minnesota retirement savings plan* established by this chapter.

Sec. 11. Minnesota Statutes 1984, section 352D.015, subdivision 4, is amended to read:

Subd. 4. "Regular fund" or "*regular plan*" means the state employees retirement fund *or the public employees retirement association, where applicable*, except the moneys for the ~~unclassified program~~ *Minnesota retirement savings plan*.

Sec. 12. Minnesota Statutes 1984, section 352D.015, subdivision 5, is amended to read:

Subd. 5. "Covered employment" means employment covered by ~~chapter 352, or~~ this chapter.

Sec. 13. Minnesota Statutes 1984, section 352D.02, is amended to read:

352D.02 [COVERAGE.]

Subdivision 1. [COVERAGE.] *All employees with coverage under chapter 352D on the day before the effective date of this act shall have their retirement coverage continue in the Minnesota retirement savings plan. The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state employees retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive*

director fund shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level *whether in the classified or unclassified service of the state*,

(5) The ~~chairman~~ chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the ~~chairman~~ chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(7) ~~The clerk of the appellate courts appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,~~

(8) The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) (8) Any employee whose principal employment is at the state ceremonial house,

~~(10)~~ (9) Employees of the Minnesota educational computing corporation, and

~~(11)~~ (10) Any employee of the world trade center board.

Subd. 1a. *The following employees if they are eligible for coverage under the state employees retirement fund or the public employees retirement fund*

shall participate in the plan, subject to the provisions of subdivisions 3 and 5 and section 44:

(1) employees of the supreme court, court of appeals, district administrators, and employees of the office of the district administrators in the fifth and eighth judicial districts,

(2) employees of the metropolitan council, metropolitan parks and open space commission, regional transit board, metropolitan transit commission except employees of the transit operating division, metropolitan sports facilities commission or the metropolitan mosquito control commission,

(3) elected officers of cities, counties, and townships who receive a monthly salary of at least \$325 or an annual salary of at least \$3,900,

(4) elected county attorneys and their elected or appointed deputy county attorneys,

(5) employees of the league of Minnesota cities,

(6) employees of the association of Minnesota counties,

(7) employees of the metropolitan intercounty association, and

(8) employees of the Minnesota municipal utilities association.

Subd. 1b. Any person who on the day before June 30, 1982 is a participant in the state unclassified employees retirement program, whose position is placed in the classified service pursuant to Laws 1982, Chapter 560, may elect to maintain membership in the unclassified program as long as the person holds the position or a position in a higher class in the same agency. When an unclassified position which entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. This notice shall state the incumbent's option under this subdivision. A person eligible to maintain membership in the unclassified plan shall notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not file this notice shall be deemed to have waived the right to remain in the unclassified plan.

Subd. 1c. An employee covered by the regular plan who is subsequently employed as a permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature may elect to transfer accumulated employee and matching employer contributions, as provided in section 352D.03.

Subd. 2. A person becoming a participant in the ~~unclassified program plan~~ by virtue of employment in a position specified in subdivision 1, clause (2) ~~and remaining in the unclassified service~~ shall remain a participant in the program even though the position the person occupies is deleted from any of the sections referenced in subdivision 1, clause (2) by subsequent amendment, ~~except that a person shall not be eligible to elect the unclassified program after separation from unclassified service if on the return of the person to service, that position is not specified in subdivision 1, clause (2).~~ Any person

employed in a position specified in subdivision 1 shall ~~cease~~ *be entitled to continue* to participate in the ~~unclassified program plan~~ in the event ~~his~~ *the* position is placed in the classified service.

Subd. 3. An election to not participate is irrevocable during any period of covered employment. An employee with employee shares to his credit in the unclassified program, after acquiring credit for ten years of allowable service but prior to termination of covered employment, may, notwithstanding other provisions of this subdivision, elect to terminate his participation in the unclassified plan and be covered by the regular plan by filing such election with the executive director. The executive director shall thereupon redeem the employee's total shares and shall credit to the employee's account in the regular plan the amount of contributions that would have been so credited had the employee been covered by the regular plan during his entire covered employment. The balance of moneys so redeemed and not credited to the employee's account shall be transferred to the state contribution reserve of the state employees retirement fund, except that the employee contribution paid to the unclassified plan in excess of that required by the general employee plan shall be refunded to the employee as provided in section 352.22. *After the effective date of this act an employee who becomes employed in a position enumerated in subdivision 1 or 1a within 30 days after leaving employment in a position with retirement coverage in a covered fund enumerated in section 356.32, subdivision 2, shall have the option to participate in the plan or to remain in the covered fund. The employee must notify the executive director of the state retirement system within 30 days after assuming the new position of the employee's election to maintain membership in the covered fund. An election not to participate in the retirement savings plan is irrevocable during any period of covered employment.*

Subd. 4. When any person elects participation in the ~~unclassified program plan~~ all contributions from the time first eligible to make such an election shall be covered by the program.

Subd. 5. *Any employee or official who is currently employed in a position enumerated in subdivision 1 or who is hired after final enactment of this act in a position enumerated in subdivision 1 or 1a and who has prior service credit in a covered fund enumerated in section 356.32, subdivision 2, may elect to transfer accumulated employee and equal employer contributions, as provided in section 352D.03. The election to transfer contributions must be made within 180 days of the date of final enactment of this act, or within 90 days after employment begins.*

Sec. 14. Minnesota Statutes 1984, section 352D.05, subdivision 4, is amended to read:

Subd. 4. *The right to repay refunds provided by this subdivision is applicable only to participants with credit in the plan prior to the effective date of this act.*

A participant in the ~~unclassified program plan~~ may repay regular refunds taken pursuant to section 352.22, as provided in section 352.23. A participant in the ~~unclassified program plan~~ or an employee covered by the ~~general regular plan~~ who has withdrawn the value of the total shares may repay the refund taken and thereupon restore the service credit, rights and benefits forfeited by paying ~~into~~ *to the fund* Minnesota state retirement system the

greater of (1) the amount refunded plus interest at 6-1/2 percent per annum compounded annually from the date that the refund was taken until the date that the refund is repaid, or (2) an amount equal to the total of the employee and employer matching and additional contributions for the forfeited employment period less the administrative fee provided in section 352D.09, subdivision 7, plus interest at the rate of 6-1/2 percent per annum compounded annually from the date of the start of the forfeited employment period until the date that the refund is paid. If the participant had withdrawn only the employee shares as permitted under prior laws, repayment shall be pro rata. Payment shall be made in a lump sum.

Sec. 15. Minnesota Statutes 1984, section 352D.06, subdivision 1, is amended to read:

Subdivision 1. When a participant attains at least age ~~58~~ 55, is retired from covered service, and applies for a retirement annuity, the cash value of his shares shall be transferred to the Minnesota post-retirement investment fund and used to provide an annuity for the retired employee based upon his age when the benefit begins to accrue according to the reserve basis used by the regular fund of the *Minnesota state retirement system* in determining pensions and reserves.

Sec. 16. Minnesota Statutes 1984, section 352D.065, subdivision 5, is amended to read:

Subd. 5. ~~An unclassified employee~~ A participant who returns to covered service after receiving benefits under this section shall not be required or allowed to repay such benefits.

Sec. 17. Minnesota Statutes 1984, section 352D.085, subdivision 1, is amended to read:

Subdivision 1. Service under the ~~unclassified program plan~~ for which the employee has employee shares to his credit, may be used for the limited purpose of qualifying for benefits under sections 352.115, 352.72, subdivision 1, and 352.113, 353.29, 353.30, 353.33, and 353.71, subdivision 1; provided such service may not be used to qualify for a disability benefit under section 352.113 or 353.33 if a participant was under the ~~unclassified program plan~~ at the time of the disability, and provided further that the years of service and salary paid while ~~such the~~ participant was in the ~~unclassified program plan~~ shall not be used in determining the amount of benefits.

Sec. 18. Minnesota Statutes 1984, section 352D.09, subdivision 1, is amended to read:

Subdivision 1. The ~~unclassified employees retirement~~ plan and the provisions of this chapter shall be administered by the Minnesota state retirement system. The provisions of chapter 352 shall govern in all instances where not inconsistent with the provisions of this chapter.

Sec. 19. Minnesota Statutes 1984, section 352D.09, subdivision 7, is amended to read:

Subd. 7. One-tenth of one percent of salary shall be deducted from the employee contributions and one-tenth of one percent of salary from the employer contributions authorized by section 352D.04, subdivision 2, to pay the administrative expenses of the ~~unclassified program plan~~.

Sec. 20. Minnesota Statutes 1984, section 352D.11, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] A qualified legislative employee may purchase prior service credit from the Minnesota state retirement system for service for which the employee did not receive service credit from the state retirement system. An employee is qualified to purchase prior service credit only if:

(1) the employee is a permanent employee of the senate, the house of representatives, or of a joint legislative agency or legislative commission, or a former permanent employee of the senate, the house of representatives, or of a joint legislative agency or legislative commission who has not withdrawn the value of shares in the ~~unclassified program plan~~; and

(2) before permanent employment the employee served as a temporary, intermittent, or contract employee of the senate, the house of representatives, a joint legislative staff agency, or a legislative commission.

Sec. 21. Minnesota Statutes 1984, section 352D.11, subdivision 4, is amended to read:

Subd. 4. [EMPLOYER CONTRIBUTIONS.] Employee payments to the state retirement system authorized by this section shall be matched by the current employer of the qualified employee from the appropriation made to the respective legislative expense funds or the appropriation available to the agency or commission. If the qualified employee is a participant in the ~~unclassified program plan~~ at the time of payment, payments by the employee and employer shall be used to purchase shares in the Minnesota supplemental retirement fund.

Sec. 22. Minnesota Statutes 1984, section 352E.01, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER.] "Peace officer" means:

(a) A police officer employed by the state of Minnesota or any governmental subdivision within the state to enforce the criminal laws;

(b) A Minnesota state patrol officer;

(c) A sheriff or fulltime deputy sheriff with power of arrest by warrant;

(d) A state conservation officer as defined in section 84.028, subdivision 3;

(e) A person employed by the bureau of criminal apprehension as a police officer with power of arrest by warrant;

(f) A correction officer employed at any correctional institution and charged with maintaining the safety, security, discipline and custody of inmates at such institutions;

(g) A firefighter employed on a fulltime basis by a fire department of any governmental subdivision of the state who is engaged in the hazards of fire fighting or a regularly enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of fire fighting;

(h) A good samaritan who complies with the request or direction of a peace

officer to assist the officer; and

(i) A reserve police officer or a reserve deputy sheriff acting under the supervision and authority of a political subdivision.

Sec. 23. Minnesota Statutes 1984, section 352E.04, is amended to read:

352E.04 [DISBURSEMENTS.]

Upon certification to the governor by the administrator of the fund that a peace officer employed by a state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workers' compensation court of appeals, pay \$100,000 as follows:

(a) If there is no dependent child, to the spouse;

(b) If there is no spouse, to the dependent child or children in equal shares;

(c) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;

(d) If there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;

(e) If there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit fund.

"Killed in the line of duty" does not include deaths from natural causes or deaths that occur during employment for a private employer *other than an independent nonprofit firefighting corporation*.

Sec. 24. 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 *who occupied an elected or appointed office prior to the effective date of this act*.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota Cities *employed prior to the effective date of this act*.

(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 *employed prior to the effective date of this act*.

(h) Employees of the Metropolitan Inter-County Association *employed prior to the effective date of this act*.

(i) Employees of the Minnesota Municipal Utilities Association *employed*

prior to the effective date of this act.

(j) Employees of the metropolitan airports commission if ~~employment initially commences~~ *employed* on or after July 1, 1979.

(k) Employees of the Minneapolis employees retirement fund, if ~~employment initially commences~~ *employed* 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.

Sec. 25. Minnesota Statutes 1984, section 353.27, subdivision 12, is amended to read:

Subd. 12. [OMITTED SALARY DEDUCTIONS; OBLIGATIONS.] In the case of omission of required deductions from salary of an employee, past due for a period of 60 days or less, the head of the department shall deduct from the employee's next salary payment and forthwith remit to the executive director the amount of the employee contribution delinquency, with cumulative interest thereon at the rate of six percent per annum, compounded annually, from the date or dates each delinquent employee contribution was first payable, such interest to be paid by the employer. To the extent that any such omitted required deductions are not paid by the employee, they shall constitute a liability of the governmental subdivision which failed to make said required deductions, with interest thereon as hereinbefore specified. After July 1, 1973, any such omitted required deductions, past due for a period in excess of 60 days, shall become the sole obligation of the governmental subdivision from the time such deductions were first payable, together with interest thereon as hereinbefore specified. Any amount so due, together with employer and additional employer contributions at the rates and in the amounts specified in subdivisions 3 and 3a, with interest thereon at the rate of six percent compounded annually from the date they were first payable, shall be paid from the proceeds of a tax levy made pursuant to section 353.28, or from other funds available to the employer. Unless otherwise indicated, this subdivision shall have both retroactive and prospective application, and the governmental subdivision is liable retroactively and prospectively for all amounts due hereunder. No action for the recovery of delinquent employee and employer contributions or interest thereon shall be commenced ~~and no payment of delinquent contributions shall be made or accepted~~ after the expiration of three calendar years next following the calendar year in which the contributions were omitted.

Sec. 26. Minnesota Statutes 1984, section 353.656, subdivision 1, is amended to read:

Subdivision 1. [IN LINE OF DUTY; COMPUTATION OF BENEFITS.] Any member of the police and fire fund less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a police officer or fire fighter subsequent to June 30, 1973, as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render him physically or mentally unable to perform his duties as a police officer or fire fighter, shall receive disability benefits during the period of such disability. The benefits shall be in an amount equal to 50 percent of the "average salary" pursuant to subdivision 3 plus an additional ~~two~~ 2-1/2 percent of said "average" salary for each year of service in excess

of 20 years but not exceeding 25 years and two percent for each year thereafter. Should disability under this subdivision occur before the member has at least five years of allowable service credit in the police and fire fund, the disability benefit shall be computed on the "average salary" from which deductions were made for contribution to the police and fire fund."

Page 4, after line 18, insert:

"Sec. 28. Minnesota Statutes 1984, section 354.44, subdivision 5, is amended to read:

Subd. 5. [RESUMPTION OF TEACHING.] Any person who retired under any provision of any retirement law applicable to schools and institutions covered by the provisions of this chapter and has thereafter resumed teaching in any school or institution to which this chapter applies shall continue to receive payments in accordance with the annuity except that during any year in which the person's income from the teaching service is in an amount equal to or greater than the annual maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal old age, survivors and disability insurance program as set by the secretary of health and human services pursuant to the provisions of 42 U.S.C., Section 403. *For the purpose of this subdivision, income from teaching service shall include all income from services performed as a consultant or an independent contractor for an employer unit covered by the provisions of this chapter.*

In the event that the person has not yet reached the minimum age for the receipt of social security benefits, the maximum earnings for the person shall be equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits. The amount in excess of the applicable re-employment income maximum specified in this subdivision shall be deducted from the annuity payable for the year immediately following the year in which the excess amount was earned. After a person has reached the age of 70, the person shall receive the annuity in full regardless of the amount of income."

Page 5, after line 21, insert:

"Sec. 30. Minnesota Statutes 1984, section 354.48, subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF BENEFITS.] (1) The amount of the disability benefit granted to members covered under section 354.44, subdivision 2, ~~clause clauses~~ (1) and (2) ~~or clause (3)~~, is an amount equal to double the annuity which could be purchased by the member's accumulated deductions plus interest thereon computed as though the teacher were age 65 at the time the benefit begins to accrue and in accordance with the law in effect when the disability application is received. Any member who applies for a disability benefit after June 30, 1974 and who failed to make an election pursuant to Minnesota Statutes 1971, Section 354.145, shall have his disability benefit computed under the provisions of this clause or clause (2) of this subdivision, whichever is larger.

The benefit granted shall be determined by the following:

- (a) The amount of the accumulated deductions;
- (b) Interest actually earned on these accumulated deductions to the date the

benefit begins to accrue;

(c) Interest for the years from the date the benefit begins to accrue to the date such member attains age 65 at the rate ~~which is the average rate credited for the five years prior to the date the benefit begins to accrue~~ of three percent;

(d) Annuity purchase rates based on an appropriate annuity table of mortality with interest ~~assumption as provided in section 354.07, subdivision 1~~ of five percent.

In addition a supplementary monthly benefit shall be paid to basic members only in accordance with the following table:

Age When Benefit Begins to Accrue	Supplementary Benefit
Under Age 56	\$50
56	45
57	40
58	35
59	30
60	25
61	20
62	15
63	10
64	5

(2) The disability benefit granted to members covered under section 354.44, subdivisions 6 or 7 shall be computed in the same manner as the annuity provided in subdivisions 6 or 7 of that section, whichever is applicable. The disability benefit shall be the formula annuity without the reduction for each month the member is under age 65 at the time the benefit begins to accrue.

(3) ~~The optional annuity benefit provided in section 354.45 does not apply to this section.~~

(4) For the purposes of computing a retirement annuity when the member becomes eligible, the amounts paid for disability benefits shall not be deducted from the individual member's accumulated deductions. If the disability benefits provided in this subdivision exceed the monthly average salary of the disabled member, the disability benefits shall be reduced to an amount equal to the disabled member's average salary.

Sec. 31. Minnesota Statutes 1984, section 354.48, subdivision 6, is amended to read:

Subd. 6. [REGULAR PHYSICAL EXAMINATIONS.] At least once each year during the first five years following the allowance of a disability benefit to any member, and at least once in every three-year period thereafter, the board shall require the disability beneficiary to undergo a medical examination to be made at the place of residence of such person, or at any other place mutually agreed upon, by a physician or physicians engaged by the board. If any examination indicates that he is no longer permanently and totally disabled or that he is engaged or is able to engage in a *substantial* gainful occupation, payments of the disability benefit by the fund shall be discontinued.

The payments shall discontinue as soon as he is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after physicians engaged by the board find that such person is no longer permanently and totally disabled.

Sec. 32. Minnesota Statutes 1984, section 354.48, subdivision 7, is amended to read:

Subd. 7. [PARTIAL RE-EMPLOYMENT.] Should the disabled person resume a gainful occupation and his earnings are less than his salary at the date of disability or the salary currently paid for similar positions, the board shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary at the date of disability or the salary currently paid for similar positions, whichever is lower, provided the disability benefit in such case does not exceed the disability benefit originally allowed. *The provisions of this subdivision shall not prohibit the board from making a determination that a member is no longer totally and permanently disabled or that the member is engaged or is able to engage in a substantial gainful occupation based on the results of the regular physical examinations required by subdivision 6.*

Sec. 33. Minnesota Statutes 1984, section 354.49, subdivision 2, is amended to read:

Subd. 2. Except as provided in section 354.44, subdivision 1, any person who ceases to be a member by reason of termination of teaching service, shall receive a refundment in an amount equal to ~~his~~ *the* accumulated deductions credited to the account as of June 30, 1957, and after July 1, 1957, the accumulated deductions with interest at the rate of five percent per annum compounded annually plus any variable annuity account accumulations payable pursuant to section 354.62, subdivision 5, clause (4). *For the purpose of this subdivision, interest shall be computed on fiscal year end balances to the first day of the month in which the refund is issued.*

Sec. 34. Minnesota Statutes 1984, section 354.55, subdivision 11, is amended to read:

Subd. 11. Any person covered under section 354.44, subdivisions 6 and 7, who ceases to render teaching service may leave the person's accumulated deductions in the fund for the purpose of receiving a deferred annuity at retirement. Eligibility for an annuity under this subdivision shall be governed pursuant to sections 354.44, subdivision 1, or 354.60.

The amount of the deferred retirement annuity shall be determined by section 354.44, subdivisions 6 and 7, and augmented as provided herein. The required reserves related to that portion of the annuity which had accrued at the time the member ceased to render teaching service shall be augmented by interest compounded annually from the first day of the month following the month during which the member ceased to render teaching service to the effective date of retirement. There shall be no augmentation if this period is less than three months *or if this period commences prior to July 1, 1971.* The rates of interest used for this purpose shall be five percent commencing July 1, 1971, until January 1, 1981, and three percent thereafter. If a person has more than one period of uninterrupted service, the required reserves related to each period shall be augmented by interest pursuant to this subdivision.

The sum of the augmented required reserves so determined shall be the basis for purchasing the deferred annuity. If a person does not render teaching service in any one or more consecutive fiscal years and then resumes teaching service, the formula percentages used from date of resumption will be those applicable to new members. The mortality table and interest assumption contained therein used to compute the annuity shall be determined by the law in effect at the time of the member's retirement. A period of uninterrupted service for the purposes of this subdivision shall mean a period of covered teaching service during which the member has not been separated from active service for more than one fiscal year.

The provisions of this subdivision shall not apply to variable account accumulations as defined in section 354.05, subdivision 23.

In no case shall the annuity payable herein be less than the amount of annuity payable pursuant to section 354.44, subdivisions 6 and 7.

The requirements and provisions for retirement prior to age 65 contained in section 354.44, subdivision 6, clause (2) shall also apply to an employee fulfilling the requirements with a combination of service as provided in section 354.60.

The augmentation provided by this subdivision shall not apply to any period in which a person is on an approved leave of absence from an employer unit covered by the provisions of this chapter.

Sec. 35. Minnesota Statutes 1984, section 354.62, subdivision 2, is amended to read:

Subd. 2. [INDIVIDUAL ELECTION.] Each member of the teachers retirement association may elect to participate in the variable annuity division by filing a written notice with the board of trustees on forms provided by the board.

(1) Employee variable annuity contributions to the variable annuity division shall be pursuant to the option available in section 354.44, subdivision 7, the employee variable annuity contributions shall be an amount equal to one-half of the employee rates specified in section 354.42, subdivision 2.

(2) Employer variable annuity contributions shall be an amount equal to the employee variable annuity contributions provided in clause (1). The deficiency in equal employer variable annuity contributions which shall exist prior to July 1, 1975 shall be recovered from the additional employer contributions made prior to July 1, 1975 pursuant to section 354.42, subdivision 5.

(3) There shall be provided for members participating in the variable annuity division a separate account for each member which will show his variable account accumulations as defined in section 354.05, subdivision 23. The board shall establish such other accounts in the variable annuity division as it deems necessary for the operation of this provision.

(4) After June 30, 1974 there shall be no new participants in this program.

(5) ~~Effective July 1, 1978, no future employee and employer contributions shall be credited to any accounts in the variable annuity division unless the member elects continued participation in the variable annuity division pursuant~~

to section 354.621 Any active member currently participating in the variable annuity division may elect to cease participation in the variable annuity division effective the July 1 following the filing of a written notice with the board of trustees on forms provided by the board. If this election is made, all future contributions will go to the formula program."

Page 6, line 25, strike "amortized"

Page 7, line 8, delete "subtracting" and insert "subtracting"

Page 19, delete section 10 and insert:

"Sec. 41. Laws 1984, chapter 501, section 1, is amended to read:

Section 1. [ST. LOUIS COUNTY EMERGENCY JOBS PROGRAM.]

St. Louis county may establish an emergency employment program to meet the needs of its unemployed residents. The county board of commissioners shall establish rules governing the operation of the employment program. Rules shall include but not be limited to number of hours worked, wages, benefits, and methods and terms of payment. Limits imposed by civil service rules shall not apply to an emergency jobs program established under the authority of this section. Service in a St. Louis county emergency jobs program shall not constitute employment under Minnesota Statutes, chapter 268, but shall come within the exclusion established in Minnesota Statutes, section 268.04, subdivision 12, clause (10)(d), and St. Louis county shall not be liable for contributions to the unemployment compensation fund for participants of an emergency jobs program. *Service in the emergency jobs program is not covered by Minnesota Statutes, chapter 353, and persons providing the services are excluded employees with respect to those services for purposes of chapter 353.*

Sec. 42. [PAYMENT OF VOLUNTARY ASSESSMENTS.]

Subdivision 1. [AUTHORITY.] Notwithstanding the provisions of Minnesota Statutes, section 353.01, subdivision 16, the persons described in subdivision 2 shall be entitled to pay to the public employees retirement association voluntary assessments. The amount of the payment shall be governed by Minnesota Statutes, section 353.27, subdivision 2, with cumulative interest thereon at the rate of six percent per annum, compounded annually.

Subd. 2. [ELIGIBLE EMPLOYEES.] From the public employees retirement association, a member who is currently employed by independent school district No. 281, who was absent from employment due to illness between April 22, 1981, and September 1, 1981, and who did not have the required deductions made from income received between July 1, 1981, and September 1, 1981, shall be entitled to pay the voluntary assessments.

Subd. 3. [EMPLOYER CONTRIBUTION.] Payment of the voluntary assessments shall be made by a person entitled to pay the voluntary assessments and the current employer of the person shall pay from funds provided in Minnesota Statutes, section 353.28, all of the employer contribution payment amount pursuant to Minnesota Statutes, section 353.27, subdivisions 3 and 3a, with interest thereon at the rate of six percent per annum, compounded annually, from July 1, 1981.

Sec. 43. [PURCHASE OF PRIOR SERVICE CREDIT.]

A member of the teachers retirement association who has been employed or is presently employed by an organization designated in Minnesota Statutes 1984, section 354.41, subdivision 4, may purchase up to ten years of allowable service credit in the teachers retirement association for service rendered to the organization. Service credit for the service rendered shall be credited upon payment pursuant to Minnesota Statutes 1984, section 354.41, subdivision 5. Payment shall be made before July 1, 1985, or date of retirement, whichever is earlier.

Sec. 44. [ELECTION OF COVERAGE; TRANSITION.]

A current employee or official enumerated in Minnesota Statutes, section 352D.02, subdivision 1a, as added by section 13, who has coverage in either the state employees retirement fund or the public employees retirement association on the effective date of this act may elect coverage by the Minnesota retirement savings plan. If coverage is elected, accumulated employee and matching employer contributions shall be transferred to the plan, as provided in Minnesota Statutes, section 352D.03.

The executive director of the state retirement system or the public employees retirement association, as appropriate, shall notify current employees or officials of the option within 90 days following the effective date of this act. An employee or official eligible to elect coverage by the plan shall notify the appropriate director within 90 days after the date of notice. An election to participate in the plan is irrevocable during any current or subsequent period of employment.

Sec. 45. [RETROACTIVE EFFECT.]

Laws 1984, chapter 574, section 8, is applicable to any person who was employed with the legislature or any commission or agency of the legislature on April 26, 1984, as a permanent full-time unclassified employee.

Sec. 46. [REPAYMENT OF REFUNDS.]

Notwithstanding any law to the contrary, a current state employee or a person who has been an employee of the state covered by the Minnesota state retirement system regular plan and who has received a refund under that plan and who has become or later becomes a full-time permanent unclassified employee of the legislature or any agency or commission of the legislature, is entitled to repay the refund with interest under Minnesota Statutes, chapter 352D, and have those contributions transferred to the plan under Minnesota Statutes, section 352D.02, subdivision 1b.

Sec. 47. [INSTRUCTION TO REVISOR.]

In the next and subsequent edition of Minnesota Statutes, the revisor of statutes shall change any references to the "unclassified plan" to the "retirement savings plan."

Sec. 48. [REPEALER.]

Minnesota Statutes 1984, sections 352.113, subdivision 5; and 352D.02, subdivision 1a, are repealed July 1, 1985. Minnesota Statutes 1984, section 354.621, is repealed the day following final enactment.

Sec. 49. [EFFECTIVE DATE.]

Sections 3, 4, 6 to 21, 24 and 26 are effective July 1, 1985. Section 30 is

effective retroactively for benefits first accruing after September 1, 1984. The remaining sections are effective the day following final enactment. The provisions of section 3 providing that workers' compensation benefits are to be offset by the amount of disability benefits from the Minnesota state retirement system are effective for all disability claims filed with the Minnesota state retirement system on or after July 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "176.021, subdivision 7; 352.01, subdivision 11; 352.029; 352.22, subdivision 3; 352.95, subdivision 1; 352B.10; 352D.01; 352D.015, subdivisions 2, 4, and 5; 352D.02; 352D.05, subdivision 4; 352D.06, subdivision 1; 352D.065, subdivision 5; 352D.085, subdivision 1; 352D.09, subdivisions 1 and 7; 352D.11, subdivisions 1 and 4; 352E.01, subdivision 2; 352E.04; 353.01, subdivision 2a; 353.27, subdivision 12; 353.656, subdivision 1;"

Page 1, line 5, delete the second "subdivision" and insert "subdivisions 5 and" and after "6;" insert "354.48, subdivisions 3, 6, and 7; 354.49, subdivision 2; 354.55, subdivision 11; 354.62, subdivision 2;"

Page 1, line 7, delete "and" and before the period, insert "; and Laws 1984, chapter 501, section 1; repealing Minnesota Statutes 1984, sections 352.113, subdivision 5; 352D.02, subdivision 1a; and 354.621"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 607: 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.

Reports the same back with the recommendation that the bill be amended 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 18, delete "*and*"

Page 3, line 19, delete "*and after July 1, 1988, any other state*" and insert "*Colorado, Idaho, Kansas, Michigan, Missouri, Montana, Nebraska, Oregon, Utah, Washington, and Wyoming*"

Page 3, line 23, delete "*with banking subsidiaries*"

Page 8, line 10, delete "*an out-of-state*" and insert "*a reciprocating state*"

Page 8, delete lines 16 to 20

Page 8, line 21, delete everything before "*The*"

Page 9, line 6, delete "Only"

Page 9, delete lines 7 and 8

Page 9, line 14, delete "out-of-state" and insert "reciprocating state"

Page 9, line 18, delete "An out-of-state" and insert "A reciprocating state"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 702: A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 246.04, is amended to read:

246.04 [BOOKS AND ACCOUNTS.]

The commissioner of human services shall keep at his office a proper and complete system of books and accounts with each institution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom. *The commissioner shall maintain a separate fund for all chemical dependency appropriations that will provide for an ascertainable review of receipts and expenditures under section 246.18, subdivision 2.*

Sec. 2. Minnesota Statutes 1984, section 246.18, is amended to read:

246.18 [DISPOSAL OF FUNDS.]

Subdivision 1. [GENERALLY.] Except as provided in subdivision 2, every officer and employee of the several institutions under the jurisdiction of the commissioner of human services shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of human services a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver to the state treasurer a draft upon the accounting officer for the same specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

Subd. 2. [CHEMICAL DEPENDENCY FUND.] Money received by a chemical dependency treatment facility operated by a hospital or nursing

home under the jurisdiction of the commissioner of human services must be deposited in the state treasury and credited to a chemical dependency fund. Money in the chemical dependency fund is appropriated to the commissioner to operate chemical dependency programs.

Subd. 3. [CHEMICAL DEPENDENCY ACCOUNTS.] The commissioner of finance shall provide accounting procedures for separate interest bearing chemical dependency accounts within the chemical dependency fund for each state facility providing chemical dependency services that will allow money to be readily available to finance chemical dependency programs. After June 30, 1989, the commissioner must not allocate money to a state facility for chemical dependency programs in excess of the amount of deposits of money received by the facility and deposited in the facility's chemical dependency account without the approval of the governor after consultation with the legislative advisory commission.

Sec. 3. Minnesota Statutes 1984, section 246.23, is amended to read:

246.23 [PERSONS ADMISSIBLE TO INSTITUTIONS.]

No person who has not a settlement in a county, as defined in section 256D.18, shall be admitted to a hospital for the mentally ill, the school for the deaf, the Minnesota braille and sightsaving school, the schools and hospitals for the mentally retarded and persons having epilepsy, or the Owatonna state school, except that the commissioner of human services may authorize admission thereto when the residence cannot be ascertained, or when the circumstances in his judgment make it advisable. *Except for emergency admissions under sections 253B.05 and 253B.11, or when authorized by the commissioner, a chemical dependency program must not admit a chemically dependent person unless that person has been placed by a county that is responsible for payment, or unless the hospital obtains approval of the admission from the county financially responsible for the person. The commissioner shall ensure that cooperative and effective relationships are developed between counties and state hospitals and between the various state hospital chemical dependency programs. In carrying out this responsibility the commissioner shall maintain and enhance a regionally based system of chemical dependency programs.* When application is made to a judge of probate for admission to any of the institutions above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to the commissioner; and he may recommend that such person be admitted notwithstanding, giving his reasons therefor. The commissioner of human services shall thereupon investigate the question of residence and, if he finds that such person has not such residence and has a legal residence in another state or country, he may cause him to be returned thereto at the expense of this state. When the overseer of a county poorhouse believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify the commissioner of human services who shall thereupon proceed in the manner above provided; except that, if deemed impracticable to return such person to the state of his residence, he may so certify and such person shall thereafter be a charge upon the county, town or city in which he has longest resided within the preceding year.

Sec. 4. Minnesota Statutes 1984, section 246.50, is amended by adding a subdivision to read:

Subd. 9. "Chemical dependency programs" means all planned services for chemically dependent persons provided by the commissioner in a specific state hospital, and the chemical dependency unit operated by the Ah-Gwah-Ching nursing home.

Sec. 5. Minnesota Statutes 1984, section 246.51, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURES.] The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. The patient or relatives or both shall provide the commissioner documents and proofs necessary to determine their ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the patient or relatives, both, liable for the full ~~per capita~~ cost of care until the time when sufficient information is provided. No parent shall be liable for the cost of care given a patient at a state hospital after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received, *except for chemical dependency receipts*, shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

Sec. 6. Minnesota Statutes 1984, section 246.54, is amended to read:

246.54 [LIABILITY OF COUNTY; REIMBURSEMENT.]

Except for chemical dependency services provided under chapter 254B, the patient's county shall pay to the state of Minnesota a portion of the cost of care provided in a state hospital to a patient legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement from the patient, the patient's estate, or from the patient's relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947.

Sec. 7. [246.64] [CHEMICAL DEPENDENCY SERVICE AGREEMENTS.]

Subdivision 1. [CHEMICAL DEPENDENCY RATES.] Notwithstanding sections 246.50, subdivision 5; 246.511; and 251.011; the commissioner shall establish separate rates for each chemical dependency service operated by the commissioner and may establish separate rates for each service component within the program by establishing fees for services or different per diem rates for each separate chemical dependency unit within the program based on actual costs attributable to the service or unit. The rate must allocate the cost of all anticipated maintenance, treatment, and expenses including

depreciation of buildings and equipment, interest paid on bonds issued for capital improvements for chemical dependency programs, reimbursement and other indirect costs related to the operation of chemical dependency programs other than that paid from the Minnesota state building fund, and losses due to bad debt.

Subd. 2. [DEPRECIATION COLLECTIONS.] Depreciation collected under subdivision 1 must be credited to the general fund. Principal and interest on the bonded debt collected under subdivision 1 must be credited to the state bond fund.

Subd. 3. [RESPONSIBILITIES OF COMMISSIONER.] The commissioner shall credit all receipts from billings for rates set in subdivision 1, except those credited according to subdivision 2, to the chemical dependency fund. This money must not be used for a hospital activity that is not a chemical dependency service or an allocation of expenditures that are included in the base for computation of the rates under subdivision 1. The commissioner may expand chemical dependency services so long as expenditures are recovered by patient fees. The commissioner may expand or reduce chemical dependency staff complement as long as expenditures are recovered by patient fees.

Sec. 8. Minnesota Statutes 1984, section 252.291, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] The commissioner of human services in coordination with the commissioner of health may approve a new intermediate care facility for mentally retarded persons only in the following circumstances:

(a) when the facility is developed in accordance with a request for proposal system established pursuant to subdivision 3, clause (b);

(b) when the facility and is necessary to serve the needs of identifiable mentally retarded persons who are seriously behaviorally disordered or who are physically or sensorily impaired; or

(c) (b) to license beds in new facilities where need was determined by the commissioner prior to June 10, 1983.

Sec. 9. Minnesota Statutes 1984, section 252.291, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF COMMISSIONER OF HUMAN SERVICES.] The commissioner shall:

(a) establish and enforce standard admission criteria for state hospitals and county utilization targets to limit and reduce the number of intermediate care beds in state hospitals and community facilities in accordance with approved waivers under United States Code, title 42, sections 1396 to 1396p, as amended through December 31, 1982, to assure that appropriate services are provided in the least restrictive setting;

(b) provide technical assistance so that county boards may establish a request for proposal system for meeting individual service plan objectives through home and community-based services; alternative community services; or, if no other alternative will meet the needs of identifiable individuals

for whom the county is financially responsible, a new intermediate care facility for mentally retarded persons; and

(c) establish a client tracking and evaluation system as required under applicable federal waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441, as amended through December 31, 1982.

(d) develop a state plan for the delivery and funding of residential day and support services to the mentally retarded in Minnesota and submit that plan to the clerk of each house of the Minnesota legislature on or before the 15th of January of each biennium beginning January 15, 1985. The biennial mental retardation plan shall include but not be limited to:

- (1) county by county maximum intermediate care bed utilization quotas;
- (2) plans for the development of the number and types of services alternative to intermediate care beds;
- (3) procedures for the administration and management of the plan;
- (4) procedures for the evaluation of the implementation of the plan; and
- (5) the number, type, and location of intermediate care beds targeted for decertification.

The commissioner shall modify the plan to ensure conformance with the medical assistance home and community-based services waiver.

Sec. 10. Minnesota Statutes 1984, section 252.32, is amended to read:

252.32 [FAMILY SUBSIDY SUPPORT PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED; APPLICATION.] Within the limits of appropriations, the commissioner of human services may provide subsidies to families with mentally retarded children in order to enable those families to continue caring for the children in their own homes. The commissioner may establish criteria for determining eligibility for a subsidy and subsidy amounts and conditions for use of subsidies. The commissioner of human services shall establish a program to provide subsidies to families to enable them to care for their dependents with handicaps in their own homes. This program is limited to families with dependents under the age of 22 who are mentally retarded and otherwise would require or be eligible for placement in a licensed residential facility under section 245.782, subdivision 6. Applications for the subsidy must be made by the county social service agency to the department of human services. The application must specify the needs of the family and how the subsidy will be used.

Subd. 2. [INDIVIDUAL SERVICE PLAN.] An individual service plan for the dependent must be developed by the county social service agency and agreed to by the parents. A transitional plan must be developed for the dependent when the dependent turns age 17 in order to assure an orderly transition to other services when the family terminates services under this program.

Subd. 3. [SUBSIDY AMOUNT; USE.] Subsidy amounts must be determined by the commissioner of human services. The subsidy may be used to cover the costs of special equipment, special clothing or diets, related transportation, therapy, medications, respite care, medical care, diagnostic assessments, modifications to a home or vehicle, and other services or items

that assist the family and dependent. The maximum monthly amount is \$250, except that a variance may be granted by the commissioner for special or emergency circumstances.

Sec. 11. Minnesota Statutes 1984, section 253B.14, is amended to read:

253B.14 [TRANSFER OF COMMITTED PERSONS.]

The commissioner may transfer any committed person, ~~other than a person committed as mentally ill and dangerous to the public,~~ from one regional center to any other institution under his jurisdiction which is capable of providing proper care and treatment. When a committed person is transferred from one treatment facility to another, written notice shall be given to the committing court and to his parent or spouse or, if none is known, to an interested person, and the designated agency. *A person committed as mentally ill and dangerous may be transferred out of the Minnesota Security Hospital and between treatment facilities pursuant to section 253B.18, subdivision 6.*

Sec. 12. Minnesota Statutes 1984, section 253B.18, subdivision. 4b, is amended to read:

Subd. 4b. [PASS-ELIGIBLE STATUS; NOTIFICATION.] The following patients committed to the Minnesota security hospital shall not be placed on pass-eligible status unless that status has been approved by the medical director of the Minnesota security hospital:

(a) a patient who has been committed as mentally ill and dangerous and who

(1) was found incompetent to proceed to trial for a felony or was found not guilty by reason of mental illness of a felony immediately prior to the filing of the commitment petition;

(2) was convicted of a felony immediately prior to or during his commitment as mentally ill and dangerous; or

(3) is subject to a commitment to the commissioner of corrections; and

(b) a patient who has been committed as a psychopathic personality, as defined in section 526.09.

At least ten days prior to a determination on the status, the medical director shall notify *the designated agency*, the committing court, the county attorney of the county of commitment, an interested person, the petitioner, and the petitioner's counsel of the proposed status, and their right to request review by the special review board. If within ten days of receiving notice any notified person requests review by filing a notice of objection with the commissioner and the head of the treatment facility, a hearing shall be held before the special review board. The proposed status shall not be implemented unless it receives a favorable recommendation by a majority of the board and approval by the commissioner. The order of the commissioner is appealable as provided in section 253B.19.

Nothing in this subdivision shall be construed to give a patient an affirmative right to seek pass-eligible status from the special review board.

Sec. 13. Minnesota Statutes 1984, section 253B.18, subdivision 5, is amended to read:

Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.] A petition for an order of transfer, discharge, provisional discharge, or revocation of provisional discharge shall be filed with the commissioner and may be filed by the patient or by the head of the treatment facility. The special review board shall hold a hearing on each petition prior to making any recommendation. Within 45 days of the filing of the petition, *the designated agency*, the committing court, the county attorney of the county of commitment, an interested person, the petitioner and his counsel shall be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The commissioner shall issue his order no later than 14 days after receiving the recommendation of the special review board. A copy of the order shall be sent by certified mail to every person entitled to statutory notice of the hearing within five days after it is issued. No order by the commissioner shall be effective sooner than 15 days after it is issued.

Sec. 14. Minnesota Statutes 1984, section 253B.18, subdivision 6, is amended to read:

Subd. 6. [TRANSFER.] (a) Persons who have been found by the committing court to be mentally ill and dangerous to the public shall not be transferred out of the Minnesota Security Hospital unless it appears to the satisfaction of the commissioner, after a hearing and favorable recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to other regional centers under the commissioner's control. In those instances where a commitment also exists to the department of corrections, transfer may be to a facility designated by the commissioner of corrections. *The commissioner, at his or her discretion, may transfer any person committed as mentally ill and dangerous from a regional center to the Minnesota Security Hospital or between regional centers.*

The following factors are to be considered in determining whether a transfer is appropriate:

- (i) the person's clinical progress and present treatment needs;
- (ii) the need for security to accomplish continuing treatment;
- (iii) the need for continued institutionalization;
- (iv) which facility can best meet the person's needs; and
- (v) whether transfer can be accomplished with a reasonable degree of safety for the public.

Sec. 15. Minnesota Statutes 1984, section 253B.23, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the court of appeals from any order entered under this chapter as in other civil cases.

Upon perfection of the appeal, the return shall be filed forthwith. *Except for an appeal heard pursuant to section 253B.19*, the court of appeals shall hear the appeal within 45 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the

appeal is determined, unless otherwise ordered by the court of appeals.

Sec. 16. [254B.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 254B.01 to 254B.09.

Subd. 2. [AMERICAN INDIAN.] For purposes of services provided under section 254B.09, subdivision 5, "American Indian" means a person of one-quarter or more Indian blood. For purposes of services provided under section 254B.09, subdivision 4, "American Indian" means a resident of federally recognized tribal lands who is recognized as an Indian person by the federally recognized tribal governing body.

Subd. 3. [CHEMICAL DEPENDENCY SERVICES.] "Chemical dependency services" means a planned program of care for the treatment of chemical dependency or chemical abuse to minimize or prevent further chemical abuse by the person. Diagnostic, evaluation, prevention, referral, detoxification, and aftercare services that are not part of a program of care licensable as a residential or nonresidential chemical dependency treatment program are not chemical dependency services for purposes of this section.

Subd. 4. [COMMISSIONER.] Unless otherwise indicated, "commissioner" means the commissioner of human services.

Subd. 5. [LOCAL AGENCY.] "Local agency" means the agency designated by a board of county commissioners or a human services board to make placements and submit state invoices according to sections 254B.01 to 254B.09.

Subd. 6. [LOCAL MONEY.] "Local money" means county levies, community social services block grants, federal social services money, or other money that may be spent at county discretion to provide chemical dependency services eligible for payment according to sections 254B.01 to 254B.09.

Sec. 17. [254B.02] [CHEMICAL DEPENDENCY ALLOCATION PROCESS.]

Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT ALLOCATION.] The commissioner shall annually divide the money available in the chemical dependency fund that is not held in reserve by counties from a previous allocation. Fifteen percent of the money must be set aside as a reserve account for county payment under subdivision 3. Twelve percent of the money must be reserved for treatment of American Indians by eligible vendors under section 254B.09. The remainder of the money must be allocated among the counties according to the following formula, using the most recent data available from the state demographer:

(a) The average of the median income of the state for the last three years for which data is available must be divided by the average median income of each county for the last three years for which data is available, to determine the income factor for the county.

(b) The income factor must be multiplied by the population of the county less the population of American Indians in the county, to determine the adjusted population.

(c) *The adjusted population of the county must be divided by the sum of all county adjusted populations to determine the allocation rate.*

(d) *The allocation rate must be multiplied by the remainder of the money after set-asides to determine the allocation to each county.*

Subd. 2. [COUNTY ADJUSTMENT; MAXIMUM ALLOCATION.] The commissioner shall determine the state money used by each county in fiscal year 1985, using all state data sources. If available records do not provide specific chemical dependency expenditures for every county, the commissioner shall determine the amount of state money using estimates based on available data. In state fiscal year 1987, a county must not be allocated more than 150 percent of the state money spent by or on behalf of the county for chemical dependency treatment services eligible for payment under section 254B.05. For fiscal years 1988 and 1989, the allocation maximums are 200 and 250 percent of fiscal year 1985 state money used, respectively. The commissioner shall reallocate the excess over the maximum to counties allocated less than the fiscal year 1985 state money, using the following process:

(a) *The allocation is divided by 1985 state expenditures to determine percentage of prior expenditure, and counties are ranked by percentage of prior expenditure.*

(b) *The allocation of the lowest ranked county is raised to the same percentage of prior expenditure as the second lowest ranked county. The allocation of these two counties is then raised to the percentage of prior expenditures of the third lowest ranked county.*

(c) *The operations under paragraph (b) are repeated with each county by ranking until the money in excess of the allocation maximum has been allocated.*

Subd. 3. [RESERVE ACCOUNT.] The commissioner shall allocate money from the reserve account to counties that, during the current fiscal year, have met or exceeded the base level of expenditures for eligible chemical dependency services from local money. The commissioner shall establish the base level for fiscal year 1987 as the amount of local money used for eligible services in calendar year 1985. In later years, the base level must be increased in the same proportion as state appropriations to implement sections 254B.01 to 254B.09 are increased. The base level must not be decreased if appropriations are decreased in later years. The local match rate for the reserve account is the same rate as applied to the initial allocation. Money must be allocated as invoices are received. Reserve account payments must not be included when calculating the county adjustments made according to subdivision 2. A county must not receive more than 30 percent of the total reserve account that is available at the beginning of the fiscal year.

Subd. 4. [ALLOCATION SPENDING LIMITS.] Money allocated according to subdivision 1 and section 256B.09, subdivision 3, is available for payments for up to two years. The commissioner shall deduct payments from the most recent year allocation in which money is available. Allocations under this section that are not used within two years must be reallocated to the reserve account for payments according to subdivision 3. Allocations

under section 256B.09, subdivision 3, that are not used within two years must be reallocated for payments under section 256B.09, subdivision 4.

Subd. 5. [ADMINISTRATIVE ADJUSTMENT.] The commissioner may make payments to local agencies from money allocated under this section to support administrative activities under sections 254B.03 and 254B.04. The administrative payment must not exceed three percent of the county allocation and must not be paid if the level of expenditures indicates that the allocation for the year will be exhausted by payments for services from the allocation. The payment must be made under this section at the end of each state fiscal year from any unspent allocation for that year.

Sec. 18. [254B.03] [RESPONSIBILITY TO PROVIDE CHEMICAL DEPENDENCY TREATMENT.]

Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local agency shall provide chemical dependency services to persons residing within its jurisdiction who meet criteria established by the commissioner for placement in a chemical dependency residential or nonresidential treatment service. Chemical dependency money must be administered by the local agencies according to law and rules adopted by the commissioner under sections 14.01 to 14.69.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of human services, select eligible vendors of chemical dependency services who can provide economical care. The commissioner may approve proposals from county boards to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. If a county implements a demonstration or experimental medical services funding plan, the commissioner shall transfer the money as appropriate.

Subd. 2. [CHEMICAL DEPENDENCY SERVICES.] (a) Payment from the chemical dependency fund is limited to payments for services other than detoxification that, if located outside of a licensed hospital and federally recognized tribal lands, would be required to be licensed by the commissioner as a residential or nonresidential treatment program under sections 245.781 to 245.812. Vendors receiving payments from the chemical dependency fund must not require copayment from a recipient of benefits for services provided under this subdivision.

(b) A county may, from its own resources, provide chemical dependency services for which state payments are not made.

Subd. 3. [LOCAL AGENCIES TO PAY STATE FOR COUNTY SHARE.] Local agencies shall submit invoices to the state on forms supplied by the commissioner and according to procedures established by the commissioner. Local agencies shall pay the state for the county share of the invoiced services.

Subd. 4. [DIVISION OF COSTS.] The county shall reimburse the state for 15 percent of the cost of chemical dependency services costs paid by the state under this section. Fifteen percent of any state collections from private or third-party pay must be distributed to the county that paid for the treatment under this section.

Subd. 5. [RULES.] The commissioner shall adopt rules as necessary to

implement sections 254B.01 to 254B.09.

Sec. 19. [254B.04] [ELIGIBILITY FOR CHEMICAL DEPENDENCY FUND SERVICES.]

Subdivision 1. [ELIGIBILITY.] Persons eligible for benefits under sections 256D.01 to 256D.21 and persons eligible for federal health care benefits under section 256B.06 are entitled to chemical dependency fund services.

Subd. 2. [AMOUNT OF CONTRIBUTION.] The commissioner shall adopt a sliding fee scale to determine the amount of contribution to be required from persons whose income and nonexempt property are greater than the standard of assistance under sections 256B.06 and 256D.01 to 256D.21. The commissioner may adopt an existing fee scale from another assistance program or from the state facilities by publication in the state register. The fee scale must not provide assistance to persons whose income is more than 115 percent of the state median income. Payments of liabilities under this section are medical expenses for purposes of determining spend-down under sections 256B.06 and 256D.01 to 256D.21.

Sec. 20. [254B.05] [VENDOR ELIGIBILITY.]

Programs licensed by the commissioner are eligible vendors. Hospital and American Indian programs that, if located outside of a licensed hospital or outside of federally recognized tribal lands, would be required to be licensed to provide chemical dependency primary treatment, extended care, transitional residence, or outpatient treatment services, are eligible vendors. Detoxification programs are not eligible vendors. Programs that, if located outside of a hospital and outside of federally recognized tribal lands, would not be licensed as a chemical dependency residential or nonresidential treatment program under sections 245.781 to 245.812 are not eligible vendors.

Sec. 21. [254B.06] [REIMBURSEMENT; PAYMENT; DENIAL.]

Subdivision 1. [STATE COLLECTIONS.] The commissioner is responsible for all collections from persons determined to be partially responsible for the cost of care of an eligible person receiving services under sections 254B.01 to 254B.09. The commissioner may collect all third-party payments for chemical dependency services provided under sections 254B.01 to 254B.09, including private insurance and federal medicaid and medicare financial participation. The commissioner shall credit to the general fund a percentage of collections to pay for the cost of billing and collections. The remaining receipts must be credited to the chemical dependency fund.

Subd. 2. [ALLOCATION OF COLLECTIONS.] The commissioner shall allocate all federal financial participation collections to counties under section 254B.02, subdivision 1. Section 254B.02, subdivision 2, must not be applied to the quarterly allocation of federal money. The commissioner shall retain 85 percent of patient payments and third-party payments and allocate the collections to the reserve account established under section 254B.02, subdivision 3. Fifteen percent of patient and third-party payments must be paid to the county financially responsible for the patient.

Subd. 3. [PAYMENT; DENIAL.] The commissioner shall pay eligible vendors for placements made by local agencies under section 254B.03, sub-

division 1, and placements by tribal designated agencies according to section 254B.09. The commissioner may reduce or deny payment of the state share when services are not provided according to the placement criteria established by the commissioner. The commissioner may pay for all or a portion of improper county chemical dependency placements and bill the county for the entire payment made when the placement did not comply with criteria established by the commissioner.

Sec. 22. [254B.07] [THIRD-PARTY LIABILITY.]

The state agency provision and payment of, or liability for, chemical dependency medical care is the same as in section 256B.042.

Sec. 23. [254B.08] [FEDERAL WAIVERS.]

The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation for the provision of services to persons who need chemical dependency services. The commissioner may seek amendments to the waivers or apply for additional waivers to contain costs. The commissioner shall ensure that payment for the cost of providing chemical dependency services under the federal waiver plan does not exceed the cost of chemical dependency services that would have been provided without the waived services.

Sec. 24. [254B.09] [INDIAN RESERVATION ALLOCATION OF CHEMICAL DEPENDENCY FUND.]

Subdivision 1. [AMERICAN INDIAN CHEMICAL DEPENDENCY ACCOUNT.] The commissioner shall pay eligible vendors for chemical dependency services to American Indians on the same basis as other payments, except that no local match is required when an invoice is submitted by the governing authority of a federally recognized American Indian tribal body on behalf of a current resident of the reservation under this section.

Subd. 2. [AMERICAN INDIAN AGREEMENTS.] The commissioner may enter into agreements with federally recognized tribal units to pay for chemical dependency treatment services provided under sections 254B.01 to 254B.09. The agreements must require the governing body of the tribal unit to fulfill all county responsibilities regarding the form and manner of invoicing, and provide that only invoices for eligible vendors according to section 254B.05 will be included in invoices sent to the commissioner for payment, to the extent that money allocated under subdivision 3 is used.

Subd. 3. [TRIBAL NONPARTICIPATION.] If a federally recognized tribal governing body has not entered into an agreement under subdivision 2 or cancels the agreement, money must be reallocated to the account established by subdivision 5.

Subd. 4. [TRIBAL ALLOCATION.] 42.5 percent of the American Indian chemical dependency account must be allocated to the federally recognized American Indian tribal governing bodies that have entered into an agreement under subdivision 2 as follows: \$10,000 must be allocated to each governing body and the remainder must be allocated in direct proportion to the population of the reservation according to the most recently available estimates from the federal Bureau of Indian Affairs.

Subd. 5. [TRIBAL RESERVE ACCOUNT.] The commissioner shall re-

serve 7.5 percent of the American Indian chemical dependency account. The reserve must be allocated to those tribal units that have used all money allocated under subdivision 4 according to agreements made under subdivision 2. An American Indian tribal governing body may receive not more than 30 percent of the reserve account in a year. Money must be allocated as invoices are received.

Subd. 6. [AMERICAN INDIAN TRIBAL PLACEMENTS.] After entering into an agreement under subdivision 2, the governing authority of each reservation may submit invoices to the state for the cost of providing chemical dependency services to residents of the reservation according to the placement regulations governing county placements, except that local match requirements are waived. The governing body may designate an agency to act on its behalf to provide placement services and manage invoices by written notice to the commissioner and evidence of agreement by the agency designated.

Subd. 7. [NONRESERVATION INDIAN ACCOUNT.] Fifty percent of the American Indian chemical dependency allocation must be held in reserve by the commissioner in an account for treatment of Indians not residing on lands of a reservation receiving money under subdivision 4. This money must be used to pay for services certified by county invoice to have been provided to an American Indian eligible recipient. Money allocated under this subdivision may be used for payments on behalf of American Indian county residents only if, in addition to other placement standards, the county certifies that the placement was appropriate to the cultural orientation of the client.

Sec. 25. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for mentally retarded individuals residing in intermediate care facilities for the mentally retarded;

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services or physician-directed clinic services. The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises. Hospital outpatient departments are

subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(5) Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2, and provided by a community mental health center as defined in section 245.62, subdivision 2;

(6) Home health care services;

(7) Private duty nursing services;

(8) Physical therapy and related services;

(9) Dental services, excluding cast metal restorations;

(10) Laboratory and xray services;

(11) The following if prescribed by a licensed practitioner: drugs, eye-glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; or any other over the counter drug identified by the commissioner, in

consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases; conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the Administrative Procedure Act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the Administrative Procedure Act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the Administrative Procedure Act;

(12) Diagnostic, screening, and preventive services;

(13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act;

(14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal

sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by nonambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be 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, *except licensed chemical dependency treatment programs or primary treatment or extended care treatment units in hospitals that are covered under sections 254B.01 to 254B.09. The commissioner shall include chemical dependency services in the state medical assistance plan for federal reporting purposes, but payment must be made under sections 254B.01 to 254B.09.*

Sec. 26. Minnesota Statutes 1984, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance ~~or who would be eligible for medical assistance within 180 days of admission to a nursing home~~; and (3) who need services that are not available at that time in the county through other public assistance.

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by

the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this 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. 27. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1a. [SCREENING.] At the time of the client's annual review the county shall use a uniform screening tool specified by the commissioner to report the client's social, habilitative, developmental, and medical needs.

Sec. 28. Minnesota Statutes 1984, section 256B.092, subdivision 3, is amended to read:

Subd. 3. [TERMINATION OF SERVICES.] County agency case managers, under rules of the commissioner, shall authorize and terminate services of community and state hospital providers in accordance with individual service plans. Medical assistance services not needed shall not be authorized by county agencies nor funded by the commissioner. The county agencies shall not authorize, nor shall the commissioner provide medical assistance funding for, services in an intermedicate care facility.

for the mentally retarded unless an individual assessment of service needs documents that:

- (1) the person has mental retardation;
- (2) the person requires 24-hour supervision and active treatment for medical, behavioral, or habilitation needs; and
- (3) less restrictive or less costly services appropriate to the client's needs cannot be made available to meet the person's assessed service needs.

The commissioner may determine whether medical assistance funding should continue to be authorized for services to an individual in an intermediate care facility for the mentally retarded. The determination must be based on the review of the individual service plan and on the findings of the Minnesota department of health quality assurance and review survey and other information that the commissioner may request.

Sec. 29. 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 require~~ the level of care provided by an intermediate care facility for mentally retarded persons, an intermediate care facility, or a skilled nursing facility or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall make an evaluation of need within 15 working days of the request for service after a person's individual service plan indicates that the person is in need of or may be at risk of placement in an intermediate care facility for the mentally retarded, intermediate care facility, or a skilled nursing facility and within five working days of an emergency admission of an individual to an intermediate care facility for mentally retarded persons, intermediate care facility, or a skilled nursing facility. The screening team shall consist of the case manager, the client, a parent or guardian as appropriate to the client's legal status, 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. A qualified mental retardation professional is not required for persons being discharged from one community intermediate care facility for mentally retarded persons to another if the admitting facility is less restrictive and less costly. The case manager shall consult with the client's physician or other persons as necessary to make this evaluation. Other persons may be invited to attend meetings of the screening team. No member of the screening team shall have any direct or indirect service provider interest in the case.

Sec. 30. [256B.095] [COMMUNITY CARE INCENTIVE GRANTS.]

Subdivision 1. [GRANTS FOR ELDERLY SERVICES.] To the extent of appropriations specifically designated for this purpose, the commissioner shall provide grants to counties for community services for the elderly. Grants must be allocated according to the formula used for alternative care grants under section 256B.091, subdivision 8. Grants must be used to provide services to the elderly as part of the annual plan required under section 393.07, subdivision 2a. The county agency may use grant money to supple-

ment services available through other public assistance or service programs but must not use grant money to replace services available through other programs or to establish new programs for which public money is available through sources other than grants provided under this section. Grant money received under this section must not be used for services for persons who are receiving alternative care grant services under section 256B.091, subdivision 8.

Subd. 2. [SLIDING FEE SCHEDULE; EXEMPT RULES.] *The commissioner shall establish a sliding fee schedule for requiring payment of the cost of providing services under this section to persons who are eligible for the services but who are not eligible for medical assistance. For purposes of establishing the sliding fee schedule and later amendments to it, the commissioner is exempt from the rulemaking provisions of chapter 14, except section 14.38, subdivision 7. The commissioner shall publish the sliding fee schedule and any later amendments 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 form.*

Subd. 3. [RULEMAKING.] *The commissioner shall adopt emergency and permanent rules concerning the grant program.*

Sec. 31. 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 the following medical assistance expenses:*

(1) medical assistance expenses for all services except skilled nursing facility, intermediate care facility I, and intermediate care facility II care;

(2) medical assistance expenses for skilled nursing facility, intermediate care facility I, and intermediate care facility II care for persons who were admitted to a nursing home before July 1, 1985, but did not become eligible for medical assistance until after that date; and

(3) medical assistance expenses for skilled nursing facility, intermediate care facility I, and intermediate care facility II care for persons who were admitted to a nursing home in this state as a resident of another state and later became eligible for medical assistance as a Minnesota resident.

For all other medical assistance expenses for skilled nursing facility, intermediate care facility I, and intermediate care facility II care, payments must be made as follows:

(a) Seventy-five percent of the expense of assistance not paid by federal money available for that purpose must be paid by the state and 25 percent must be paid by the county of financial responsibility.

(b) The state shall pay to the county an additional amount equal to 15

percent of the nonfederal share of the average monthly medical assistance expense for skilled nursing facility, intermediate care facility I, and intermediate care facility II care incurred by that county during the fiscal year ending June 30, 1984, adjusted for inflation, as an incentive to the county to use noninstitutional long-term care services. This incentive payment must be made on or before the 20th day of each month for the succeeding month. Incentive payments received by a county under this paragraph must be used for nursing home care or alternative community services for the elderly. As a condition of receiving incentive payments, the county must not decrease county support of services to the elderly below the level of support that existed on January 1, 1985, according to criteria established by the commissioner of human services. The commissioner of human services may establish a separate account or fund to facilitate the payments.

For counties where health maintenance organizations are under contract to the state to provide services to medical assistance recipients, the division of the nonfederal share of medical assistance expenses for payments made to health maintenance organizations in the form of prepaid capitation payments, this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

State contracts with health maintenance organizations shall assure medical assistance recipients of at least the comprehensive health maintenance services defined in section 62D.02, subdivision 7. The contracts shall require health maintenance organizations to provide information to the commissioner concerning the number of people receiving services, the number of encounters, the type of services received, evidence of an operational quality assurance program pursuant to section 62D.04 and information about utilization.

Persons who become eligible for medical assistance after July 1, 1984, who are not participating in any Medicaid demonstration project as defined under sections 256B.70 and 256B.71, and who choose at the time of application for assistance to receive services from a health maintenance organization, shall be guaranteed six months of coverage by a state contracted health maintenance organization if the recipient remains in the health maintenance organization from the time of initial enrollment. The continued eligibility guarantee shall not be granted when ineligibility for medical assistance is due to death, loss of state or county residency, failure to respond to the county's efforts to contact the recipient, failure to locate the recipient, or when the recipient is eligible for continued eligibility as defined in section 256B.062.

Sec. 32. 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. *Payments made under this subdivision are limited to very dependent persons with special needs who otherwise would be placed or retained in a state hospital. The total payment for residential and day training and habilitation services for a very dependent person with special needs must not exceed the payment for providing services in a state hospital except in cases where the payment for residential services exceeds 85 percent of the payment for state hospital services. In this case, the total payment for residential and day training and habilitation services for a very dependent person with special needs must not exceed 115 percent of the payment for state hospital services, and only day training and habilitation providers are eligible to receive additional funds made available under this exception.*

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits reviews.

Sec. 33. Minnesota Statutes 1984, section 256B.70, is amended to read:

256B.70 [DEMONSTRATION PROJECT WAIVER.]

Each hospital that participates as a provider in a demonstration project, established by the commissioner of human services to deliver medical assistance, or chemical dependency services on a prepaid, capitation basis, is exempt from the prospective payment system for inpatient hospital service during the period of its participation in that project.

Sec. 34. Minnesota Statutes 1984, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.]

(a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level, eyeglasses and eye examinations provided by a physician or optometrist, hearing aids, prosthetic devices, laboratory and x-ray services, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of human services, select vendors of medical care who can provide the most economical care consistent with high medical standards and may contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall encourage county boards to submit proposals for demonstration projects designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this

subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8, except that where counties enter into prepaid capitation agreements, payments shall be as provided in section 256.966, subdivision 2.

(c) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. For the period July 1, 1983 to June 30, 1984, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care may be reduced no more than 35 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than 25 percent. For the period July 1, 1984 to June 30, 1985, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(d) Any county may, from its own resources, provide medical payments for which state payments are not made.

(e) Chemical dependency services, except primary diagnosis of chemical dependency in paragraphs (b) and (c), must not be reimbursed under general assistance medical care. Reimbursement must be under sections 254B.01 to 254B.09.

Sec. 35. [256D.44] [CITATION.]

Sections 256D.45 to 256D.71 may be cited as the Minnesota supplemental aid act.

Sec. 36. [256D.45] [POLICY.]

The purpose of sections 256D.45 to 256D.71 is to provide a sound administrative structure for public assistance programs; to maximize the use of federal money for public assistance purposes; and to provide an integrated public assistance program for all residents who are recipients of supplemental security income; who, except for excess income or resources, would be receiving supplemental security income and have maintenance needs as determined by the application of state standards of assistance, or who have need of a clothing and personal needs allowance while residing in a state hospital, nursing home, or facility with a negotiated rate.

Sec. 37. [256D.46] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] Definitions in this section apply to sections 256D.45 to 256D.71.

Subd. 2. [AGED.] "Aged" means a person who is or will become age 65 or older during the month of application.

Subd. 3. [APPLICANT.] "Applicant" means a person who has filed a Minnesota supplemental aid application or for whom an application has been filed and whose application has not been acted upon or voluntarily withdrawn.

Subd. 4. [BLIND.] "Blind" means the condition of a person:

(1) who has no vision;

(2) whose vision, with glasses or other devices, is 20/200 or less in the better eye using the Standard Snellen Chart and whose vision cannot be remedied or improved;

(3) whose vision in the better eye is more than 20/200 but is accompanied by a contraction of the peripheral field to the extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees; or

(4) who have an aphacic eye with a vision of 20/70 in the better eye.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of human services.

Subd. 6. [COUNTABLE INCOME.] "Countable income" means net earned and unearned income that is not exempt, excluded, or disregarded under section 256D.55 and is available to the recipient.

Subd. 7. [DEPARTMENT.] "Department" means the department of human services.

Subd. 8. [DISABILITY.] "Disability" means the inability to engage in a self-supporting occupation because of a permanent and total physical or mental impairment.

Subd. 9. [EARNED INCOME.] "Earned income" means wages, salary, commission, or benefits received by a person as monetary compensation from employment or self-employment.

Subd. 10. [EMERGENCY.] "Emergency" means circumstances that involve a lack or loss of a maintenance need, that demand immediate action, and that, if unresolved, will threaten the health or safety of the individual.

Subd. 11. [EXCLUDED TIME FACILITY.] "Excluded time facility" means any facility listed in section 256B.02, subdivision 2.

Subd. 12. [GROSS INCOME.] "Gross income" means all earned and unearned income before any deduction, disregard, or exclusion.

Subd. 13. [HOMESTEAD.] "Homestead" means a house owned and occupied by the applicant or recipient as his or her dwelling place and with the land upon which it is situated. The land area may not be greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in areas that are rural in nature. The value of real estate not used as a home must be counted under section 256D.54, subdivision 2, unless it produces countable income applicable to the family's needs, the family is making a contin-

uing effort to sell the property at a fair and reasonable price, sale of the real estate would not result in countable income equal to or exceeding the family's monthly needs, or sale of the real estate would cause undue hardship.

Subd. 14. [INCOME.] "Income" means any benefit with a cash value received by and available to an applicant or recipient as earnings or otherwise.

Subd. 15. [LOCAL AGENCY.] "Local agency" means the agency designated to administer public assistance programs by the county board of commissioners, human services board, county welfare board, or multi-county welfare board or department.

Subd. 16. [NEGOTIATED RATE FACILITY.] "Negotiated rate facility" means a facility, other than a nursing home, for which the local or state agency determines per diem or monthly standards of payment.

Subd. 17. [OTHER MAINTENANCE BENEFITS.] "Other maintenance benefits" means maintenance benefits provided under law or rule as workers' compensation, unemployment compensation, railroad retirement benefits, veteran's disability benefits, supplemental security income, social security disability insurance, or other maintenance benefits identified by the local agency for which the applicant or recipient is potentially eligible.

Subd. 18. [PERMANENT.] "Permanent", in reference to a disability or impairment, means that the disability or impairment will persist throughout a person's life.

Subd. 19. [REAL PROPERTY.] "Real property" means land, and all buildings, structures, and improvements or other fixtures on it, all rights and privileges belonging or appertaining to it, all manufactured homes attached to it on permanent foundations and all mines, minerals, quarries, fossils, and trees on or under it.

Subd. 20. [RECIPIENT.] "Recipient" means a person who is receiving assistance under the Minnesota supplemental aid program, including a person who receives and cashes the monthly payment check and is subsequently determined ineligible for assistance for that period of time, whether or not the assistance is repaid; but excluding a person who returns an uncashed monthly payment and withdraws from the program.

Subd. 21. [SUPPLEMENTAL SECURITY INCOME.] "Supplemental security income" means benefits paid under the supplemental security income program for the aged, blind, and disabled under Title XVI of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972.

Subd. 22. [TOTAL.] "Total" relates to the degree of the disability. Totality involves consideration of age, training, skills, and work experience.

Subd. 23. [UNDUE HARDSHIP.] "Undue hardship" means a situation when Minnesota supplemental aid eligibility is prevented because the applicant or recipient owns more property than the limit in section 256D.54 and the property is for sale at a reasonable price but has not been sold; or the property is essential to the applicant or recipient for other reasons as determined by the local agency.

Subd. 24. [UNEARNED INCOME.] "Unearned income" means any in-

come received by the applicant or recipient that does not directly result from that person's services or labor.

Sec. 38. [256D.47] [CLIENT RIGHTS AND RESPONSIBILITIES.]

Subdivision 1. [INFORMATION.] The local agency shall provide, to each person inquiring about Minnesota supplemental aid, any information germane to a determination of eligibility.

Subd. 2. [ELIGIBILITY AND PROGRAM REQUIREMENTS.] Upon receiving a request for assistance, the local agency shall promptly advise the inquirer, applicant, or recipient of the eligibility criteria or other program information that bears upon eligibility or monthly payment amounts. The local agency shall offer informational brochures to prospective applicants, and shall inform them that eligibility cannot be officially determined and the right to appeal the agency's decision does not exist unless a formal application is made.

Subd. 3. [INFORMATION ABOUT OTHER PROGRAMS.] The local agency shall inform applicants and recipients of the availability of other programs that, based on the agency's knowledge of the person's situation, could be of interest to the applicant or recipient.

Subd. 4. [RIGHT TO APPLY.] A person who inquires about the program must be informed by the local agency of the right to apply and the manner in which formal application can be made.

Subd. 5. [RIGHT TO NOTICE AND AN OPPORTUNITY TO BE HEARD.] A grant of Minnesota supplemental aid, except emergency assistance under section 256D.59, must not be reduced, terminated, or suspended unless the recipient is given notice and an opportunity to be heard before action by the local agency. A recipient has a right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 after an action taken by a local agency after a hearing.

Subd. 6. [RIGHT TO REPRESENTATION.] Applicants and recipients have the right to have someone act in their behalf to ensure that their legal, civil, and human rights are upheld, and to have someone assist or represent them in the application, eligibility review, or fair hearing process, and in any other contacts with the local or state agency. An applicant or recipient who wishes to designate a representative may do so by providing a written statement of this intent to the local agency.

Subd. 7. [RIGHT TO REVIEW RECORDS.] An applicant or recipient may review the records of the local agency related to the applicant's or recipient's eligibility for or the amount of benefits received under Minnesota supplemental aid, except records classified as confidential under the Minnesota government data practices act.

Subd. 8. [CLIENT RESPONSIBILITIES.] An applicant or recipient who is otherwise eligible for Minnesota supplemental aid and may be eligible for maintenance benefits from another source shall:

(1) apply for benefits from other sources within 30 days of the local agency's determination that the applicant or recipient may be eligible for the benefits; and

(2) execute an interim assistance authorization agreement on a form pre-

scribed by the commissioner.

If a person is found to be eligible for benefits from other sources and a payment received from another source relates to the period for which Minnesota supplemental aid was received, the recipient shall reimburse the local agency for the interim assistance paid, including emergency assistance. Reimbursement must not exceed the amount of Minnesota supplemental aid paid during the time period for which the other maintenance benefits were received. Local agencies may retain, from the amount recovered under an interim assistance agreement, 25 percent plus actual reasonable fees, costs, and disbursements of appeals and litigation; of providing advocacy assistance to the recipient to facilitate the recipient's claim for maintenance benefits from another source, under rules adopted by the commissioner. The money retained under this section must be from the state share of the recovery. The local agency may contract with qualified persons to provide advocacy assistance. Rules adopted by the commissioner must include the methods by which local agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled.

Sec. 39. [256D.48] [RESIDENCE.]

To be eligible for Minnesota supplemental aid a person must be a resident of Minnesota. Minnesota residence is not lost unless the person intends to lose Minnesota residence and establish residence elsewhere. If a Minnesota supplemental aid recipient moves out of Minnesota with the intent to establish a home elsewhere, Minnesota supplemental aid must be terminated immediately, subject to the timely notice requirements of section 256D.63. If a former recipient returns to Minnesota after establishing residence in another state and Minnesota supplemental aid monthly payments have been discontinued, the county of financial responsibility is the county of residence after returning. United States citizenship or permanent residence status is not a requirement for eligibility.

Sec. 40. [256D.49] [RESPONSIBILITY TO PROVIDE MINNESOTA SUPPLEMENTAL AID.]

Each local agency shall provide Minnesota supplemental aid to persons residing within its jurisdiction who meet the eligibility requirements of sections 256D.54 and 256D.55. The Minnesota supplemental aid program must be administered by the local agency according to law and rules adopted by the commissioner under the administrative procedure act.

Sec. 41. [256D.50] [APPLICATION FOR ASSISTANCE.]

Subdivision 1. [FILING OF APPLICATION.] The local agency shall allow a person requesting Minnesota supplemental aid to apply for assistance on the date assistance is first requested. The application must be in writing on the form prescribed by the commissioner. The application must contain the following declaration, signed by the applicant or the applicant's authorized representative: "I declare that I have examined this application and it is a true and correct statement of every material point." On the date Minnesota supplemental aid is first requested, the local agency must inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance under section 256D.59. A person in need of emergency assistance

must be granted this assistance immediately upon determination of need, and necessary assistance must continue until the first grant of Minnesota supplemental aid is paid to the person or the person is determined to be ineligible. A determination of an applicant's eligibility for Minnesota supplemental aid must be made by the local agency as soon as the required verifications are received by the local agency but no later than the time required by section 256D.52. Verifications required of the applicant must be reasonable. Minnesota supplemental aid must be granted to an applicant upon a determination that the applicant is eligible and may not be delayed in order to obtain action by the board of the local agency. The amount of the first grant of Minnesota supplemental aid awarded to an applicant must be computed to cover the time period beginning on the first day of the month in which the application was filed, or the first day of the month in which all eligibility factors were met, whichever is later.

Sec. 42. [256D.51] [VERIFICATION.]

The local agency must verify information provided by the applicant or recipient regarding the applicant's or recipient's identity; social security number; categorical basis for eligibility; income, including the income of persons for whom the applicant or recipient is a responsible relative or who is a responsible relative for the applicant or recipient; and other relevant factors; if the local agency has reason to question the accuracy of information provided by the applicant or recipient. If the applicant or recipient refuses to cooperate with the local agency in its attempt to verify the information, the local agency shall deny or terminate assistance.

Sec. 43. [256D.52] [DISPOSAL OF APPLICATION BY THE AGENCY.]

When an application is received, the local agency must promptly determine if the applicant is eligible for assistance, formally act to approve or deny the application, inform the applicant of its decision, and issue assistance if the applicant is found eligible. If the local agency is unable to determine the applicant's eligibility or ineligibility within 30 days, or within 60 days if the basis of eligibility is disability, it shall inform the applicant, in writing, of the reason.

Sec. 44. [256D.53] [RESIDENCE; COUNTY OF FINANCIAL RESPONSIBILITY.]

The applicant shall apply for Minnesota supplemental aid in the county where the applicant is living at the time of application. County of financial responsibility is the same as that prescribed in section 256B.02, subdivision 3. If the applicant resides in an excluded time facility, the county of financial responsibility is the county in which the applicant resided immediately before beginning uninterrupted excluded time residence. If upon investigation the local agency decides that the application was not filed in the county of financial responsibility and that the applicant is otherwise eligible for assistance, the local agency must provide assistance to the applicant and transmit a copy of the application, the record of any investigation made, and a copy of its decision to the state agency and to the county determined to be the county of financial responsibility. The state agency shall promptly determine county financial responsibility and order that the application be referred to the responsible county for further action. The responsible county must reimburse a

county for any assistance the county provided to the applicant under this section. The order of the state agency is binding upon the county of financial responsibility and the applicant or recipient unless reversed on appeal as provided in section 256.045. The order must be complied with pending an appeal.

Sec. 45. [256D.54] [ELIGIBILITY CRITERIA.]

Subdivision 1. [ENTITLED TO RECEIVE AID.] A person who is a resident of Minnesota; who is aged, blind, or disabled; and whose income and resources are less than the standard of assistance and limits that apply to the person; is eligible for and entitled to Minnesota supplemental aid. Persons who are found eligible for supplemental security income by the social security administration on the basis of age, blindness, or disability have met the requirements.

Subd. 2. [RESOURCES.] To be eligible for Minnesota supplemental aid, the applicant or recipient must not own or have an interest in personal property that exceeds the limits of the supplemental security income program.

Subd. 3. [EXCLUDED RESOURCES.] A local agency must exclude from a determination of the value of the resources of an applicant or recipient one motor vehicle; proceeds from reverse mortgages; a homestead or mobile home used as a home; and other property, goods, items, and materials necessary for day-to-day living.

Subd. 4. [JOINTLY HELD PROPERTY.] When real or personal property is held jointly by two or more persons, the local agency shall assume that each person owns an equal share unless the local agency or any of the owners of the property demonstrate that the share is greater or less. When a greater or lesser share is demonstrated, the local agency shall use the demonstrated share to determine the value of the property interest held by the applicant or recipient. The owner of property as a tenant-in-common owns a pro rata share of the property's value. Other types of ownership must be evaluated according to law. Jointly owned property is considered available unless the owner does not have the legal capacity to liquidate the property without the signature of the other owners. The applicant must provide information to the local agency to assist it in determining whether the property is available. If the property is unavailable, the applicant must, as a condition of continued eligibility, take reasonable actions requested by the local agency to make the property available.

Subd. 5. [TRANSFERS OF PROPERTY.] In determining the resources of an individual and an eligible spouse, the local agency shall include resource or interest exceeding the limits in subdivisions 2 and 3 that was given away or sold for less than fair market value within the 12 months preceding application for Minnesota supplemental aid or during the period of eligibility must be included in a determination of the resources of an applicant or recipient and the applicant's or recipient's spouse. A transfer for less than value as described in this subdivision must be presumed to have been made in order to establish eligibility for benefits or assistance for Minnesota supplemental aid unless the applicant, recipient, or spouse furnishes convincing evidence that the transaction was exclusively for another purpose. For purposes of this subdivision, the value of a resource or interest is the fair market value at the time it was sold or given away, less the amount of compensation received. If

the value of the transferred property exceeds the monthly standard of assistance that applies to the applicant or recipient, the applicant or recipient is ineligible for Minnesota supplemental aid. The number of months of ineligibility is determined by dividing the uncompensated value of the transferred property by the monthly standard of assistance that applies to the applicant or recipient.

Subd. 6. [BUILT-UP OF ASSETS.] A recipient who does not have allowable cash assets at the time of application may create or accumulate assets up to the maximum, provided that all of the recipient's income has been reported and fully accounted for in determining the recipient's need or the amount of assistance.

Subd. 7. [RIGHT TO REDUCE EXCESS PROPERTY OR RESOURCES.] The local agency shall allow a recipient who has property or resources in excess of the standards of the Minnesota supplemental aid program to reduce the value of property by transferring the excess to a type of property that does not exceed limits, using the excess to meet all needs for a period up to three months, or in any other way that does not result in a reduction of available resources without adequate compensation. If a recipient has property that exceeds standards, eligibility must continue if the recipient reports the property and takes steps to reduce the property within 15 days of notice by the agency. If a recipient fails to reduce excess property or resources as allowed in this subdivision, the recipient's eligibility is terminated.

Subd. 8. [CONVERSION OF PROPERTY.] When a client's real or personal property, including excluded property, has been sold and converted to cash, the cash is a resource except that proceeds from the sale of a homestead may be held for up to 90 days in an escrow account when the proceeds are to be used for the purchase of another home.

Subd. 9. [WAIVER OF EXCESS PROPERTY.] The local agency shall waive real and nonliquid personal property exceeding the limits of subdivisions 2 and 3 if the local agency determines that:

(1) the property produces a reasonable market return and is being used to support the applicant or recipient;

(2) a grant of emergency assistance under the Minnesota supplemental aid program is required and the property cannot be liquidated in time to meet the need; or

(3) forcing the applicant or recipient to dispose of the property would create an undue hardship for the applicant or recipient.

Sec. 46. [256D.55] [INCOME.]

Subdivision 1. [SUBTRACTION.] All of an applicant's or recipient's available and countable earned and unearned income must be subtracted from the applicable standard of assistance to determine eligibility and monthly payment amounts. Income must be considered income in the month of receipt and a resource thereafter.

Subd. 2. [INCOME EXCLUSIONS.] Countable income does not include: food stamps; home-produced food used by the household; Indian claim payments made by the United States Congress to compensate members of Indian

tribes for the taking of tribal lands by the federal government; cash payments to displaced persons who face relocation as a result of the Housing Act of 1965, the Housing and Urban Development Act of 1965, or the Uniform Relocation Act of 1970; displaced homemaker payments; reimbursement received for maintenance costs of providing foster care to adults or children; benefits under title IV and title VII of the Older Americans Act of 1965; Minnesota renter or homeowner property tax refunds; infrequent, inconsequential gifts of money that total no more than \$30 in a month; reimbursement payments received from the VISTA program; all reverse mortgage loan proceeds received including interest or earnings; in-kind income; payments received for providing volunteer services under title I, title II, and title III of the Domestic Service Act of 1973; loans that must be repaid; federal low income heating assistance program payments; and any other money excluded as income by state law.

Subd. 3. [SELF SUPPORT PLANS.] The county agency shall disregard, for up to 36 months, the additional amounts of other income and resources as necessary to fulfill an individual's plan for achieving self-support approved by the state agency, but only when the individual is undergoing vocational rehabilitation.

Subd. 4. [APPLICATION FOR FEDERALLY FUNDED BENEFITS.] Persons for whom the applicant or recipient has financial responsibility and who have unmet needs must apply for and if eligible accept AFDC and other federally funded benefits before allocation of earned and unearned income from the applicant or recipient to meet their needs. If the persons are determined eligible for these benefits, the earned or unearned income of the applicant or recipient must not be allocated to them.

Subd. 5. [ALLOCATION OF INCOME.] To determine the eligibility of and the monthly payment for an applicant or recipient, countable earned and unearned income may first be allocated, subject to the conditions in subdivision 4, to cover the unmet needs of persons for whom the applicant or recipient has financial responsibility who share a residence with the applicant or recipient, at the rate for each of one-half the individual supplemental security income standard of assistance. If the applicant or recipient shares a residence with another person who is financially responsible for the applicant or recipient, the income of the responsible relative must be considered available to the applicant or recipient after allowing for:

(1) the disregards and deductions in subdivisions 6, 7, 8, and 9 of this section;

(2) the amount of actual payments made to individuals who reside outside of the home who are or could be claimed as dependents for income tax purposes; and

(3) an amount equal to one-half of the individual supplemental security income standard of assistance for each additional person who resides in the home and for whom the responsible relative is financially responsible.

Subd. 6. [EARNED INCOME DISREGARDS.] The local agency shall disregard the first \$85, plus one-half of the remainder, of the applicant's or recipient's gross earned income.

Subd. 7. [EARNED INCOME DEDUCTIONS.] The local agency shall

subtract the following work expenses from the applicant's or recipient's gross earned income; transportation costs at the rate of 22 cents per mile or actual cost; meal allowances at the rate of \$3 per work day; amounts paid for uniforms required for work, tools, and equipment; health and other insurance payments required by the employer; union and professional association dues paid; mandatory retirement fund contributions; FICA and supplementary medical insurance costs; state and federal income taxes; child care; and other reasonable expenses necessary for work.

Subd. 8. [SELF-EMPLOYMENT EARNINGS.] Gross earned income from self-employment is the amount remaining after reasonable, necessary business costs are subtracted from gross receipts. Capital expenditures and depreciation must not be allowed as business costs. Material stocks and goods used in producing income, inventory if it is a part of the operating stock, and loans received for business purposes must not be considered in the determining gross earned income of the applicant or recipient.

(a) Income from rental property is self-employment earnings for each month labor is expended by the owner of the property. Actual, reasonable costs of upkeep and repairs, real estate taxes, insurance, utilities, and the interest on principal payments, are business expenses. If the applicant or recipient lives on the property, these expenses must be apportioned according to the number of rooms rented against the number occupied by the assistance unit. When no labor is expended, income from rental property is unearned income except that a deduction must be allowed for actual, reasonable, and necessary labor costs for upkeep and repair.

(b) To determine net income available for support from farm operations, the local agency must deduct operating expenses from gross receipts. Farm income includes all proceeds from sales of livestock, livestock products or crops sold or held for later disposition and income from land rented on a share or cash basis; and soil conservation payments. Operating expenses include costs of raising crops and animals, machinery repairs, hired labor, rent, and property costs. Capital expenditures and depreciation are not allowable business costs. A loss from farming operations must not be deducted from other income such as wages or other self-employment enterprises.

(c) To determine net income from room and board income, monthly expenses of \$84 must be deducted from gross income for each boarder and \$69 for each roomer.

Subd. 9. [UNEARNED INCOME DISREGARD.] The local agency shall disregard \$20 of an applicant's or recipient's income from the retirement, survivors and disability insurance program. All other unearned income is available to meet the needs of the applicants and recipients and must be deducted from the standard of need. Unearned income includes but is not limited to pension and retirement benefits, income from trusts, and military service person's contributions. The \$20 disregard is not allowed for persons residing independently.

Subd. 10. [LUMP SUMS.] Lump sum payments and windfalls are income in the month received and a resource thereafter.

Sec. 47. [256D.56] [STANDARDS OF ASSISTANCE.]

Subdivision 1. [USE OF STANDARDS; INCREASES.] The state stan-

dards of assistance for shelter, basic needs, and special need items establish the total amount of maintenance need of an applicant for or recipient of Minnesota supplemental aid. The standards must be used to determine the applicant's or recipient's eligibility for Minnesota supplemental aid, the minimum monthly payment amount, and the amount of state aid for payments. The state standards of assistance must be increased by an amount equal to the dollar value of any cost of living increases in the supplemental security income program, except that the commissioner may take other action as necessary from an examination of current expenditures under Minnesota supplemental aid to prevent loss of federal funds as provided in Public Law Number 94-585. If this authority is invoked, the commissioner shall report to the Minnesota legislature regarding the circumstances and need for the action.

Subd. 2. [STANDARD OF ASSISTANCE FOR SHELTER.] The state standard of assistance for shelter provides for the recipient's needs for shelter, heating, cooking, electrical, water, sewer, and garbage removal. Except as allowed in section 256D.57, the monthly state standard of assistance for shelter must be determined as provided in this subdivision.

(a) If the recipient does not reside with a spouse who receives Minnesota supplemental aid, the state standard of assistance for shelter is the actual cost for shelter or \$151, whichever is less.

(b) If the recipient resides with a spouse who receives Minnesota supplemental aid, the state standard of assistance for shelter for the married couple is the actual cost for shelter or \$227, whichever is less.

(c) The actual shelter cost for married and unmarried recipients who share a residence must be determined by dividing the sum of the total monthly shelter cost for the residence by the number of persons who share the residence, unless the recipient can justify a greater or lesser share.

Subd. 3. [STANDARD OF ASSISTANCE FOR BASIC NEEDS.] The state standard of assistance for basic needs provides for the needs of the recipient for food, clothing and personal needs, reading material, laundry, household supply items, transportation, and other personal needs. Except as allowed in section 256D.57, the monthly state standard of assistance for basic needs must be determined as provided in this subdivision.

(a) For an individual who does not share a residence with another person, the state assistance standard is \$234.

(b) For an individual who shares a residence with another person or persons the state assistance standard is \$184.

Subd. 4. [STANDARD OF ASSISTANCE FOR A RECIPIENT RESIDING IN A STATE HOSPITAL OR DWELLING WITH A NEGOTIATED RATE.] When a recipient is a resident of a state hospital or a dwelling with a negotiated rate, the recipient is not eligible for a shelter standard or a basic needs standard under subdivisions 2 and 3. The recipient resident of a negotiated rate facility is eligible for a separate special needs allowance under subdivision 6. The special needs allowance must be included in the negotiated rate. Except as allowed in section 256D.57, the state standard of assistance for those recipients is the clothing and personal needs allowance that has been established for medical assistance recipients under section

256B.35.

Subd. 5. [NEGOTIATED RATES.] Minnesota supplemental aid may be paid to negotiated rate facilities at the rates in effect on March 1, 1985, for services provided under the supplemental aid program to residents of the facility, up to the maximum negotiated rate specified in this section. Except as allowed under section 256D.57, the rate for room and board or a licensed facility must not exceed \$800. The maximum negotiated rate does not apply to a facility described in section 256B.431, subdivision 4, paragraph (b). 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. 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 must be adjusted by the annual percentage change in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the previous two Octobers, new series index (1967-100).

Subd. 6. [SPECIAL NEEDS.] Notwithstanding subdivisions 1, 2, 3, and 4, payments must be allowed for the special needs of recipients as provided in this subdivision.

(a) Medically prescribed diets. The local agency shall pay a monthly allowance for medically prescribed diets when they are prescribed by a physician if the cost of the additional dietary needs is not met through another program. Following the initial determination of need for the special diet, eligibility for continuing payments must be reviewed no less frequently than at the time of each redetermination of eligibility. Verification of actual expenditures for additional dietary need items must not be required. The amount of this supplementary payment must be determined according to the thrifty food plan for one person established by the Food and Nutrition Service of the United States Department of Agriculture. Except as allowed in section 256D.57, payment must be determined for the following special diets at the levels indicated, except that the commissioner may provide for additional dietary need upon nutritional documentation:

- | | |
|---|---|
| <i>(1) High protein diet
(at least 80 grams daily)</i> | <i>25 percent of thrifty food plan</i> |
| <i>(2) Controlled protein diet
(40-60 grams and requires special products such as Controlyte, Paygel, Aprotin, Cal-Power, and Citroetin).</i> | <i>100 percent of thrifty food plan</i> |
| <i>(3) Controlled protein diet
(less than 40 grams and requires special products described in in clause (2) above)</i> | <i>125 percent of thrifty food plan</i> |
| <i>(4) Low cholesterol diet</i> | <i>25 percent of thrifty food plan</i> |
| <i>(5) High residue diet</i> | <i>20 percent of thrifty food plan</i> |
| <i>(6) Pregnancy & lactation diet</i> | <i>35 percent of thrifty food plan</i> |
| <i>(7) Gluten free diet</i> | <i>25 percent of thrifty food plan</i> |
| <i>(8) Lactose free diet</i> | <i>25 percent of thrifty food plan</i> |

- (9) Anti-dumping diet 15 percent of thrifty food plan
 (10) Hypoglycemic diet 15 percent of thrifty food plan
 (11) Ketogenic diet 25 percent of thrifty food plan

(b) Payment for nonrecurring special needs must be allowed for necessary repairs or replacement of household furniture and appliances.

(c) Except in an emergency, the recipient shall obtain prior authorization for special need items to be paid by the local agency. The local welfare board shall designate a person or persons authorized to approve repairs and replacements prior to formal board action.

Sec. 48. [256D.57] [LOCAL AGENCY STANDARDS OF ASSISTANCE.]

The local agency may establish standards of assistance for shelter, basic needs, special needs, clothing and personal needs, and negotiated rates in excess of the state standards of assistance. State aid is not available for the excess costs of higher local agency standards.

Sec. 49. [256D.58] [MONTHLY PAYMENT AMOUNTS.]

Subdivision 1. [PAYMENT PERIOD.] The payment period for Minnesota supplemental aid is a calendar month. The monthly payment to a recipient must be determined under this section.

Subd. 2. [PROSPECTIVE BUDGETING.] During the first two months of applicant eligibility and during a month in which a change of at least \$50 has occurred and the following month, the local agency shall subtract the amount of countable income anticipated for the payment period from the following state standards of assistance applicable to the applicant or recipient during that payment period:

- (a) shelter and basic needs; or
- (b) clothing and personal needs; or
- (c) higher local agency standards established under section 17.

In the event that the amount of anticipated income is less than the amount of income actually received during the payment period, the local agency shall issue a supplemental payment for the difference.

Subd. 3. [RETROSPECTIVE BUDGETING.] Following the first two months of payment eligibility determined by provisions of subdivision 2, the local agency shall subtract the amount of countable income actually received during the payment period two months earlier from the following state standards of assistance applicable to the recipient during the current payment period:

- (a) shelter and basic needs; or
- (b) clothing and personal needs; or
- (c) higher local agency standards established under section 256D.57.

In the event that the amount of income actually received for the current payment period is less than the amount of income received during the payment period two months earlier, the local agency shall issue a supplemental

payment for the difference. If the amount of income actually received for the current payment period exceeds the amount of income received for the payment period two months earlier, the recipient shall be considered overpaid. When the local agency is informed that income will no longer be received from a particular source, the local agency shall initiate a two-month prospective budgeting period under subdivision 2.

Subd. 4. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING INDEPENDENTLY.] The monthly payment for a recipient who resides independently is the difference between the countable income and the applicable standards of assistance determined under subdivisions 2 and 3.

Subd. 5. [MONTHLY PAYMENT AMOUNT; PERSON RESIDING IN STATE HOSPITAL OR DWELLING WITH NEGOTIATED RATE.] The monthly payment for a recipient who resides in a state hospital or a dwelling with a negotiated rate is the difference between the countable income and the sum of the standard of assistance determined under subdivision 2 or 3 and the negotiated rate, if any.

Sec. 50. [256D.59] [EMERGENCY ASSISTANCE.]

Subdivision 1. [ELIGIBILITY FOR EMERGENCY ASSISTANCE.] Emergency assistance is available if the applicant or recipient has income and resources less than the limits of sections 256D.54 and 256D.55 and an emergency exists which, if not resolved, will threaten the health or safety of an applicant or recipient. To be eligible for emergency assistance, the applicant or recipient must be without resources adequate to resolve the situation.

Subd. 2. [INCOME AND RESOURCE TEST.] All income and resources available to the applicant or recipient during the month that the need for emergency assistance arose must be considered in determining the applicant's or recipient's ability to meet the emergency need. Liquid personal property and income normally disregarded or excluded under the Minnesota supplemental assistance program must be considered available to meet the emergency need.

Subd. 3. [USE OF EMERGENCY ASSISTANCE.] Emergency assistance may be granted to an applicant or recipient:

- (1) whose Minnesota supplemental aid grant money was lost or stolen;
- (2) who lacks food or shelter;
- (3) who has received a notice of eviction;
- (4) who has received a residential utility shut-off notice;
- (5) who requires a damage deposit, utility connection charge, moving expenses, or other expenses related to establishing a new residence; or
- (6) who requires assistance for necessary home repairs.

Subd. 4. [PAYMENT AMOUNT.] The amount of assistance granted under Minnesota supplemental aid emergency assistance must be based on the current Minnesota supplemental aid need standards. If the standards are insufficient to meet the emergency need, the Minnesota supplemental aid emergency assistance payment must be based on the amount necessary to resolve the emergency.

Subd. 5. [RELATIONSHIP TO REGULAR MONTHLY PAYMENTS.] When a portion of the Minnesota supplemental aid emergency assistance grant is issued to a Minnesota supplemental aid recipient for current needs, the amount of the Minnesota supplemental aid emergency assistance intended to cover current needs must be subtracted from the amount of the regular Minnesota supplemental aid grant issued for the same time period. However, if a regular grant has already been issued for the same period in which the emergency arises, the local agency shall not deduct the amount issued from a grant for a subsequent month.

Subd. 6. [LOST OR STOLEN MONEY.] Minnesota supplemental aid emergency assistance is available when a significant portion of the proceeds of the monthly Minnesota supplemental aid check is lost or stolen and the recipient is without funds to pay for food, shelter, or utilities for the remainder of the month. Only lost money from the Minnesota supplemental aid assistance check may be replaced. Loss by theft must have been reported to law enforcement officials. A written report of the event must be submitted to the local agency by the recipient in the form of an affidavit. The contents of the law enforcement report and the recipient's affidavit must be reasonably consistent as to the amount lost and the circumstances surrounding the loss. If an assistance check is lost, stolen, or destroyed, a duplicate check shall be issued if the recipient files an affidavit with the county agency attesting to the loss, theft, or destruction of the original. The duplicate check must correspond in number, date, and amount with the original check and must have endorsed on its face the term "duplicate."

Subd. 7. [PROTECTIVE PAYMENTS TO AVOID RECURRING NEED.] If emergency assistance payments are made more than once during a 12-month period, protective payment of regular Minnesota supplemental aid benefits may be implemented. If the person receives benefits from the Social Security Administration, the local agency shall petition that agency to establish a representative payee for those benefits.

Sec. 51. [256D.60] [PAYMENT METHODS.]

Minnesota supplemental aid grants must be issued by the local agency to the recipient, a protective payee, or a conservator or guardian of his or her estate, in the form of county warrants immediately redeemable in cash. Minnesota supplemental aid warrants must be issued regularly on the first day of the month and the payment must be made only to the address where the recipient resides, unless another address has been approved in advance by the local agency. If the local welfare agency has arranged for direct depositing, the agency may, at the request of the recipient, forward Minnesota supplemental aid warrants or allowance amounts directly to banks, savings and loan associations, or credit unions with which the recipient has made arrangements for direct deposit. Vendor payments may be made by the local agency only for nonrecurring emergency need payments, replacement or repair of household appliances, and home repairs.

Sec. 52. [256D.61] [PROTECTIVE PAYMENTS.]

Subdivision 1. [NEED FOR PROTECTIVE PAYEE.] The local agency shall determine whether a recipient needs a protective payee because of a physical or mental condition and inability to manage funds that makes direct payments contrary to the recipient's welfare. The determination must include medical or psychological evaluations or other reports of physical or mental conditions including observation of conditions such as extensive paralysis, serious mental retardation, continuing disorientation, or severe memory loss.

The determination of representative payment by the Social Security Administration for the recipient is sufficient reason to implement protective payment of Minnesota supplemental aid payments. Protective payments must be issued if there is:

- (1) evidence of a continuing inability to plan the use of income to meet necessary expenditures;*
- (2) observation over time indicating that dependents are not properly fed or clothed;*
- (3) continuing failure to meet obligations for rent, utilities, food, and other essentials;*
- (4) evictions or repeated incurrence of debts; or*
- (5) repeated occurrences of lost or stolen checks.*

Subd. 2. [ESTABLISHING PROTECTIVE PAYMENT.] When the local agency determines that the recipient needs a protective payee, the local agency shall appoint a payee as provided in this subdivision. When the Social Security Administration has established a representative payee for the recipient, the local agency shall appoint that representative payee as the protective payee for Minnesota supplemental aid payments, when possible. When a representative payee has not already been established, the local agency shall consider the recipient's preference of protective payee. The protective payee must have an interest in or concern for the welfare of the recipient and must be capable of and willing to provide the required assistance. The local agency director, members of the county welfare board, and vendors of goods or services including the recipient's landlord, must not serve as protective payee. The local agency shall terminate protective payments when an individual is considered able to manage funds in his or her best interest. Judicial appointment of a guardian or other legal representative must be sought by the local agency if appropriate to serve the best interest of the individual.

Subd. 3. [FAIR HEARING.] Opportunity for a fair hearing must be given to a recipient concerning the determination that a protective payment must be made or continued, and the payee selected.

Sec. 53. [256D.62] [OVERPAYMENTS AND UNDERPAYMENTS.]

Subdivision 1. [WHEN.] When the local agency finds that the recipient received less than or more than the correct amount of Minnesota supplemental aid benefits, the local agency shall issue a corrective payment of underpayments under subdivision 2 or seek recoupment of overpayments under subdivision 3.

Subd. 2. [UNDERPAYMENT OF MONTHLY GRANTS.] When the local agency determines that an underpayment of the recipient's monthly payment occurred, the agency shall issue a corrective payment, during the month the underpayment was discovered. The payment must be one payment for all the months for which underpayment was made. If the underpayment would result in a corrective payment of less than \$10, no corrective payment must be made. Corrective payments may be made only for the 12-month period immediately preceding the month in which the underpayment is discovered and must be excluded when determining the applicant's or recipient's income and resources.

Subd. 3. [OVERPAYMENT OF MONTHLY GRANTS.] When the local agency determines that an overpayment of the recipient's monthly payment occurred, the agency shall issue a notice of overpayment to the recipient within 12 months of the identification of the overpayment. If the case is no longer open, the local agency may request voluntary repayment or pursue civil recovery. If the recipient's case is open, the local agency shall recover the overpayment by withholding an amount up to one-half of the monthly disregarded income.

Sec. 54. [256D.63] [NOTICE.]

Subdivision 1. [TEN-DAY NOTICE.] Except as provided in subdivisions 2 and 3, the local agency shall give the recipient ten days' advance written notice when the agency intends to terminate, suspend, or reduce a grant. The ten-day notice must be in writing on a form prescribed by the commissioner; mailed or given to the recipient at least ten days before the effective date of the action; and clearly state the action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

Subd. 2. [FIVE-DAY NOTICE.] The local agency shall give at least five days advance notice when the agency has verified and documented that the case facts require termination, suspension, or reduction of the grant and the action is required because of probable fraud by the recipient.

Subd. 3. [ADEQUATE NOTICE.] The agency shall give notice of adverse action no later than the effective date of the action when: (1) the agency has factual information confirming the death of a person whose needs are included in the grant; (2) the agency receives a clear written statement, signed by the recipient, that he or she no longer wishes assistance; (3) the agency receives a clear statement, signed by the recipient, reporting information the recipient understands will require termination of or a reduction in the grant; (4) the recipient has been placed in a skilled nursing home, intermediate care, or long-term hospitalization facility; (5) the recipient has been admitted to or committed to an institution; (6) the recipient has been accepted for assistance in a new county; or (7) the recipient's whereabouts are unknown and the agency mail directed to her or him has been returned by the post office indicating no forwarding address.

Sec. 55. [256D.64] [APPEALS.]

Subdivision 1. [RIGHT TO APPEAL.] Applicants and recipients have a right to a fair hearing if they are aggrieved by an action or by inaction of the local agency. Appealable issues include (1) denial of the right to apply for assistance; (2) failure on the part of the local agency to act upon the application in a prompt or timely fashion; (3) denial of an application for assistance; (4) suspension, reduction, or termination of assistance; (5) grant calculations, including the calculated amounts of overpayments and calculated levels of recoupments due to overpayments; (6) the determination of periods of ineligibility and the applicability of those periods to various members of the family resulting from receipt of a lump sum; (7) the availability and calculation of corrective payments; (8) use of protective or vendor payments; (9) recoupment of overpayments limited to those issues which led to the alleged overpayment; and (10) other issues related to eligibility for an amount of Minnesota supplemental aid, as required by state law and rule.

Subd. 2. [COSTS RELATED TO APPEALS.] Reasonable and necessary expenses, as determined by the local agency, that are related to the applicant's or recipient's attendance at the hearing must be reimbursed by the local agency. Reasonable and necessary costs of attendance by witnesses must be reimbursed only if the appellant prevails in the appeal.

Subd. 3. [RIGHT TO APPEAL.] A grant of Minnesota supplemental aid, other than a grant made under section 256D.59, must not be reduced, terminated, or suspended unless the recipient is given notice and an opportunity to be heard prior to action by the local agency. A recipient has the right to full administrative and judicial review of an order or determination of a local agency as provided for in section 256.045 after an action taken by a local agency after a prior hearing.

Subd. 4. [CONTINUATION OF PAYMENT PENDING APPEAL DECISION.] When assistance is reduced, suspended, or terminated, the grant must be continued pending an appeal decision. If a recipient appeals a decision to reduce, suspend, or terminate a grant within ten days of the notice or prior to the effective date of the proposed action, whichever is later, the grant must be continued pending an appeal decision.

Sec. 56. [256D.65] [REPORTING REQUIREMENTS.]

The eligibility of recipients of Minnesota supplemental aid must be re-determined at least once every 12 months. Applicants and recipients must provide, report, and verify all information necessary to determine initial and ongoing eligibility at the time of application and at the time a redetermination or report form is due. Applicants and recipients must report any change in income and household circumstances which affect eligibility within eight days of the change. A report form must be completed monthly by recipients who have earned income and quarterly by recipients without earned income. Failure to complete and return the household report prior to the last ten days of a month without good cause will result in the withholding of the subsequent month's grant until the report is provided.

Sec. 57. [256D.66] [FRAUD.]

Whoever obtains or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or misrepresentation, by the intentional withholding or concealing of a material fact, by impersonation, or by other fraudulent device, assistance to which he or she is not entitled or assistance greater than that to which he or she is reasonably entitled is a violation of section 256.98, and is subject to the criminal and civil penalties established in that section.

Sec. 58. [256D.67] [RELATIVE'S RESPONSIBILITY.]

A spouse, or a parent of a minor applicant or recipient, is financially responsible for the applicant or recipient.

Sec. 59. [256D.68] [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall supervise the administration of Minnesota supplemental aid by local agencies as provided in sections 256D.47 to 256D.71; adopt uniform rules under chapter 14 for carrying out and enforcing sections 256D.45 to 256D.71 in order that Minnesota supplemental aid may be administered as uniformly as

possible throughout the state; immediately after adoption, furnish rules to all local agencies and other interested persons; allocate money appropriated for Minnesota supplemental aid to local agencies as provided in section 256D.71; accept and supervise the disbursement of money that may be provided by the federal government or from other sources for use in this state for Minnesota supplemental aid; cooperate with other agencies including any agency of the United States or another state in all matters concerning the powers and duties of the commissioner provided in this section; and cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services.

Sec. 60. [256D.69] [MINNESOTA SUPPLEMENTAL AID TO BE ALLOWED AS CLAIM IN PROBATE COURT.]

At the death of any person who received Minnesota supplemental aid, or at the death of the survivor of a married couple, either or both of whom received Minnesota supplemental aid, the total amount paid as Minnesota supplemental aid on behalf of that person or persons, without interest, is a claim against the estate of the person or persons by the court having jurisdiction to probate the estate.

Sec. 61. [256D.70] [DATA PROCESSING PROCEDURES.]

The local agency shall, to the extent permitted by federal law or regulation, in addition to any other necessary records and procedures, include Minnesota supplemental aid records in any data processing system established for the medical assistance program, according to procedures established by the commissioner.

Sec. 62. [256D.71] [STATE AID.]

After December 31, 1985, state aid must be paid to local agencies for 85 percent of all Minnesota supplemental aid grants up to the payment levels specified in section 256D.58 under procedures established by the commissioner.

Sec. 63. [STUDY.]

The commissioner of human services shall study the rates paid under the general assistance and supplemental aid programs to negotiated rate facilities, and the costs of these facilities, and provide a report and recommendations to the legislature by February 15, 1986, concerning economical and effective reimbursement methods that will encourage rates that are equitable and consistent throughout the state. The commissioner may collect information from local agencies and facilities as required to complete the study.

Sec. 64. [MENTAL HEALTH DEMONSTRATION PROJECTS.]

Subdivision 1. [PURPOSE.] The purpose of this section is to establish projects to demonstrate the feasibility and value of using preadmission screening and case management services for persons who have mental illness; to facilitate the development of continuums of mental health services; to integrate community-based and state-operated treatment services in order to provide services in the least restrictive setting possible; to create incentives for the development and use of less restrictive treatment alternatives; and to obtain information on effective methods of promoting long-term health care cost containment and state budget predictability.

Subd. 2. [ESTABLISHMENT OF PROJECTS.] The commissioner of human services shall establish at least three, but no more than five, demonstration projects to demonstrate the use of local screening and case management for services to persons who have mental illness. The total of all eligible individuals under all projects established under this section must not exceed _____ persons who have mental illness. At least two projects must include nonmetropolitan counties and at least one must include a metropolitan area county. The commissioner shall make maximum use of available federal and state money and establish the broadest program possible with the available money. Demonstration projects may encompass all, or a portion of, a project area's total caseload of persons with mental illness.

Subd. 3. [PRIMARY PROVIDERS.] The commissioner of human services shall designate the primary provider of services for a county or multi-county area included in a project. Upon the recommendation of the counties participating in a project, the commissioner shall designate a single agency as the primary provider of services for that project. In at least one project, the primary provider must be a mental health center, and in at least one project, the primary provider must be a county agency. The commissioner shall contract with each primary provider concerning the obligations relating to the demonstration project including services to eligible individuals, accounting for money received, reporting and evaluation, and maintenance of services and expenditures. A primary provider may contract with other providers to provide any of the required services. Each primary provider is responsible for:

- (1) screening all eligible individuals as required under subdivision 5;*
- (2) ensuring that services are delivered, directly or under contract with other providers, to eligible individuals;*
- (3) monitoring and evaluating delivery of services;*
- (4) accounting for all money received for the project; and*
- (5) complying with the provisions of this section and standards established for the project by the commissioner.*

Subd. 4. [ELIGIBILITY.] Individuals eligible for services provided through the demonstration projects are mentally ill individuals, 18 years of age and older, for whom a county participating in a project is the county of financial responsibility, who are currently eligible for treatment under existing funding or who meet general assistance eligibility criteria; and those mentally ill individuals who are currently residents or patients of state hospitals or are proposed for admission to state hospitals according to standards in effect on the effective date of this section. Individuals residing in or admitted to, the Minnesota security hospital are not eligible for services under this section. In addition, the commissioner and a county or counties participating in a project may agree to include, as eligible individuals, children under the age of 18 who have mental illness and who are:

- (1) residents of a facility licensed under Minnesota Rules, parts 9545.0900 to 9545.1090 and 9545.1400 to 9545.1500;*
- (2) receiving day treatment services;*
- (3) being considered for placement in another county or state; and*

(4) referred for screening from court services.

Subd. 5. [SCREENING OF ELIGIBLE PERSONS.] All persons eligible under subdivision 4 must be screened to determine the need for treatment and case management services. Eligible persons must be screened by a local multi-disciplinary screening team. Each screening team must assess the mental and physical health and social functioning of eligible individuals, using a scaling criteria developed jointly by the commissioner and participating counties. Each screening team must develop an individual treatment plan for each eligible individual that will include specific planned outcomes to meet the needs of the individual. The plan must also identify:

(1) case management services the individual will receive;

(2) available noninstitutional services to be provided in order to meet the needs of the individual while maintaining the individual in the community;

(3) the level and type of inpatient or residential care needed, including admission and discharge plans to be provided as part of case management; and

(4) the lead agency for case management services.

Subd. 6. [SERVICES.] Case management services must be provided, as part of each demonstration project, to ensure coordination of the service plan by ongoing contact with the individual and with formal and informal service providers. Case management must include at least a quarterly re-evaluation of each individual service plan. In addition to case management services, the primary provider must ensure that at least the following mental health services are available and provided as necessary through providers that satisfy current licensure, approval, or certification requirements: outpatient treatment, emergency care services, day treatment, screening and assessment, consultation and education, inpatient treatment, and residential and transitional living programs.

Subd. 7. [STATE HOSPITAL ADMISSIONS.] Persons who are found to be appropriate for admission to state hospitals, using the scaling criteria outlined in subdivision 5, must be admitted. Counties participating in a demonstration project shall continue to provide case management services to these patients and are responsible for ten percent of the cost of the state hospital care. The commissioner and state hospital staff shall cooperate with providers in developing and implementing a system for screening admissions and notifying the provider of admissions and discharges of eligible individuals for whom the provider is financially responsible. The primary provider is not responsible for the cost of care of patients admitted to a state hospital without the prior preadmission screening and authorization of the primary provider. The primary provider is responsible for the full cost of care for persons admitted to a state hospital who have been screened and who are not appropriate for admission to the hospital using the scaling criteria developed under subdivision 5.

Subd. 8. [COMMITMENTS.] When committing a resident of a participating county under Minnesota Statutes, chapter 253B, the committing court is encouraged to commit the person to the primary provider, or to the facility designated by the primary provider, absent good cause to the contrary. For an individual committed to the primary provider under Minnesota Statutes,

chapter 253B, the primary provider shall assess the individual's need for services, develop an individual treatment plan as provided in this section, and ensure that necessary services are provided in accordance with this section and Minnesota Statutes, chapter 253B.

Subd. 9. [ALTERNATE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay the costs of providing alternative care to individuals screened under subdivision 5. Payment is available under this subdivision only for services that would not otherwise be available at that time in the county through other public programs. Project money must not be used to supplant services available through other public assistance or service programs and must not be used to establish new programs for which public money is available through sources other than grants provided under this subdivision. Project money cannot be used to provide care to an individual if the anticipated costs of providing this care would exceed the average payment, as determined by the commissioner, for the level of care that the recipient would receive if placed in a state hospital. Each county participating in the project will pay a share of the costs equal to the county share of the costs for state hospital care.

Subd. 10. [FEDERAL WAIVERS.] The commissioner of human services shall seek federal medical assistance waivers in order to obtain federal participation in the costs of screening and case management for persons with mental illness.

Subd. 11. [REPORTING AND EVALUATION.] The director of the state planning agency shall evaluate the demonstration projects established under this section and report to the commissioner of human services and the legislature by January 30, 1987. Before implementing the project, the director of the state planning agency shall consult with the commissioner of human services and participating projects to develop a reporting and evaluation method including:

(1) the reliability of the scaling instruments and criteria for determining the level of care needed and for projecting future utilization of state hospitals;

(2) a comparison of the costs and effects of providing services through the demonstration projects and through the existing system in nonproject areas;

(3) the effect on the individual's access to care;

(4) the effect on the clinical outcome for the patient;

(5) data necessary for the state to develop capitated rates in the future;

(6) methods to improve the overall case management program; and

(7) the usefulness of this model to enhance the development of community-based care and reduce inappropriate institutionalization.

Subd. 12. [RULES.] The commissioner of human services shall adopt emergency rules in order to implement this section. Rules remain in effect until the pilot program is terminated.

Sec. 65. [APPROPRIATIONS.]

Subdivision 1. [CHEMICAL DEPENDENCY FUND.] The general fund appropriation for the general assistance program is reduced by

\$_____ and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.

The general fund appropriation for the general assistance medical care program is reduced by \$_____ and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.

The general fund appropriation for the medical assistance program is reduced by \$_____ and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.

The general fund appropriation for the state hospital account is reduced by \$_____ and reappropriated to the commissioner of human services for transfer to the chemical dependency services fund.

Notwithstanding any other law to the contrary, the federal alcohol and drug block grant is appropriated to the commissioner of human services for the chemical dependency services fund.

Subd. 2. [DEMONSTRATION PROJECT.] \$_____ is appropriated from the general fund to the commissioner of human services to establish mental health demonstration projects.

Subd. 3. [MEDICAL ASSISTANCE TRANSFERS.] Seventy percent of the appropriation for alternative care grants under Minnesota Statutes, section 256B.091, subdivision 8, is transferred to the community care incentive fund for purposes of section 256B.095, to be available until June 30, 1987. The funding necessary for section 256B.19, subdivision 1, is available from the appropriation for medical assistance.

Subd. 4. [COMMISSIONER OF HUMAN SERVICES.] \$_____ is appropriated from the general fund to the commissioner of human services to establish standards for and provide technical assistance to county boards in their lead agency function under section 393.07, subdivision 2a, and to conduct a study of rates paid under general assistance and Minnesota supplemental aid to negotiated rate facilities, \$_____ to be available for the fiscal year ending June 30, 1986, and \$_____ to be available for the fiscal year ending June 30, 1987.

Sec. 66. [REPEALER.]

Minnesota Statutes 1984, sections 256D.36; 256D.37; 256D.38; 256D.39; 256D.41; 256D.42; and 256D.43; are repealed effective January 1, 1986. Minnesota Statutes 1984, section 252.27, subdivision 4, is repealed effective August 1, 1985.

Sec. 67. [EFFECTIVE DATES.]

Sections 1 to 7, and 35 to 63 are effective January 1, 1986. Section 64 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; creating a chemical dependency fund to pay for chemical dependency services; modifying the family subsidy program for families with children with mental retardation; requiring notice to the designated agency in certain proceedings pertaining to persons

committed as mentally ill and dangerous; authorizing transfer of persons committed as mentally ill and dangerous; establishing requirements for the supplemental aid program; establishing a grant program for community services for the elderly; changing the method of determining and paying the state share of nursing home payments under medical assistance; designating the county board as the lead agency for services to the elderly; requiring a study of rates paid to negotiated rate facilities; authorizing a demonstration project for mental health services; appropriating money; amending Minnesota Statutes 1984, sections 246.04; 246.18; 246.23; 246.50; by adding a subdivision; 246.51, subdivision 1; 246.54; 252.291, subdivisions 2 and 3; 252.32; 253B.14; 253B.18, subdivisions 4b, 5, and 6; 253B.23, subdivision 7; 256B.02, subdivision 8; 256B.091, subdivision 8; 256B.092, subdivisions 3 and 7, and by adding a subdivision; 256B.19, subdivision 1; 256B.501, subdivision 8; 256B.70; and 256D.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 246; 256B; and 256D; proposing coding for new law as Minnesota Statutes, chapter 254B; repealing Minnesota Statutes 1984, sections 252.27, subdivision 4; 256D.36; 256D.37; 256D.38; 256D.39; 256D.41; 256D.42; and 256D.43."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 41: A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; amending Minnesota Statutes 1984, sections 268.04, subdivision 25; 268.06, subdivisions 3a, 6, and 8; 268.061; 268.07, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 268.04, subdivision 24, is amended to read:

Subd. 24. "Valid claim" with respect to any individual means a claim filed by an individual who has registered for work and who has earned wage credits and established credit weeks or *alternative credit weeks* during his base period sufficient to entitle him to benefits under section 268.07, subdivision 2.

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 percent of the average weekly wage computed to the nearest whole dollar. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage; and

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The average weekly wage as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to December 31 of the year of the computation \$100.

Sec. 3. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

Subd. 29a. [ALTERNATIVE CREDIT WEEK.] 'Alternative credit week' means any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work are less than \$100 and the hours equal or exceed 20.

Sec. 4. Minnesota Statutes 1984, section 268.04, subdivision 30, is amended to read:

Subd. 30. "Average weekly wage" means the quotient derived by dividing the total wage credits earned by an individual from all employers in insured work in the base period by the number of credit weeks or alternative credit weeks.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] (a) Notwithstanding the provisions of subdivision 2, each employer, who becomes subject to this law, shall pay contributions at a rate:

(a) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's three-year benefit cost rate for the 36 consecutive month period immediately preceding July 1 of each year for each employer who becomes subject to this law prior to January 1, 1984. For purposes of this clause, the state's three-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 36 consecutive calendar months immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's four-year benefit cost rate for the 48 consecutive month period immediately preceding July 1 of each year for each employer, except employers in the construction industry, as determined by the commissioner, who becomes subject to this law subsequent to December 31, 1983 and prior to January 1, 1985. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to

claimants under this law during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year 1984.

Each construction employer described above who becomes subject to chapter 268 shall pay contributions at a rate, not exceeding 7-1/2 percent that is the higher of (1) one percent, or (2) the state's four-year benefit cost rate for construction employers for the 48 consecutive month period immediately preceding July 1, 1983. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year 1984.

(e) not exceeding 5-4/10 percent, that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period immediately preceding July 1, 1984, and each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner, who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this clause *paragraph*, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Each construction employer described above in *paragraph (a)* who becomes subject to this chapter shall pay contributions at a rate, not exceeding 7-1/2 percent *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this clause *paragraph*, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 6. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] (a) For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the *employer's* experience ratio; except that if the ratio for the current calendar year increases or decreases the experience ratio for the preceding calendar year by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, the increase or decrease for the current year shall be lim-

ited to one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter. "Small business employer" for the purpose of this subdivision means an employer with an annual covered payroll of \$250,000 or less, or fewer than 20 employees in three of the four quarters ending June 30, of the previous calendar year.

(b) The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that.

(c) No employer shall have a contribution rate of more than 7.5 8.0 percent for calendar years 1986 and 1987 and 8.5 percent for calendar years 1988 and thereafter.

(d) For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. No employer first assigned an experience ratio in accordance with subdivision 6, shall have his contribution rate increased or decreased by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter over the contribution rate assigned for the preceding calendar year in accordance with subdivision 3a, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter.

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 24, is amended to read:

Subd. 24. [REASSIGNMENT.] (a) Notwithstanding any inconsistent provisions of law any employer who has been assigned a contribution rate pursuant to subdivisions 4, 6, and 8 of this section may, for the calendar year 1967, or any calendar year thereafter, upon the voluntary payment of an amount equivalent to any portion or all of the benefits charged to his account during the period ending June 30 of the preceding year used for the purpose of computing an employer's experience ratio as authorized by said subdivisions 4, 6, and 8, obtain a cancellation of benefits charged to his account during such period equal to such payment so voluntarily made. Upon the payment of such voluntary contribution, plus a surcharge of 25 percent of such benefit charged, within the applicable period prescribed by the provisions of this subdivision, the commissioner shall cancel the benefits equal to such payment, excluding the 25 percent surcharge, so voluntarily made and compute a new experience ratio for such employer. The employer then shall be as-

signed the contribution rate applicable to the category within which his recomputed experience ratio is included. Such voluntary payments may be made only during the 30-day period immediately following the date of mailing to the employer of his contribution rate as prescribed in this section; provided that the commissioner may extend this period if he finds that the employer's failure to make such payment within such 30-day period was for good cause; and provided further that notwithstanding any of the foregoing provisions of this subdivision; in no event shall any new experience ratio be computed for any employer or his contribution rate be reduced as a result of any such voluntary payment which he made after the expiration of the 120-day period commencing with the first day of the calendar year for which such rate is effective. Any adjustments under this subdivision shall be used only in the form of credits against accrued or future contributions.

(b) Notwithstanding subdivision 2, all employers receiving a reassigned rate under this subdivision shall pay contributions on wages as defined under section 268.04, subdivision 25, clause (a), for the year of reassignment and for each year thereafter until the employer's ratio, computed as though a voluntary contribution was not made, is less than one-tenth of one percent.

(c) When all or a part of the benefits charged to an employer's account are for the unemployment of 75 percent or more of the employees in an employing unit and the unemployment is caused by damages to the unit by fire, flood, wind or other act of God, the employer may obtain a cancellation of benefits incurred because of that unemployment in the manner provided by this subdivision without being subject to the surcharge of 25 percent otherwise required.

Sec. 8. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] *(a) If the commissioner finds that an individual has earned 15, or more, credit weeks, or, failing that, 30 or more alternative credit weeks, within the base period of employment in insured work with one or more employers, benefits shall be the weekly benefit amount payable to such individual during his benefit year as follows:*

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85, and 50 percent of the remainder of the average weekly wage of such individual. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 1985, shall be ~~66-2/3~~ 60 percent of the average weekly wage, except as provided in clause (d) as determined under paragraph (b).

(b) On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) (1) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) (2) The sum of the total wages reported for the previous calendar year

shall be divided by the average monthly employment to determine the average annual wage.

(e) (3) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

~~(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.~~

~~The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be \$191.~~

~~The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.~~

(2) (c) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks or *alternative credit weeks* earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) (d) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, ~~including~~ *excluding* holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

~~(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.~~

Sec. 9. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned credit weeks or *alternative credit weeks* in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned *at least* 15 credit weeks or 30 *alternative credit weeks* in employment which is not seasonal, in addition to any credit weeks or *alternative credit weeks* in seasonal employment. For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 10. Minnesota Statutes 1984, section 268.071, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, unless the con-

text clearly requires otherwise:

(1) [EXTENDED BENEFIT PERIOD.] "Extended benefit period" means a period which

(a) Begins with the third week after a week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later: The third week after the first week for which there is a state "off" indicator; or the 13th consecutive week of the period;

Provided, that no extended benefit period may begin before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) [STATE "ON" INDICATOR.] There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this law

(a) equaled or exceeded 120 percent of the average of such rates for the corresponding 13 week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded five percent.

The determination of whether there has been a state "on" indicator beginning any extended benefit period may be made as provided in clauses (a) and (b) above or a "state 'on' indicator" shall exist if the rate described in clause (b) equaled or exceeded six percent irrespective of whether the percentage requirement provided by clause (a) is met or exceeded.

(3) [STATE "OFF" INDICATOR.] There is a "state 'off' indicator" for this state for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment is less than six percent and the requirements for a "state 'on' indicator" under clause (2) of this subdivision are not satisfied.

(4) [RATE OF INSURED UNEMPLOYMENT.] "Rate of insured unemployment," for purposes of clauses (2) and (3), means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such 13 week period.

(5) [REGULAR BENEFITS.] "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits and additional benefits.

(6) [EXTENDED BENEFITS.] "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provi-

sions of this section for weeks of unemployment in his eligibility period.

(7) [ADDITIONAL BENEFITS.] "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law.

(8) [ELIGIBILITY PERIOD.] "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(9) [EXHAUSTEE.] "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this law or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week;

Provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wage credits or, credit weeks, or *alternative credit weeks* that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week or having established a benefit year that includes such week, he is precluded from receiving regular compensation by reason of: (i) a state law provision which meets the requirements of section 3304 (a) (7) of the Internal Revenue Code of 1954, or (ii) a disqualification determination which cancelled wage credits or totally reduced his benefit rights, or (iii) benefits are not payable by reason of a seasonal limitation in a state unemployment insurance law; and

(c) Has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, the automotive products act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(10) [STATE LAW.] "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

Sec. 11. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an

employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks or alternative credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student. *If the individual has qualified for benefits under the alternative credit week requirement, as provided under section 268.07, subdivision 2, paragraph (a), the individual shall be considered unavailable for work with respect to any week which occurs when the individual is a full-time student.*

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 12. Minnesota Statutes 1984, section 268.08, is amended by adding a subdivision to read:

Subd. 10. [APPROVED TRAINING.] (a) [ESTABLISHMENT.] The commissioner shall establish a training program for structurally unemployed workers in Minnesota under which individuals may be enrolled in an on-the-job training program, and an additional 1,000 individuals may be enrolled in classroom training in accordance with this subdivision. This subdivision does not limit or adversely affect the approved training provisions that apply to an individual under section 268.08, subdivision 1, clause (3). An individual approved under this subdivision is eligible for tuition aid under chapter 136A. The commissioner shall report to the legislature annually regarding the status of the training program under this subdivision.

(b) [APPROVAL OF TRAINING.] An individual's enrollment in a train-

ing course shall be approved for the purposes of this subdivision if the commissioner finds that:

(1) the individual is not unemployed due to the seasonal nature of the work or a temporary work shortage;

(2) the individual's separation from most recent employment was caused by job obsolescence, plant shutdown, regional decline in the individual's customary occupation, or industry slowdown;

(3) the individual has received a notice of layoff and is unlikely to return to work for that employer or in that occupation within the 12-month period immediately following the separation;

(4) reasonable and suitable work opportunities for which the individual is fitted by training, experience, and physical capabilities do not exist within the local labor market;

(5) the training course is designed to provide preparation for available employment within the local labor market or in an area to which the individual is willing to relocate;

(6) the training is conducted by an agency, education institution, or employing unit that has been approved by the commissioner of education or state board for vocational technical education or higher education coordinating board to conduct training programs; except that any agency, education institution, or employing unit that is not subject to regulation and approval by one of the above agencies may be approved by the commissioner if it is determined that the curriculum, facilities, staff, and other essentials are adequate to achieve the training objective;

(7) the training consists of a full course load, as defined by the institution, necessary to achieve the approved training objective, and the individual is making satisfactory progress in the course. The commissioner may require the training institution to periodically certify to the individual's attendance and progress.

(c) [ON-THE-JOB TRAINING.] An individual who meets the criteria set forth under paragraph (b) is eligible to participate in a full-time on-the-job training program if:

(1) the on-the-job training position is in an occupation for which the commissioner has determined a demand exists or will exist; in making this determination, the commissioner shall consider labor market information as contained in state and national occupational outlook publications, as well as other generally accepted authoritative sources with verifiable validity;

(2) the employer pays an hourly wage during training of at least the state minimum wage;

(3) the employer guarantees to provide at least 12 months of employment to the trainee after the completion of training at the prevailing area labor market wage for a trained individual in that occupation;

(4) the employer will not terminate the trainee during the period of training or guaranteed employment except for misconduct or demonstrated substandard performance;

(5) the employer has not in any way created an on-the-job training position

through a reduction in work force within the preceding six months.

(d) [TRAINING ALLOWANCE.] During participation in an approved on-the-job training program, the trainee shall maintain both satisfactory progress and attendance. During the period of training specified in the agreement between the commissioner and the employer, individuals participating in an approved on-the-job training program shall be paid with respect to each week claimed during the benefit year and prior to exhaustion of a benefit in an amount equal to the weekly benefit amount, less the part of the earnings, including holiday pay, in excess of \$100. The benefit shall be computed by rounding down to the nearest dollar amount. Notwithstanding any other provision, an individual participating in on-the-job training on a full-time basis is not considered employed for purposes of benefit eligibility.

(e) [EMPLOYER PENALTY.] An employer who enters into an on-the-job training agreement with the commissioner and terminates the trainee during the training period in a manner other than provided in this subdivision shall repay 70 percent of the amount of unemployment insurance benefits paid to the individual while in the training program with that employer. If terminated during the 12-month period of guaranteed employment, the employer shall receive a proportional reduction in the amount it must repay. Penalties assessed under this paragraph shall be in addition to any other penalties provided for by this chapter and shall be subject to the collection provisions of sections 268.16 and 268.161. Penalties under this paragraph shall be paid to the commissioner and credited to the unemployment compensation fund.

(f) [FUNDING.] In arranging for training, existing federal and state financed job training service deliverers and Wagner-Peyser mechanisms and moneys must be utilized in the most efficient and effective manner.

Sec. 13. Minnesota Statutes 1984, section 268.09, is amended by adding a subdivision to read:

Subd. 2a. An individual who has qualified for benefits under the alternative credit week requirement, as provided under section 268.07, subdivision 2, paragraph (a), and who is disqualified for benefits under subdivisions 1 and 2 of this section, other than for gross misconduct, shall be disqualified for waiting week credit and benefits. The disqualification shall continue until four weeks have elapsed following the separation or refusal of suitable work or reemployment and until the individual has worked for a minimum of 20 hours in each of four weeks in insured work.

Sec. 14. Minnesota Statutes 1984, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall pro-

vide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the reason for separation from all employers in his base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) The total wage credits earned in the base period;

(b) The number of credit weeks *or alternative credit weeks* which end within the base period;

(c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;

(d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and

(e) Such employer's protest, if any, relating to the ineligibility or disqualification of such individual.

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall:

(a) Determine the validity of an individual's claim based on the claimant's statements or any other available information. An employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of economic security and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. In the absence of fraud, if a redetermination of validity of claim based on an employer's late report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination; and

(b) Determine any issue of disqualification raised by clause (1) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in clause (1), any relief from benefit charges provided by section 268.09, subdivision 1, clause (4), shall apply to weeks of unemployment beginning after the filing of the late report.

Sec. 15. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer, the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks or *alternative credit weeks* from all employers in insured work by the number of base period credit weeks or *alternative credit weeks*. If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain

a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to a referee for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the tribunal from an initial determination.

(6) If a referee's decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 16. Minnesota Statutes 1984, section 268.15, subdivision 3, is amended to read:

Subd. 3. [CONTINGENT ACCOUNT.] There is hereby created in the state treasury a special account, to be known as the economic security contingent account, which shall not lapse nor revert to any other fund. Such account shall consist of all moneys appropriated therefor by the legislature, all moneys in the form of interest and penalties collected pursuant to ~~section~~ sections 268.16 and 268.18, and all moneys received in the form of voluntary contributions to this account and interest thereon. All moneys in such account shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this account. Moneys in this account are hereby appropriated to the commissioner and shall be expended in accordance with the provisions of section 3.30, in connection with the administration of sections 268.03 to 268.24. *Commencing with the fiscal year beginning July 1, 1985, the commissioner is authorized to expend annually, in addition to any federal moneys and without reference to section 3.30, the sum of \$500,000, from available moneys in this fund which are derived from interest and penalties collected pursuant to sections 268.16 and 268.18 and moneys received in the form of voluntary payments and interest thereon, for the purpose of providing for: (1) the investigation of fraud on the part of any person in claiming or obtaining benefits under sections 268.03 to 268.24 or fraud on the part of any employer in attempting to avoid or reduce any con-*

tribution or other payment required from an employing unit under those sections; (2) determination of benefit overpayments and contribution underpayments for reasons other than fraud; (3) recovery of moneys due to the commissioner as a result of clauses (1) and (2); (4) the verification of work search efforts especially in areas with robust economies; and (5) those special services which are reasonably directed toward assisting the unemployed in returning to suitable work. Whenever the commissioner expends moneys from said contingent account for the proper and efficient administration of the Minnesota economic security law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent account shall be replaced as hereinafter provided. Upon the deposit in the economic security administration fund of moneys which are received in reimbursement of payments made as above provided for said contingent account, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the economic security administration fund to said contingent account. All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special accounts in the state treasury. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the economic security contingent account provided for herein. Notwithstanding anything to the contrary contained herein, on June 30 of each year, except 1982, all amounts in excess of \$300,000 in this account shall be paid over to the unemployment compensation fund established under section 268.05 and administered in accordance with the provisions set forth therein.

Sec. 17. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 9, 10, 11, 13, 14, and 15 are effective for claims which establish a benefit year subsequent to January 1, 1986.

Sections 5, 6, and 7 are effective January 1, 1986.

Section 8 is effective July 1, 1985, except those provisions relating to alternative credit weeks which are effective for claims which establish a benefit year subsequent to January 1, 1986.

Section 12 is effective August 1, 1985, but is repealed January 1, 1989.

Section 16 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to unemployment compensation; regulating benefits and contribution rates; amending Minnesota Statutes 1984, sections 268.04, subdivisions 24, 29, and 30, and by adding a subdivision; 268.06, subdivisions 3a, 8, and 24; 268.07, subdivisions 2 and 2a; 268.071, subdivision 1; 268.08, subdivision 1, and by adding a subdivision; 268.09, by adding a subdivision; 268.10, subdivisions 1 and 2; and 268.15, subdivision 3."

And when so amended the bill do pass. Amendments adopted. Report adopted.

MINORITY REPORT

We, the undersigned, members of the Committee on Employment, to

which was referred S.F. No. 41:

A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; amending Minnesota Statutes 1984, sections 268.04, subdivision 25; 268.06, subdivisions 3a, 6, and 8; 268.061; 268.07, subdivision 2.

As a minority report, do hereby report the same back with the recommendation that the committee report on the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

UNEMPLOYMENT COMPENSATION

Section 1. Minnesota Statutes 1984, section 268.03, is amended to read:

268.03 [DECLARATION OF PUBLIC POLICY.]

As a guide to the interpretation and application of sections 268.03 to 268.24, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state will be promoted by providing, under the police powers of the state for the ~~compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own establishment of an unemployment insurance fund. The reserves of the unemployment insurance fund are to be used to provide a temporary replacement of a portion of lost wages to individuals with a permanent attachment to the work force, who become involuntarily unemployed through no fault of their own, and who are actively seeking, and are willing and available to accept, suitable reemployment.~~

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] “Wages” means all remuneration for services, including commissions and bonuses, back pay as of the date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, ~~the greater of \$7,000 or that part of the remuneration which exceeds 60 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (f) \$10,300 for the cal-~~

endar year 1985; \$10,900 for the calendar year 1986; and \$11,400 for the calendar year 1987 and all calendar years thereafter, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal Internal Revenue Code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (3) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code;

(f) On or before July 1 of each year the commissioner shall determine the

average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(1) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(2) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

Sec. 3. Minnesota Statutes 1984, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 percent of the average weekly wage times the adult minimum wage in effect under section 177.24, subdivision 1, on December 31 of the year two years before the year in which the claim is made. The product shall be computed to the nearest whole dollar. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage; and

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The average weekly wage as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to December 31 of the year of the computation.

Sec. 4. Minnesota Statutes 1984, section 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who earned base period wages for part-time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part-time employment; (2) continues to provide weekly employment equal to at least 90 percent of the part-time employment provided in the base period; and (3) is an interested party because of the individual's loss of other employment.

For the purpose of this subdivision, an employer is deemed to satisfy clause

(2) if:

(a) *the weekly employment in the base period was on an on call as needed basis; and*

(b) *the employer continues to employ the individual on the same basis and provides employment substantially equal to the employment provided in the base period.*

The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 (42 United States Code 5122(2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio, ~~except that if the ratio for the current calendar year increases or decreases the experience ratio for the preceding calendar year by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, the increase or decrease for the current year shall be limited to one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter.~~ "Small business employer" for the purpose of this subdivision means an employer with an annual covered payroll of \$250,000 or less, or fewer than 20 employees in three of the four quarters ending June 30, of the previous calendar year.

The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or

more; provided that no employer shall have a contribution rate of more than 7.5 percent.

For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. No employer first assigned an experience ratio in accordance with subdivision 6, shall have his contribution rate increased or decreased by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter over the contribution rate assigned for the preceding calendar year in accordance with subdivision 3a, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter.

Sec. 6. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 15 20, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 one percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual *individual's total base period wage credits*. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be 66-2/3 percent of the average weekly wage, except as provided in clause (d).

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be

~~\$191.~~

The minimum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, shall be \$56.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$200.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$208.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, shall be \$216.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) ~~70~~ 66-2/3 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.

Sec. 7. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [~~EXCEPTION~~ SEASONALITY EXCEPTIONS.] Notwithstanding the provisions of subdivision 2, the following seasonality exceptions shall apply:

(a) If the commissioner finds that an individual has earned credit weeks in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned ~~15~~ 20 credit weeks in employment which is not seasonal, in addition to any credit weeks in seasonal employment. For the purposes of this ~~subdivision~~ clause, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for ~~15~~ 20 consecutive weeks or less each calendar year.

(b) If the commissioner finds that an individual has been paid for weeks of regular unemployment compensation benefits in the same calendar quarter in the previous two years: (1) regular benefits shall not be payable to that individual during that same calendar quarter for a number of weeks equal to the

mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years; and (2) the individual's duration of regular benefits shall be reduced by the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years or the number of weeks left in the calendar quarter, whichever is less. The mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years shall be computed by taking the total number of weeks the individual received regular benefits during that calendar quarter in the previous two years, dividing by two, and rounding up to the nearest whole number of weeks. For the purposes of this clause, the calendar quarter shall be based on calendar weeks with a 53rd calendar week periodically to adjust for leap year and deviation of the calendar weeks from the calendar year.

Sec. 8. [268.073] [STATE EXTENDED BENEFITS.]

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

(a) "State insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

(b) "County insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals, who reside in the given Minnesota county, filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law, in the county, for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

Subd. 2. [ELIGIBILITY AND AMOUNT.] In addition to all other benefits under this chapter, an individual shall be eligible for up to four weeks of state extended benefits each benefit year if:

(1) the individual has exhausted his or her regular benefits under section 268.07 and the individual has exhausted or is not eligible for federal extended benefits, federal supplemental benefits, or any other unemployment compensation benefits under federal or other state law;

(2) the individual resides in a county which has had within the eight-week period preceding the current calendar week, a county insured unemployment rate equal to twice the state insured unemployment rate; and

(3) the individual would be eligible for regular benefits under this chapter during the week in which he or she receives state extended benefits except that the individual has exhausted his or her regular benefits.

State extended benefits for a week shall be equal to the individual's regular

benefit amount under section 268.07.

Sec. 9. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. ~~However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment.~~ No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 10. Minnesota Statutes 1984, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or

dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work but not to exceed 28 calendar days; or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3k; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.

Sec. 11. Minnesota Statutes 1984, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until ~~four~~ ten calendar weeks have elapsed following his separation and the individual has earned ~~four~~ ten times his weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs

as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base

period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 12. Minnesota Statutes 1984, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until ~~four~~ ten calendar weeks have elapsed following his refusal or failure and he has

earned ~~four~~ ten times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, ~~and~~ the distance of the available work from his residence, ~~and how the work's wage compares with the wage the individual received at his previous employment.~~ With respect to the work's wage, the work shall be deemed suitable if the work is otherwise suitable and the work's wage is at least: 85 percent of the individual's former wage when the individual has not received more than six weeks of benefits during his or her current period of unemployment; 75 percent of the individual's former wage when the individual has received more than six weeks of benefits, but not more than 14 weeks during his or her current period of unemployment; and 65 percent of the individual's former wage when the individual has received more than 14 weeks of benefits during his or her current period of unemployment.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;
- (2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
- (3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;
- (4) if the individual is in training with the approval of the commissioner.

Sec. 13. [EFFECTIVE DATE.]

Section 8 of this article is effective October 1, 1985. Clause (b) of section 7 of this article shall apply to claims made on or after July 1, 1987.

Sec. 14. [REPEALER.]

Minnesota Statutes 1984, section 268.04, subdivision 30, is repealed.

ARTICLE 2

TRANSFER OF AUTHORITY TO OFFICE OF ADMINISTRATIVE HEARINGS

Section 1. [TRANSFER FROM DEPARTMENT OF ECONOMIC SE-

CURITY.]

Subdivision 1. [PURPOSE.] It is the purpose and intent of this article to transfer all unemployment compensation hearing responsibilities and related functions except for appeal hearings before the commissioner or his or her authorized representative from the department of economic security to the office of administrative hearings.

Subd. 2. [PERSONNEL; EQUIPMENT.] All unemployment compensation referees at the department of economic security are transferred to the office of administrative hearings. Notwithstanding any laws to the contrary, all unemployment compensation referees employed by the department of economic security at the time of this transfer are eligible for appointment as unemployment judges within the office of administrative hearings, and shall be appointed as such on transfer. All personnel and positions at the department of economic security presently providing support to the hearing related functions transferred pursuant to this article, including those involved in the scheduling of hearings, processing, and mailing of hearing notices, preparation and serving of referees' decisions or correspondence, travel coordination, accounting, answering of telephones, and preparation of transcripts are transferred to the office of administrative hearings.

All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.

Subd. 3. [COOPERATION.] Commencing with the passage and signing of this act, the commissioner, the commissioners of administration, finance, and employee relations and the chief administrative law judge shall cooperate in assuring a smooth transfer of the referees and related personnel and equipment in order to carry out the purposes of this article. The commissioner shall provide office space at the department of economic security for the chief administrative law judge to use prior to the transfer in order to complete a review of the existing hearing system and personnel prior to the effective date of the transfer. The commissioner of administration, after consultation with the commissioner of economic security, the commissioner of finance, and the chief administrative law judge, shall determine the appropriate location of office space for the transferred personnel. The commissioner shall continue to provide space for the conduct of hearings in the same facilities and locations which are presently utilized for that purpose.

Subd. 4. [RULES.] The chief administrative law judge may make emergency rules for the purpose of adopting procedural rules for unemployment compensation hearings. The rules shall not conflict with any provisions of chapter 268 and shall comply with any applicable federal laws, rules, or regulations.

Subd. 5. [TIMELINESS.] To satisfy United States Department of Labor funding requirements the office of administrative hearings shall meet or exceed timeliness standards under federal regulation in the conduct of unemployment compensation hearings.

Sec. 2: Minnesota Statutes 1984, section 14.03, subdivision 2, is amended to read:

Subd. 2. [CONTESTED CASE PROCEDURE.] The contested case pro-

cedures of the administrative procedure act provided in sections 14.57 to 14.70 do not apply to (a) the Minnesota municipal board, (b) the commissioner of corrections, (c) the unemployment insurance program ~~and, except for those hearings held by an administrative law judge of the office of administrative hearings,~~ (d) the social security disability determination program in the department of economic security, ~~(e)~~ (e) the director of mediation services, ~~(f)~~ (f) the workers' compensation division in the department of labor and industry, ~~(g)~~ (g) the workers' compensation court of appeals, ~~(h)~~ (h) the board of pardons, or ~~(i)~~ (i) the public employment relations board.

Sec. 3. Minnesota Statutes 1984, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, ~~and workers' compensation hearings, and unemployment compensation hearings.~~ ~~Temporary Emergency~~ rulemaking authority is granted to the chief administrative law judge for the purpose of ~~implementing Laws 1981, Chapter 346, Sections 2 to 6, 103 to 122, 127 to 135, and 144~~ the adoption of procedural rules for ~~unemployment compensation hearings.~~ The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of sections 14.13 to 14.18. Upon his own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 4. Minnesota Statutes 1984, section 14.53, is amended to read:

14.53 [COSTS ASSESSED.]

In consultation with the commissioner of administration the chief administrative law judge shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments. *The chief administrative law judge shall assess all costs associated with unemployment compensation hearings to the department of economic security, but shall be limited to funds provided to the department for such purposes by the federal government.*

Sec. 5. Minnesota Statutes 1984, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing

authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively.

(b) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h), in the higher education coordinating board, and in the state board of vocational technical education shall be determined by the state university board and the state board for community colleges, the higher education coordinating board, and the state board of vocational technical education, respectively.

(c) Total compensation for classified administrative law judges and *unemployment judges* in the office of administrative hearings shall be determined by the chief administrative law judge.

Sec. 6. Minnesota Statutes 1984, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system and the community college system defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau of mediation services and the public employment relations board;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge, *unemployment judge*, and compensation judge positions in the office of administrative hearings; and

(8) positions of all confidential employees.

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 18, is amended to read:

Subd. 18. [NOTICE TO EMPLOYER.] The commissioner shall at least twice each year notify each employer of the benefits as determined by the department which have been charged to his account subsequent to the last

notice. Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of a ~~referee~~ *an unemployment judge*, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 8. Minnesota Statutes 1984, section 268.06, subdivision 19, is amended to read:

Subd. 19. [NOTICE OF RATE.] The commissioner shall mail to each employer notice of his rate of contributions as determined for any calendar year pursuant to this section. Such notice shall contain the contribution rate, factors used in determining the individual employer's experience rating, and such other information as the commissioner may prescribe. Unless reviewed in the manner hereinafter provided, the rate as determined or as modified by a redetermination, a decision of a ~~referee~~ *an unemployment judge*, or the commissioner shall be final except for fraud and shall be the rate upon which contributions shall be computed for the calendar year for which such rate was determined, and shall not be subject to collateral attack for any errors, clerical or otherwise, whether by way of claim for adjustment or refund, or otherwise. If the legislature changes any of the factors used to determine the contribution rate of any employer for any year subsequent to the original mailing of such notice for the year, the earlier notice shall be void. The notice based on the new factors shall be deemed to be the only notice of rate of contributions for that year and shall be subject to the same finality, redetermination and review procedures as provided above.

Sec. 9. Minnesota Statutes 1984, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by the employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him. The date shall appear on the notice. Upon receipt of the protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on the notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case. The official shall either affirm or make a redetermination rectifying the charges or rate as the case may be, and a notice of the affirmation or redetermination shall immediately be mailed to the employer. If the employer is not satisfied with the affirmation or redetermination, he may appeal by filing a notice with the department within ten days after the date of mailing appearing upon the redetermination. Upon the receipt of the appeal, the commissioner shall refer the matter to a ~~referee~~ *the office of administrative hearings* for a hearing and after opportunity for a fair hearing, the ~~referee~~ *unemployment judge* shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at

any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The ~~referee~~ *unemployment judge* may order the consolidation of two or more appeals whenever, in his judgment, consolidation will not be prejudicial to any interested party. At any hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the ~~referee~~ *unemployment judge* shall be provided by section 268.10, subdivision 5.

Sec. 10. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer, the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an ~~appeal tribunal~~ *unemployment judge* decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an ~~appeal tribunal~~ *unemployment judge* decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an ~~appeal~~ *unemployment judge* decision awarding benefits, any benefits paid under the award of such initial determination or ~~appeal tribunal~~ *unemployment judge* decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in

accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to a ~~referee~~ *the office of administrative hearings* for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the ~~tribunal~~ *unemployment judge* from an initial determination.

(6) If a ~~referee's~~ *an unemployment judge's* decision affirms an initial determination awarding benefits or the commissioner affirms an ~~appeal tribunal~~ *unemployment judge* decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 11. Minnesota Statutes 1984, section 268.10, subdivision 3, is amended to read:

Subd. 3. [APPEAL; HEARING.] *Upon receipt of an appeal from an initial determination made under subdivision 2, the commissioner shall immediately forward the appeal and all necessary documents to the chief administrative law judge for assignment of an unemployment judge to hear the case and the scheduling of a date, time, and place for the hearing. Unless an appeal is withdrawn, the date for hearing before a referee an unemployment judge shall be set and notice of the hearing shall be mailed to the last known address of all interested parties at least ten days prior to the date set for the hearing. The notice shall be mailed by the office of administrative hearings.*

The hearing may be conducted by means of a conference telephone call except that the appellant may request that the hearing be conducted in person. The hearing shall be a trial de novo, and, upon the evidence presented, the ~~referee~~ *unemployment judge* shall affirm, modify, or set aside the initial determination. Where the same or substantially similar evidence is relevant and material to the issues in appeals by more than one individual or in appeals by one individual with respect to two or more weeks of unemployment, the appeals may be consolidated into one hearing *pursuant to the procedural rules adopted by the chief hearing examiner*. The ~~referee~~ *unemployment judge* shall exclude from any consolidated hearing the appeal of an individual who may be prejudiced because of the consolidation. A ~~referee~~ *An unemployment judge* shall not hear any appeal in which the ~~referee~~ *unemployment judge* has a direct interest. The parties *and the commissioner* shall be notified of the ~~referee's~~ *unemployment judge's* decision and the reason for it. The ~~referee's~~ *unemployment judge's* decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.

Sec. 12. Minnesota Statutes 1984, section 268.10, subdivision 4, is amended to read:

Subd. 4. [~~REFEREES TRANSCRIPTS; REVIEW OF DECISIONS.~~] ~~In order to assure the prompt disposition of all claims for benefits, the commissioner shall appoint one or more impartial referees. The commissioner shall by rule adopt a procedure by which referees hear and decide disputed claims, subject to appeal to the commissioner. No person shall participate on behalf of the commissioner in any case in which that person is an interested party. The commissioner may designate alternates to serve in the absence or disqualification of a referee. The office of administrative hearings shall cause a transcript to be prepared of all cases heard by an unemployment judge from which an appeal is made to the commissioner, or in any case to be reviewed by motion of the commissioner where the commissioner requests a transcript. There shall be no charges, fees, transcript costs, or other cost imposed upon the employee in prosecuting an appeal. All decisions of referees unemployment judges shall be made available to the public in accordance with rules the commissioner may prescribe, except that names of interested parties may be deleted.~~

Sec. 13. Minnesota Statutes 1984, section 268.10, subdivision 5, is amended to read:

Subd. 5. [~~REVIEW BY COMMISSIONER.~~] Within 30 days after mailing or personal delivery of the notice of a ~~referee's~~ *an unemployment judge's* decision to the claimant or employer at the last known address, a party may appeal from the decision and obtain a review of it by the commissioner or an authorized representative. *An appeal from an unemployment judge's decision must be filed with the chief administrative law judge. Upon receipt of an appeal, the chief administrative law judge shall notify the commissioner of the appeal and shall cause a transcript of the hearing to be prepared. Upon completion of the transcript, the entire file shall be transmitted to the commissioner.* The commissioner within the same period of time may on the commissioner's own motion order a review of a decision. Upon review, the commissioner or authorized representative may affirm, modify, or set aside any finding of fact or decision, or both, of the ~~referee~~ *unemployment judge* on the basis of the evidence previously submitted in the case, or remand the

matter back to the ~~referee~~ *unemployment judge* for the taking of additional evidence and new findings and decision based on all of the evidence before the ~~referee~~ *unemployment judge*. Notice of all hearings on review shall be given to all interested parties in the same manner as provided for by subdivision 3. ~~The commissioner or authorized representative may remove to himself or herself or transfer to another referee the proceedings on any claim pending before a referee. Any proceedings removed to the commissioner or authorized representative shall be heard upon notice in accordance with the requirements of subdivision 3.~~ The department of economic security shall mail to all interested parties a notice of the filing of and a copy of the findings and decision of the commissioner or his representative.

Sec. 14. Minnesota Statutes 1984, section 268.10, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER.] The manner in which disputed claims are presented, the reports required from the claimant and from employers, and the conduct of ~~hearings and~~ appeals shall be in accordance with the rules adopted by the commissioner ~~for determining the rights of the parties, whether or not the regulations.~~ *Rules relating to the conduct of hearings before unemployment judges shall be adopted by the chief administrative law judge. The rules of the commissioner and the chief administrative law judge need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be recorded, but need not be transcribed unless the disputed claim is further appealed.*

Sec. 15. Minnesota Statutes 1984, section 268.10, subdivision 9, is amended to read:

Subd. 9. [REPRESENTATION BY ATTORNEY.] In any proceeding under these sections before a ~~referee~~ *an unemployment judge* or the commissioner, a party may be represented by an agent or attorney, but no individual claiming benefits shall be charged fees of any kind in a proceeding before a ~~referee~~ *an unemployment judge*, the commissioner, commissioner's representatives, or by any court or any officers thereof. Any individual claiming benefits in any proceedings before the commissioner or his representatives or a court may be represented by counsel or other duly authorized agent, except that said agent in any court proceedings under these sections, must be an attorney at law; but no counsel shall either charge or receive for the services more than an amount approved by the commissioner and no fees shall be collected from an individual claiming benefits by any agent unless he is an attorney at law.

Sec. 16. Minnesota Statutes 1984, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, ~~appeal referee~~ *unemployment judge*, or any other duly authorized representative of the commissioner, may

require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, ~~appeal referee~~ *unemployment judge*, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 17. Minnesota Statutes 1984, section 268.12, subdivision 9, is amended to read:

Subd. 9. [TESTIMONIAL POWERS.] (1) In the discharge of the duties imposed by sections 268.03 to 268.24, the commissioner, ~~appeal referee~~ *unemployment judge*, or any duly authorized representative of the commissioner, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of these sections;

(2) Witnesses, other than interested parties or officers and employees of an

employing unit which is an interested party, subpoenaed pursuant to this subdivision or sections 268.03 to 268.24, shall be allowed fees the same as witness fees in civil actions in district court, which fees need not be paid in advance of the time of giving of testimony, and such fees of witnesses so subpoenaed shall be deemed part of the expense of administering these sections;

(3) In case of contumacy by, or refusal to obey, a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, or ~~referee unemployment judge~~, or any duly authorized representative of the commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, ~~the chairman of an appeal tribunal~~, ~~referee unemployment judge~~, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testimony relative to the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 18. Minnesota Statutes 1984, section 268.12, subdivision 10, is amended to read:

Subd. 10. [SELF-INCRIMINATION.] No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commissioner, ~~the chairman of an appeal tribunal~~, ~~referee unemployment judge~~, or any duly authorized representative of the commissioner, or in obedience to the subpoena of any of them in any cause or proceeding before the commissioner, ~~an appeal tribunal~~, ~~referee unemployment judge~~, or any duly authorized representative of the commissioner on the grounds that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 19. Minnesota Statutes 1984, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of the determination. The determination shall be final unless the employing unit, within 30 days after the mailing of notice of the determination to the employing unit's last known address, files a written appeal from it.

(2) ~~The commissioner shall designate one or more referees to conduct hearings on appeals~~ Upon receipt of an appeal under clause (1), the commissioner shall refer the matter to the office of administrative hearings for a hearing. The employing unit and any claimant whose filed claim for benefits may be

affected by a determination issued under clause (1) shall be interested parties to an appeal. The ~~referee~~ *unemployment judge* shall fix a time and place within this state for the hearing and give interested parties written notice of it, by mail, not less than ten days prior to the time of the hearing. In the discharge of the duties imposed by this subdivision, the ~~referee~~ *unemployment judge* may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of the employee's duties, shall be competent evidence of the facts contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of the hearing, the ~~referee~~ *unemployment judge* shall serve upon the interested parties by mail findings of fact and decision. The decision of the ~~referee~~ *unemployment judge*, together with his findings of fact and reasons in support of them, is final unless an interested party, within 30 days after the mailing of a copy of it to the interested parties' last known addresses, files an appeal with the ~~commissioner~~ *chief administrative law judge*, or unless the commissioner, within 30 days after mailing of the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the ~~referee~~ *unemployment judge* shall be in the manner provided by rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the ~~referee~~ *unemployment judge* on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the ~~referee~~ *unemployment judge* and examine the testimony taken and make any findings of fact as the evidence taken before the ~~referee~~ *unemployment judge* may, in the judgment of the commissioner, require, and make any decision as the facts found by him require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses. The decision of the commissioner is final unless judicial review of it is sought as provided by this subdivision. Any interested party to a proceeding before the commissioner may obtain a transcript of the testimony taken before the ~~referee~~ *unemployment judge* upon payment to the commissioner of the cost of the transcript at the rate of ten cents per 100 words.

(4) The court of appeals may, by writ of certiorari to the commissioner, review all questions of law and fact presented by the record in accordance with chapter 14. The commissioner shall not be required to certify the record to the court unless the party commencing the proceedings for review pays to the commissioner the cost of certification of the record at the rate of ten cents per 100 words less any amount previously paid by the party for a transcript. The commissioner shall, upon receipt of the payment, prepare and certify to the court a true and correct typewritten copy of all matters contained in the record. The costs collected by the commissioner shall be deposited in the economic security administration fund provided for in section 268.15.

(5) A final decision of the commissioner or referee, in the absence of appeal, is conclusive for all the purposes of sections 268.03 to 268.24 except as

otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or ~~referee~~ *unemployment judge* determines the amount of contributions due under sections 268.03 to 268.24, then, if the amount, together with interest and penalties, is not paid within 30 days after the decision, the provisions of section 268.161 shall apply. The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report.

Sec. 20. Minnesota Statutes 1984, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] Any claimant for benefits who, by reason of his own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.24 or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2, has received any sum as benefits to which he was not entitled under these sections, shall promptly return such benefits in cash to the nearest office of the Minnesota department of economic security. If such claimant fails to return such benefits, the department of economic security shall, as soon as it discovers such erroneous payment, determine the amount thereof and notify said individual to return the same. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time aforesaid the matter shall be set for hearing before a ~~referee of the department~~ *an unemployment judge of the office of administrative hearings* and heard as other benefit matters are heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section. The commissioner of the department of economic security is hereby authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.

Sec. 21. Minnesota Statutes 1984, section 268.18, subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and willfully misrepresenting or misstating any material fact or by knowingly and willfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of

fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. The claimant shall promptly repay in cash to the department of economic security any benefits fraudulently obtained. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant appeals from the determination within the time above specified the matter shall be referred to a referee *an unemployment judge* for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. A determination of fraud may be made at any time.

Sec. 22. [EFFECTIVE DATE.]

Article 2 is effective October 1, 1985.

Delete the title and insert:

“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, subdivi-

sions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.”

And when so amended the bill do pass:

(Signed) Nancy Brataas, William V. Belanger, Jr., Jim Gustafson, Jim Ramstad

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 191 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
191	445				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 191 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 191 and insert the language after the enacting clause of S.F. No. 445, the first engrossment; further, delete the title of H.F. No. 191 and insert the title of S.F. No. 445, the first engrossment.

And when so amended H.F. No. 191 will be identical to S.F. No. 445, and further recommends that H.F. No. 191 be given its second reading and substituted for S.F. No. 445, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for January 31, 1985:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY
Earl Herring

STATE BOARD FOR COMMUNITY COLLEGES
Franklin W. Iossi
Toyse A. Kyle
Rebecca L. Sawyer

STATE BOARD OF EDUCATION
Lloyd Swenson

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred the following appointment as reported in the Journal for February 25, 1985:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY
Carol A. Blomberg

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred the following appointment as reported in the Journal for February 28, 1985:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY
Kathryn Jarvinen

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 19, 1985:

COUNCIL ON QUALITY EDUCATION
Mary E. Berg
Daren Gislason
Sherry Roed Munyon
Moiria Boyne Rummel

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for April 9, 1985:

STATE BOARD OF EDUCATION
Eunice Johnson
Marjorie Johnson
Thomas R. Lindquist
Douglas Wallace

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1225, 806, 1159, 607 and 41 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 282, 729, 440 and 191 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that his name be stricken as a co-author to S.F. No. 5.

The motion prevailed.

Mrs. Adkins moved that the name of Ms. Peterson, D.C. be added as a co-author to S.F. No. 589. The motion prevailed.

Mr. Taylor moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1484. The motion prevailed.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 72: A Senate resolution congratulating Major General James G. Sieben of the Minnesota National Guard for being awarded the Royal Order of Saint Olaf by King Olaf V of Norway.

Referred to the Committee on Rules and Administration.

Mr. Taylor moved that Senate Resolution No. 31 be withdrawn from the Committee on Rules and Administration for immediate consideration.

CALL OF THE SENATE

Mr. Laidig imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the motion of Mr. Taylor.

The roll was called, and there were yeas 24 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	McQuaid	Renneke
Belanger	Frederickson	Knaak	Mehrkens	Sieloff
Benson	Gustafson	Knutson	Olson	Storm
Berg	Isackson	Kronebusch	Peterson, D.L.	Taylor
Bernhagen	Johnson, D.E.	Laidig	Ramstad	

Those who voted in the negative were:

Adkins	Dieterich	Lessard	Peterson, D.C.	Stumpf
Berglin	Frank	Luther	Peterson, R.W.	Vega
Bertram	Freeman	Merriam	Petty	Waldorf
Chmielewski	Hughes	Moe, D.M.	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Moe, R.D.	Purfeerst	Willet
Davis	Jude	Nelson	Reichgott	
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Langseth	Pehler	Solon	
Diessner	Lantry	Peterson, C.C.	Spear	

The motion did not prevail.

RECONSIDERATION

Mrs. Brataas moved that the vote whereby the report from the Committee on Employment on S.F. No. 41 was adopted April 23, 1985, be now reconsidered.

CALL OF THE SENATE

Mrs. Brataas imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the motion of Mrs. Brataas.

The roll was called, and there were yeas 25 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	Laidig	Ramstad
Belanger	Frederick	Kamrath	McQuaid	Renneke
Benson	Frederickson	Knaak	Mehrkens	Sieloff
Berg	Gustafson	Knutson	Olson	Storm
Bernhagen	Isackson	Kronebusch	Peterson, D.L.	Taylor

Those who voted in the negative were:

Berglin	Freeman	Luther	Peterson, C.C.	Solon
Chmielewski	Hughes	Merriam	Peterson, D.C.	Spear
Davis	Johnson, D.J.	Moe, D.M.	Peterson, R.W.	Vega
Dicklich	Jude	Moe, R.D.	Petty	Waldorf
Diessner	Kroening	Nelson	Pogemiller	Willet
Dieterich	Lantry	Novak	Reichgott	
Frank	Lessard	Pehler	Samuelson	

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Davis moved that S.F. No. 996 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Hughes moved that H.F. No. 450 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

H.F. No. 320: A bill for an act relating to the city of Roseville; increasing the total number of on-sale liquor licenses.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Reichgott
Anderson	Diessner	Knutson	Novak	Samuelson
Belanger	Frederick	Kroening	Olson	Solon
Benson	Frederickson	Laidig	Pehler	Spear
Berg	Freeman	Langseth	Peterson, D.C.	Storm
Berglin	Gustafson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Jude	Mehrkens	Purfeerst	Wegscheid
DeCramer	Kamrath	Merriam	Ramstad	

Mr. Frank voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 604: A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Peterson, C.C.	Solon
Anderson	Frederick	Kronebusch	Peterson, D.C.	Spear
Belanger	Frederickson	Lantry	Peterson, D.L.	Storm
Benson	Freeman	Lessard	Peterson, R.W.	Stumpf
Berg	Gustafson	Luther	Petty	Taylor
Berglin	Hughes	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Willet
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	
DeCramer	Jude	Nelson	Renneke	
Dicklich	Knaak	Novak	Samuelson	
Dieterich	Knutson	Pehler	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 230: A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Sieloff
Anderson	Dieterich	Kronebusch	Olson	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederickson	Langseth	Peterson, D.C.	Storm
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Gustafson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Dahl	Jude	Merriam	Ramstad	Willet
Davis	Kamrath	Moe, D.M.	Reichgott	
DeCramer	Knaak	Moe, R.D.	Renneke	
Dicklich	Knutson	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 183: A bill for an act relating to commerce; modifying the finance

charge on certain open end credit sales; amending Minnesota Statutes 1984, section 334.16, subdivision 1.

Mr. Berg moved to amend H.F. No. 183, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 131.)

Page 2, line 1, reinstate the stricken language

Page 2, line 2, reinstate everything before the stricken "by"

Page 2, line 4, reinstate the stricken period

Amend the title as follows:

Page 1, line 3, delete "certain"

CALL OF THE SENATE

Mr. Kroening imposed a call of the Senate for the vote on the Berg amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Berg amendment.

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

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Nelson	Stumpf
Berg	Dieterich	Kroening	Novak	Vega
Berglin	Frank	Luther	Peterson, D.C.	Willet
Chmielewski	Hughes	Merriam	Pogemiller	
Davis	Johnson, D.J.	Moe, D.M.	Samuelson	

Those who voted in the negative were:

Anderson	Frederick	Kronebusch	Peterson, C.C.	Solon
Belanger	Frederickson	Laidig	Peterson, D.L.	Spear
Benson	Freeman	Langseth	Peterson, R.W.	Storm
Bernhagen	Gustafson	Lantry	Petty	Taylor
Bertram	Isackson	Lessard	Purfeerst	Waldorf
Brataas	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Dahl	Kamrath	Mehrkens	Reichgott	
DeCramer	Knaak	Olson	Renneke	
Diessner	Knutson	Pehler	Sieloff	

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

Mr. Luther moved to amend H.F. No. 183, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 131.)

Page 2, reinstate lines 1 and 2

Page 2, line 3, reinstate "any"

Page 2, line 4, reinstate the period and before the period insert "issuer whose credit card is issued primarily for the purpose of purchasing motor

fuels and related products and whose gross annual national sales exceeds \$10 billion"

Mr. Peterson, R.W. moved to amend the Luther amendment to H.F. No. 183, as follows:

Page 1, line 11, delete "*exceeds*" and insert "*exceed*"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Luther amendment, as amended.

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Berg	Dieterich	Lantry	Peterson, C.C.	Spear
Berglin	Frank	Lessard	Peterson, D.C.	Stumpf
Bertram	Frederickson	Luther	Peterson, D.L.	Vega
Chmielewski	Freeman	Moe, D.M.	Pogemiller	Willet
Dahl	Hughes	Moe, R.D.	Purfeerst	
Davis	Johnson, D.J.	Nelson	Reichgott	
Dicklich	Knaak	Novak	Samuelson	

Those who voted in the negative were:

Anderson	Frederick	Knutson	Olson	Storm
Belanger	Gustafson	Kronebusch	Peterson, R.W.	Taylor
Benson	Isackson	Laidig	Petty	Wegscheid
Bernhagen	Johnson, D.E.	Langseth	Ramstad	
Brataas	Jude	McQuaid	Renneke	
DeCramer	Kamrath	Mehrkens	Sieloff	

The motion prevailed. So the Luther amendment, as amended, was adopted.

Mr. Luther then moved to amend H.F. No. 183, as amended pursuant to Rule 49, adopted by the Senate March 28, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 131.)

Page 2, line 1, reinstate the stricken "(c)"

Page 2, line 4, after the stricken "dollars" insert "*Retailers must give adequate notice to open end consumer credit customers before any higher interest rate is applied. Accompanying credit statements must not suggest that the Minnesota legislature required retailers to raise interest rates. The accompanying material must make clear that the increase affects only the maximum allowable interest rate*" and reinstate the stricken period

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for notice of increased interest rates;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.J.	Novak	Purfeerst
Anderson	Diessner	Jude	Pehler	Reichgott
Berg	Dieterich	Kroening	Peterson, C.C.	Samuelson
Berglin	Frank	Lantry	Peterson, D.C.	Solon
Bertram	Frederickson	Lessard	Peterson, D.L.	Spear
Dahl	Freeman	Luther	Peterson, R.W.	Stumpf
Davis	Gustafson	Moe, R.D.	Petty	Vega
DeCramer	Hughes	Nelson	Pogemiller	Willet

Those who voted in the negative were:

Belanger	Frederick	Knutson	Mehrrens	Renneke
Benson	Isackson	Kronebusch	Merriam	Sieloff
Bernhagen	Johnson, D.E.	Laidig	Moe, D.M.	Storm
Brataas	Kamrath	Langseth	Olson	Taylor
Chmielewski	Knaak	McQuaid	Ramstad	Wegscheid

The motion prevailed. So the amendment was adopted.

H.F. No. 183 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Peterson, C.C.	Solon
Belanger	Gustafson	Langseth	Peterson, D.L.	Spear
Benson	Isackson	Lessard	Peterson, R.W.	Storm
Bernhagen	Johnson, D.E.	McQuaid	Petty	Taylor
Bertram	Kamrath	Mehrrens	Purfeerst	Wegscheid
Brataas	Knaak	Moe, R.D.	Ramstad	
DeCramer	Knutson	Olson	Renneke	
Frederick	Kronebusch	Pehler	Sieloff	

Those who voted in the negative were:

Adkins	Dicklich	Johnson, D.J.	Moe, D.M.	Samuelson
Berg	Diessner	Jude	Nelson	Stumpf
Berglin	Dieterich	Kroening	Novak	Vega
Chmielewski	Frank	Lantry	Peterson, D.C.	Waldorf
Dahl	Freeman	Luther	Pogemiller	Willet
Davis	Hughes	Merriam	Reichgott	

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

SPECIAL ORDER

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.

Mr. Sieloff moved to amend S.F. No. 581 as follows:

Page 3, after line 21, insert:

“Sec. 4. Minnesota Statutes 1984, section 501.66, subdivision 6, is amended to read:

Subd. 6. The trustee may invest and reinvest trust assets in any property or

any undivided interest therein wherever located, including but not limited to bonds, debentures, notes, secured or unsecured, stocks of corporations, whether preferred or common, *mutual funds*, real estate or improvements thereon, or any interest therein, oil and mineral leases or royalty or similar interests and interests in trusts, including investment trusts and common trust funds maintained by a corporate trustee, contracts which insure the life of a person who is or may become a trust beneficiary, and any such investments may be made, regardless of any lack of diversification."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert "; and 501.66, subdivision 6"

The motion prevailed. So the amendment was adopted.

S.F. No. 581 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Novak	Reichgott
Anderson	Dicklich	Kamrath	Olson	Renneke
Belanger	Dieterich	Knaak	Pehler	Samuelson
Benson	Frank	Knutson	Peterson, C.C.	Sieloff
Berg	Frederick	Kronebusch	Peterson, D.C.	Spear
Berglin	Frederickson	Laidig	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Gustafson	McQuaid	Petty	Taylor
Brataas	Hughes	Mehrkens	Pogemiller	Wegscheid
Chmielewski	Isackson	Moe, R.D.	Purfeerst	Willet
Davis	Johnson, D.E.	Nelson	Ramstad	

Mr. Merriam voted in the negative.

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

SPECIAL ORDER

H.F. No. 831: A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, D.M.	Purfeerst
Anderson	Diessner	Knutson	Moe, R.D.	Ramstad
Belanger	Dieterich	Kroening	Nelson	Renneke
Benson	Frank	Kronebusch	Novak	Samuelson
Berg	Frederick	Laidig	Olson	Sieloff
Berglin	Frederickson	Langseth	Pehler	Spear
Bernhagen	Freeman	Lantry	Peterson, C.C.	Storm
Bertram	Hughes	Lessard	Peterson, D.C.	Stumpf
Brataas	Isackson	Luther	Peterson, D.L.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Peterson, R.W.	Vega
Davis	Jude	Mehrkens	Petty	Wegscheid
DeCramer	Kamrath	Merriam	Pogemiller	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederick	Laidig	Pehler	Solon
Berglin	Frederickson	Langseth	Peterson, C.C.	Spear
Bernhagen	Freeman	Lantry	Peterson, D.C.	Storm
Bertram	Gustafson	Lessard	Peterson, D.L.	Stumpf
Brataas	Hughes	Luther	Peterson, R.W.	Taylor
Chmielewski	Isackson	McQuaid	Petty	Vega
Davis	Jude	Mehrkens	Pogemiller	Wegscheid
DeCramer	Kamrath	Merriam	Purfeerst	Willet
Dicklich	Knaak	Moe, R.D.	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 485: A bill for an act relating to the city of Lismore; authorizing it to issue bonds for municipal facilities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Purfeerst
Anderson	Dieterich	Knutson	Nelson	Ramstad
Belanger	Frank	Kroening	Novak	Samuelson
Benson	Frederick	Kronebusch	Olson	Sieloff
Berglin	Frederickson	Langseth	Pehler	Spear
Bernhagen	Freeman	Lantry	Peterson, C.C.	Storm
Bertram	Gustafson	Lessard	Peterson, D.C.	Stumpf
Brataas	Hughes	Luther	Peterson, D.L.	Taylor
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Wegscheid
Davis	Jude	Mehrkens	Petty	Willet
DeCramer	Kamrath	Merriam	Pogemiller	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Mrs. Brataas 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.]

Subdivision 1. 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.

Subd. 2. No person, firm, or corporation acting pursuant to or in compliance with any directives, criteria, policy guidelines, or determinations of a review organization designated as a professional review organization pursuant to Code of Federal Regulations, title 42, parts 466.1 to 466.63, shall be subject to any action for damages or other relief by reason of any failure to provide medical care or treatment to any person whose care or treatment is required to be scrutinized or reviewed by the professional review organization.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “limiting liability of a professional standards review organization for failure to provide medical care or treatment;”

Page 1, line 4, delete “section” and insert “sections” and after “5” insert “; and 145.63”

Mr. Dieterich questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 364 was read the third time.

CALL OF THE SENATE

Mr. Wegscheid imposed a call of the Senate. The Sergeant at Arms was

instructed to bring in the absent members.

Mr. Pogemiller moved that S.F. No. 364, on Special Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion did not prevail.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Moe, R.D.	Sieloff
Anderson	Diessner	Knutson	Nelson	Spear
Belanger	Dieterich	Kronebusch	Olson	Storm
Benson	Frederick	Langseth	Peterson, C.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.L.	Taylor
Berglin	Gustafson	Lessard	Peterson, R.W.	Waldorf
Bernhagen	Hughes	Luther	Petty	Wegscheid
Bertram	Isackson	McQuaid	Ramstad	
Brataas	Johnson, D.E.	Mehrkens	Reichgott	
Chmielewski	Jude	Merriam	Renneke	
Davis	Kamrath	Moe, D.M.	Samuelson	

Those who voted in the negative were:

Frank	Kroening	Pehler	Pogemiller	Willet
Freeman	Novak	Peterson, D.C.	Vega	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 994: A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Mr. Nelson moved to amend S.F. No. 994, as follows:

Page 1, line 20, after "housing" insert "unless the owner of improvements on the land agrees before the reversion to pay the state the value of the unimproved land. For purposes of determining the value, the commissioner shall designate two or more of the regularly appointed and qualified state appraisers to determine the value of the land"

Page 1, line 22, delete "subdivision" and insert "section" and after "and" insert "Minnesota Statutes,"

Page 2, line 1, before "parcels" insert "two"

Page 2, line 2, delete everything after the comma

Page 2, delete lines 3 through 5 and insert "legally described as follows:

(a) Parcel number one: A tract of land in the Southwest Quarter (SW 1/4) of Section Twenty-two (22), Township One Hundred Two (102), Range Forty (40), bounded by the following described lines.

Beginning at a point on the north line of said SW 1/4, a distance of 205.00 feet north 89 degrees 35 minutes west of the Northeast corner of said SW 1/4;

thence north 89 degrees 35 minutes west, along the north line of said SW 1/4, a distance of 150.00 feet; thence south parallel with the east line of said SW 1/4 to the northerly right-of-way line of Betty Avenue; thence northeasterly along said right-of-way line to its intersection with the Thompson Avenue west right-of-way line; thence northerly along the westerly right-of-way line of Thompson Avenue to the point of beginning; except that portion of the above described tract within a 396 foot radius of the television tower located on the Worthington Community College site; and

(b) Parcel number two: Lots 10, 11, 12, 13 and 14, Block 3, College View Heights Addition, City of Worthington; and Lots 16, 17, 18, 19 and the Easterly One-Half (E 1/2) of Lot 20, Block 2, Lake Shore Parker Subdivision Part of Government Lots 3 and 4, Section 22, Township 102, Range 40, City of Worthington."

The motion prevailed. So the amendment was adopted.

S.F. No. 994 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R.D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Sieloff
Benson	Frederick	Kronebusch	Olson	Spear
Berg	Frederickson	Langseth	Pehler	Storm
Berglin	Freeman	Lantry	Peterson, C.C.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, D.C.	Taylor
Bertram	Hughes	Luther	Peterson, D.L.	Vega
Brataas	Isackson	McQuaid	Peterson, R.W.	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Petty	Wegscheid
Davis	Jude	Merriam	Pogemiller	Willet
DeCramer	Kamrath	Moe, D.M.	Ramstad	

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

SPECIAL ORDER

S.F. No. 1029: A bill for an act relating to drivers licenses; providing for access to drivers license photographic negatives; amending Minnesota Statutes 1984, section 171.07, subdivision 1a.

Mr. Spear moved to amend S.F. No. 1029 as follows:

Page 1, line 20, delete "this chapter or"

Page 1, line 21, delete "section" and insert "sections" and after "169.129," insert "171.22, 171.24, 171.30,"

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 1029 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 169.02, subdivision 1, is amended to read:

Subdivision 1. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota; or the University of Minnesota, except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of sections 169.09 to 169.13 ~~shall apply upon highways and elsewhere throughout the state to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state.~~

Sec. 2. Minnesota Statutes 1984, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state *or upon the ice of any boundary water of this state:*

(a) When the person is under the influence of alcohol;

(b) When the person is under the influence of a controlled substance;

(c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b);

(d) When the person's alcohol concentration is 0.10 or more; or

(e) When the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more.

~~The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.~~

Sec. 3. Minnesota Statutes 1984, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state *or upon the ice of any boundary water of this state* consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until he or she reaches the age of 18 years, whichever is greater;

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater;

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.

Sec. 4. Minnesota Statutes 1984, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state *or upon the ice of any boundary water of this state* in violation of section 169.121 or an ordinance in conformity with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the county court."

Page 1, after line 22, insert:

"Sec. 6. [REPEALER.]

Minnesota Statutes 1984, section 169.13, subdivision 3, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "drivers licenses" and insert "crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language"

Page 1, line 4, delete "section" and insert "sections 169.02, subdivision

1; 169.121, subdivision 1; 169.123, subdivision 2; and 169.129;" and before the period, insert " ; repealing Minnesota Statutes 1984, section 169.13, subdivision 3"

Mr. Knaak questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1029 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Novak	Samuelson
Anderson	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Langseth	Pehler	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Luther	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Petty	Waldorf
Brataas	Isackson	Mehrkens	Pogemiller	Wegscheid
Chmielewski	Jude	Merriam	Purfeerst	Willet
Davis	Kamrath	Moe, D.M.	Ramstad	
DeCramer	Knaak	Moe, R.D.	Reichgott	
Diessner	Knutson	Nelson	Renneke	

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

SPECIAL ORDER

H.F. No. 982: A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R.D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Benson	Frank	Kronebusch	Novak	Samuelson
Berg	Frederick	Langseth	Olson	Sieloff
Berglin	Frederickson	Lantry	Pehler	Spear
Bernhagen	Freeman	Lessard	Peterson, D.C.	Storm
Bertram	Gustafson	Luther	Peterson, D.L.	Stumpf
Brataas	Hughes	McQuaid	Peterson, R.W.	Waldorf
Chmielewski	Isackson	Mehrkens	Petty	Wegscheid
Davis	Jude	Merriam	Pogemiller	Willet
DeCramer	Kamrath	Moe, D.M.	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 880: 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Sieloff
Anderson	Diessner	Knutson	Olson	Spear
Belanger	Dieterich	Kroening	Pehler	Storm
Benson	Frank	Kronebusch	Peterson, C.C.	Stumpf
Berg	Frederick	Lantry	Peterson, D.C.	Vega
Berglin	Frederickson	Luther	Peterson, D.L.	Waldorf
Bernhagen	Freeman	McQuaid	Peterson, R.W.	Wegscheid
Bertram	Hughes	Mehrkens	Petty	Willet
Brataas	Isackson	Merriam	Pogemiller	
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	
Davis	Jude	Moe, R.D.	Reichgott	
DeCramer	Kamrath	Nelson	Renneke	

So the resolution passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 645: A bill for an act relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Spear
Anderson	Diessner	Kroening	Pehler	Storm
Belanger	Frank	Kronebusch	Peterson, C.C.	Stumpf
Benson	Frederick	Langseth	Peterson, D.C.	Taylor
Berg	Frederickson	Lantry	Peterson, D.L.	Vega
Berglin	Freeman	Lessard	Peterson, R.W.	Waldorf
Bernhagen	Gustafson	Luther	Petty	Wegscheid
Bertram	Hughes	McQuaid	Pogemiller	Willet
Brataas	Isackson	Mehrkens	Ramstad	
Chmielewski	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, D.M.	Renneke	
DeCramer	Knaak	Moe, R.D.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Renneke
Anderson	Diessner	Knutson	Olson	Solon
Belanger	Dieterich	Kroening	Pehler	Spear
Benson	Frank	Kronebusch	Peterson, C.C.	Storm
Berg	Frederick	Langseth	Peterson, D.C.	Stumpf
Berglin	Frederickson	Lantry	Peterson, D.L.	Taylor
Bernhagen	Freeman	Lessard	Peterson, R.W.	Vega
Bertram	Gustafson	Luther	Petty	Waldorf
Brataas	Hughes	McQuaid	Pogemiller	Wegscheid
Chmielewski	Isackson	Mehrkens	Purfeerst	Willet
Davis	Jude	Merriam	Ramstad	
DeCramer	Kamrath	Moe, D.M.	Reichgott	

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Spear
Anderson	Dieterich	Knutson	Olson	Storm
Belanger	Frank	Kroening	Peterson, C.C.	Stumpf
Benson	Frederick	Kronebusch	Peterson, D.C.	Taylor
Berglin	Frederickson	Lantry	Peterson, D.L.	Vega
Bernhagen	Freeman	Lessard	Peterson, R.W.	Waldorf
Bertram	Gustafson	Luther	Pogemiller	Wegscheid
Chmielewski	Hughes	Mehrkens	Purfeerst	Willet
Davis	Isackson	Merriam	Ramstad	
DeCramer	Jude	Moe, D.M.	Renneke	
Dicklich	Kamrath	Moe, R.D.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1099: A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Spear
Anderson	Dieterich	Kronebusch	Olson	Storm
Belanger	Frank	Langseth	Pehler	Stumpf
Benson	Frederick	Lantry	Peterson, C.C.	Taylor
Berglin	Freeman	Lessard	Peterson, D.C.	Vega
Bernhagen	Gustafson	Luther	Peterson, D.L.	Waldorf
Bertram	Hughes	McQuaid	Peterson, R.W.	Wegscheid
Brataas	Isackson	Mehrkens	Pogemiller	Willett
Chmielewski	Jude	Merriam	Purfeerst	
Davis	Kamrath	Moe, D.M.	Ramstad	
DeCramer	Knaak	Moe, R.D.	Renneke	
Dicklich	Knutson	Nelson	Sieloff	

So the resolution passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 953: A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Sieloff
Anderson	Dieterich	Kronebusch	Novak	Solon
Belanger	Frank	Laidig	Olson	Spear
Benson	Frederick	Langseth	Pehler	Storm
Berglin	Frederickson	Lantry	Peterson, C.C.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, D.C.	Taylor
Bertram	Gustafson	Luther	Peterson, D.L.	Vega
Brataas	Hughes	McQuaid	Peterson, R.W.	Waldorf
Chmielewski	Isackson	Mehrkens	Pogemiller	Wegscheid
Davis	Jude	Merriam	Purfeerst	Willett
DeCramer	Kamrath	Moe, D.M.	Ramstad	
Dicklich	Knaak	Moe, R.D.	Renneke	

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1065: A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Laidig	Novak	Renneke
Anderson	Frank	Langseth	Olson	Sieloff
Belanger	Frederickson	Lantry	Pehler	Solon
Benson	Hughes	Lessard	Peterson, C.C.	Spear
Bernhagen	Isackson	Luther	Peterson, D.C.	Storm
Bertram	Jude	McQuaid	Peterson, D.L.	Stumpf
Chmielewski	Kamrath	Mehrkens	Peterson, R.W.	Taylor
Davis	Knaak	Merriam	Pogemiller	Vega
DeCramer	Knutson	Moe, D.M.	Purfeerst	Waldorf
Dicklich	Kroening	Moe, R.D.	Ramstad	Wegscheid
Diessner	Kronebusch	Nelson	Reichgott	Willet

Mr. Frederick voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1119: A bill for an act relating to local government; increasing the amount that a county board may credit to the sheriff's contingency fund; amending Minnesota Statutes 1984, section 387.212.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Laidig	Olson	Solon
Anderson	Frank	Langseth	Pehler	Spear
Belanger	Frederick	Lantry	Peterson, C.C.	Storm
Benson	Gustafson	Lessard	Peterson, D.C.	Stumpf
Bernhagen	Hughes	Luther	Peterson, D.L.	Taylor
Bertram	Isackson	McQuaid	Peterson, R.W.	Vega
Brataas	Jude	Mehrkens	Pogemiller	Waldorf
Chmielewski	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, D.M.	Ramstad	Willet
DeCramer	Knutson	Moe, R.D.	Reichgott	
Dicklich	Kroening	Nelson	Renneke	
Diessner	Kronebusch	Novak	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 41 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Novak	Solon
Anderson	Frank	Lantry	Peterson, C.C.	Stumpf
Belanger	Frederickson	Lessard	Peterson, D.C.	Vega
Bernhagen	Hughes	Luther	Peterson, D.L.	Wegscheid
Bertram	Isackson	Mehrkens	Purfeerst	Willet
Chmielewski	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, D.M.	Renneke	
DeCramer	Kronebusch	Moe, R.D.	Samuelson	
Dicklich	Laidig	Nelson	Schmitz	

Those who voted in the negative were:

Brataas	Knaak	McQuaid	Sieloff	Storm
Dieterich	Knutson	Ramstad	Spear	Waldorf
Frederick	Kroening			

So the resolution passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Freeman, Nelson, Ms. Peterson, D.C.; Messrs. Pehler and Anderson introduced—

S.F. No. 1504: A bill for an act relating to education; establishing a pilot all-day kindergarten program in independent school district No. 280, Richfield; appropriating money.

Referred to the Committee on Education.

Mr. Benson and Mrs. Kronebusch introduced—

S.F. No. 1505: A resolution memorializing the President and Congress of the United States to set up a joint congressional commission to draft a law preventing states from selectively granting benefits to businesses moving into the state that are not offered to businesses already in the state.

Referred to the Committee on Economic Development and Commerce.

Mr. Frederick introduced—

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.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Johnson, D.J. was excused from the Session of today at 4:55 p.m. Mr. Schmitz was excused from the Session of today from 2:00 to 7:00 p.m.

The following members were excused from today's Session for brief periods of time: Messrs. Dahl; Frederick; Laidig; Johnson, D.E.; Freeman; Novak and Ms. Berglin.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m.,

Wednesday, April 24, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate