

House Information Office

HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

5-12 February 1987

Volume 3, Number 4

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

COMMITTEE ACTION

COMMERCE

Tuesday
Feb. 10

Adoption expense reimbursement
HF127/SF249 (Krueger, DFL-Staples)
Recommended to pass; placed on Consent Calendar.
(SF in Senate Judiciary Committee).

Would provide that when an adoption applicant pledges to make a voluntary contribution to a non-profit corporation for adoption services, the pledge is voidable at the option of the person pledging.

FINANCIAL INSTITUTIONS & INSURANCE

Wednesday
Feb. 11

Commerce Department--housekeeping
HF291 (Winter, DFL-Fulda)
Heard.

Would provide language, technical, and regulation changes to various statutes regulating incorporation and operation of financial institutions.

JUDICIARY

Tuesday
Feb. 10

Criminal trial procedures--changes
HF137/SF220 (Kelly, DFL-St. Paul)
Heard.
(SF in Senate Judiciary Committee)

Would change criminal trial procedures.

(See bill summary in HWR, Vol. 3, No. 3, Pg. 2,
Judiciary, Feb. 3)

Crime & Family Law Div./Judiciary

Monday
Feb. 9

Crime victim reparations
HF151 (Kelly, DFL-St. Paul)
Recommended to pass as amended**.

Would make various changes to crime victims reparations laws. Provisions would:

- allow the Crime Victims Reparations Board to file a reparations claim with the court administrator to request restitution for a crime victim; if the board hasn't paid reparations to the victim, court-ordered restitution may be made directly to the victim; if the victim has received payment, then the court-ordered restitution shall go directly to the board;
- exclude from reparations reimbursement the first \$50 of lost income (currently there's no minimum loss requirement in the reparations law for this type of economic loss);



- include minors (people not of majority age) in the list of circumstances which do not make a claimant unable to file a claim within certain time limits (current law requires reparations claims be filed within one year of the victim's injury or death; if claimant is unable to file within that period, the claim may be filed within one year of the time it could have been filed);

- change the timing of the one-year filing period for domestic child abuse victims to begin when the crime is reported to the police (current law exempts domestic child abuse victims from the one year filing requirement); provide that no claims may be paid if the victim is 19 years old or older at the time the claim is filed;

- change the board's investigation and ruling procedures for reparations claims to:

- allow the board chair to assign a claim, when filed, to a board member;

- require the board member to investigate the claim's validity to the extent investigation is necessary;

- permit board members to discuss the claim at board meetings and vote whether to deny, approve, or further investigate the claim without first conducting a hearing on it;

- require the board member assigned the claim to issue, in writing, a decision granting or denying the claim, and provide copies to the board and claimant; and

- allow the claimant, within 30 days, to apply to the entire board to reconsider an adverse decision; if, after reconsideration, reparations are denied, the claimant may ask for a contested case hearing, to be conducted according to the administrative procedures act;

- require law enforcement agencies to provide requested reports to the board within ten days of the request.

****Amendments would:**

- exclude from receiving reparations any claimant injured while committing a crime;

- delete proposed changes to current law requiring proceeds perpetrators gain through commercial exploitation of crimes be turned over to the reparations board for the crime victims' benefit;

- define ombudsman's files as confidential data during the course of an investigation or while the files are active; define the files as private data when the investigation is completed or when the files are placed on inactive status.

Paternity/child support revisions

HF163/SF242 (Schoenfeld, DFL-Waseca)

Heard.

(SF in Senate Health and Human Services Committee)

Would regulate paternity determinations, and support and maintenance obligations. Provisions would:

- require a declaration of parentage, which both parents sign, be filed with the state registrar or the appropriate court before the name of the father is added to the birth certificate of a child born to a woman not married to the father;

- clarify that a declaration of parentage creates a presumption that the person signing the declaration is the child's biological father (presumption of paternity);

- make conclusive three years after the execution date, the presumption of paternity created when a declaration of parentage is signed and filed;

- clarify that the public agency responsible for support enforcement is a party to a paternity suit any time there is public assistance involved;

- require that the child be joined as a party so that the child will have a guardian ad litem anytime the action is for purposes of declaring non-paternity, or when the mother is denying paternity;

- allow certified results of blood testing to be used to obtain an order for temporary support in a paternity proceeding;

- clarify if a person is ordered to testify in a paternity proceeding, the person shall have immunity from criminal prosecution, except from perjury committed in the testimony;

- allow proceeds from a homestead sale to be used to satisfy child support and maintenance debts;

- require the court to divide medical and dental expenses insurance doesn't cover between the parents if it finds the obligor (usually the non-custodial parent) has an ability to pay all or a portion of them;

- presume the obligor has sufficient income to pay court-ordered maintenance or support; failure to pay would be prima facie evidence of contempt of court;

- require the court to order all child support and maintenance payments be made to the child support agency not only in public assistance cases but also when someone applies for child support collections services;

- require court-ordered child support or maintenance be withheld from the income, regardless of source, of the person obligated to pay the support or maintenance;

- require that every order for maintenance or support include the obligor's social security number and the name and address of the obligor's employer or other payor of funds;

- clarify that immediate withholding of maintenance or child support applies only to orders entered after Aug. 1, 1987, and that current conditions still apply for pre-existing maintenance and child support orders;
- require the court, when the order for immediate withholding is entered, to mail a copy of the court's support order to the obligor's employer or other payor of funds;
- provide for a stay of immediate withholding if two months support is paid to the court in escrow, which the court will hold in an interest-bearing account; would require the court to release the escrowed-money to the child support agency if:
 - the obligor fails to pay the support amount to the obligee or child support agency within ten days of the date it's ordered to be paid;
 - the obligee or child support agency transmits a notice of default to the court administrator;
 - the court administrator sends a copy of the notice of default to the obligor at the address given; and
 - the obligor fails, within 15 days after mailing of the notice, to request a hearing on the issues of whether payment was in default as of the date of the notice and serve notice of the request for hearing on the court administrator, the public authority, and the obligee;
- require the child support agency to turn over escrowed funds, when released, to the obligee, and to serve a copy of the court's order on the obligor's employer or other payor of funds;
- require the court to release the escrowed sum and interest, if the support obligation terminates under the terms of the order or decree establishing the obligation and the court hasn't otherwise released the sum, if:
 - the obligor transmits termination notice to the court administrator;
 - the court administrator sends a copy of the termination notice to the obligee and the child support agency; and
 - the obligee or the child support agency fails, within 20 days after mailing of the notice, to request a hearing on the issues of whether the support obligation continues and serve notice of the request for hearing on the obligor and the court administrator;
- require the obligor to pay a one-time fee of \$25 to the court to cover the expense of establishing the escrow account;
- require an obligee who is not receiving public assistance to apply to the child support agency for child support and maintenance collection services when a support order is entered or when notice of default is transmitted to the court (see above, conditions to release escrowed-money to child support agency);

- require the obligor's employer or payor of funds to withhold from the obligor's income an additional 20 percent of the monthly child support or maintenance obligation to pay an arrearage existing when the employer or payor receives notice;
- require the court to hold a hearing contesting withholding within 45 days from the notice date;
- provide that no periodic or lump sum funds, defined in statutes as income, shall be exempt from withholding for child support arrearages;
- require an employer, after hiring an individual, to ask the individual if he or she has court-order child support obligations which the law requires the employer to withhold, and the court order's terms, if any; would require the individual to disclose this information at the time he or she is hired; would require the employer, after the employee's disclosure, to begin withholding according to the order's terms;
- require the obligor and the obligor's employer to notify the child support agency within ten days of the obligor's change of employment or employment termination date; would restrict use of information to administration of the child support enforcement program;
- repeal the provision of the declaration of parentage statute that makes it conclusive evidence and gives it the same effect as an adjudication of paternity for certain purposes.

LABOR-MANAGEMENT RELATIONS

**Monday
Feb. 9**

**Minimum wage increase
HF3/SF10 (Kelly, DFL-St. Paul)
Heard.
(SF in Senate Employment Committee)**

Would raise Minnesota's minimum wage from \$3.35 to \$4.25 an hour for adults, and from \$3.02 to \$3.83 an hour for workers under 18.

REGULATED INDUSTRIES

Monday
Feb. 9

Liquor sales--prohibiting discrimination
HF266 (Ogren, DFL-Aitkin)
Amended**; laid over.

Would allow licensed importers to choose to sell to licensed wholesalers and manufacturers all intoxicating liquor brought into the state, but would remove the legal requirement to offer the product to all licensed wholesalers. Provisions would:

- require a licensed importer who sells to two or more licensed wholesalers and manufacturers to sell on an equal basis.

**Amendment would:

- eliminate delivery charges on distilled spirits, but not on intoxicating or non-intoxicating malt liquor.

TAXES

Thursday
Feb. 5

Endotronics facility--investment
HF92/SF122 (Minne, DFL-Hibbing)
Recommended to pass as amended.
(SF in Senate Economic Development and Housing Committee)

Delete everything amendment would authorize investment of the Northeastern Minnesota Economic Protection Fund (2002 Fund) monies in equity securities or other equity interests in corporations that engage in projects in northeastern Minnesota. Provisions would:

- authorize expenditure of \$24 million from the corpus of the fund;
- allow a one year window in which to invest the \$24 million before the year 2002;
- require any repayment of principal or earnings of the \$24 million is added to the corpus of the Fund;
- require that any unexpended amount of the \$24 million is cancelled on June 30, 1988 and returned to the corpus of the Fund.
- repeal a \$20 million appropriation from the Fund for a smelting project using the COREX process that was enacted by the 1986 Legislature.

TRANSPORTATION

Wednesday
Feb. 11

Pipeline Safety Act
HF91/SF90 (Knuth, DFL-New Brighton)
Recommended to pass amended**; rereferred to Regulated Industries Committee.
(SF in Senate Environment and Natural Resources Committee)

Would create an Office of Pipeline Safety in the Department of Public Safety and a Pipeline Safety Advisory Commission; would propose a variety of pipeline safety measures.

(See bill summary in HWR, Vol. 3, No. 3, Pg. 1, Environment and Natural Resources, Feb. 3 and HWR, Vol. 3, No. 2, Pg. 1, Environment and Natural Resources, Jan. 29)

**Amendments would:

- provide that the regulatory program rules must treat separately and distinguish between hazardous liquid and gas pipelines;
- increase the members on the Pipeline Safety Advisory Commission from seven to nine (two members must be operators of hazardous liquid and gas pipeline);
- require pipeline constructors to restore an area affected by pipeline construction;
- provide that the state site process supercedes and pre-empts local government's regulations or ordinances;
- clarify Environment Quality Board's routing authority;
- delete language that created the Office of Pipeline Safety and adds new language that makes the Office of Pipeline Safety a division of the Department of Public Safety;
- clarify duties of public safety commissioner.

FLOOR ACTION

CALENDAR

Thursday
Feb. 5

Adoptive parents--access to records
HF41/SF37 (Milbert, DFL-South St. Paul)
Passed (121-0).
(SF in Senate Judiciary Committee)

Would require adoption agency records to contain certain information, and would allow adoptive parents access to their records in certain circumstances.

(See bill summary in HWR, Vol. 3, No. 2, Pg. 3, Judiciary, Jan. 27)

GENERAL ORDERS

Monday
Feb. 9

Interest buydown program extension
HF1/SF93 (Olson, K., DFL-Sherburn)
Recommended to pass as amended**.
(SF in Senate Agriculture Committee)

Would extend and finance the interest buydown program for one year. Provisions would:

- appropriate \$14 million for the deficit incurred in the 1986 buydown program;
- appropriate \$20 million for interest buydown payments in program year 1987;
- appropriate \$60,000 for administration costs;
- set a cap of \$12,500 on the total interest subsidy a farmer can receive;
- limit loan applications to the \$20 million in new funds.

** Amendment would allow the Commissioner of Commerce to use any leftover funds from the \$14 million deficit payment for the 1987 buydown program.

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Nothing herein is admissible as legal proof of legislative intent.

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HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

12-19 February 1987

Volume 3, Number 5

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

COMMITTEE ACTION

ECONOMIC DEVELOPMENT & HOUSING

**Tuesday
Feb. 17**

Austin--creation of enterprise zone
HF133/SF 129 (Reding, DFL-Austin)
Recommended to pass as amended**; referred to Taxes
Committee.
(SF in Senate Economic Development and Housing
Committee)

Would authorize the city council of Austin to create an
enterprise zone, even though the deadline for such
authorization was Dec. 31, 1986. Provisions would:

- subject the enterprise zone to the same requirements and
benefits as present enterprise zones with two exceptions:
it would not be subject to the funding limitations on the
total amount of tax credits that the state is authorized to
grant; and the city does not have to agree to provide the
qualifying local contribution.

**Amendment would:

- provide \$37,600,000 in tax reductions for activities or
property located in the enterprise zone;
- appropriate to the commissioner of revenue the amount
necessary to pay approved tax reductions for the enterprise
zone.

Burnsville--industrial development bond refund
HF160/SF77 (Morrison, IR-Burnsville)
Heard; laid over.
(SF in Senate Economic Development and Housing)

Would appropriate \$30,000 from the state's general fund
to refund the city of Burnsville for a 1984 application
deposit for the authority to issue private activity revenue
bonds.

FINANCIAL INSTITUTIONS & INSURANCE

**Wednesday
Feb. 18**

Commerce Department--housekeeping
HF291 (Winter, DFL-Fulda)
Heard; amended.

Would provide language, technical, and regulation
changes to various statutes regulating incorporation and
operation of financial institutions.

GOVERNMENTAL OPERATIONS

**Thursday
Feb. 19**

Salary increases rejected
HF68 (Vanasek, DFL-New Prague)
Recommended to pass as amended**.

Would reject the state compensation council's
recommended salary increases (to take effect Jan. 1, 1989,
and Jan. 1, 1990) for legislators.

**Amendments would:

- limit legislators' salary adjustments (to take effect Jan.
1, 1989, and Jan. 1, 1990), if any, to not more than the
lowest comparable rate of increase in an approved
negotiated agreement or arbitration award covering state
employees, as the commissioner of employee relations
determines;

- reject the council's recommended salary increases (to
take effect Jan. 1, 1989, and Jan. 1, 1990) for
constitutional officers.



HEALTH & HUMAN SERVICES

**Thursday
Feb. 19**

**County medical assistance claims
HF18/SF15 (Ogren, DFL-Aitkin)**
Recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would clarify statute allowing a claim for medical assistance against the estate of a surviving spouse of a medical recipient. Recognizes affidavit of successorship filed by agency rendering medical assistance.

**Amendment would:

- require that the claim made against the estate of the surviving spouse, upon his/her death, would be limited to the value of the assets of the estate that were marital property or jointly-owned property at any time during the marriage.

**Anatomical Gifts--required request for consent
HF23/SF86 (Kahn, DFL-Mpls)**
Recommended to pass as amended**. (SF in Senate Health and Human Services Committee)

Delete everything amendment would require a hospital to establish written protocols for the identification of potential organ donors and to make the decedent's family or guardian aware of options to donate or decline. Proposed coding of this new law would be added under the Uniform Anatomical Gift Act. Provisions would:

- require notification of an organ procurement agency;
- establish medical criteria concerning the suitability and feasibility of organ donation for transplantation;
- require that if a potential donor is identified using the established protocols, hospital personnel shall notify any of the following persons listed in priority: the spouse, an adult child; either parent, an adult brother or sister, or a guardian;
- direct the hospital administrator or designee to attempt to locate documentation of the deceased person's desire to be a donor. This shall constitute consent if there is no objection from the relatives or guardian;
- establish that donation can be obtained by either hospital personnel or a representative of the organ procurement agency. Consent or refusal must be obtained only from the available person highest on the priority list;
- require that documentation of a request for an anatomical

gift be included in the patient's medical record. Also included would be the name of the person granting or refusing consent and their relationship to the decedent;

- assure that the family of the decedent will not be financially liable for any costs related to the donation for transplantation;
- require compliance of the donation with the Uniform Anatomical Gift Act;
- provide for training of hospital employees who may be required to request an anatomical gift donation. Guidelines for training must be developed by the commissioner of health, hospital representatives and other interested persons.

**amendment would:

- require that tissues or organs be tested for possible disease prior to being made available for transplantation.

JUDICIARY

**Monday
Feb. 16**

**Criminal trial procedures--changes
HF137/SF220 (Kelly, DFL-St. Paul)**
Heard; amended**. (SF in Senate Judiciary Committee)

Would change criminal trial procedures.

(See bill summary in HWR, Vol. 3, No. 3, Pg. 2, Judiciary, Feb. 3)

**Delete everything amendment would:

- allow the court to decide on a case-by-case basis whether two or more defendants authorities charge with the same felony should be tried separately or jointly; require the court to consider the nature of the offense charged, the impact on the victim, the potential bias to the defendant, and the interests of fairness;
- retain the order of closing argument in current law (prosecution, then defense) but would allow the prosecution to respond to the defendant's closing argument;
- allow both the defendant and prosecution, in non-life imprisonment offenses, the same number of changes (five) to challenge and remove a juror without giving a reason;
- require two or more defendants tried jointly for an offense to share the five challenges, unless the court

grants each of them an equal number of additional challenges (not more than two each);

- add an effective date of Aug. 1, 1987, for these provisions; would apply to prosecutions begun on or after Aug. 1, 1987.

**Tuesday
Feb. 17**

County medical assistance reimbursed
HF19/SF16 (Ogren, DFL-Aitkin)
Recommended to pass as amended**; placed on Consent Calendar.
(SF in Senate Judiciary Committee)

Would allow a county that has provided medical assistance to a decedent who has no surviving spouse or minor or disabled children to use the collection process found in current law (requires that the estate is worth less than \$5,000, and that a death certificate and an affidavit are presented) as a method of enforcing the county's claim for reimbursement for services.

**Amendment would:

- add an effective date to the bill (effective the day after final enactment).

Criminal trial procedures--changes
HF137/SF220 (Kelly, DFL-St. Paul)
Recommended to pass as amended**.
(SF in Senate Judiciary Committee)

Would change criminal trial procedures.

(See bill summary above)

**Amendment would:

- limit the prosecution's response to the defendant's final argument to no more than five minutes.

Credit discrimination prohibited
HF222/SF168 (Bishop, IR-Rochester)
Recommended to pass as amended**; placed on Consent Calendar.
(SF on Senate Floor)

Would make it unfair for lenders to discriminate because of sex or marital status when extending personal or commercial credit, or in the requirements for obtaining credit.

**Amendment would:

- prohibit requiring a second signature (spouse's or other person's) on a credit application if the applicant meets other credit requirements, except where the spouse or other person has an interest (on a document granting or perfecting a lien on real property, or a security interest in personal property).

Crime & Family Law Div./Judic.

**Monday
Feb. 16**

Paternity/child support revisions
HF163/SF242 (Schoenfeld, DFL-Waseca)
Heard; amended**.
(SF in Senate Health and Human Services Committee)

Would regulate paternity determinations, and support and maintenance obligations. (See bill summary in HWR, Vol. 3, No. 4, Pg. 2, Crime & Family Law Div./Judic., Feb. 9)

**Amendments would:

- allow proceeds from a homestead sale to be used to satisfy child support and maintenance debts in arrears;
- make technical language changes.

**LABOR-MANAGEMENT
RELATIONS**

**Monday
Feb. 16**

Minimum wage increase
HF3/SF10 (Kelly, DFL-St. Paul)
Recommended to pass as amended**.
(SF in Senate Employment Committee)

Would raise Minnesota's minimum wage from \$3.35 to \$4.35 an hour for adults, and from \$3.02 to \$3.83 an hour for workers under 18.

**Amendment would:

- phase-in the increase in three increments over a two-year period beginning July 1, 1987;
- exempt minimum wage employees who receive \$35 or more in gratuities per month from a wage increase until Jan. 1, 1988.

LOCAL & URBAN AFFAIRS

**Tuesday
Feb. 17**

St. Stephen--civic building

HF191/SF417 (Omann, IR-St. Joseph)

Recommended to pass; placed on the Consent Calendar.
(SF in Senate Local and Urban Government Committee)

Authorizes the city of St. Stephen to sell up to \$265,000 in general obligation bonds that voters authorized Feb. 3, 1987. Bond proceeds would go toward a city civic building and aren't subject to the city's net-debt or any levy limits.

Anoka County--highway development

HF94/SF200 (Simoneau, DFL-Fridley)

Recommended to pass as amended; rereferred to Transportation Committee. (SF in Senate Transportation Committee)

Would authorize Anoka County, upon a majority vote of the county board, to enter into a loan agreement with the transportation commissioner for design and construction of Highway 10. Provisions would:

- provide that the funds the county commissioner lends to the transportation commissioner may be proceeds from the sale of county bonds as well as other county sources of revenue;
- require the transportation commissioner to repay the loan, free of interest, in 10 equal annual installments beginning in 1993 or when construction is complete.

Anoka County--capital improvement

HF95/SF201 (Simoneau, DFL-Fridley)

Recommended to pass.
(SF in Senate Local and Urban Government Committee)

Would authorize the Anoka County Board, from time to time, to sell general obligation bonds in an aggregate amount not to exceed \$18,000,000 outstanding at any time, for its capital improvement program.

**Thursday
Feb. 19**

Local government--city reserve fund

HF81 (Stanius, IR-White Bear Lake)

Recommended to pass.

Would allow local governments to use funds from the city reserve fund to replace sidewalks.

White Bear Lake--special service district

HF82 (Stanius, IR-White Bear Lake)

Recommended to pass; rereferred to Taxes Committee.

Would authorize the city of White Bear Lake to establish, by ordinance, special service districts in certain areas of the city. A special service tax would be levied on non-homestead properties in the district to pay for city maintenance, improvements, and special city services.

St. Paul--capital improvement

HF289 (Kelly, DFL-St. Paul)

Recommended to pass as amended.

Would authorize the city of St. Paul to issue bonds for its capital improvement program through 1993 (the city is currently authorized to issue the bonds through 1988). Stipulates bond amounts.

REGULATED INDUSTRIES

**Monday
Feb. 16**

Iron Range utility pricing

HF70/SF134 (Minne, DFL-Hibbing)

Heard.

(SF in Senate Public Utilities and Energy Committee)

Would make various changes to statute on how the Public Utilities Commission determines the amount of compensation a municipal electric utility must pay another utility when it expands its service area to customers formerly served by the other utility. Provisions would:

- require that when a municipal electric utility expands its service area within its corporate boundaries, the amount of compensation equals the original cost, less depreciation, of only those facilities actually sited in the area necessarily acquired, plus the cost of integration.
- allow no compensation for lost revenue if:
 - the extension is to a customer requiring a connected load of 25,000 kilowatts or more;
 - the customer has been served by a utility under a contract;
 - the contract has expired at the time of the service extension;
 - the customer would be more economically served by the municipality; and
 - the customer prefers municipal service.

FLOOR ACTION

CALENDAR

**Thursday
Feb. 12**

Interest buydown program extension
HF1/SF93 (Olson, K., DFL-Sherburn)
Passed (124-0).
(SF in Senate Agriculture Committee)

Would extend and finance the interest buydown program for one year.

(See bill summary in HWR, Vol. 3, No. 3, Pg. 1, Agriculture, Transportation & Semi-State Div./Approps., Feb. 2)

CONSENT CALENDAR

**Monday
Feb. 16**

Adoption expense reimbursement
HF127/SF249 (Krueger, DFL-Staples)
Passed (126-0).
(SF in Senate Judiciary Committee)

Would provide that when an adoption applicant pledges to make a voluntary contribution to a non-profit corporation for adoption services, the pledge is voidable at the option of the person pledging.

GENERAL ORDERS

**Thursday
Feb. 12**

Investment board--new authority
HF186/SF314 (Simoneau, DFL-Fridley)
Amended**; rereferred to Governmental Operations Committee.
(SF in Senate Governmental Operations Committee)

Would give the State Board of Investment greater investment flexibility.

(See bill summary in HWR, Vol. 3, No. 3, Pg. 2, Governmental Operations, Feb. 5)

**Amendment would:

- delete language that would have permitted board to buy unrated debt obligations.

**Monday
Feb. 16**

Endotronics facility--investment
HF92/SF122 (Minne, DFL-Hibbing)
Recommended to pass as amended.
(SF in Senate Economic Development and Housing Committee)

Would authorize investment of the Northeastern Minnesota Economic Protection Fund (2002 Fund) monies in equity securities or other equity interests in corporations that engage in projects in northeastern Minnesota.

(See bill summary in HWR, Vol. 3, No. 4, Pg. 4, Taxes, Feb. 5.)

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HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

19-26 February 1987

Volume 3, Number 6

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

COMMITTEE ACTION

AGRICULTURE

Tuesday, Feb. 24

Milk-in-schools bill

HF153/SF221 (Krueger, DFL-Staples)--recommended to pass as amended**; rereferred to Education Committee. (SF in Senate Agriculture Committee)

Would establish a program to require all school districts to provide one-half pint of milk to all elementary and secondary pupils attending a public or nonpublic school in the district. Provisions would:

- provide that no child is required to accept the milk.

**Amendment would:

- appropriate \$5 million in FY'88 and in FY'89 to the Department of Education to reimburse school districts for the cost of providing the milk;

- provide that the commissioner of education shall establish procedures and application forms for reimbursements.

COMMERCE

Tuesday, Feb. 24

Corporation--control share acquisitions

HF27/SF272 (Simoneau, DFL-Fridley)--recommended to pass. (SF in Senate Judiciary's Subcommittee on Civil Law)

Would delay the effective date of amendments to the control share acquisitions section of the corporate takeover

law (302A.671, subdivision 1, paragraph (a)) to Aug. 1, 1988.

Credit card surcharges--prohibited

HF240/SF49 (Sarna, DFL-Mpls)--recommended to pass. (SF in Senate Commerce Committee)

Would prohibit a seller of goods or services from imposing a surcharge on credit card users. Violators would be guilty of a misdemeanor and could go to jail for up to 90 days and/or pay a fine of not more than \$700. Defines surcharge as a fee or charge imposed by a seller upon a buyer that increases the price of goods or services because a buyer uses a credit card to purchase the goods and services.

ECONOMIC DEVELOPMENT & HOUSING

Tuesday, Feb. 24

Hastings--industrial development bonds

HF129/SF135 (Ozment, IR-Rosemount)--heard. (SF in Senate Economic Development and Housing Committee)

Would appropriate \$60,000 from the general fund to refund the city of Hastings for a 1984 application deposit for an industrial development bond.

Anoka County--industrial development bonds

HF381/SF356 (Simoneau, DFL-Fridley)--heard. (SF in Senate Economic Development and Housing Committee)

Would appropriate \$62,900 from the general fund to refund Anoka County for a 1985 application deposit for the authority to issue private activity revenue bonds.



EDUCATION

Wednesday, Feb. 25

Compulsory education--changes

HF432/SF425 (McEachern, DFL-St. Michael)--heard; amended**. (SF in Senate Education Committee)

Would make changes in compulsory instruction law.
Provisions would:

- define parent as primary custodian to assure education for children ages 7 to 16;
- provide alternative qualifications that must be met by persons providing instruction under the law by a public school, non-public school, the child's parent, tutor, or church or religious organization; (current law was struck down by Minnesota Supreme Court in July 1985); instructors would have to meet one of six requirements:
 - hold a valid Minnesota teaching license in the field and for the grade level taught (all public school teachers must meet this requirement);
 - be directly supervised by a person holding a valid Minnesota teaching license;
 - demonstrate competency or successfully complete a teacher competency examination;
 - provide instruction in a school that is accredited by an accrediting agency, or recognized by the state board of education;
 - hold a baccalaureate degree; or
 - be the parent of a child who is assessed using standardized tests;
- require yearly reporting of educational information to local superintendent; testing of students educated in non-public schools or home-schools in required subject areas; includes additional evaluation if the child performs below the prescribed age or grade level; exempts accredited schools from part of reporting requirements; requires district superintendents to make annual report to commissioner detailing number of children in non-public schools in compliance or non-compliance with law;
- authorize enforcement:
 - allow local superintendents to make annual visit to unaccredited nonpublic schools to monitor law compliance;
 - allow parents to provide documentation in substitution of on-site visit;
 - require superintendent to notify the parents of violations;
 - require superintendent to request fact-finding and mediation if reported violations are not corrected within 15 days (current law progresses directly to legal action);
 - require notification of county attorney and parents if violations are not corrected in fact-finding process; and
 - authorize county attorney to press legal charges;

- rename "advisory committee on nonpublic schools" to "council on nonpublic education";

- repeal sections of current law which:
 - specify ages and school terms for compulsory attendance;
 - define a school for purposes of compulsory attendance;
 - require a parent teaching a child at home to report the name, age, and address of the child to the local superintendent by Oct. 1 of each year;
 - state that civil or criminal proceeding will not be brought against a parent teaching a child at home in compliance with subdivision 2;
 - specify the enforcement procedures for compulsory attendance violations.

** Amendment would:

- define "school" for purpose of enforcement of compulsory attendance.

ENVIRONMENT & NATURAL RESOURCES

Tuesday, Feb. 24

Spear fishing--restrictions.

HF146 (Stenius, IR-White Bear Lake)--heard; laid over.

Would repeal current law which states:

- if the commissioner of natural resources decides to close the statutory open season for spearing fish in any waters, the commissioner must also close the following statutory open season for angling for the same fish in the waters in the same proportion (the ratio is 3.5 days angling to one day for spearing fish); and
- if the commissioner reduces the limit of game fish taken by spearing, the commissioner must also reduce the limit on the same fish for angling.

Mystery Cave--authorization to acquire

HF398/SF405 (Redalen, IR-Fountain)--recommended to pass as amended**; rereferred to Appropriations Committee. (SF in Senate Environment and Natural Resources Committee.)

Would authorize the commissioner of natural resources to acquire the lands which the owners and operators of Mystery Cave, in Fillmore County, presently own or control. Provisions would:

- include the land in Forestville State Park; require that it be administered as a state park, and be perpetually dedicated for such use;

- allow the commissioner to:
 - conduct guided tours of Mystery Cave and charge fees, after making necessary repairs and development (the fees would be deposited in the state park working capital fund);
 - enter into agreements with local road authorities for maintenance or road improvements necessary to provide access to the cave;

- appropriate money from the general fund for equipment, park maintenance and operation, and road repair and maintenance.

****Amendment would:**

- require the commissioner of natural resources to:
 - enter into an agreement with the owner-operator of Niagara Cave to cooperatively set fees, market, and provide interpretation of the caves;
 - complete a feasibility study to determine the best method of preserving, protecting, maintaining, and providing access to Niagara Cave;
 - accomplish the feasibility study with a local citizens' input.

Thursday, Feb. 26

Mosquito research--ecological impact
HF56 (D. Nelson, DFL-Champlin)--recommended to pass.

Would require mosquito research and management activities the Department of Health conducts not significantly disrupt the ecological relationships of nontarget species.

Bow hunting--mechanical release allowed
HF102 (Stanius, IR-White Bear Lake)--recommended to pass; placed on Consent Calendar.

Would remove language in current law which prohibits hunting with a bow that a mechanical device releases.

Elk breeding allowed
HF340/SF284 (Schafer, IR-Gibbon)--recommended to pass; placed on Consent Calendar. (SF in Senate Environment and Natural Resources Committee)

Would include elk in the list of animals that a person may breed on privately owned or leased land, after obtaining a license from the Department of Natural Resources.

Deer hunting limit
HF400/SF334 (D. Nelson, DFL-Champlin)--recommended to pass. (SF in Senate Environment and Natural Resources Committee)

Would make permanent the current law which permits the commissioner of natural resources, on an experimental basis, to let hunters take two deer during a season.

FINANCIAL INSTITUTIONS & INSURANCE

Wednesday, Feb. 25

Electronic teller machines
HF28/SF148 (Skoglund, DFL-Mpls)--recommended to pass as amended**. (SF on Senate Floor)

Would change requirement that Electronic Financial Tellers (EFT) be located separate and apart from a financial institution's main office, branch, or detached facility.

****Amendment would:**

- allow voluntary cooperation by certain smaller institutions to avoid costs and equipment changeover.

Co-op housing--insurance rates
HF 165/SF293 (Clark, DFL-Mpls)--heard. (SF in Senate Commerce Committee)

Would provide that insurance rates for cooperative housing and neighborhood real estate trusts at cost equal to average rates for residential property in Minnesota or at 25 percent of the rates proposed by Insurance Service Office (ISO) for residential property.

GENERAL LEGISLATION, VETERANS AFFAIRS, & GAMING

Thursday, Feb. 26

Mail-in elections--establish
HF281/SF415 (Steensma, DFL-Luverne)--recommended to pass. (SF in Senate Elections and Ethics Committee)

Would allow the secretary of state to authorize experimental elections by mail between Aug. 1, 1987 and March 30, 1989; used only for county or municipal special election not held on general election day; permit a maximum of two questions to be submitted; prohibit voting on offices; direct the auditor or clerk to mail ballots to all registered voters between 18 and 20 days before the election; enable qualified nonregistered voters to apply for ballots; require the secretary of state to report to the Legislature.

Elections--candidate names

HF312/SF438 (Scheid, DFL-Brooklyn Park)--recommended to pass. (SF in Senate Elections and Ethics Committee)

Would repeal general elections provision that permits women to use their husband's name when filing an affidavit of candidacy or a nominating petition used to designate the candidate on the official ballot.

Secretary of State--housekeeping

HF334/SF416 (Orenstein, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Elections and Ethics Committee)

Would make miscellaneous technical changes relating to elections. Provisions would:

- require proper identification to be shown before inspecting voter registration files or obtaining lists; allow only one set of absentee ballots to be mailed to any voter; allow candidate to be removed from ballot and held responsible for cost of reprinting ballots if filing fee check bounces (current law has no provision for bad checks); require election judge training to only be done by full-time municipal clerks;

- require voted ballots currently retained for one year to remain in sealed envelopes; clarify election report terminology; require election judges to deliver or transmit marked ballots to clerk or auditor as soon as possible in allowed 24-hour period.

**Amendment would:

- allow immediate preparations for special elections as soon as vacancy is certain to fill vacancy at the earliest possible time.

GOVERNMENTAL OPERATIONS

Thursday, Feb. 26

St. Louis County--land transfer

HF166/SF191 (Battaglia, DFL-Two Harbors)--recommended to pass; placed on Consent Calendar. (SF in Senate Environment and Natural Resources Committee)

Would require the state to convey its interest (except mineral rights interest) in certain land in St. Louis County.

Cook County--land sale

HF348/SF299 (Battaglia, DFL-Two Harbors)--recommended to pass as amended**; placed on Consent

Calendar. (SF in Senate Environment and Natural Resources Committee)

**Delete everything amendment would permit Cook County to sell certain land.

Retirement--lower vesting standards

HF463 (Simoneau, DFL-Fridley)--heard.

Would decrease from ten to five, the number of years an employee must work to become vested in the public employees retirement association.

Faribault--state easement conveyed

HF505 (Rodosovich, DFL-Faribault)--recommended to pass; placed on Consent Calendar.

Would require the state to convey its easement in certain land in the city of Faribault.

HEALTH & HUMAN SERVICES

Thursday, Feb. 26

Home health care licensure

HF120/SF51 (Greenfield, DFL-Mpls)--recommended to pass; rereferred to Appropriations Committee. (SF in Senate Finance Committee)

Would require licensure for all providers and persons, with a few exceptions, who provide home care services. Provisions would:

- broadly define home care services and home care providers to include hospice core services and hospice programs, as well as organizations, governmental entities and individuals who provide a range of health and health-related supportive services in a home of a person whose illness or disability create a need for these services;

- create and define a client bill of rights;

- define home care services as services delivered in the residence of a person whose illness, disability or physical condition creates a need for:
 - nursing services, including the services of a home health aide;
 - personal care services not already regulated under the practice of nursing ;
 - physical therapy;
 - speech therapy;
 - respiratory therapy;
 - occupational therapy;
 - nutritional therapy;
 - homemaker services, meal preparation and similar

nonmedical services for people whose illness, disability or physical condition creates a need for these services;
--medical social services;
--the provision of medical supplies and equipment when accompanied by the provision of a home care service;

• defines that a home care provider does not include:
--any home care or nursing service conducted by and for members of any religious denomination for the purpose of providing healing through prayer;
--an individual who only provides services to a relative;
--an individual not connected with a home care provider who provides basic homemaking or personal care services to no more than one person or one family, if the services are provided as a contribution and not as a business or for substantial compensation; and any compensation for providing services is not the individual's primary source of income;
--an individual not connected with a home care provider who provides primarily housekeeping or homemaking services for an elderly or disabled person in exchange for free or reduced-cost housing;
--an individual or agency providing home-delivered meal services;
--an agency providing senior companion services or other volunteer programs established under the Domestic Volunteer Service Act of 1973;
--an individual or agency that only provides shore or housekeeping services which do not involve any medical care or treatment or personal care services;
--a member of a professional corporation that does not regularly offer or provide home care services;
--organizations established to provide medical or surgical services that do not regularly offer or provide home care services; and
--a licensed physician;

• directs the commissioner of health to regulate the delivery of home care services, to assure quality, to improve access to services and to prevent fraud by:
--licensing home care providers;
--inspecting provider offices and records;
--visiting the home where services are being provided with the consumer's consent;
--issuing correction orders and assess civil penalties;
--taking other action necessary to accomplish the purposes of this legislation; and
--adopting rules to govern home care providers;

• establish a Home Care Advisory Task Force;

• exempt the following from the licensure requirements;
--a licensed nurse who provides services independently;
--a personal care assistant providing services under the MA program;
--a registered physical therapist who provides services independently;
--a person who provides services under a SILS program; and

--a person who provides services to a person with mental retardation under a county home and community-based program;

- require individuals exempted from licensure to comply with the provisions of the Home Care Bill of Rights;
- grant the commissioner the right to refuse to grant or renew a license or may suspend or revoke a license for violation of law or for conduct detrimental to the welfare of the client;
- direct the commissioner not to duplicate or replicate existing standards and requirements imposed under other state regulatory programs;
- require disclosure to the commissioner of all prior criminal convictions of any person involved in the management, operation or control of a provider;
- require the commissioner to ensure that information and referral services for home care be available in all regions of the state;
- include home care providers under the enforcement provisions of the Office of Health Facility Complaints;
- provide for a temporary system of registration for home care providers that would be required to be licensed;
- exempt home care providers from the provisions that encourage employment as essential to rehabilitation for criminal offenders and prohibits discrimination in employment solely, or in part, because of a prior conviction of a crime;
- appropriate \$516,600 from the general fund to the commissioner of health to be available until June 30, 1989 for the regulation of home care services.

HIGHER EDUCATION

Wednesday, Feb. 25

Winona State--engineering program
HF114/SF141 (Pelowski, DFL-Winona)--recommended to pass as amended**; rereferred to Appropriations Committee. (SF in Senate Finance Committee)

Would establish a baccalaureate program in composites science and engineering at Winona State University; appropriates money.

**Amendment would:

- appropriate \$873,500 from the general fund for the program.

JUDICIARY

Monday, Feb. 23

Probate changes

HF123/SF287 (Bishop, IR-Rochester)--recommended to pass as amended**; rereferred to Health and Human Services Committee. (SF in Senate Judiciary Committee)

Would increase from \$3,000 to \$10,000, the amount of wages owed to a decedent at the time of death which an employer can pay if the spouse requests payment.

**Amendments would:

- change statutory references from "executor or administrator" to "personal representative" (the term now used in probate statutes instead of executor/administrator);
- add nursing home costs of the last illness to the list of debts given priority ranking among creditors when the assets of an estate are not sufficient to pay the debts; limit the costs to expenses of the last illness to not include expenses incurred earlier than six months before the individual's death;
- increase from \$5,000 to \$10,000, the size of the estate that allows a decedent's heirs to collect the decedent's property which other parties hold (banks, employers) when the heirs present a death certificate and an affidavit (written, sworn statement).

Witness tampering

HF147/SF374 (Kelly, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would expand the crime of witness tampering to include:
--intentionally coercing or attempting to coerce witnesses to provide false information at a trial or to law enforcement authorities;
--retaliation against a witness within one year following the witnesses' testimony or police report, or the year following the retaliator's release from incarceration, whichever is later.

**Amendment would include threats to any person in the crime of witness tampering.

Paternity/child support revisions

HF163/SF242 (Schoenfeld, DFL-Waseca)--amended**;
laid over. (SF in Senate Health and Human Services Committee)

Would regulate paternity determinations, and support and maintenance obligations. Delete everything amendment would:

• Change the term "acknowledgement of paternity" in the vital records law so that it's consistent with the term used in the Parentage Act;

• amend the declaration of parentage law to clarify that a declaration creates a presumption of parentage;

• limit to three years, the time in which a person may bring an action to declare the nonexistence of the father and child relationship, if the father and mother have executed a declaration of parentage (currently such a suit could be brought at any time);

• require the child support enforcement agency be a party to a paternity action whenever a child is receiving public assistance;

• require the child be named a party whenever:
--the child is a minor and the suit is to declare the nonexistence of the father-child relationship, or
--a man sues, claiming he is the father and the mother denies this;

• provide that in a temporary support hearing, pending final determination, where there is a 92 percent or greater probability that the respondent is the father, blood or genetic tests results may be admitted without opportunity to cross examine the laboratory personnel;

• provide that if a person is ordered to testify in a paternity proceeding, the person shall have immunity from criminal prosecution, except from perjury committed in the testimony;

• allow homestead sale proceeds to be used to satisfy court-ordered child support or maintenance obligations in arrears;

• require the obligor to provide the children health insurance, unless the obligee can obtain comparable or better insurance for less; require the obligor to pay all or part of the uninsured expenses if:
--the obligor's insurance doesn't cover all the children's reasonable and necessary medical and dental expenses, and
--the insurance available to the obligee also doesn't pay all such expenses, and
--the obligor is financially able to contribute to the expenses;

• presume that an obligor is financially able to pay court-ordered support or maintenance; provide that failure to pay is prima facie evidence of contempt (require the obligor to show that he or she is not in contempt);

• require that child support withheld via an enforcement proceeding will be paid to the support enforcement agency in all cases;

- require all child support and maintenance orders to include the obligor's social security number and the name and address of the employer or other payor of funds;

- require the court to hold a hearing contesting withholding within 45 days from the notice date;

- provide that the kinds of income currently subject to withholding for child support are subject whether the income is received periodically or in a lump sum payment;

- require any employer, after hiring an individual, to ask the individual if he or she has court-ordered child support obligations which the law requires the employer to withhold; would require the individual to disclose this information at the time he or she is hired; would require the employer, after the employee's disclosure, to begin withholding according to the order's terms;

- reduce from 30 days to 10, the deadline for an employer or employee to notify the child support enforcement agency if the employee with a withholding order leaves the job; would permit disclosure of this information only for child support enforcement or other purposes the law authorizes;

- allow a county board, on a majority vote, to adopt the following provisions which would:

- require immediate wage withholding in any new child support or maintenance orders or modifications (other than cost-of-living adjustments) initiated after Aug. 1, 1987;
- require money withheld in all cases to be paid to the child support enforcement agency;
- require any money an obligor pays in excess of the public assistance an obligee receives would be forwarded to the obligee;
- allow a county to contract for any services needed to carry out this program;

- repeal the provision of the declaration of parentage law that makes it conclusive evidence and gives it the same effect as an adjudication of paternity for certain purposes.

****Amendments would:**

- allow the court to divide the responsibility for a child's non-insured medical and dental expenses between parents according to each parent's ability to pay; would apply this provision to insurance coverage orders entered on or after Aug. 1, 1987, and to child support modification orders (except for cost-of-living adjustments) made on or after Aug. 1, 1987.

Community property--disposition at death
HF206 (Orenstein, DFL-St. Paul)--heard; laid over.

Would provide that community property a married couple acquires while living in a community property state will

still be considered community property for inheritance purposes if a member of the couple dies in Minnesota. Provisions would:

- apply to the following property a married person acquires:

- personal property which the person acquires as community property in another state, or in exchange for or with the community property proceeds, or can be traced to community property; or

- Minnesota real estate which the person acquires in exchange for, or with community property proceeds;

- presume that property a spouse acquires in a community property state is community property, and that property a spouse acquires in a non-community property state, when the property's title creates survivorship rights, isn't community property and not subject to these provisions (these presumptions can be disputed);

- require that when a spouse dies, half the property considered community property belongs to the surviving spouse and isn't subject to the will or intestate succession, and the other half of the community property is subject to the will or intestate succession and isn't subject to the surviving spouse's right to elect against the will;

- provide if community property was in the decedent's name only, the court may order, or a personal representative or heir may execute a document with the court's approval, to allow the surviving spouse to perfect (record) title; require the spouse or successor in interest to demand this; provide that the personal representative has no obligation to determine whether there is community property to which the spouse might have rights;

- provide if community property is in the survivor's name, the personal representative may perfect (record) title when an heir or creditor demands it in writing; provide that the personal representative has no fiduciary duty to discover whether there is such property;

- provide that a community property purchaser, or lender taking a security interest in the property, takes free of the surviving spouse's or estate's rights; provide that the purchaser or lender isn't required to ask whether the seller or borrower has a right to sell or take a loan on the property;

- not change creditors' rights in any property the bill covers;

- not prohibit married persons while they're living from changing their interests in property the bill covers;

- not permit a spouse to write a will that disposes of property which the bill provides for the other spouse to keep.

JUDICIARY (continued)

Tuesday, Feb. 24

Nonprofit corporations--directors liability

HF141/SF181 (Ogren, DFL-Aitkin)--heard; laid over. (SF in Senate Judiciary Committee)

Would delete language in current law which exempts all noncompensated nonprofit corporate directors from individual liability for damages which may arise because they're members or participate in board activities.

Provisions would:

- exempt noncompensated corporate directors, officers, trustees, members or agents from civil liability for acts or omissions which are in good faith, within the scope of the individual's responsibilities, and not willful or reckless misconduct, with certain exceptions (the exceptions are: suits brought by a government entity, or by or on behalf of the organization of which the person is a director, officer, trustee, member, or agent; federal lawsuits; or suits based on the person's express contractual obligation);
- define "compensation" as any thing of value for services rendered except expense reimbursements and insurance premium payments.

**Amendments adopted in subcommittee would:

- permit a cooperative association to eliminate or limit a director's personal liability for monetary damages for breach of fiduciary duty in the articles of incorporation, except for:
 - a breach of the director's duty of loyalty to the cooperative association;
 - for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
 - a transaction from which the director derived an improper personal benefit; or
 - an act or omission occurring prior to the date when the provision in the articles eliminating or limiting liability becomes effective;
- include as exceptions to the provision which exempts noncorporate directors, officers, trustees, members or agents from civil liability, any suit for physical injury to another person and any suit for wrongful death.

Crime victim reparations

HF151/SF372 (Kelly, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would make various changes to crime victims reparations laws.

(See bill summary, HWR Vol. 3, No. 4, Pg. 1, Crime & Family Law Div./Judic., Feb. 9)

**Amendment would delete language in current law which requires a convicted person to prove he or she is unable to pay a court-assessed fine or surcharge; would add new language that would not allow the court to waive payment unless it finds, in writing, that the convicted person is indigent or that the assessment or surcharge would create undue hardship.

Paternity/child support revisions

HF163/SF242 (Schoenfeld, DFL-Waseca)--recommended to pass as amended**; rereferred to Health and Human Services Committee. (SF in Senate Health and Human Services Committee)

Would regulate paternity determinations, and support and maintenance obligations. (See bill summary above)

**Amendments would:

- require an obligee who isn't receiving public assistance to apply for the child support enforcement agency's collection services when a court orders support;
- require counties which adopt the immediate income withholding program to report on its progress to the Legislature on or before Jan. 2, 1989.

Certificate of title--transfer of duplicate

HF197/SF195 (Frederick, IR-Mankato)--recommended to pass; placed on Consent Calendar. (SF in Senate Judiciary Committee)

Would require title companies, lenders, or others holding an owner's duplicate certificate of title to transfer it to the owner before Aug. 1, 1987; after Aug. 1, 1987, would require the holder of a duplicate certificate to provide the certificate to its owner within a reasonable period after a real estate transaction closes. Other provisions would:

- eliminate current law which requires that transfer of the abstract of title does not apply if the abstract holder is the property's mortgage or fee simple owner;
- allow a property owner to seek a court order to obtain the duplicate certificate of title if the duplicate's holder refuses to turn it over.

Crime & Family Law Div./Judic.

Friday, Feb. 20

Paternity/child support revisions

HF163/SF242 (Schoenfeld, DFL-Waseca) Recommended

to pass as amended**. (SF in Senate Health and Human Services Committee)

Would regulate paternity determinations, and support and maintenance obligations.

(See bill summaries in HWR Vol. 3, No. 4, Pg. 2, Crime & Family Law Div./Judic., Feb. 9; HWR Vol. 3, No. 5, Pg. 3, Crime & Family Law Div./Judic., Feb. 16.)

**Amendments would:

- require the obligor to be liable for all or a portion of the reasonable and necessary medical or dental expenses that the obligee's insurance doesn't pay, if the court finds that the obligor has the financial ability to pay;
- delete the section of the bill that would require an obligor to establish an escrow account with the court to prevent immediate income withholding;
- allow the court, in any county that adopts the program (on the county board's majority vote) to require immediate wage withholding in any new child support or maintenance orders or modifications (other than cost-of-living adjustments) initiated on or after Aug. 1, 1987;
- require that money withheld in all cases be paid to the child support enforcement agency;
- require the child support enforcement agency to forward to the obligee any money the agency receives in excess of the public assistance amount paid to the obligee;
- allow a county to contract for any services necessary to carry out the immediate income withholding program.

Monday, Feb. 23

Adopted child--notice of death

HF270/SF439 (Vellenga, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would require adoption agencies to inform birth parents of the death of a child they placed for adoption, if they wish to know, and to inform adopted children of the death of their birth parents, if they wish to know. Provisions would:

- require agencies to:
 - inform prospective adoptive parents that they are required to notify the agency if an adopted child dies;
 - notify birth parents at the time they place a child for adoption that if they wish to know, the agency will inform them if it learns of the child's death (birth parents would be required to maintain a current address in the agency's files);
 - inform birth parents that they may designate individuals

to notify the agency if the birth parent dies;
--share information on the birth parent's death with a child's adoptive parents or an adopted adult age 19 or older who has requested notification;
--send a representative to provide share, confidentially and in person (not by mail), the death notification to birth parents or adoptees.

**Amendments would:

- apply the provisions of this bill to any adoption begun on or after Aug. 1, 1987;
- require agencies to notify birth parents of the adopted child's cause of death, if known;
- require adopted adults who request information on their birth parents to maintain a current address in the agency's files.

**LABOR-MANAGEMENT
RELATIONS**

Monday, Feb. 23

Overtime wages--ski employees

HF52 (Ogren, DFL-Aitkin)--recommended to pass.

Would provide overtime pay to seasonal employees of ski facilities who work more than 48 hours in a week.

**Food service workers--state university
benefits**

HF119/SF74 (Johnson, DFL-Bemidji)--recommended to pass. (SF in Senate Governmental Operations Committee)

Would allow employees of contract food service operations at Bemidji state, St. Cloud state or Southwest state universities to negotiate for enrollment in state employee life or health insurance plans.

Bankruptcy--notifying employees

HF134/SF182 (Price, DFL-Woodbury)--recommended to pass. (SF in Senate Employment Committee)

Would require an employer to immediately notify its employees and job applicants in writing if it files for bankruptcy or has a petition for involuntary bankruptcy filed against it.

LOCAL & URBAN AFFAIRS

Tuesday, Feb. 24

Local government units--library financing

HF62/SF13 (Orgen, DFL-Aitkin)--recommended to pass as amended.** (SF in Senate Education Committee)

Would authorize local government units to enter into agreements to pay the costs of constructing a library and related facilities. Provisions would:

- allow local government units to levy a tax on taxable property within the unit to pay the library construction debt;
- provide that the portion of the debt to be paid by each unit must be set by agreement;
- provide that a portion of the construction costs may be paid from available monies not committed to other purposes;
- authorize bonds to be issued jointly to pay construction costs. The bonds may be issued without voter approval and aren't subject to the net debt of the participating government units;
- exempt the cost of construction of public libraries from the levy limits making them a special levy;
- provide that if a township is a party to an agreement, the town electors must approve the agreement;

**Amendment would:

- define "local government unit" as a home rule charter or statutory city, county or town.

County historical society--tax levy

HF86/SF22 (Peterson, DFL-Princeton)--recommended to pass. (SF in Senate Taxes and Tax Laws Committee)

Would authorize the counties of Chisago and Kanabec each to levy a tax of up to .75 mill per year for the county historical society. The levy is outside any levy limits. Provides for a notice and public hearing on the matter and a reverse referendum.

St. Paul port authority--bonding

HF280/SF401 (Osthoff, DFL-St. Paul)--recommended to pass. (SF in Senate Economic Development and Housing Committee)

Would repeal the sunset provisions contained in Laws 1983, chapter 110, section 4 relating to the St. Paul Port

Authority and its authority to provide venture capital, within limits, to small businesses in the port district. Would also repeal revenue bond provisions.

St. Paul--smoke detector ordinance

HF357 (Orenstein, DFL-St. Paul)--recommended to pass as amended**.

Would permit the St. Paul City Council to adopt, by ordinance smoke detector installation rules for single family homes which are more restrictive than the standards imposed by the state. Requires enforcement through truth-in-housing inspection.

**Amendment would:

- delete language pertaining to inspections.

Thursday, Feb. 26

Ramsey county--land transfer

HF130/SF193 (Voss, DFL-Blaine)--recommended to pass as amended**; placed on the Consent Calendar. (SF in Senate Local and Urban Government Committee)

Would authorize Ramsey County to use certain land dedicated as open space for highway purposes.

**Amendment would:

- authorize Ramsey County to transfer land to the city of Shoreview.

Cemetery--permanent care, improvement fund

HF364/SF275 (McPherson, IR-Stillwater)--recommended to pass as amended**; placed on Consent Calendar. (SF in Senate General Legislation and Public Gaming Committee)

Would increase the dollar limit for the permanent care and improvement fund for cemeteries from \$15,000 per acre of the cemetery to \$25,000.

**Amendment would:

- delete the word public from bill's title.

Vending machines--inspection fees

HF469/SF407 (McEachern, DFL-St. Michael)--heard; laid over. (SF in Senate Agriculture Committee)

Would limit the amount that cities or counties may charge vending machine owners for inspection fees to the amount the state charges which is currently \$15 annually.

REGULATED INDUSTRIES

Monday, Feb. 23

Bowling liquor license

HF255/SF211 (Jacobs, DFL-Coon Rapids)--recommended to pass. (SF passed Senate)

Would make various changes in statutes stating which establishments may be issued on-sale intoxicating liquor licenses. Provisions would:

- allow bowling centers to acquire on-sale liquor licenses;
- allow bowling centers with a seating capacity of at least 30 people to sell liquor in conjunction with the sale of food, between 12:00 noon and 12:00 midnight on Sunday;
- allow a local governing body, after one public hearing, to issue a permit letting a bowling center sell liquor for consumption, in conjunction with the sale of food, between 10:00 a.m. and 12:00 midnight on Sunday, providing the bowling center is in accordance with the Minnesota clean indoor act.

Intrastate gas pipeline

HF420/SF258 (Jacobs, DFL-Coon Rapids)--recommended to pass as amended**. (SF in Senate Public Utilities and Energy Committee)

**Delete everything amendment would set up a regulatory system for intrastate pipelines and specify duties of the pipelines and the Public Utilities Commission (PUC). Provisions would:

- define "intrastate pipeline" as a pipeline for natural gas wholly within the state that delivers all of its gas to state customers and receives its gas at the border or inside of it, except those pipelines owned by public utilities which are to be regulated as part of the public utilities' plant;
- require rates charged by intrastate pipelines to be reasonable and nondiscriminatory;
- require intrastate pipelines to offer open access and, where they have enough capacity, to provide firm and interruptible transportation for any shipper;
- require that contracts for service and facilities provided by an intrastate pipeline be filed with the PUC and authorizes the PUC to approve the contracts and regulate the pipeline (approval of the contract does not establish that service or rates in the contract are reasonable or prudent for the purposes of other PUC determinations related to a public utility);
- provide that any current or potential customer, the

Department of Public Services, or the PUC itself may bring a complaint to the PUC regarding access, rates, etc.;

- provide that the PUC may determine available capacity, reasonable use of available capacity by new customers, reasonable quality of service, and may dismiss a complaint without a hearing if not in the public interest;
- provide that the PUC may not require expansion of capacity;
- provide that other statutory sections relating to accounting systems, annual reports, right of entry and inspection, and production of records apply to intrastate pipelines; and
- authorize the PUC to declare a natural gas supply emergency under certain conditions and to require certain service by intrastate pipelines and determine just and reasonable compensation for required services.

Phone bill payments--providing locations

HF152 (Begich, DFL-Eveleth)--heard; amended**.

**Delete everything amendment would require a phone company or independent phone company to provide a location in every city or town with a population of 1,000 or more in which the company provides phone service, where a customer may pay for the billed phone service.

**Additional amendment would allow a person to deposit payment as well as pay for phone bill.

TAXES

Thursday, Feb. 26

Governor's miscellaneous tax bill

HF528 (Voss, DFL-Blaine)--heard.

Would make various changes in Aircraft, Petroleum, Deed, Pulltab, Gross Earnings, Cigarette (sales), Liquor, and Lodging Taxes.

Aircraft provisions would:

- provide that all airlight property be assessed at 70 percent of value; quiet aircraft would be assessed at 40 percent of value (currently, all airlight property is taxes at 33-1/3 percent of value);
- provide that the commissioner of revenue shall establish the levy tax rate used to generate specified sums of revenues--\$6,719,000 for taxes levied in 1987 and payable in 1988 and \$7,122,000 for taxes levied in 1988 and payable in 1989.

- provide that the minimum aircraft registration fee shall be \$50.00 per year, beginning Jan. 1, 1988 (currently, the fee is \$10.00 per year);

Petroleum provisions would:

- provide that the commissioner will continue to collect the petroleum inspection fees and administer credit for any overpayments;
- provide that the Department of Public Service can condemn, seize and destroy any petroleum products that are in statutory violation;
- provide that anyone who violates the provisions for petroleum inspection is guilty of a misdemeanor;
- provide for a one cent per gallon tax on all aviation gasoline (currently, aviation fuel is taxed at the rate of five cents per gallon, but a graduated refund system is established, based on the amount of gallons of aviation gasoline and special fuel used);
- provide for a 17 cent per gallon tax on all gasoline used to propel trains; the revenue shall be credited to the general fund;
- provide for a 17 cent per gallon tax on all special fuels used to propel trains in Minnesota;
- provide that any person claiming a refund for taxes paid on fuel used in other states can file a claim for refund or take a credit on subsequent returns up to one year following the overpayment;
- provide that the commissioner of revenue may exempt from quarterly filing requirements, motor carriers whose mileage traveled in Minnesota is minimal and require instead that an annual return be filed along with payment of the taxes.

Deed provisions would:

- provide for an increase from \$3 to \$6 as an additional fee to be imposed when recording a deed on a transaction involving property given special agricultural designation (this change reflects the increase of the deed tax and the repeal of the mortgage registry tax);
- provide for an increase in the deed tax from \$2.20 per \$1,000 consideration to \$4.40 per \$1,000 consideration;
- provide that transfers by state or local government units shall not be exempt from the deed tax;
- clarifies that there shall be no adjustments to consideration for any lien or encumbrances on the property, when computing the deed tax;

- provide that the treasurer may endorse receipt of the tax on the deed and the deed together with the receipt may be filed without affixing the deed stamps.

- provide for the deposit of the tax with the district court if there is a question as to taxability;

- provide for a method of paying and apportioning the deed tax when the deed covers real property in more than one county;

- provide that the county treasurer shall report to the county welfare agency the 10th of each month, 95 percent of the revenues generated by the deed tax; that amount is reflected as a deduction on the report filed with the Department of Human Services.

Pulltab provisions would:

- provide that the commissioner may pay any local sales taxes assessed against the department and appropriates money from the general fund to make the payments;

- extend the personal liabilities for taxes to the cigarette and tobacco tax, the liquor tax and the pulltab tax (currently, personal liability only extended to withholding taxes, sales taxes and petroleum taxes);

- provide for circumstances when pulltab liability arises;

- provide that the pulltab tax shall be filed using a return prescribed by the commissioner;

- provide that the commissioner of revenue may refund the pulltab tax on unplayed pulltabs which are returned to the distributor (the commissioner of revenue may also refund tax on defective pulltabs that are returned to the manufacturer, provided the commissioner of revenue can verify that the deal was defective);

- provide that if any additional assessment results from negligence or intentional disregard of the law, a 10 percent penalty shall be assessed;

- provide that the commissioner of revenue may adopt rules to administer the pulltab tax;

- provide that a taxpayer appealing to the tax court a pulltab tax liability of more than \$6,000 must pay the entire tax when due, unless the court grants approval to continue the appeal without making payment;

- provide that the pulltab tax shall be the personal debt of the person required to file the tax return;

- provide that executors and fudiciaries are only liable in their official capacity unless they voluntarily distribute asstes without reserving sufficient assets to satisfy the tax liability;

- provide that a person making a payment in excess of the amount of pulltab tax legally due, shall file with the commissioner for a refund;
- provide that it is a gross misdemeanor for anyone to possess unregistered and untaxed pulltabs;
- provide that unregistered or untaxed pulltabs can be seized by the commissioner or the Charitable Gambling Board;
- provide that manufacturers of pulltabs must file monthly reports, with the commissioner, on all pulltabs sold to licensed distributors; the report is due on the 25th day following the end of the month of sale and that violation of the section is a misdemeanor;
- provide that the commissioner of revenue may require a pulltab distributor to provide an inventory of pulltabs in stock;
- provide that a distributor may set aside part of the stock of pulltabs for sale to Indian Tribes.

Gross earnings provisions would:

- provide that cellular radio shall not be excluded from the definition of "telephone company;"
- provide that any person selling telephone services fits within the definition of "telephone company" for the gross earnings tax;
- provide that the telegraph gross earnings tax shall be phased-out starting in 1990 and would be repealed in 1993;
- provide that long distance access charges shall be considered part of a telephone company's gross earnings;
- provide that the phase-out of the telephone gross earnings tax scheduled to begin in 1987 would be delayed until 1990 and the tax would be repealed in 1993;
- provide that gross earnings of telephone companies from long distance service shall be taxable beginning on Jan. 1, 1987, but shall be exempt from tax beginning on Jan. 1, 1990, when the gross earnings tax phase-out begins;
- provides that when the phaseout begins, the telephone companies will be subject to the sale tax and property tax provisions under law, beginning for taxes assessed in 1990 and payable in 1991;
- require that trust companies shall now file their gross earnings reports with the county treasurer in the county where they have their principal place of business rather than with the commissioner;
- amend to change reference from commissioner of revenue to county treasurer and that the county treasurer shall

determine the amount of tax due from the trust company;

- amend the word "personal" since Minnesota does not have a personal property tax;
- provide that property of telephone companies shall be subject to the property tax beginning with taxes assessed in 1990 and payable in 1991;
- provide that the phase-out of the telephone gross earnings tax is repealed;
- provide that the telephone and telegraph gross earnings taxes are both repealed in full beginning in calendar year 1993.

Cigarette (sales) provisions would:

- amend definitions of "cigarette, person, distributor and retailer," to correspond with new language;
- provide that state correctional institutions are now subject to the cigarette tax;
- provide that distributors must affix stamps to every package of cigarettes they deliver to any person, including other licensed distributors;
- provide that the commissioner may prescribe the method of shipping stamps as well as the quantity of stamp purchases;
- provide that in lieu of a bond, a distributor may provide a certified check payable to the commissioner as security for a license; the commissioner shall pay no interest on the certified check fund;
- provide that the commissioner may revoke a distributor's or subjobber's license for non-compliance with the Unfair Cigarette Sales Act;
- provide that the filing date for distributors' returns shall be changed from the 25th to the 15th of the month;
- provide that a taxpayer has 30 days to protest an assessment of tax, from the date of mailing;
- provide that the tax due must be paid within 60 days after the mailing date of the assessment notice;
- provide that an overpayment may be used to offset additional tax liability in either the month preceding or the month following the overpayment;
- change the filing date from the 25th to the 15th for consumer-filed cigarette tax returns;
- amend the words, "person, retailer, tobacco products and little cigars," to correspond to new language;

- provide that state correctional institutions are now subject to the tax on tobacco products;
- provide that in lieu of a bond, a distributor of tobacco products could file a certified check with the commissioner;
- provide that all licenses of subjobbers expire on Dec. 31st of each year;
- change the filing date of the distributor's return from the 25th to the 15th of each month;
- provide that a taxpayer has 30 days from the mailing date of a tax assessment to protest the assessment;
- provide that a distributor, who had to make an accelerated June payment, should file a return showing the actual June liability on July 15th rather than Aug. 25th;
- change the filing date from the 25th to the 15th of each month for consumer-filed tobacco tax returns;
- provide that any refund claims for overpayment of the tax on tobacco products must be filed within three years from the due date of the return for which the refund is claimed;
- provide that the tax on cigarettes and tobacco products shall be the personal debt of the person required to file the return;
- provide that executors and fiduciaries are only liable in their official capacities unless they voluntarily distribute assets without reserving sufficient asset to satisfy the tax liability;
- provide that the commissioner may prepare a return for a taxpayer who fails to file a return after written notice is given to the taxpayer to file and pay; the return of the commissioner shall be presumed correct and valid;
- provide criteria for late payment penalties to:
 - provide to a 10 percent late payment penalty;
 - provide for a late filing penalty of 10 percent for the first 30 days and 5 percent for each additional 30-day period up to a maximum penalty of 25 percent;
 - provide that the minimum penalty shall be \$10.00;
 - provide for a 50 percent penalty for one who willfully files a false or fraudulent return or who willfully attempts to evade the tax;
 - provide that the commissioner can determine to which liability payment will be credited but all payments go first to penalty, then to interest, and then to the tax due;
 - provide that all unpaid tax and penalty shall bear interest;
 - provide that the commissioner may grant an extension to file a return or pay the tax, but interest will accrue on the unpaid liability from the original due date of the payment;
 - provide that the commissioner may take civil action to recover unpaid liabilities;

--provide for a 10 percent penalty for negligence or intentional disregard of the law and that interest accrues against the tax and penalty from the time when the tax should have been paid;

- provide that a taxpayer appealing to the tax court a cigarette or tobacco tax liability of more than \$6,000 must pay the entire tax when it is due, unless the court grants approval to continue the appeal without making payment;
- repeal existing penalty and interest provisions which are replaced by new provisions;
- clarify that the unfair Cigarette Sales Act applies to all persons engaged in the sale of cigarettes;
- provide that a wholesaler is not prohibited from engaging in the business as a retailer;
- provide that when computing the cost to a wholesaler, the basic cost must be reduced by manufacturer's timely payment and stamping discounts;
- repeal language relating to presumed costs on sales to other wholesalers;
- provide that wholesalers may use actual costs if they can establish they are less than presumed costs;
- provide that retailers may use actual cost of doing business if they can establish to the commissioner's satisfaction that they are less than presumed costs;
- provide that when a retailer is able to get cigarettes at manufacturer's price to wholesaler, the retailer shall have a presumed cost of both the wholesaler's presumed cost of doing business and the retailer's presumed cost of doing business;
- clarify that a subjobber could also be a retailer;
- amend references to subjobbers and wholesalers;
- provide that it shall be unlawful for a wholesaler to give any rebate in connection with the sale of cigarettes;
- provide that anyone selling cigarettes, other than to the ultimate consumer, must preserve and maintain invoices of all sales;
- provide that the commissioner may refuse to issue cigarette licenses to anyone violating laws relating to the sale of cigarettes;
- provide that when determining whether the Unfair Cigarette Sales Act was violated, the court can look at whether someone sold them in violation of the law as well as purchased them in violation of the law.

Liquor provisions would:

- change the due date of the liquor tax from the 25th to the 15th day of each month;
- provide that in lieu of a bond, a certified check could be filed with the commissioner;
- provide that the commissioner may provide by rule a method of reporting and collecting tax on fermented malt beverages;
- provide that a person, who had to make an accelerated June payment, should file a return showing the actual June liability on July 15th rather than August 25th;
- provide that on destruction of tainted liquor, one must observe all state environmental laws;
- provide that any claim for refund of overpayment must be made within three years of the due date of the return containing the over payment;
- amend the age from 19 to 21 for possession and importation of intoxicating liquor;
- provide for identical provisions contained in other taxes administered by the Department of Revenue;
- provide that a person appealing to the tax court, a liquor tax liability of more than \$6,000 must pay the entire tax when it is due, unless the court grants approval to continue the appeal without making payment;
- provide that the tax on liquor shall be the personal debt of the person required to file the return;
- provide the executors and fiduciaries are only liable in their official capacity unless they voluntarily distribute assets without reserving sufficient assets to satisfy the tax liability;
- provide that common carriers bringing fermented malt beverages into the state must file a monthly report to the commissioner giving the details of the shipment;
- provide that failure to file the report shall be a misdemeanor.

Lodging provisions would:

- provide that a county can impose a lodging tax;
- provide that local lodging taxes apply to transient lodging at colleges and universities;
- provide that a county board may impose a lodging tax in the same manner in which a tax could be imposed in unorganized territories;

- provide that tax could apply to the whole county except in a town or city that has its own lodging tax.

Cigarette provisions would:

- provide that the tax shall be increased from 11.5 mills to 19 mills per cigarette (this translates into a tax of 38 cents versus a tax of 23 cents per pack of 20 cigarettes);
- provide that the stamp discount would be 1.25 percent on the first \$1,500,000 of stamps purchased and .75 percent on the remainder of stamps purchased;
- provide that the tax rate on tobacco products would be increased from 25 percent to 35 percent of the wholesale sales price;
- provide that the tax rate on use or storage by consumers of tobacco products would be increased from 25 percent to 35 percent of the cost of such tobacco products;
- provide for a floor stocks tax on cigarettes, possessed by a distributor engaged in the business of selling cigarettes on July 1, 1987;
- provide that the cigarettes would be taxed at 17 1/2 mills per cigarette and heavy cigarettes would be taxed at 15 mills on each cigarette;
- provide that the distributor must file a report with the commissioner by July 20, 1987 and pay the tax by Aug. 20, 1987;
- provide for discount to be allowed against the tax;
- provide for a floor sales tax on tobacco products at the rate of 10 percent of the wholesale price of the product in the distributor's possession on July 1, 1987;
- provide for a return by July 20, 1987 and payment of the tax by Aug. 20, 1987.

TRANSPORTATION

Wednesday, Feb. 25

Anoka County--highway
HF94/SF200 (Simoneau, DFL-Fridley)--recommended to pass. (SF in Senate Transportation Committee)

Would authorize Anoka County, upon a majority vote of the county board, to enter into a loan agreement with the transportation commissioner for design and construction of Highway 10. Provisions would:

- provide that funds the county commissioner lends to the transportation commissioner may be proceeds from the

sale of county bonds as well as other county sources of revenue;

- require the transportation commissioner to repay the loan, free of interest, in 10 equal annual installments beginning in 1993 or when construction is complete.

Bridge bonding

HF131/SF267 (Lieder, DFL-Crookston)--recommended to pass; rereferred to Appropriations Committee. (SF in Senate Transportation Committee)

Would increase the state transportation bridge bonding level from \$52 million to \$84 million. Provisions would:

- limit expenditure of increased allocation to \$8 million annually;
- increase bridge grant allocations to counties to \$30 million, \$5 million to cities, and \$29 million to towns.

Motor vehicle excise tax--constitutional amendment

HF199/SF36 (Welle, DFL-Willmar)--recommended to pass; rereferred to Rules and Legislative Administration Committee. (SF in Senate Transportation Committee)

Would propose an amendment to the Minnesota Constitution dedicating 75 percent of the proceeds of the motor vehicle excise tax (MVET) to the highway user tax distribution fund and 25 percent of MVET proceeds to a transit assistance fund. Minnesotans would vote on the amendment in the 1988 general election.

FLOOR ACTION

CALENDAR

Thursday, Feb. 19

Endotronics facility--investment

HF92/SF122 (Minne, DFL-Hibbing)--passed (99-24). (SF in Senate Economic Development and Housing Committee)

Would authorize investment of the Northeastern Minnesota Economic Protection Fund (2002 Fund) monies in equity securities or other equity interests in corporations that engage in projects in northeastern Minnesota.

(See bill summary in HWR, Vol. 3, No. 4, Pg. 4, Taxes, Feb. 5)

CONSENT CALENDAR

Monday, Feb. 23

County medical assistance reimbursed

HF19/SF16 (Ogren, DFL-Aitkin)--passed (113-0). (SF in Senate Judiciary Committee)

Would change criminal trial procedures.

(See bill summary in HWR, Vol. 3, No. 5, Pg. 2, Judiciary, Feb. 16)

St. Stephen--civic building

HF191/SF417 (Omann, IR-St. Joseph)--passed (116-0). (SF in Senate Local and Urban Government Committee)

Would authorize the city of St. Stephen to sell up to \$265,000 in general obligation bonds that voters authorized Feb. 3, 1987. Bond proceeds would go toward a city civic building and aren't subject to the city's net-debt or any levy limits.

Thursday, Feb. 26

Local government--city reserve fund

HF81/SF484 (Stanius, IR-White Bear Lake)--passed as amended (118-0). (SF in Senate Local and Urban Government Committee)

GENERAL ORDERS

Monday, Feb. 23

Salary increase rejection

HF68 (Vanasek, DFL-New Prague)--recommended to pass as amended**.

Would reject the state compensation council's recommended salary increases for legislators and constitutional officers.

(See bill summary in HWR, Vol. 3, No. 5, Pg. 1, Governmental Operations, Feb. 19)

**Amendment would:

- include judges in salary rejection;
- prohibit salary adjustments for legislators, judges, and constitutional officers before Jan. 1, 1991.

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HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

February 26-March 4, 1987

Volume 3, Number 7

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

COMMITTEE ACTION

AGRICULTURE

Monday, March 2

Department of Agriculture--miscellaneous services

HF303/SF336 (C. Nelson, DFL-Barrett)--recommended to pass as amended**. (SF in Senate Agriculture Committee)

Provisions would:

- change the shade tree disease control program to include any biotic-caused or abiotic-caused disorder affecting the state's shade tree population;
- provide penalties for unlicensed food handlers;
- increase license fees for larger wholesale food handlers;
- remove insurance limitations that a soil and water conservation district may procure;
- make various changes to the cooperative associations law;

**Amendment would:

- permit the agriculture commissioner to waive a late penalty.

Seed potatoes--minimum disease standards

HF436/SF429 (Lieder, DFL-Crookston)--amended; not recommended to pass. (SF in Senate Agriculture Committee)

Would provide that no seed potatoes intended for sale may be planted in Minnesota unless the seeds meet minimum

disease standard prescribed by the agriculture commissioner. Delete everything amendment would:

- set penalties for planting and record reporting violations. Penalties collected under this section will go to the seed potato inspection fund;
- require growers to to keep records for each growing season and report information;
- permit growers to plant seeds of a higher disease content if there's an insufficient volume of certified seeds.

Agriculture Finance Div./Ag.

Wednesday, March 4

Farmer-Lender Mediation Act--changes

HF210/SF89 (Schoenfeld, DFL-Waseca)--heard; amended**. (SF on Senate Floor).

Would make various changes to the farmer-lender mediation program that the University of Minnesota Agricultural Extension Service administers. **Delete everything amendment would:

- exclude certain leased property from mediation requirements;
- provide that the mediation act does not apply to debts subject to bankruptcy or debts that creditors and debtors have signed a mediation agreement on;
- require the extension director to provide a financial analyst to the debtor within three business days after receiving a mediation notice;
- allow, if necessary, financial analysts to assist debtors in preparing: balance sheets, inventory of farm assets, farm operating plans, and input forms for a cash flow analysis developed through the use of a FINPAC or



similar cash flow analysis computer program;

- require the extension director to supply the debtor with a list of farm advocates that could work with the debtor and financial analyst;

- allow debtors, financial analysts, and mediators to meet in an orientation session to prepare for the first mediation meeting; creditors could participate in the session, but they're not required to participate;

- instruct the extension director to schedule the orientation session at least five days before the first mediation meeting;

- provide that the mediator at the orientation session need not be the one assigned to the initial mediation meetings;

- require the extension director, by five business days after receiving a mediation request, to send a mediation meeting notice to all creditors listed by the debtor in the mediation request and a claim form to all secured creditors listed by the debtor;

- change the mediation notice requirements to include: the name and address of the debtor; that the debtor has requested mediation under the farmer-lender mediation act; the time and place for the orientation session and the initial mediation meeting; a list of the names of three potential mediators, along with background information on those mediators; that the debtor and the initiating creditor may each disqualify one potential mediator by notifying the director within three days after receiving the mediation notice; that the farmer-lender mediation act prohibits the creditor from beginning or continuing a proceeding to enforce the debt against agricultural property for 90 days after the initiation of mediation unless otherwise allowed; and that the creditor must give the debtor, by the orientation session, copies of notes and contracts for debts subject to the farmer-lender mediation act and a statement of interest rates on the debts, delinquent payments, unpaid principal and interest balances, the creditor's value of the collateral, and debt restructuring programs available by the creditor;

- require mediators to sign and deliver by certified mail to the parties and the extension director a termination statement at the end of mediation;

- provide that a debtor is not mediating in good faith, if the debtor unlawfully sells, leases, removes, or transfers agricultural property in which the debtor knows there's a security interest;

- provide that after a farmer has requested mediation, a creditor taking part in the mediation may inspect a farmer's collateral at any time on 24 hours' notice to the debtor; failure to permit the creditor inspection is evidence of debtor's lack of good faith;

- provide that if a creditor has a purchase money security interest and renegotiates the debt under the farmer-lender mediation act to reduce the principal balance or the interest rate or to extend the repayment period, the creditor retains the purchase money security interest for the renegotiated debt;

- prohibit creditors from requiring farmers to waive their mediation rights as a condition of a loan agreement; any such waiver of rights under the farmer-lender mediation act since March 21, 1986, is void.

Farmer-Lender Mediation Program--FmHA HF575 (Sparby, DFL-Thief River Falls)--recommended to pass; rereferred to Agriculture Committee.

Would memorialize the President of the United States and Congress to immediately direct the Farmers Home Administration to participate in and cooperate with the Minnesota Farmer-Lender Mediation Program.

ECONOMIC DEVELOPMENT & HOUSING

Tuesday, March 3

Rural development

HF2/SF1 (Schoenfeld, DFL-Waseca)--heard. (SF in Senate Environment and Natural Resources Committee)

Would create the Greater Minnesota Corporation and a number of economic development projects for the non-metropolitan regions of the state. Delete everything amendment would:

- transfer responsibilities of the Agricultural Resource Loan Guaranty Board to the Greater Minnesota Corporation, and expand projects it may assist in financing to include buildings, equipment and land used in the production and processing of fish and agricultural resources;

- establish the mineral resources program to map and evaluate activities relating to minerals;

- assign all community development related programs to the Community Development Division of DEED;

- create the Rural Development Board to coordinate and evaluate the state's rural development activities;

- transfer the Governor's Council on Rural Development to the Greater Minnesota Corporation;

- create a customized training program to assist in training for new and expanding businesses in the rural regions of the state;

- transfer the present programs of the Minnesota Energy and Economic Development Authority to the Greater Minnesota Corporation and the Public Service Department;

- create the Greater Minnesota Corporation (GMC) as a public corporation administered by an 11-member, governor-appointed board. GMC would:
 - create regional research institutions near public post-secondary education institutions to provide research and development services and product development grants to the region's businesses;
 - make applied research grants to public and private post-secondary education institutions;
 - transfer to GMC the business finance powers that the Minnesota Energy and Economic Development Authority and the Agriculture Processing Loan Guaranty Board presently have;
 - create the Rural Finance Authority to administer these programs;
 - transfer grants and other finance programs from the Governor's council on Rural Development to GMC;
 - locate GMC staff in regions where counseling services to businesses are needed;
 - act as a clearing house for information regarding federal, state and local government, and private economic development and training programs;

- provide state supplemental education grants to pay for displaced rural workers enrolled in farm management programs, or programs at public post-secondary institutions that train people for employment;

- rename the Department of Energy and Economic Development to the Department of Community and Economic Development.

EDUCATION

Wednesday, March 4

Smoke-free schools

HF227/SF671 (D. Nelson, DFL-Champlin)--recommended to pass as amended**. (SF in Senate Education Committee)

**Delete everything amendment would:

- require all school districts to adopt a policy prohibiting the use of tobacco products on the school property, or provide an explanation for rejecting such a policy to the commissioner of education.

Compulsory education--changes

HF432/SF425 (McEachern, DFL-St. Michael)--heard; amended**. (SF in Senate Education Committee)

Would make changes in compulsory instruction law.

(See bill summary in HWR Vol. 3, No. 6, Pg. 2, Education, Feb. 25.)

**Amendments would:

- require commissioner of education to report back to the Legislature by Feb. 1 of each even-numbered year on implementation of compulsory education requirements;
- define "parent" as person with legal control of a child.

ENVIRONMENT & NATURAL RESOURCES

Tuesday, March 3

Hazardous waste laws--violations, penalties
HF401 (D. Nelson, DFL-Champlin)--heard.

Would create a new section of law specifying criminal penalties for violators of hazardous waste laws and rules. Provisions would:

- define terms;
- allow prosecutors to use circumstantial evidence to prove that the defendant knew or should have known he or she violated hazardous waste laws or rules; would not allow as a defense, ignorance of the law or its constitutionality;
- provide that a person who knowingly unlawfully transports, treats, stores, or disposes of hazardous waste and has reason to know that his or her conduct places another person in imminent danger of death or serious bodily harm would be subject to a felony penalty of up to \$100,000 and/or 10 years in prison (a corporation or organization would be subject to a fine up to \$1,000,000);
- provide that a person who knowingly unlawfully disposes of hazardous waste would be subject to a felony penalty of a fine of up to \$50,000 and/or five years in prison;
- provide that a person who knowingly unlawfully treats, stores, transports, delivers, or falsely states information on a permit application or other required document, would be subject to a felony penalty fine of up to \$25,000 and/or three years in prison; persons found guilty of a second or subsequent offense would be subject to a fine of up to \$50,000 and/or five years in prison;
- provide that a person who negligently commits any of the violations (above) would be subject to a gross misdemeanor penalty of up to \$15,000 and/or one year in prison, with each day of violation considered a separate violation;

- provide that a person who, regardless of intent, commits any of the violations (above) would be subject to a misdemeanor penalty of up to 90 days or a fine up to \$700;
- require law enforcement officials to enforce these penalties to the extent of their authority;
- extend from three to six years, the statute of limitations for any of the violations (above), beginning from the date of the violation;
- allow counties to join in a single suit to prosecute a person who commits two or more offenses in two years in two or more counties (current law requires counties to file separate suits);
- allow the Pollution Control Agency (PCA) director to pay a reward up to \$1,000 for the arrest and conviction of a person who violates hazardous waste laws and rules; would appropriate money to pay the rewards from the state Superfund;
- distribute any fines collected under these provisions in the following manner: one-third to the prosecuting county, and two-thirds to the state Superfund;
- allow PCA to spend Superfund money to train and educate people on environmental law enforcement; would require the PCA to spend one-half of the fine money deposited in the Superfund to train and educate people on environmental law enforcement;
- include felony violations of hazardous waste laws and rules in the list of designated offenses in criminal statutes;
- repeal current criminal penalty provisions for hazardous waste violations.

FINANCIAL INSTITUTIONS & INSURANCE

Wednesday, March 4

Insurance--regulation changes
HF392/SF478 (Skoglund, DFL-Mpls)--heard; amended**.
(SF in Senate Commerce Committee)

**Delete everything amendment would:

- make language, technical, and regulation changes to various statutes relating to insurance. Provisions would:
- require notification of group life or health policyholders before coverage changes; specify the bond form and method of calculating the bond amount to be used by worker's compensation self-insurers; eliminate need for temporary

licenses (current law requires mandatory temporary licenses to be issued for insurance agent's use when agent applies for a resident license);

- remove \$10 examination fee for agents who sell insurance contracts on a variable basis; make existing requirements for sale of ineligible surplus lines insurance applicable to risk retention groups; extend license requirements to non-resident surplus line insurance agents (current law limits sale of surplus line insurance to licensed residents); increase notice of renewal of policies with altered terms and rates to 60 days;

- outline acceptable reasons for mid-term cancellation of liability or property insurance after 60-day notice to policyholder; simplify claim distribution in insurance bankruptcy; remove \$50 deductible from distribution of claims from insurer's estate; provide that bankrupt policies not covered by a guarantee association are loss claims; provide that covered bankrupt policies are eligible for a proportionate claim;

- remove \$200 deductible on unearned premiums and language regarding the first \$50 of subordinated claims; increase public membership to Minnesota Insurance Guaranty Association Board; remove \$100 deductible from Guaranty Association earned premium claims;

- allow employees laid off or terminated to continue life insurance coverage for 18 months or until re-employment occurs, which ever is shorter; provide for conversion of group policy to individual policy; make public members the majority on Life & Health Guaranty Association Board; set Board terms;

- require group or individual accident and health insurance or HMO contracts issued or renewed after Aug. 1, 1987 to include maternity benefits in same manner as other illnesses;

- conform state law to 1985 federal law, providing continued hospital and medical coverage for dependent survivors until surviving spouse remarries or original policy would have expired; provide continued coverage of an insured's former spouse until former spouse remarries and is covered by a new plan or original policy date expires; provide continued accident and health insurance coverage for spouse and dependent children;

- establish requirements for self-insurer of health plans; mandate home health coverage from all policies for critically ill or mentally fragile children; expand comprehensive health plan to cover outpatient mental or dental;

- increase public members to a majority on Minnesota Comprehensive Health Association Board; create time frame for terminated employees to select Minnesota Comprehensive Health Insurance; waive limits of

Minnesotans 65 years and older to obtain Minnesota Comprehensive Health Association Coverage;

- extend authority of medical Joint Underwriting Association (JUA) to issue malpractice insurance until 1989; remove premium tax for JUA; remove JUA requirement that refusal to insure must be in writing;
- require foreign or alien fraternal societies to filing requirement imposed on other insurers; remove \$20 fee for fraternal benefit society licenses;
- allow insurers to cancel fire insurance policy after 60 days for reasons other than statutorily permissible; ban cancellation of homeowner's insurance unless premium is returned; make public members on FAIR Plan Board the majority; set term of office, compensation, and vacancy filing for FAIR Board;
- make public members a majority on Automobile Assigned Risk Plan Board; allow cancellation or reduction in the limits of auto liability coverage if operator is named in another policy; require reasons always to be given for cancellation of auto insurance, excluding first 60 days of policy on the basis of unrequested violation or accident records;
- create notice requirement by auto insurer to cancel policy within first 60 days; remove mandated notification of insurers by the commissioner of an objection to cancellation; require premium reduction of at least 10 percent to insureds 55 or older who complete accident prevention course;
- set cap on collision damage waiver fee car rental companies charge; include accidents involving pedestrians and motor cycles under no-fault law; make public members of Assigned Claims Board majority; subject township mutual to same filing requirements as other insurers;
- allow township mutuals to invest up to \$1,500 in stock of currently used liability insurer; remove sunset provision as to claims made policies being restricted to a single form; make it unfair trade practice for certain auto, homeowners, accident, and sickness insurers not to refund unearned premiums when policy is terminated or cancelled;
- make unfair trade practice to engage in certain improper business practices; require substantial data supporting underwriting standards before life or health insurance companies engage in selection or underwriting process; include township mutual insurer's refusal to accept a policy covering property under unfair competition regulations;
- extend free look time for certain insurance to 30 days following purchase (current law allows 10 days free look); prohibit auto appraisals from including itemized list of parts for repair other than original manufacturer parts without written consent of vehicle owner;

- extends Minnesota Assigned Risk Plan insurance to golf carts and four-wheel drive, all-terrain vehicles; require written auto estimates and repair invoices to indicate whether or not new parts used in a repair are original equipment parts; provide liability immunity after Aug. 1, 1987 for volunteer athletic coaches and officials.

JUDICIARY

Monday, March 2

Corporate directors--personal liability
HF202/SF204 (Carruthers, DFL-Brooklyn Center)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would permit corporations organized under Minnesota Statutes Chapter 300 (all banks, most insurance companies and certain corporations formed before 1933) to amend their certificate of incorporation to eliminate or limit a director's personal liability for money damages for breach of fiduciary duty to the corporation or shareholders. Would not allow limits on liability for:

- breach of the duty of loyalty;
- acts or omissions not in good faith or involving intentional misconduct or knowingly violating the law;
- criminal offenses involving diversion of corporate property, declaring dividends when profits are insufficient, or intentionally deceiving the public on the corporation's means or liability;
- paying a dividend when the corporation's insolvent;
- a transaction where the director derived improper personal benefit; or
- an act or omission occurring prior to the change in the certificate affecting liability.

**Amendment would make technical changes to the bill.

Criminal syndicalism
HF316 (Pappas, DFL-St. Paul)--recommended to pass.

Would repeal the crime of criminal syndicalism. Current law defines "criminal syndicalism" as a doctrine which advocates crime, malicious damage or injury to an employer's property, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends.

Human Rights Act--disabled persons
HF369/SF264 (Greenfield, DFL-Mpls)--recommended to pass as amended**. (SF on Senate Floor)

Would change certain requirements in the Minnesota Human Rights Act relating to disabled persons. Provisions would:

- include sensory impairment as a type of disability the Act covers;
- amend the definition of "qualified disabled person" for purposes of access to services and programs; would provide that such a person is one who would meet eligibility criteria with "reasonable accommodation;"
- strike provisions currently in the Act which:
 - don't require an educational institution to provide special services or to modify physical plant or admissions procedures because of a person's disability; and
 - permit discrimination based on academic qualifications (would state that nothing prevents using academic qualifications as an admission criteria;
- state that nothing in the Act would limit remedies available under federal law;
- provide as a defense to an employment discrimination charge that the charging party could pose a serious health or safety threat to himself or herself or others;
- make an educational institution's failure to ensure "physical and program access" for the disabled, an unfair discriminatory practice.

**** Amendments would:**

- delete the section of the bill which would amend the definition of "qualified disabled person;"
- not require an educational institution to provide devices or services of a personal nature when insuring "physical and program access;"
- allow an educational institution to provide auxiliary aids or services for students with hearing, visual, or manual impairments;
- define "sensory impairment" as an auditory or visual impairment.

Eminent domain--appraisal fee increase

HF372/SF368 (Rest, DFL-New Hope)--recommended to pass; rereferred to Appropriations Committee. (SF on Senate Floor)

Would increase from \$300 to \$500 the maximum amount that commissioners may award for the cost of appraisal fees in an eminent domain proceeding. (Courts appoint commissioners to decide how much landowners should be compensated if their land is condemned due to eminent domain powers.)

Real estate--title defects

HF439/SF85* (Wagenius, DFL-Mpls)--recommended to pass; placed on Consent Calendar.

Would allow owners of adjacent land tracts which have a common title defect to join in one application to register title to their separate tracts, if the title examiner approves; would require the application to list separately for each owner all information the law requires for a title registration application.

Probate court fees

HF536/SF402 (Dempsey, IR-New Ulm)--recommended to pass. (SF passed Senate)

Would eliminate a separate provision in law which requires a \$5 fee for certified copies of a probate court decree; would make the fee the same as for all certified copies in all civil proceedings (\$5 plus 25 cents per page after the first page.)

Alfentanil--controlled substance

HF688 (Kelly, DFL-St. Paul)--recommended to pass; placed on Consent Calendar.

Would classify the substance alfentanil as a schedule II controlled substance. (The U.S. Food and Drug Administration recently approved alfentanil for clinical use as a general anesthetic for surgery.)

Tuesday, March 3

Nonprofit corporations--directors liability

HF141/SF181 (Ogren, DFL-Aitkin)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would exempt directors of nonprofit corporations from civil liability in certain circumstances.

(See bill summary in HWR, Vol. 3, No. 6, Pg. 8, Judiciary, Feb. 24)

**Amendment would delete language in the bill which would include as exceptions to the provision which exempts noncorporate directors, officers, trustees, members or agents from civil liability, any suit for physical injury to another person and any suit for wrongful death. New language would clarify that nothing in the bill would limit an individual's liability for physical injury to another person or for wrongful death which the individual personally and directly causes.

Adopted child--notice of death

HF270/SF439 (Vellenga, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would require adoption agencies to inform birth parents of the death of a child they placed for adoption, if they

wish to know, and to inform adopted children of the death of their birth parents, if they wish to know.

(See bill summary in HWR, Vol. 3, No. 6, Pg. 9, Crime and Family Law Div./Judic., Feb. 23)

****Amendment would require adoptive parents living in Minnesota who adopted a child through an another state's adoption agency to notify that agency if the child dies.**

Gender references

HF320 (Scheid, DFL-Brooklyn Park)--recommended to pass; placed on Consent Calendar.

Would amend current law which permits statutory cities and cities of the fourth class to maintain a public restroom. (Current law specifies that such a restroom will include toilet facilities for women and children. The bill strikes the words "women and children.")

Crime & Family Law Div./Judic.

Monday, March 2

Witnesses--competency

HF286 (Vellenga, DFL-St. Paul)--heard; laid over.

Would make changes to the "competency of witnesses" statute. Provisions would:

- strike language in current law which presumes that persons of unsound mind, intoxicated persons, and children under 10 years old are not competent witnesses; would provide that any person who lacks the capacity to remember or to testify truthfully is not a competent witness;
- allow child witnesses to testify in language appropriate to their age regarding any fact or event.

Health care professionals--impersonation

HF318/SF301 (Orenstein, DFL-St. Paul)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would broaden the crimes of criminal sexual conduct in the third and fourth degree to cover persons who engage in sexual penetration or contact by falsely representing that the penetration or contact is for a bona fide medical purpose by a health care professional.

****Amendment would provide that the complainant's consent is not a defense to the crime.**

Crime victim rights

HF336/SF232 (Seaberg, IR-Eagan)--recommended to pass as amended**. (SF in Senate Judiciary Committee)

Would make changes to the crime victims statutes. Provisions would:

- expand the "crime victims bill of rights" to cover victims of local ordinance violations where loss or harm to an individual has occurred;
 - entitle all victims of crimes involving bodily injury to:
 - be notified of plea agreement recommendations the prosecutor plans to make;
 - be informed of the victim's right to be present at sentencing; and
 - express in writing any objection to the agreement or proposed disposition;
 - give crime victims whom the "crime victims bill of rights" covers the right to submit an impact statement to the court at the time of sentencing; the impact statement may be oral or written and may include:
 - the harm or trauma the victim suffered as a result of the crime;
 - the economic loss or damage the victim suffered; and
 - the victim's recommendation for an appropriate sentence or disposition, and objections, if any, to the proposed sentence or disposition;
 - classify as private data, a crime victim's written request to be notified of the offender's release from confinement; would make this information available only to the victim.
- **Amendments would:**
- require the prosecutor to make a reasonable and good faith effort to inform the crime victim of the contents of the plea agreement recommendation, including any sentencing recommendation;
 - make technical changes.

Corrections authority/inmate restitution

HF375/SF586 (Kludt, DFL-Moorhead)--recommended to pass as amended**. (SF in Senate Health and Human Services Committee)

Would make several changes to the corrections statutes and the criminal code. Provisions would:

- clarify the commissioner of correction's authority to adopt rules relating to prison inmates paying restitution;
- permit the commissioner or the inmate to disburse work release wages in the inmate's account to pay restitution a hearing officer ordered for property damage the inmate caused;

- permit the commissioner to disburse any funds in the inmate's account for family support, victim compensation, and court-ordered restitution; would permit using such funds to pay restitution a hearing officer ordered for property damage the inmate caused;

- permit forfeiture of money or property an inmate receives or possesses that a disciplinary hearing determines to be contraband; would allow destruction or sale of forfeited property if the rightful owner doesn't claim it within 30 days; would require sale proceeds to be deposited in the inmate social welfare fund for the benefit of the facility's inmates;

- clarify and simplify the process counties use to reimburse the state for probation services the state provides;

- expand the crime of assault in the fourth degree to cover assaults committed against correctional employees where they receive demonstrable bodily harm; would provide a felony penalty of up to one year and one day in prison and/or up to a \$3,000 fine.

****Amendment would:**

- make technical changes to the bill.

LABOR-MANAGEMENT RELATIONS

Monday, March 2

Student work restrictions

HF110/SF528 (D. Nelson, DFL-Champlin)--recommended to pass as amended**. (SF in Senate Employment Committee)

Would prohibit high school students under age 17 from working later than 11 p.m. on evenings before a school day. Would establish a fine of \$50 against employees violating the provision.

****Amendment would:**

- allow high school students under age 17 to work before 7 a.m. on a school day.

LOCAL & URBAN AFFAIRS

Tuesday, March 3

Hennepin County--groundwater management

HF373/SF353 (D. Nelson, DFL-Champlin)--heard. (SF in Senate Environment and Natural Resources Committee)

Would establish a countywide groundwater management

program in Hennepin County that the Hennepin County Soil and Water Conservation District would administer. Provisions would:

- authorize the district to: prepare, adopt and implement a comprehensive groundwater plan for all areas within the county; review and approve water and related land resources plans and official controls that local units of government submit to assure consistency with the comprehensive groundwater plan; exercise any and all powers necessary to assure implementation of a comprehensive groundwater plan; conduct research studies and programs, collect water-resources data from various levels of government; meet with local units of government and execute agreements for preparation and implementation of the comprehensive groundwater plan; and to coordinate its planning program with planning programs of contiguous counties;

- describe general standards and the contents of a comprehensive groundwater plan; provide that the plan and associated data, surveys, and standards are made available to the public;

- require the district to incorporate into its comprehensive groundwater plan local units of government existing plans and rules related to groundwater resources; the district may change the plans and rules it incorporates if the district demonstrates in its groundwater plan why the changes are necessary; establishes conditions when the district may change the plan;

- establish an advisory board to assist in the development of the comprehensive groundwater plan;

- allow local units of government to review the groundwater plan before it's finally adopted; a public hearing on the plan is required after local review;

- allow the Minnesota Water Resource Board to review the plan; if the board approves the plan, the district may implement the plan within 120 days after receiving notice of approval; all amendments to the plan must be submitted to the local governmental units and the Water Resources Board;

- outline general duties of the Minnesota Water Resource Board in assisting in the groundwater plans and the program; give the board rulemaking authority; require a local advisory committee to assist the board;

- require local units of government to amend existing water and related land resources plans and official controls to conform them to the approved comprehensive groundwater plan and describes procedures for doing so; require local units of government to initiate implementation of the revised water and related land resources plans and official controls within 180 days after receiving the recommendation of the district, or 180 days after resolution of an appeal, whichever is later;

- allow local units of government 60 days to appeal a district recommendation to the Water Resources Board; new or amended water and related land resources plans and official controls proposed by local units government may be submitted to the district for review and recommendations;

- specify the district's authority when an approved comprehensive groundwater plan is approved which includes: regulating the use and development of groundwater and related land resources within incorporated areas under certain conditions; charging users for services provided by the district necessary to implement the comprehensive groundwater plan; and allowing the district or any local units of government that administers any portion of the groundwater plan may charge a reasonable fee (not more than \$150) to defray the cost of program administration;

- describe procedures for resolution of disputes between the district and local units of government; require the Water Resources Board to submit a written report to the Commission on Minnesota Resources, on or before Jan. 15 of each year, on the board's functions; make sections of this act severable in the event some part or parts are found invalid.

Washington County--bonding

HF491/SF490 (Price, DFL-Woodbury)--recommended to pass; rereferred to Taxes Committee. (SF in Senate Local and Urban Government Committee)

Would authorize Washington County to establish a capital improvement program and issue bonds for purposes of that program. Provisions would:

- authorize the Washington County Board, from time to time, to sell general obligation bonds for its capital improvement program;

- provide that the aggregate principal amount of bonds outstanding at any time is limited to not more than two percent of the assessed value of all taxable property in the county;

- provide that the bond proceeds go toward capital improvements included in the county's capital improvement program or to refund the bonds;

- provide that the bonds are not considered outstanding if they have been advance refunded;

- provide that taxes levied to pay the principal and interest on the bonds are outside any levy limits;

- provide that general obligation bonds issued for the capital improvement program are in addition to other authority granted to the county to issue bonds;

- provide for a reverse referendum procedure on the tax levies.

County--service fees, emergency contracts

HF502 (Jennings, DFL- Rush City)--recommended to pass as amended**.

Provisions would:

- authorize counties to charge a fee to record, file, certify, or provide copies of any instrument, document, or paper that is required by law to be filed in any county office;

- allow the county board, after a public hearing, to set service fees;

- clarify language relating to county emergency contracts;

- authorize the board to assign whatever title it considers appropriate to the county coordinator;

- repeal a section in Minnesota Statutes that relates to the office of county coordinator in the Optional Forum of County Government Law and the continuation of the old office of county administrator;

**Amendment would:

- delete section 1 which would have authorized the county board, with the approval of the district court commission, to assign the duties of a local registrar to the director of the county license bureau or the county recorder.

REGULATED INDUSTRIES

Monday, March 2

Phone bill payments--locations

HF152/SF595 (Begich, DFL-Eveleth)--recommended to pass as amended**.
(SF in Senate Public Utilities and Energy Committee)

**Delete everything amendment would require a phone company or independent phone company to provide a location in every city or town with a population of 1,000 or more in which the company provides phone service, where a customer may pay for the billed phone service.

**additional amendments would:

- allow a person to deposit payment as well as pay for a phone bill;

- require the governing body of a city of 1,000 or more to request such a location.

Liquor sales--extension of hours

HF397 (Kahn, DFL-Mpls)--recommended to pass amended**.

Bill would extend closing hour for on-sales of intoxicating liquor and 3.2 beer from 1 a.m. to 3 a.m. Allows municipalities to set closing hours which apply only to premises in or abutting on residential areas.

**amendment deletes section that would allow municipalities to set earlier closing hours.

Wednesday, March 4

Pipeline Safety Act

HF91/SF90 (Knuth, DFL-New Brighton)--recommended to pass as amended**; rereferred to Judiciary Committee. (SF in Senate Environment and Natural Resources Committee)

The bill proposes a variety of measures related to pipeline safety.

**Delete everything amendment would:

- give the Environmental Quality Board the duty to designate routes for pipelines;
- provide for creation of a statewide notification center, which excavators would call to determine location of underground lines. Would require owners of underground lines to notify excavators of location of lines, and mandates other steps to prevent damage to these facilities;
- create an Office of Pipeline Safety in the Department of Public Safety, and assign the office various duties relating to pipeline safety. (Some of these duties are contingent on the office receiving delegation of authority from the federal government);
- adopt a model ordinance on setback of development from pipelines, and would provide for adoption of this ordinance by all counties;
- create a Pipeline Safety Advisory Commission;
- specify penalties for failure of a pipeline operator to give notice of releases from pipelines;
- require pipeline operators to file certain information about location and operation of pipelines;
- require local governments to develop pipeline emergency response plans;
- provide penalties for vandalism of pipeline markers.

**Additional amendments would:

- require that a pipeline operator must preserve the pipeline or part of the pipeline that was involved in the emergency release until the commissioner grants approval for disposal, destruction, or alteration;

- add natural gas to the list of products transported in pipelines.

Pipeline Safety improvement--resolution

HF567/SF661 (Knuth, DFL-New Brighton)--recommended to pass as amended**; placed on Consent Calendar. (SF in Senate Transportation Committee)

Would memorialize the President and Congress to give states more authority to regulate the safety of pipelines, and would mandate more effective federal regulation of pipelines.

**Amendment would:

- renumber various sections of bill.

TRANSPORTATION

Wednesday, March 4

Motorcycle passenger--helmet requirement

HF172/SF434 (Bishop, IR-Rochester)--not recommended to pass. (SF in Senate Transportation Committee)

Would require all motorcycle passengers to wear protective headgear.

Motorcycle drivers--helmet requirement

HF253/SF327 (Bishop, IR-Rochester)--not recommended to pass. (SF in Senate Transportation Committee)

Would require motorcycle operators and passengers born after July 31, 1969 to wear protective headgear.

Commercial driver--test, license

HF493/SF140 (K. Olson, DFL-Sherburn)--recommended to pass. (SF in Senate Transportation Committee)

Would establish a testing and licensing program for commercial motor vehicle drivers by Sept. 30, 1989.

FLOOR ACTION

CALENDAR

Monday, March 2

Salary increase rejection

HF68*/SF505 (Vanasek, DFL-New Prague)--passed (116-10). (SF in Senate Governmental Operations Committee)

Would reject the state compensation council's recommended salary increases for legislators and constitutional officers.

(See bill summary in HWR, Vol. 3, No. 6, Pg. 16, General Orders, Feb. 23)

CONCURRENCE & REPASSAGE

Monday, March 2

Adoptive parents--access to records

HF41*/SF37 (Milbert, DFL-South St. Paul)--passed as amended by the Senate** (124-0).

Would require adoption agency records to contain certain information, and would allow adoptive parents access to their records in certain circumstances.

(See bill summary in HWR, Vol. 3, No. 4, Pg. 5, Calendar, Feb. 5)

**Amendment would make technical changes to the bill.

CONSENT CALENDAR

Thursday, Feb. 26

Local government--city reserve fund

HF81/SF484 (Stanisus, IR-White Bear Lake)--passed as amended** (118-0). (SF in Senate Local and Urban Government Committee)

Would allow local governments to use funds from the city reserve fund to replace sidewalks.

**Amendment would:

- allow local governments to also use the funds to replace trees.

Monday, March 2

Credit discrimination

HF222/SF168* (Bishop, IR-Rochester)--passed as amended** (123-0).

Would make it unfair for lenders to discriminate because of sex or marital status when extending personal or commercial credit, or in the requirements for obtaining credit.

**Amendment would:

- prohibit requiring a second signature (spouse's or other person's) on a credit application if the applicant meets other credit requirements, except where the spouse or other person has an interest (on a document granting or perfecting a lien on real property, or a security interest in personal property).

Certificate of title--transfer of duplicate

HF197*/SF195 (Frederick, IR-Mankato)--passed (123-0). (SF in Senate Judiciary Committee)

Would require title companies, lenders, or others holding an owner's duplicate certificate of title to transfer it to the owner before Aug. 1, 1987; after Aug. 1, 1987, would require the holder of a duplicate certificate to provide the certificate to its owner within a reasonable period after a real estate transaction closes. Other provisions would:

- eliminate current law which requires that transfer of the abstract of title does not apply if the abstract holder is the property's mortgagor or fee simple owner;
- allow a property owner to seek a court order to obtain the duplicate certificate of title if the duplicate's holder refuses to turn it over.

St. Paul--smoke detector ordinance

HF357*/SF585 (Orenstein, DFL-St. Paul)--passed (127-0). (SF in Senate Local and Urban Government Committee)

Would permit the St. Paul City Council to adopt, by ordinance, smoke detector installation rules for single family homes which are more restrictive than the standards imposed by the state; would require enforcement through truth-in-housing inspection.

(See bill summary in HWR, Vol. 3, No. 6, Pg. 10, Local and Urban Affairs, Feb. 24)

GENERAL ORDERS

Monday, March 2

Criminal trial procedures--changes

HF137/SF220 (Kelly, DFL-St. Paul)--amended**;
progressed. (SF in Senate Judiciary Committee)

Would change criminal trial procedures.

(See bill summary in HWR, Vol. 3, No. 5, Pg. 2,
Judiciary, Feb. 16)

**Amendment would delete the provision in the bill that
would allow the prosecution to respond to the defendant's
closing argument.

Mail order sales tax collection resolution

HF135 (McLaughlin, DFL-Mpls)--recommended to pass.

Would memorialize Congress to permit state and local
governments to require out-of-state sellers to collect sales
and use taxes.

County medical assistance claims

HF18/SF15 (Ogren, DFL-Aitkin)--recommended to pass.
(SF in Senate Judiciary Committee)

Would clarify statute allowing a claim for medical
assistance against the estate of a surviving spouse of a
medical recipient; would recognize an affidavit of
successorship an agency rendering medical assistance files;
would require that the claim made against the surviving
spouse's estate, upon his or her death, would be limited to
the value of the estate's assets that were marital property or
jointly owned property at any time during the marriage.

Anatomical gifts--required request for consent

HF23/SF86 (Kahn, DFL-Mpls)--recommended to pass.
(SF on Senate Floor)

Would require a hospital to establish written procedures to
identify potential organ donors and to make the decedent's
family or guardian aware of options to donate.

(See bill summary in HWR, Vol. 3, No. 5, Pg. 2, Health
and Human Services, Feb. 19)

Corporate takeover law--changes

HF27/SF272 (Simoneau, DFL-Fridley)--recommended to
pass. (SF in Senate Judiciary Committee)

Would delay the effective date of amendments to the
control share acquisitions section of the corporate takeover
law.

Overtime wages--ski employees

HF52 (Ogren, DFL-Aitkin)--recommended to pass.

Would provide overtime pay to seasonal employees of ski
facilities who work more than 48 hours in a week.

Anoka County--highway development

HF94/SF200 (Simoneau, DFL-Fridley)--rereferred to
Appropriations Committee. (SF in Senate
Transportation Committee)

Would authorize Anoka County, upon a majority vote of
the county board, to enter into a loan agreement with the
transportation commissioner for design and construction
of Highway 10.

(See bill summary in HWR, Vol. 3, No. 5, Pg. 4, Local
and Urban Affairs, Feb. 17)

House Weekly Review is a listing of House
committee and floor action on bills with brief bill
summaries. The House Information staff compiles
this information to help follow bills through the
legislative process. The intent is to provide House
members with a ready reference to House committee
and floor action on bills. Coverage runs from
Thursday (2 p.m.) to Thursday (2 p.m.). Each
issue includes a cumulative index by House File
number.

The summary is an in-house publication for House
members and staff; we do not have a mailing list.
During the 1987 Session, we will distribute one
copy each to House members and appropriate staff.

Nothing herein is admissible as legal proof of legislative intent.

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