

House Information Office

HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

12-23 January 1987

Volume 3, Number 1

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

COMMITTEE ACTION

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.

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AGRICULTURE FINANCE DIVISION

**Tuesday
Jan. 20**

Interest buydown program extension

HF1/SF93 (Olson, K., DFL-Sherburn)

Recommended to pass as amended; rereferred to the Agriculture Committee. (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 million for administration costs; and
- set a cap of \$12 thousand on the total interest subsidy a farmer can receive.

GENERAL LEGISLATION, VETERANS AFFAIRS & GAMING

**Thursday
Jan. 22**

Pull tabs--tax collection

HF64/SF60 (Kostohryz, DFL-Mpls)

Recommended to pass.

(SF in Senate General Legislation & Public Gaming Committee)

Would change effective date from Jan. 1, 1987 to Aug. 1, 1987, for distributors to collect taxes on pull tabs.

JUDICIARY

**Tuesday
Jan. 13**

Corporate directors liability--modified

HF34/SF35 (Carruthers, DFL-Brooklyn Center)

Heard.

(SF in Senate Judiciary Committee)

Would allow a corporation, either in its articles of incorporation or bylaws, to eliminate or limit a director's personal liability to the corporation or its shareholders for monetary damages for breach of fiduciary duty.

A director's liability may not be eliminated or limited for:

- any breach of duty of loyalty;
- acts or omissions not in good faith or involving intentional misconduct or a knowing violation of law;



- making illegal distributions;
- transactions involving improper personal benefits; or
- acts or omissions occurring before the articles were amended to eliminate or limit liability.

**Tuesday
Jan. 20**

Corporate directors liability--modified

HF34/SF35 (Carruthers, DFL-Brooklyn Center)
Recommended to pass.
(SF in Senate Judiciary Committee)
(See bill summary above)

Adoptive parents (proposed)--access to records

HF41/SF37 (Milbert, DFL-South St. Paul)
Amended; laid over.
(SF in Senate Judiciary Committee.)

Delete everything amendment would:

- allow a judge, upon request, to let proposed adoptive parents see files adoption agencies keep on their suitability as adoptive parents. (Current law gives parents access to files only after an agency report rejects the adoption proposal);
- allow the court to withhold the identity of individuals providing information found in the reports.

Amendments would:

- eliminate the requirement that a biological parent be a co-petitioner on a proposed stepparent's adoption petition;
- removes the requirement that an adult adoptee (over 18 years old) must sign the consent to the adoption in the presence of the commissioner of human services or the commissioner's agent;
- allow prospective adoptive parents an agency approves for an international adoption to obtain an agency adoption summary brief to meet the requirements of the foreign country.

Uniform Trade Secret Act--revised

HF45 (Orenstein, DFL-St. Paul)
Recommended to pass as amended.

Would change standards governing continued use of misappropriated trade secrets. Presently someone who misappropriates a trade secret may continue to use it if it would be "unreasonable to prohibit future use."

Provisions would:

- allow the secret's continued use in "exceptional circumstances;"

- define "exceptional circumstances" to include the user's material, prejudicial change of position that occurred before the user knew or had reason to know the secret had been appropriated;

- limit recovery of monetary damages for misappropriation of a trade secret where the secret's user made a material and prejudicial change of position before knowing or having reason to know secret was misappropriated;

- impose a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret;

- place a ceiling (twice the award for actual damages) on the amount of exemplary (punitive) damages that can be awarded for wilful and malicious misappropriation.

TRANSPORTATION

**Wednesday
Jan. 23**

Highway funding resolution

HF66/SF8 (Johnson, A., DFL-Spring Lake Park)
Recommended to pass; placed on Consent Calendar.
(SF in Senate Agriculture Committee)

Would memorialize Congress to extend the federal-aid highway program at the earliest possible date.

HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

23-29 January 1987

Volume 3, Number 2

HOUSE WEEKLY REVIEW summarizes committee and floor action on bills.

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Nothing herein is admissible as legal proof of legislative intent.

COMMITTEE ACTION

AGRICULTURE

**Monday
Jan. 26**

Interest buydown program extension

HF1/SF93 (Olson, K., DFL-Sherburn)

Recommended to pass as amended; referred to the Appropriations Committee. (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; (In last week's *House Weekly Review*, which goes only to members and staff, we mistakenly printed \$60 million.)

- set a cap of \$12,500 on the total interest subsidy a farmer can receive.

Save the Family Farm Act--resolution

HF83/SF95 (Bauerly, DFL-Sauk Rapids)

Recommended to pass. (SF in Senate Agriculture Committee)

Would memorialize Congress to immediately adopt the "Save the Family Farm Act" or similar legislation to meet the catastrophe striking American farmers and the farm economy.

ENVIRONMENT & NATURAL RESOURCES

**Thursday
Jan. 29**

Pipeline Safety Act

HF91/SF90 (Knuth, DFL-New Brighton)

Heard.

(SF in Senate Environment and Natural Resources Committee)

Would create a variety of pipeline safety measures. Provisions would:

- require the Environmental Quality Board (EQB) to adopt rules governing pipeline routing and issue pipeline construction permits; specifies rules' contents;
- amend existing pipeline routing laws to provide that existing pipeline routing procedures will apply only to types of pipelines the new EQB rules do not cover;



- define terms that would create a "one-call" system and damage prevention laws, including: damage, emergency, emergency responder, excavation, excavator, local governmental unit, notification center, operator, person, and underground facility;
- require local government units that issue excavation permits to display notice of the "one-call" system and damage prevention laws;
- require every underground operator to participate in and share the cost of one statewide notification center (participation is optional for local government units whose underground lines carry only sewage or water);
- require an excavator to contact the statewide notification center at least 48 hours (excluding weekends and holidays) before beginning excavation, except in emergencies;
- require the center to notify area underground facility operators of the proposed excavation; specifies notice contents;
- require underground facility operators to locate and mark the location of their facilities, within 48 hours (excluding weekends and holidays), and at no cost to the excavator;
- require an operator the center notifies who does not have facilities located in the excavation area to tell the excavator of this;
- specify marker color code standards;
- require excavators to:
 - take certain steps to avoid underground facilities' damage;
 - notify underground facilities operators as soon as reasonably possible after damage occurs; provides for minimizing hazards and further damage;
- provide that an excavator who damages an underground facility is liable for all repair costs, unless the operator was negligent or failed to comply with excavation notification procedures (above);
- provide that failure to call the statewide notification center, or to act carefully and prudently, or to provide certain support while digging is prima facie evidence of negligence;
- provide that the above requirements do not affect local laws requiring permits before excavating;
- provide that a locally issued permit does not relieve a person from the duty to comply with the above requirements;
- provide that a person who has a permit and fails to comply with the above requirements does not impose liability on the public agency issuing the permit;

- create an Office of Pipeline Safety, under the direction of a director the commissioner of Public Safety appoints; specifies staff and director's qualifications; defines terms;
- include as office duties to:
 - seek to act as the federal government's agent for enforcing the federal Hazardous Liquid Pipeline Safety Act;
 - inspect and test pipelines to determine if they comply with federal standards;
 - promote 9-1-1 telephone system use to notify emergency responders of pipeline releases;
 - train local government agencies in pipeline contingency planning and emergency response;
 - require pipeline owners to provide public education on pipeline operation and safety;
 - gather information on technology to detect and locate pipeline releases;
 - maintain a pipeline releases data base;
 - inspect pipeline operators' records and maps;
 - adopt rules to implement these duties;
- require the office to adopt rules on certain subjects if federal law authorizes the state regulation of those subjects (specifies subjects);
- require the commissioner of Public Safety to:
 - adopt a model ordinance requiring a set back from pipelines in new residential/development areas;
 - adapt the model ordinance to apply to any county that has not adopted its own ordinance within two years after the effective date of the commissioner's rules adopting the model ordinance;
- create a Pipeline Safety Advisory Commission which the commissioner of Public Safety would appoint; specifies membership (two pipeline industry members, two Minnesota state employees, and three other Minnesota residents) and duties;
- provide that a pipeline operator who:
 - knows or should have known of a release;
 - knows or should have known that the release is likely to cause the death or serious bodily injury of an individual; and
 - fails to immediately report the release to the department of Public Safety, is guilty of a felony if the release causes death or serious bodily injury of any individual;
- require the commissioner of Public Safety to immediately report a known release to the appropriate local government unit's emergency responder;
- require pipeline operators to:
 - file maps showing pipelines and appurtenances they operate; specifies filing timing, map contents, and where to file maps;
 - file operation and safety plans with Office of Pipeline Safety, county recorder and county sheriff at least 30 days

before pumping a hazardous substance; specifies plan contents;

--notify Office of Pipeline Safety and local government units pipelines cross 30 days in advance of conducting hydrostatic tests; specifies notice contents;

--notify Office of Pipeline Safety and local government units pipelines cross of type of hazardous substance the pipeline carries;

- provides penalties and enforcement of above requirements;

- require local government units with pipelines in their jurisdictions to prepare emergency response plans;

- adopt specific federal rules governing hazardous liquid and natural gas pipelines to implement the federal pipeline inspection program; provides the rules may be amended as needed to maintain an effective state program and annual federal certification;

- provide that the Office of Pipeline Safety director shall collect fees from pipeline operators to cover inspection costs if the federal government delegates to the state the authority to inspect hazardous liquid pipelines; provides for fee, rebate, and recharge calculations;

- provide that the Office of Pipeline Safety have access to information on pipeline releases; classifies certain data as private or nonpublic;

- require operators to place and maintain line markers over each pipeline; makes vandalizing or injuring a marker a misdemeanor;

- prohibit pipeline operators from disposing of pipelines from which a hazardous substance was released without the commissioner of Public Safety's approval; provides penalties and enforcement powers;

- provide civil penalties for violating the above requirements; provides for actions to require specific performance of the above requirements;

- not diminish existing remedies that people have to recover from losses resulting from pipeline releases;

- create a pipeline safety fund for certain fees and penalties collected under this act; appropriates the fund money to the Office of Pipeline Safety for operations under this act;

- require the Department of Labor and Industry to study the need for additional registration, licensing and certification of personnel who design and construct pipelines; requires a report to the Legislature Jan. 15, 1988.

GOVERNMENTAL OPERATIONS

**Thursday
Jan. 29**

Salary adjustments--rejected

HF39/SF163 (Shaver, IR-Wayzata)

Heard.

(SF in Senate Judiciary Committee)

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

Salary adjustments--rejected

HF40 (McPherson, IR-Stillwater)

Heard.

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

Legislative salary adjustments--rejected

HF68 (Vanasek, DFL-New Prague)

Amended; heard.

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

Amendment 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.

JUDICIARY

**Tuesday
Jan. 27**

Adoptive parents--access to records

HF41/SF37 (Milbert, DFL-South St. Paul)

Recommended to pass as amended.

(SF in Senate Judiciary Committee)

Delete everything amendment would:

- allow a judge, upon request, to let proposed adoptive parents see files adoption agencies keep on their suitability as adoptive parents. (Current law gives parents access to files only after an agency report rejects the adoption proposal);

- allow the court to withhold the identity of individuals providing information found in the reports.

Amendments would:

- eliminate the requirement that a parent whose spouse is adopting the parent's child must join the adoption petition;
- removes the requirement that an adult adoptee (over 18 years old) must sign the consent to the adoption in the presence of the commissioner of human services or the commissioner's agent;
- allow adoption agencies to present (to a judge considering whether to disclose the information) reasons for or against disclosing the identity of individuals providing information;
- allow prospective adoptive parents an agency approves for an adoption to request and receive an agency adoption summary brief at the conclusion of the agency's adoptive study;
- require that the report not identify information sources outside of the adoption agency or information about any child to be adopted;
- require that the report be used only for purposes on which the adoption agency and the prospective adoptive parents mutually agree;
- require that the report's purposes and date be clearly noted on the report.

Crime victims--emergency aid fund

HF144/SF152 (Kelly, DFL-St. Paul)

Recommended to pass and rereferred to Appropriations Committee.

(SF in Senate Judiciary Committee)

Would create a fund the Minnesota Crime Victims Reparations Board would administer to allow local law enforcement agencies to provide certain emergency assistance to crime victims. Provisions would:

- define "emergency assistance" to include (but not limited to): replacing necessary lost, damaged, or stolen property; purchasing and installing necessary home security devices; and transportation to medical and/or criminal justice system facilities;
- allow county sheriffs or police departments to apply to the board for a grant to provide emergency assistance;
- require local agencies receiving grants to report periodically to the board on the funds' uses;
- require the board report to the Legislature, on or before Feb. 1, 1989, on the grant program's implementation, use, and administration;

- appropriate an unspecified sum of money for the grant program to the Crime Victims Reparations Board from the Peace Officers Standards and Training (POST) Board's special revenue fund.

TAXES

**Tuesday
Jan. 27**

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.

FLOOR ACTION

CONSENT CALENDAR

**Monday
Jan. 26**

Highway funding resolution

HF66/SF8 (Johnson, A., DFL-Spring Lake Park)

Passed (129-0).

(SF in Senate Transportation Committee)

Would memorialize Congress to extend the federal-aid highway program at the earliest possible date.

GENERAL ORDERS

**Monday
Jan. 26**

Corporate directors liability--modified

HF34/SF35 (Carruthers, DFL-Brooklyn Center)

Recommended to pass.

(SF in Senate Judiciary Committee)

Would allow a corporation, either in its articles of incorporation or bylaws, to eliminate or limit a director's personal liability to the corporation or its shareholders for monetary damages for breach of fiduciary duty.

A director's liability may not be eliminated or limited for:

- any breach of duty of loyalty;

- acts or omissions not in good faith or involving intentional misconduct or a knowing violation of law;
- making illegal distributions;
- transactions involving improper personal benefits; or
- acts or omissions occurring before the articles were amended to eliminate or limit liability.

Uniform Trade Secret Act--revised
HF45/SF104 (Orenstein, DFL-St. Paul)
Recommended to pass.
(SF in Senate Judiciary Committee)

Would change standards governing continued use of misappropriated trade secrets. Presently, someone who misappropriates a trade secret may continue to use it if it would be "unreasonable to prohibit future use."
Provisions would:

- allow the secret's continued use in "exceptional circumstances;"
- define "exceptional circumstances" to include the user's material, prejudicial change of position that occurred before the user knew or had reason to know the secret had been appropriated;
- limit recovery of monetary damages for misappropriation of a trade secret where the secret's user made a material and prejudicial change of position before knowing or having reason to know secret was misappropriated;
- impose a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret;
- place a ceiling (twice the award for actual damages) on the amount of exemplary (punitive) damages that can be awarded for wilful and malicious misappropriation.

Index (through issue 1)

HF/SF	Title	Issue	Page
HF1/SF93	Interest buydown program extension	1	1
HF34/SF35	Corporate directors liability--modified	1	1,2
HF41/SF37	Adoptive parents--access to records	1	2
HF64/SF60	Pull tabs--tax collection	1	1
HF66/SF8	Highway funding resolution	1	2

HOUSE WEEKLY REVIEW

FOR MEMBERS of the Minnesota House of Representatives

January 29-February 5, 1987

Volume 3, Number 3

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Agriculture, Transportation & Semi-State Div./Approps.

**Monday
Feb. 2**

**Interest buydown program extension
HF1/SF93 (Olson, K., DFL-Sherburn)**
Recommended to pass as amended**; rereferred to Appropriations Committee.
(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.
- **Amendment would:
- limit loan applications to the \$20 million in new funds.

ENVIRONMENT & NATURAL RESOURCES

**Tuesday
Feb. 3**

**Pipeline Safety Act
HF91/SF90 (Knuth, DFL-New Brighton)**
Recommended to pass as amended**; rereferred to Transportation Committee.
(SF in Senate Public Utilities and Energy Committee)

COMMITTEE ACTION

APPROPRIATIONS

**Wednesday
Feb. 4**

**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.

(See bill summary under Agriculture, Transportation, Semi-State Division, Monday, Feb. 2)



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, HWR, Vol. 4, No. 2, Pg. 1, Environment and Natural Resources, Jan. 29)

****Amendments would:**

- define terms, including: gas, hazardous liquid, pipelines;
- clarify and coordinate reporting requirements to Department of Public Safety and Pollution Control Agency;
- allow public utilities to include any costs necessary to comply with these requirements in their ratebase;
- exclude mining operations from the "one-call" system;
- require a county to assess and collect plan-implementation costs from every pipeline operator that has pipelines within the county's borders.

GOVERNMENTAL OPERATIONS

**Thursday
Feb. 5**

**Investment board--new authority
HF186 (Simoneau, DFL-Fridley)
Recommended to pass.**

Would give the State Board of Investment greater investment flexibility. Provisions would:

- require the board to adopt an investment policy statement which includes investment objectives, asset allocation, and the retirement fund assets management structure the board manages;
- remove statutory reference to fixed income securities so that variable rate debt securities can be purchased;
- require that issues are backed by the full faith and credit of the issuer or are rated among the top four quality categories by a nationally recognized rating agency;
- exempt the board from certain administrative procedures when it purchases certificates of deposit;
- authorize the board to purchase:
 - commercial paper that is ranked in the two highest quality rating categories;
 - certain high-yield debt obligations;
 - certain foreign securities;

- increase the equity investments cap from 75 percent to 85 percent of the fund's value;
- increase the alternative investments cap from 20 percent to 35 percent of the fund's value;
- allow cash accounts to purchase any debt obligation rather than limit the investments to three-year or less maturities.

JUDICIARY

**Tuesday,
Feb. 3**

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

Would change criminal trial procedures. Provisions would:

- require the court to order, in writing, a joint trial for any two or more defendants jointly charged with a felony, unless it can be shown that a joint trial would create a bias for either the prosecution or defense;
- allow the prosecution to make a final argument to the jury responding to the defendant's closing argument;
- allow both the defendant and prosecution, in non-life imprisonment offenses, the same number of chances (five) to challenge and remove a juror without giving a reason.

****Amendment would:**

- allow the court to decide if defendants jointly charged with a felony should be tried jointly or separately; requires 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;
- give two or more defendants tried jointly for an offense the same number of chances to challenge and remove a juror without giving a reason as a single defendant who is tried separately;
- require the defendants to jointly exercise the challenges or require the court to divide the challenges among them;
- allow the court to give each defendant the same number of additional challenges (no more than two), if the defendants request them.

FLOOR ACTION

CALENDAR

Thursday
Jan. 29

Corporate directors liability--modified
HF34/SF35 (Carruthers, DFL-Brooklyn Center)
Passed (124-0).
(SF in Senate Judiciary Committee)

Would allow a corporation, either in its articles of incorporation or bylaws, to eliminate or limit a director's personal liability to the corporation or its shareholders for monetary damages for breach of fiduciary duty.

A director's liability may not be eliminated or limited for:

- any breach of loyalty;
- acts or omissions not in good faith or involving intentional misconduct or a knowing violation of law;
- making illegal distributions;
- transactions involving improper personal benefits; or
- acts or omissions occurring before the articles were amended to eliminate or limit liability.

Uniform Trade Secret Act--revised
HF45/SF104 (Orenstein, DFL-St. Paul)
Passed (124-0).
(SF in Senate Judiciary Committee)

Would change standards governing continued use of misappropriated trade secrets. Presently, someone who misappropriates a trade secret may continue to use it if it would be "unreasonable to prohibit future use."
Provisions would:

- allow the secret's continued use in "exceptional circumstances";
- define "exceptional circumstances" to include the user's material, prejudicial change of position that occurred before the user knew or had reason to know the secret had been appropriated;
- limit recovery of monetary damages for misappropriation of a trade secret where the secret's user made a material and prejudicial change of position before knowing or having reason to know secret was misappropriated;

- impose a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret;

- place a ceiling (twice the award for actual damages) on the amount of exemplary (punitive) damages that can be awarded for wilful and malicious misappropriation.

GENERAL ORDERS

Monday
Feb. 2

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

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

SUSPENSION OF RULES

Monday
Feb. 2

Save the Family Farm Act--resolution
HF83/SF95* (Bauerly, DFL-Sauk Rapids)
Passed (92-38).

Would memorialize Congress to immediately adopt the "Save the Family Farm Act" or similar legislation to meet the catastrophe striking American farmers and the farm economy.

Index (through issue 2)

HF/SF	Title	Issue	Page
HF0001/SF0093	Interest buydown program extension	1	1
HF0001/SF0093		2	1
HF0034/SF0035	Corporate directors liability--modified	1	1,2
HF0034/SF0035		2	4
HF0039/SF0163	Salary adjustments--rejected	2	3
HF0040	Salary adjustments--rejected	2	3
HF0041/SF0037	Adoptive parents--access to records	1	2
HF0041/SF0037		2	3
HF0045	Uniform Trade Secret Act--revised	1	2
HF0045		2	5
HF0064/SF0060	Pull tabs--tax collection	1	1
HF0066/SF0008	Highway funding resolution	1	2
HF0066/SF0008		2	4
HF0068	Legislative salary adjustments--rejected	2	3
HF0083/SF0095	Save the Family Farm Act--resolution	2	1
HF0091/SF0090	Pipeline Safety Act	2	1
HF0135	Mail order sales tax collection resolution	2	4
HF0144/SF0152	Crime victims--emergency aid fund	2	4