

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 15, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Oscar A. Anderson, President Emeritus, Augsburg College, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kahn	Norton	Shea
Ainley	Esau	Kaley	Novak	Sherman
Anderson, B.	Evans	Kalis	Nysether	Sieben, M.
Anderson, G.	Ewald	Kelly	O'Connor	Simoneau
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Skoglund
Anderson, R.	Forsythe	Kostohryz	Olsen	Stadum
Battaglia	Friedrich	Kvam	Onnen	Stowell
Begich	Greenfield	Laidig	Otis	Stumpf
Berkelman	Gruenes	Lehto	Peterson, B.	Sviggum
Blatz	Gustafson	Lemen	Peterson, D.	Swanson
Brandl	Halberg	Levi	Piepho	Tomlinson
Brinkman	Hanson	Long	Pogemiller	Valan
Byrne	Harens	Ludeman	Redalen	Valento
Carlson, D.	Hauge	Mann	Reding	Vanasek
Carlson, L.	Haukoos	Marsh	Rees	Vellenga
Clark, J.	Heap	McCarron	Reif	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	
Ellingson	Jude	Niehaus	Schreiber	

A quorum was present.

Luknic, Searles, Sherwood, Staten and Wigley were excused.

Osthoff was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. McDonald moved that further reading of the Journal

be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 552, 681, 838, 1024, 705, 859, 922, 1034, 1048, 1052, 1089, 517, 3, 745, 757, 1078, 1199, 439, 449, 662, 182, 569, 743 and 986 have been placed in the members' files.

S. F. No. 718 and H. F. No. 970, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jude moved that S. F. No. 718 be substituted for H. F. No. 970 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 291 and H. F. No. 1045, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schoenfeld moved that the rules be so far suspended that S. F. No. 291 be substituted for H. F. No. 1045 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 14, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House
State of Minnesota

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 341, relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

H. F. No. 470, relating to the department of public safety; changing the name of the highway patrol to the state patrol;

H. F. No. 40, relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

H. F. No. 71, relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions;

H. F. No. 330, relating to Independent School District No. 625; providing for times of election and terms of office;

H. F. No. 269, relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls;

H. F. No. 297, relating to the town of Great Scott; granting the town certain powers of municipality.

H. F. No. 173, relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for penalties;

H. F. No. 84, relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

H. F. No. 201, relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims;

Sincerely,

ALBERT H. QUIE
Governor

REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 61, A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting

minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

Reported the same back with the following amendments :

Page 1, line 19, after "uses" insert "*or possesses*"

Amend the title as follows :

Page 1, line 4, after "using" insert "*or possessing*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred :

H. F. No. 70, A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding

subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

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

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 108, A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169.121, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, after "(90 DAYS)" delete "one year" and insert "six months and no limited license shall be issued the first three months of the revocation"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 247, A bill for an act relating to retirement; authorizing the purchase of prior service credit by certain court reporters.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FUTURE PENSION COVERAGE FOR CERTAIN WEST ST. PAUL POLICE OFFICERS; REFUND OF CERTAIN MEMBER CONTRIBUTIONS.]

Subdivision 1. [COVERAGE FOR FUTURE SERVICE.] Notwithstanding any provision of law to the contrary, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, shall be entitled, on or before January 1, 1982, to elect to have retirement coverage for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392 and Laws 1967, Chapter 751. The election shall be made in writing and shall be filed with the clerk for the city of West St. Paul, who shall promptly notify the executive director of the public employees retirement association of the election of the change in retirement coverage.

Subd. 2. [REFUND OF MEMBER CONTRIBUTIONS.] If the election of a change in retirement coverage is made, any person to whom subdivision 1 applies shall be entitled, upon written application filed with the secretary of the West St. Paul police relief association, to a refund of all accumulated member contributions to the credit of the person, without interest, from the special fund of the West St. Paul police relief association.

Sec. 2. [PURCHASE OF PRIOR SERVICE CREDIT BY CERTAIN PERSONS.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding any provision of law to the contrary, the following persons shall be entitled to purchase prior service credit from the appropriate retirement fund for service for which the person has not previously received service credit from that fund:

(a) from the Minnesota state retirement system, any person who was employed by the Minnesota department of veteran affairs from October 3, 1949, to January 15, 1951, and from August, 1973, until November 3, 1973, and who is currently employed by the occupational safety and health division of the department of labor and industry, for the period from October 3, 1949, to January 15, 1951;

(b) from the public employees retirement association, any person who was employed by the city of Minneapolis as a municipal court reporter from January 1, 1943, until April 30, 1945, and from May 1, 1946, until August 31, 1949, who was granted a leave of absence to enter military service from April 30, 1945, until April 30, 1946, and who, subsequent to becoming an employee of the county of Hennepin, purchased prior service in the public employees retirement association for the non-military service rendered as an employee of the city of Minneapolis for the one year of service credit representing the year of previously uncredited military service;

(c) from the public employees retirement association, a retired member of the public employees retirement association who served as a Mille Lacs county commissioner and who was born on June 18, 1915, for his actual period of service between January 1, 1957, and December 31, 1959;

(d) from the public employees police and fire fund, the person who was a firefighter in the city of St. Paul and who is currently employed by the city of Brainerd in the position of fire chief, for that period of service spent as an employee of the city of St. Paul and member of the St. Paul firefighters' relief association;

(e) from the teachers retirement association, any person currently employed as a professor by the University of Minnesota at the Duluth campus, who was born on July 5, 1919, who was previously a member of the teachers retirement association, and who, on June 23, 1961, completed an agreement to pay for the purchase of prior service arrears amounts to the teachers retirement association, for that period of time covered by the arrears agreement;

(f) from the public employees police and fire fund, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392 and Laws 1967, Chapter 751;

(g) from the Minnesota state retirement system, any person who is a member of the Minnesota state retirement system, who was employed by the military department at Camp Ripley commencing April 1, 1950, and ending February 15, 1951, and who was engaged in active military service commencing February 15,

1951, and ending February 21, 1953, for the period from April 1, 1950, to February 21, 1953; and

(h) from the Minnesota state retirement system, any person with prior intermittent service as a legislative employee who either is a current permanent employee of the legislature or who is an employee in the classified or unclassified service of the state for the period of prior intermittent legislative service.

Subd. 2. [PAYMENT.] For the persons entitled to purchase prior service pursuant to subdivision 1, clauses (a), (b), (c), (d), (e), (f), and (g), there shall be paid to the applicable retirement fund an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age for the appropriate retirement fund or association and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4). Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director. Payment shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

For persons entitled to purchase prior service pursuant to subdivision 1, clause (h), the purchase may be made by paying to the Minnesota state retirement system an amount equal to the current employee contribution rates in effect for the Minnesota state retirement system applied to the current salary rate multiplied by the days and months of prior intermittent legislative service. Proof of employment by the legislature and the duration thereof shall be established by certification of the committee on rules and legislative administration of the house of representatives. Certification to the director of the Minnesota

state retirement system shall include the exact periods of employment for which the employee is entitled to obtain service credit. The service credit shall be computed and granted based on the relationship that the intermittent service bears to full employment. The payments permitted herein in the case of a person who is or was a senate employee shall be matched by the senate and in the case of a person who is or was a house employee shall be matched by the house of representatives. Any necessary sums are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund. Authority to make a lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1982.

Subd. 3. [RECALCULATION OF ANNUITY.] After payment is received by the public employees retirement association from the person entitled to purchase prior service pursuant to subdivision 1, clause (c), the public employees retirement association shall recompute the retirement annuity to include the additional service credit. The recomputed benefit shall accrue on the first day of the month following the receipt of payment and the crediting of the additional service credit shall be payable as soon as is practicable thereafter.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit; authorizing certain persons to change retirement coverage for future services."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 251, A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdi-

vision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

Reported the same back with the following amendments:

Page 2, line 32, strike "nominee may withdraw his" and after "name" insert "*may be withdrawn*" and after "nomination" insert "*by the nominee*"

Page 4, after line 16 insert:

"Sec. 4. Minnesota Statutes 1980, Section 353.03, Subdivision 3a, is amended to read:

Subd. 3a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter, and with the approval of the board fix their compensation;
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. (PROFESSIONAL MANAGEMENT SERVICES MAY NOT BE CONTRACTED FOR

MORE OFTEN THAN ONCE IN EVERY SIX YEARS.) Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

Page 4, delete section 4

Page 4, line 29, strike "AND TAXATION"

Page 6, line 30, delete "*annually*" and insert "*periodically at times specified by the board of trustees*"

Page 6, line 36, strike "he" and insert "*the person*"

Page 7, line 7, strike "his"

Page 7, line 8, strike "his" and insert "*the*"

Page 7, line 9, after "children" insert "*of the member*"

Page 7, line 32, strike "his or her" and insert "*the*" and after "remarriage" insert "*of the spouse*"

Page 8, line 19, delete "he" and insert "the amount" and delete "hold or use such amount as trustee" and insert "be held or used in trust"

Page 9, lines 17 and 19, strike "him" and insert "the person"

Page 9, line 25, after "benefits" insert "shall be"

Page 10, delete section 14

Page 10, line 27, strike "he" and insert "the person"

Page 10, line 28, strike "his" and strike "said" and insert "the"

Page 11, line 21, strike "his" and insert "that"

Page 12, line 12, strike "him" and insert "the member"

Page 12, line 13, strike "he" and insert "the member"

Page 12, line 14, strike "less" and insert "with disability benefits paid reimbursed and future benefits reduced by"

Page 12, line 15, strike "him" and insert "the member"

Page 12, line 31, delete "he" and insert "the amount" and delete "hold or use such amount as trustee" and insert "be held or used in trust"

Page 13, line 2, delete "and" and after "1a" insert "; and 353.46, Subdivision 1"

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, delete "5" and insert "3a"

Page 1, line 9, delete "353.46, Subdivision 1;"

Page 1, line 13, delete "and" and after "1a" insert "; and 353.46, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 284, A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 144.343, is amended to read:

144.343 [PREGNANCY, VENEREAL DISEASE AND ALCOHOL OR DRUG ABUSE.]

Subdivision 1. [MINOR'S CONSENT VALID.] Notwithstanding the provisions of section 15.162, subdivision 4, any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.

Subd. 2. [NOTIFICATION CONCERNING ABORTION.] No abortion operation shall be performed upon an unemancipated minor or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered in the manner specified in subdivisions 2 to 4:

(a) If the pregnant woman is unmarried and is living with her parent, the notice shall be addressed to the parent and either be delivered personally to her parent or be delivered to the parent's usual place of abode and left with a person of suitable age and discretion residing therein other than the pregnant woman.

(b) In lieu of the delivery required by clause (a), notice may be made by certified mail receipted for by the persons specified for delivery in clause (a).

Subd. 3. [PARENT; DEFINITION.] For purposes of this section, "parent" means both parents of the pregnant woman if they are both living, one parent of the pregnant woman if only one is living or if the second one cannot be located through reasonably diligent effort, or the guardian or conservator if the pregnant woman has one.

Subd. 4. [LIMITATIONS.] *No notice shall be required under this section if:*

(a) *The attending physician certifies in the pregnant woman's medical record that the abortion is necessary to prevent the woman's death and there is insufficient time to provide the required notice;*

(b) *The abortion is authorized in writing by the person or persons who are entitled to notice; or*

(c) *The pregnant minor woman declares that she is a victim of sexual abuse, neglect, or physical abuse as defined in section 626.556. Notice of that declaration shall be made to the proper authorities as provided in section 626.556, subdivision 3.*

Subd. 5. [PENALTY.] *Performance of an abortion in violation of this section shall be a misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with this section are bona fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 390, A bill for an act relating to retirement; providing for an increase in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 354.42, Subdivision 5, is amended to read:

Subd. 5. [EMPLOYER ADDITIONAL CONTRIBUTION.] An additional employer contribution shall be made in the manner provided in section 354.43 in an amount (OF 3.05 PERCENT) equal to the following percentage of the salary of each member for the purpose of paying the interest on or amor-

tizing the (DEFICIT IN) *unfunded accrued liability* of the fund (. THIS CONTRIBUTION SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 354.43.):

<i>from July 1, 1980 through June 30, 1981</i>	<i>3.05 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>3.50 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>3.95 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>4.40 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>4.85 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>5.30 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>5.75 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>6.20 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>6.65 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>7.10 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>7.55 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>7.76 percent</i>

Sec. 2. Minnesota Statutes 1980, Section 354A.12, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed and the state shall assume the total employer obligation.

The state shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the state shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement

fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement

fund association

<i>from July 1, 1980 through June 30, 1981</i>	<i>5.79 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>5.86 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>5.93 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>6.00 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>6.07 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>6.14 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>6.21 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>6.28 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>6.35 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>6.42 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>6.49 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>6.55 percent</i>

Minneapolis teachers retirement

fund association	4.50 percent
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St. Paul teachers retirement

fund association

<i>from July 1, 1980 through June 30, 1981</i>	<i>4.50 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>4.542 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>4.584 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>4.626 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>4.668 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>4.700 percent</i>

<i>from July 1, 1986 through June 30, 1987</i>	<i>4.742 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>4.784 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>4.826 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>4.868 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>4.900 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>4.9428 percent</i>

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

**Minneapolis teachers retirement
fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<i>13.35 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>14.67 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>15.99 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>17.31 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>18.63 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>19.95 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>21.27 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>22.59 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>23.91 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>25.23 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>26.55 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>27.25 percent</i>

**St. Paul teachers retirement
fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<i>12.63 percent</i>
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<i>from July 1, 1981 through June 30, 1982</i>	<i>13.40 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>14.17 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>14.94 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>15.71 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>16.48 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>17.25 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>18.02 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>18.79 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>19.58 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>20.33 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>20.77 percent</i>

The state employer contributions shall be remitted directly to each teachers retirement fund association each month in accordance with the procedures described in section 354.43, subdivisions 1 and 5.

Once each month the executive secretary of each teachers retirement fund association shall determine the amount of money necessary and presently needed to meet the state obligation as provided in this subdivision by applying the percentage of payroll figure to the estimated payroll amounts for the current month and shall certify the amount to the commissioner of finance. The moneys required to meet the amounts certified by each executive secretary of a teachers retirement fund association shall be remitted directly to the applicable teachers retirement fund association from the general fund each month. If subsequent actual experience deviates from the anticipated experience upon which the amount certified was determined, the allocation to the first class city teachers retirement fund association involved next following the discovery of the deviation shall be adjusted. If the state makes an excess employer contribution to a teachers retirement fund association as the result of a false or wrongful certification, the state shall be entitled to recover the excess employer contribution by any appropriate means, including recovery from future state allocations, state aid or other funds payable to the school district in which the association is located. If an employee of that school district is responsible for the false or wrongful certification, any excess employer contribution recovered by the state shall be the obligation of the school district.

From the employer contribution received from the state, the teachers retirement fund association shall subtract and shall pay to the state teachers retirement association an amount equal to the applicable percentage of payroll employer contribution rate applied to that portion of estimated payroll amounts which are paid from sources other than normal school operating funds as certified to the commissioner of finance pursuant to subdivision 3.

Sec. 3. [EFFECTIVE DATE.]

This act is effective on the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "an increase" and insert "periodic increases"

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

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 478, A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Reported the same back with the following amendments:

Page 1, line 10, delete "there shall be excluded from" and insert "the deductions in"

Page 1, line 12, after "Subdivision 4," insert "shall include"

Page 1, delete lines 17 to 20 and insert:

"This act is effective upon the day of compliance with Minnesota Statutes, Section 645.021, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 484, A bill for an act relating to commerce; regulating continuing care facilities; delaying effective date of regulation.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 80D.01, is amended to read:

80D.01 [SHORT TITLE.]

Sections 80D.01 to 80D.16 may be cited as the Continuing Care Facility (REGISTRATION) *Disclosure and Rehabilitation Act*.

Sec. 2. Minnesota Statutes 1980, Section 80D.02, Subdivision 2, is amended to read:

Subd. 2. "Continuing care" means the furnishing to an individual, other than an individual related by blood or marriage to the person furnishing the care, of board (AND), lodging (TOGETHER WITH), and nursing service, medical service or other health related service, regardless of whether or not the lodging and service are provided at the same location, pursuant to a written agreement effective for the life of the individual or for a period in excess of one year (BUT DOES NOT INCLUDE CARE FURNISHED IN A NURSING HOME LICENSED PURSUANT TO CHAPTER 144A), *which is conditioned upon the payment of an entrance fee in excess of \$100 and the payment of regular periodic charges for the care provided.*

Sec. 3. Minnesota Statutes 1980, Section 80D.02, is amended by adding a subdivision to read:

Subd. 2a. "Life care" means "continuing care" as defined in subdivision 2.

Sec. 4. Minnesota Statutes 1980, Section 80D.03, Subdivision 1, is amended to read:

Subdivision 1. A provider shall not enter into a contract that requires or permits the payment of an entrance fee in consideration for a promise to provide continuing care in the facility, if the facility is or will be located in this state, or if the provider or a person acting on the provider's behalf solicits the contract within this state and the person to be provided with continuing care under the contract resides within this state at the time of the solicitation, unless (THE FACILITY IS REGISTERED UNDER THIS SECTION) *the provider has filed in the office of the county recorder of the county in which the facility is or will be located, a current disclosure statement which meets the requirements of section 80D.04, a verified statement of the escrow agent to the effect that the escrow required*

by section 80D.05 or 80D.06 has been established, and a filing fee in the amount of \$100 has been paid.

Sec. 5. Minnesota Statutes 1980, Section 80D.04, is amended to read:

80D.04 [DISCLOSURE STATEMENT.]

Subdivision 1. [GENERALLY.] Before the execution of a contract to provide continuing care, or before the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first, the provider shall deliver a disclosure statement to the person with whom the contract is to be entered into or, the person's legal representative, the text of which shall contain, to the extent not clearly and completely set forth in the contract for continuing care attached as an exhibit thereto, at least the following information:

(a) The name and business address of the provider and a statement of whether the provider is a partnership, corporation, or other type of legal entity;

(b) The names of the officers, directors, trustees, or managing or general partners of the provider, *and any person having a ten percent or greater equity or beneficial interest in the provider, and a description of the person's interest in or occupation with the provider;*

(c) (A DESCRIPTION OF THE BUSINESS EXPERIENCE OF) *With respect to the provider, any person named pursuant to clause (b) and (OF) the proposed manager of the facility if the facility will be managed on a day to day basis by (AN ORGANIZATION) a person other than the provider (,):*

(1) *A description of the person's business experience, if any, in the operation or management of similar facilities;*

(2) *The name and address of any professional service, firm, association, trust, partnership or corporation in which the person has, or which has in the person, a ten percent or greater interest and which will or may provide goods, leases, or services to the facility of a value of \$500 or more within any year, including a description of the goods, leases, or services and the probable or anticipated cost thereof to the facility or provider or a statement that the cost cannot presently be estimated; and*

(3) *A description of any matter in which the person has been convicted of a felony or pleaded nolo contendere to a felony charge, or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or is subject to a currently effective injunctive or restrictive*

order of a court of record, or within the past five years has had any state or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, arising out of or relating to business activity or health care, including without limitation actions affecting a license to operate a foster care facility, nursing home, retirement home, home for the aged, or facility subject to this section or a similar act in another state;

(d) A statement as to whether or not the provider is, or is affiliated with, a religious, charitable or other nonprofit organization; the extent of the affiliation, if any; the extent to which the affiliate organization is responsible for the financial and contract obligations of the provider; and the provision of the federal internal revenue code under which the provider or affiliate is exempt from the payment of income tax, *if any*;

(e) The location and description of the physical property of the facility, existing or proposed; and to the extent proposed, the estimated completion date or dates, whether or not construction has begun and the contingencies subject to which construction may be deferred;

(f) The goods and services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished. The disclosure statement shall clearly state which goods and services are included in basic contracts for continuing care and which goods and services are made available at or by the facility at extra charge and whether they are provided by an affiliate;

(g) A description of all fees required of residents, including the entrance fee and periodic charges, if any. The description shall include:

(1) A statement of the fees that will be charged if the resident marries while at the facility, and a statement of the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirement for entry;

(2) The circumstances under which the resident will be permitted to remain in the facility in the event of possible financial difficulties of the resident;

(3) The terms and conditions under which a contract for continuing care at the facility may be canceled by the provider or by the resident; and the conditions (, IF ANY,) under which all or any portion of the entrance fee will be refunded in the event of cancellation of the contract by the provider or by the resident or in the event of the death of the resident prior to or following occupancy of a living unit;

(4) The conditions under which a living unit occupied by a resident may be made available by the facility to a different or new resident other than on the death of the original resident; and

(5) The manner by which the provider may adjust periodic charges or other recurring fees and the limitations on these adjustments, if any. If the facility is already in operation, or if the provider or manager operates one or more similar facilities within this state, there shall be included tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or for whatever period that the provider or manager has operated the facility if this period is less than five years;

(h) The health and financial conditions required for an individual to be accepted as a resident and to continue as a resident once accepted, including the effect of any change in the health or financial condition of a person between the date of entering a contract for continuing care and the date of initial occupancy of a living unit by that person;

(i) The provisions that have been made or will be made (, IF ANY,) to provide reserve funding or security to enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which the funds will be invested and the names and experience of persons who will make the investment decisions;

(j) Financial statements of the provider which shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant who shall express an opinion thereon and shall include a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years of the provider or for whatever period the provider has operated the facility if this period is less than three years. If the provider's fiscal year ended more than 90 days prior to the date the application is filed, interim financial statements as of a date not more than 90 days prior to the filing shall be included, but need not be certified;

(k) If operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:

(1) An estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs that the provider expects to

incur or become obligated for prior to the commencement of operations;

(2) A description of any mortgage loan or other long term financing intended to be used for the financing of the facility, including the anticipated terms and costs of the financing;

(3) An estimate of the total entrance fees to be received from residents at or prior to commencement of operation of the facility; and

(4) An estimate of the funds, if any, that are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care;

(1) Pro forma annual income statements for the facility for a period of not less than five fiscal years, including:

(1) A beginning cash balance consistent with the certified income statement required by clause (j) or, if operation of the facility has not commenced, consistent with the statement of anticipated source and application of funds required by clause (k);

(2) Anticipated earnings on cash reserves, if any;

(3) Estimates of net receipts from entrance fees, other than entrance fees included in the statement of source and application of funds required by clause (k), less estimated entrance fee refunds, if any. A description of the actuarial basis and method of calculation for the projection of entrance fee receipts shall be included;

(4) An estimate of gifts or bequests to be relied on to meet operating expenses and the basis therefor;

(5) A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the criteria used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies for health care services to be provided pursuant to the contracts for continuing care;

(6) A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating the expenses, and separate allowances, if any, for the replacement of equipment and furnishings and anticipated major structural repairs or additions; and

(7) An estimate of annual payments of principal and interest required by any mortgage loan or other long term financing; and

(m) Other material information concerning the facility or the provider that is required by the commissioner or that the provider wishes to include.

Subd. 2. [COVER PAGE DISCLOSURES.] The cover page of the disclosure statement shall state, in a prominent location and in boldface type, the date of the disclosure statement (AND THAT REGISTRATION OF THE FACILITY DOES NOT CONSTITUTE APPROVAL, RECOMMENDATION OR ENDORSEMENT OF THE FACILITY BY THE COMMISSIONER, NOR DOES THE REGISTRATION EVIDENCE THE ACCURACY OR COMPLETENESS OF THE INFORMATION SET OUT IN THE DISCLOSURE STATEMENT) , *the last date through which that disclosure statement may be delivered if not earlier revised, and that delivery of the disclosure statement to a contracting party before the execution of a contract for the provision of continuing care is required by sections 80D.01 to 80D.16 but that the disclosure statement has not been reviewed or approved by any government agency or representative to insure accuracy or completeness of the information set out.*

Subd. 3. [CONTRACT FORMS.] A copy of the standard form or forms of contract for continuing care used by the provider shall be attached as an exhibit to each disclosure statement. Each contract shall provide that:

(a) The party contracting with the provider may for any reason rescind the contract within ten days following the later of the execution of the contract or the receipt of the disclosure statement, in which event any money or property transferred to the provider shall be returned in full. The resident to whom the contract pertains is not required to move into the facility before the expiration of the ten day period; and

(b) If a resident dies before occupying a living unit in the facility, or if on account of illness, injury or incapacity would be precluded from occupying a living unit in the facility under the terms of the contract for continuing care, the contract is automatically canceled and the resident or legal representative of the resident shall receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the resident and described in the contract or an addendum thereto signed by the resident; and (b) a reasonable service charge, if set out in the contract, not to exceed the greater of \$350 or two percent of the entrance fee.

Subd. 4. [PLAIN LANGUAGE.] (WITH THE PRIOR APPROVAL OF THE COMMISSIONER, IN LIEU OF THE DISCLOSURE STATEMENT REQUIRED BY THIS SECTION A PROVIDER MAY DELIVER A DISCLOSURE STATEMENT OR SIMILAR DOCUMENT CONTAINING SUBSTANTIALLY THE INFORMATION REQUIRED BY THIS SECTION AND PREPARED IN COMPLIANCE WITH LAWS OF ANOTHER STATE OR OF THE UNITED STATES;)

(SUBD. 5. (A)) The disclosure statement required by this section shall be (IN A FORM APPROVED BY THE COMMISSIONER.)

((B) THE STATEMENT SHALL BE) written in language easily readable and understandable by a person of average intelligence and education.

(IN DETERMINING WHETHER A STATEMENT IS READABLE, THE COMMISSIONER SHALL CONSIDER AT LEAST THE FOLLOWING FACTORS:)

((1) THE SIMPLICITY OF THE SENTENCE STRUCTURE AND THE SHORTNESS OF THE SENTENCES USED;)

((2) THE EXTENT TO WHICH COMMONLY USED AND UNDERSTOOD WORDS ARE EMPLOYED;)

((3) THE EXTENT TO WHICH LEGAL TERMS ARE AVOIDED;)

((4) THE EXTENT TO WHICH REFERENCES TO OTHER SECTIONS OR PROVISIONS OF THE STATEMENT ARE MINIMIZED;)

((5) THE EXTENT TO WHICH DEFINITIONAL PROVISIONS ARE INCORPORATED IN THE TEXT OF THE STATEMENT; AND)

((6) ANY ADDITIONAL FACTORS RELEVANT TO THE READABILITY OR UNDERSTANDABILITY OF THE STATEMENT THAT THE COMMISSIONER PRESCRIBES BY RULE.)

((C) THE STATEMENT SHALL DISCLOSE THE NAMES OF ANY AFFILIATES WHO MAY PROVIDE GOODS OR SERVICES.)

Subd. 5. [ACKNOWLEDGMENT.] The last page of the disclosure statement shall consist of a detachable "acknowledgment of receipt" which shall be signed and dated by the pro-

spective resident and a copy of which shall be kept on file in the office of the provider for four years from the date of the acknowledgment.

Sec. 6. Minnesota Statutes 1980, Section 80D.05, is amended to read:

80D.05 [ENTRANCE FEE ESCROW.]

Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FEES.] (AS A CONDITION OF REGISTRATION UNDER SECTION 80D.03, THE COMMISSIONER SHALL REQUIRE THAT) *Prior to soliciting or entering into any contract for the provision of continuing care, the provider shall establish (AN ESCROW ACCOUNT) with a bank (,) or trust company (OR OTHER) having its principal place of business in this state, as an escrow agent (APPROVED BY THE COMMISSIONER, AND THAT ANY), an entrance (FEES RECEIVED BY THE PROVIDER) fee escrow pursuant to which the provider shall deposit with the escrow agent, within 72 hours of receipt by the provider, each entrance fee or portion of an entrance fee received by the provider from or on behalf of a resident prior to the date the resident is permitted to occupy a living unit in the facility (BE PLACED IN THE ESCROW ACCOUNT), subject to release as follows:*

(a) *If the entrance fee applies to a living unit that has been previously occupied in the facility, the entrance fee shall be released to the provider at the time the living unit becomes available for occupancy by the new resident, or shall be returned to the resident or the resident's personal representative under the conditions described in section 80D.04, subdivision 3, if the escrow agent has received written demand for return of the entrance fee prior to the release thereof to the provider;*

(b) *If the entrance fee applies to a living unit which has not previously been occupied by any resident, the entrance fee shall be returned to the resident or the resident's legal representative under the conditions described in section 80D.04, subdivision 3, (OR) if the escrow agent receives written demand for return of the entrance fee prior to release thereof to the provider, or the entrance fee shall be released to the provider at the time (THE COMMISSIONER IS SATISFIED THAT) all of the following conditions have been met:*

(1) *The facility has 65 percent of its units reserved as determined by signed written agreements and minimum deposits received; or if the written agreement requires a minimum deposit of more than one-third of the entrance fee, then the facility may have 50 percent of the units reserved and 50 percent of the facility must be completely constructed; and*

(2) The sum of entrance fees received or receivable by the provider pursuant to binding contracts for continuing care, plus the anticipated proceeds of any first mortgage loan or other long-term financing commitment, plus funds from other sources in the actual possession of the provider, equals or exceeds the sum of 90 percent of the aggregate cost of constructing or purchasing, equipping and furnishing the facility plus 90 percent of the funds estimated in the statement of anticipated source and application of funds submitted by the provider as part of its permit application, to be necessary to fund start-up losses of the facility plus 90 percent of the amount of the reserve fund escrow, if any, required to be maintained by the provider pursuant to section 80D.06; and

(3) A commitment has been received by the provider for any permanent mortgage loan or other long term financing described in the statement of anticipated source and application of funds (SUBMITTED BY THE PROVIDER AS PART OF ITS REGISTRATION APPLICATION) *included in the current disclosure statement on file pursuant to section 80D.03*, and any conditions of the commitment prior to disbursement of funds thereunder, other than completion of the construction or closing of the purchase of the facility, have been substantially satisfied; and

(4) If construction of the facility has not been substantially completed, all governmental permits or approvals necessary prior to the commencement of construction have been obtained; and a maximum price contract has been entered into between the provider and a general contractor responsible for construction of the facility; a bond covering the faithful performance of the construction contract by the general contractor and the payment of all obligations arising thereunder has been issued by an insurer authorized to do business in this state with the provider as obligee; a loan agreement has been entered into by the provider for an interim construction loan in an amount which, when combined with the amount of entrance fees then held in escrow under the provisions of this section plus the amount of funds from other sources then in the actual possession of the provider, will equal or exceed the estimated cost of constructing, equipping and furnishing the facility; not less than ten percent of the amount of the construction loan has been disbursed by the lender for physical construction or site preparation work completed; and orders at firm prices have been placed by the provider for not less than 50 percent in value, including installation charges if applicable, of items necessary for equipping and furnishing the facility in accordance with the description set forth in the disclosure statement required by section 80D.04; or

If construction or purchase of the facility has been substantially completed, an occupancy permit covering the living unit has been issued by the local government having authority to issue these permits.

Subd. 2. [LIMITATION.] The aggregate amount of entrance fees which may be released to the provider pursuant to subdivision 1, clause (b) prior to the date on which any reserve fund escrow under section 80D.06 is established shall not exceed the aggregate amount of entrance fees then received or receivable by the provider pursuant to binding contracts for continuing care less the amount of the entrance fees received or receivable which will be required to be initially maintained in the reserve fund escrow;

Subd. 3. [FEE RETURNED AFTER 36 MONTHS.] If (THE FUNDS IN AN ESCROW ACCOUNT) *an entrance fee* to which subdivision 1, clause (b) applies (ARE) is not released pursuant thereto within a period of 36 months *from receipt of the entrance fee by the provider or within a greater time that has been specified by the provider (WITH THE CONSENT OF THE COMMISSIONER, OR ANY EXTENSIONS THEREOF APPROVED BY THE COMMISSIONER IN WRITING) in the disclosure statement delivered, pursuant to section 80D.04, to the person with whom the contract for continuing care to which the entrance fee pertains was made, then the (FUNDS) fee shall be returned by the escrow agent to the persons who had paid them to the provider.*

Subd. 4. [NONREFUNDABLE APPLICATION FEES.] Nothing in this section requires the escrow of any nonrefundable application fee that does not exceed two percent of the entrance fee and is clearly designated as such in the contract for continuing care.

Subd. 5. [ACCRUED INTEREST.] (IN LIEU OF ANY ESCROW WHICH IS REQUIRED BY THE COMMISSIONER UNDER THIS SECTION, A PROVIDER MAY POST A BOND ISSUED BY AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL BE FILED WITH THE COMMISSIONER WITH THE STATE AS OBLIGEE, CONDITIONED FOR THE PROMPT PAYMENT TO PERSONS WHO ARE ENTITLED TO A REFUND OF ENTRANCE FEES FROM THE PROVIDER.)

(SUBD. 6.) Interest accrued on entrance fees or deposits held in escrow is the property of the provider *only if the funds are ultimately released to the provider.*

Subd. 6. [RESIDENT COPY OF ESCROW AGREEMENT.] *The provider shall provide each prospective resident who has signed a contract for continuing care with a copy of the escrow agreement referred to in subdivision 1, which agreement shall set forth the name, address, and telephone number of the escrow agent.*

Sec. 7. Minnesota Statutes 1980, Section 80D.06, is amended to read:

80D.06 [RESERVE FUND ESCROW.]

Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FUNDS.] (AS A CONDITION OF INITIAL OR CONTINUING REGISTRATION UNDER SECTION 80D.03) *At the time a facility is first occupied by any resident and thereafter, (THE COMMISSIONER SHALL REQUIRE) the provider (TO) shall establish (AT THE TIME THE FACILITY IS FIRST OCCUPIED BY ANY RESIDENT AND THEREAFTER, TO) and maintain on a current basis, in escrow with a bank (,) or trust company (OR OTHER ESCROW AGENT APPROVED BY THE COMMISSIONER) having its principal place of business in this state, as an escrow agent, a portion of all entrance fees received by the provider in an aggregate amount of up to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing of the facility. The funds in the escrow account may be invested with the earnings thereon payable to the provider. If the provider requests and sets forth its reasons in writing, the escrow agent shall release up to 1/12 of the original principal balance of the escrow account. A release of funds shall not be made more than once during any calendar month, and then only after the escrow agent has given written notice of the release and the reasons therefor to the (COMMISSIONER) office of the attorney general and to any association of residents that has requested it at least ten days prior to the release.*

(THE PROVIDER SHALL NOTIFY THE COMMISSIONER TEN DAYS PRIOR TO ANY WITHDRAWAL FROM THE RESERVE FUND AND THE REASONS THEREFOR.) Any person or affiliate of any person that controls any reserve fund comprised in part or totally of funds removed from the provider's resources, is liable for the debts of the provider up to the amount of the provider's contribution to the fund plus any prorated interest the fund may earn.

Subd. 2. [FACILITIES ESTABLISHED PRIOR TO 1975.] In those instances where a provider has been offering continuing care in a facility since prior to January 1, 1975, the following shall apply. The provider shall establish a reserve escrow fund and shall contribute to it (A PORTION) *15 percent of each new entrance fee (IN A PERCENTAGE TO BE DETERMINED BY THE COMMISSIONER) received by the provider after December 31, 1981.* The funds thereby received shall be permitted to accumulate until there is in the reserve fund an amount equal to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing obligation of the facility. (THE COMMISSIONER MAY BY RULE OR ORDER REQUIRE OF ANY FACILITY SUBJECT TO THE LOWER ESCROW REQUIREMENTS OF SUBDIVISION 2, THE POSTING OF A SURETY BOND IN AN AMOUNT SUFFI-

CIENT TO PROTECT THE TOTAL OF ALL PRINCIPAL AND INTEREST PAYMENTS DUE DURING THE NEXT 12 MONTHS ON ACCOUNT OF ANY FIRST MORTGAGE LOAN OR OTHER LONG TERM FINANCING OBLIGATION OF THE FACILITY. A COPY OF THE BOND IS TO BE FILED WITH THE COMMISSIONER.)

Sec. 8. Minnesota Statutes 1980, Section 80D.08, is amended to read:

80D.08 [LIEN ON BEHALF OF RESIDENTS.]

(THE PROVIDER SHALL NOTIFY THE COMMISSIONER AT THE TIME THE FACILITY IS READY FOR OCCUPANCY. UPON RECEIVING THIS NOTIFICATION THE COMMISSIONER SHALL FILE) *Effective at the time a facility is first occupied by any resident, there shall exist a lien on the real and personal property of the provider or facility to secure the obligations of the provider pursuant to existing and future contracts for continuing care. A lien (FILED) under this section is effective for a period of ten years (FOLLOWING THE FILING AND MAY BE EXTENDED BY THE COMMISSIONER UPON A FINDING THAT THE EXTENSION IS ADVISABLE FOR THE PROTECTION OF RESIDENTS OF THE FACILITY).* The lien may be foreclosed *on application of the attorney general* upon the liquidation of the facility or the insolvency or bankruptcy of the provider, and in that event the proceeds shall be used in full or partial satisfaction of obligations of the provider pursuant to contracts for continuing care then in effect. The lien provided for in this section is subordinate to the lien of any first mortgage on the real property of the facility and may be subordinated with the written consent of the (COMMISSIONER) *attorney general* to the claims of other persons if the (COMMISSIONER) *attorney general* determines the subordination to be advisable for the efficient operation of the facility.

Sec. 9. Minnesota Statutes 1980, Section 80D.09, is amended to read:

80D.09 [(ANNUAL REPORT) REVISED DISCLOSURE.]

(THE REGISTRATION OF A FACILITY UNDER SECTION 80D.03 REMAINS EFFECTIVE UNTIL WITHDRAWN BY THE PROVIDER OR REVOKED OR SUSPENDED BY THE COMMISSIONER UNDER SECTION 80D.12.) Annually within 120 days following the end of the provider's fiscal year, (UNLESS THE TIME IS EXTENDED WITH THE WRITTEN CONSENT OF THE COMMISSIONER,) the provider shall file with the (COMMISSIONER) *AN ANNUAL REPORT THAT INCLUDES* *county recorder of the county in which the facility is or will be located* a revised disclosure statement

setting forth, as of the end of the fiscal year, information meeting the requirements of section 80D.04, and pay a \$100 filing fee. The (ANNUAL REPORT) revised disclosure statement shall (BE ACCOMPANIED BY) include a narrative describing any material differences between (a) the pro forma income statements filed in response to section 80D.04, subdivision 1, clause (1) as a part of the disclosure statement filed most immediately (PRECEDING REGISTRATION APPLICATION OR ANNUAL REPORT) subsequent to the start of the provider's most recently completed fiscal year and (b) the actual results of operations during the fiscal year together with the revised pro forma income statements being filed as a part of the (CURRENT ANNUAL REPORT) revised disclosure statement. A provider may (AMEND), upon payment of a \$100 filing fee, revise its disclosure statement on file with the (COMMISSIONER) county recorder at any other time if, in the opinion of the provider, (AN AMENDMENT) revision is necessary to prevent the disclosure statement from containing a material misstatement of fact or omitting to state a material fact required to be stated therein. Only the most recently filed disclosure statement with respect to a facility, and in any event only a disclosure statement dated within 120 days prior to the date as of which the determination is made, shall be deemed current for purposes of sections 80D.01 to 80D.16 or be delivered pursuant to section 80D.04. In addition, the provider shall make the revised disclosure statement available for inspection by residents during regular business hours.

Sec. 10. Minnesota Statutes 1980, Section 80D.11, is amended to read:

80D.11 [REHABILITATION OR LIQUIDATION.]

Subdivision 1. [APPOINTMENT OF TRUSTEES.] If (THE COMMISSIONER DETERMINES, AFTER NOTICE AND AN OPPORTUNITY FOR THE PROVIDER TO BE HEARD, THAT) (a) a portion of a reserve fund escrow required under section 80D.06 has been or is proposed to be released, or (b) the attorney general determines upon complaint and investigation that a provider has been or will be unable, in a manner as may endanger the ability of the provider to fully perform its obligations pursuant to contracts for continuing care or to meet the pro forma income or cash flow projections previously filed by the provider, or (c) a provider is bankrupt or insolvent or (IN IMMINENT DANGER OF BECOMING BANKRUPT OR INSOLVENT) has filed for protection from creditors under any federal or state bankruptcy or insolvency law, then the (COMMISSIONER MAY) attorney general may apply to a district court of this state, or to the federal bankruptcy court which may have previously taken jurisdiction over the provider or facility for an order directing the (COMMISSIONER, OR AUTHORIZING THE COMMISSIONER TO APPOINT) appointment of a trustee (,) to rehabilitate or liquidate a facility.

Subd. 2. [REHABILITATION.] An order to rehabilitate a facility shall direct the (COMMISSIONER OR) trustee to take possession of the property of the provider and to conduct the business thereof, including the employment of such managers or agents as the (COMMISSIONER OR) trustee may deem necessary, and to take steps as the court may direct toward removal of the causes and conditions which have made rehabilitation necessary.

Subd. 3. [TERMINATION OF REHABILITATION; RETURN OF FACILITY TO PROVIDER.] If the court finds, upon petition of the (COMMISSIONER,) trustee or the provider, or on its own motion, that the objectives of an order to rehabilitate a provider have been accomplished and that the facility can be returned to the provider's management without further jeopardy to the residents of the facility, creditors, owners of the facility, or to the public, the court may, upon a full report and accounting of the conduct of the facility's affairs during the rehabilitation and of the facility's current financial condition, terminate the rehabilitation and by order return the facility and its assets and affairs to the provider's management.

Subd. 4. [LIQUIDATION.] If, at any time, the (COMMISSIONER) trustee or attorney general determines that further efforts to rehabilitate the provider would be useless, it may apply to the court for an order of liquidation.

Subd. 5. [REHABILITATION ATTEMPT NOT NECESSARY PRIOR TO LIQUIDATION.] An order to liquidate a facility may be issued upon application of the (COMMISSIONER) attorney general whether or not there has been issued a prior order to rehabilitate the facility. The order shall (ACT AS A REVOCATION OF THE REGISTRATION OF THE FACILITY UNDER SECTION 80D.03, AND SHALL ORDER THE COMMISSIONER OR) appoint a trustee to marshal and liquidate all of the provider's assets located within this state. *Effective upon the entry of an order to liquidate a facility, no additional contracts for the provision of continuing care at that facility shall be made by any person.*

Subd. 6. [CONSIDERATION OF WELFARE OF RESIDENTS.] In (APPLYING) connection with an application for an order to rehabilitate or liquidate a facility, (THE COMMISSIONER) a court shall give due consideration to the manner in which the welfare of persons who have previously contracted with the provider for continuing care may be best served. In furtherance of this objective, the proceeds of any lien (OBTAINED BY THE COMMISSIONER) pursuant to section 80D.08 may be used in full or partial payment of entrance fees, on behalf of residents of a facility being liquidated, to other facilities (REGISTERED UNDER SECTION 80D.03) then in compliance with the provisions of sections 80D.01 to 80D.16.

Subd. 7. [POSTING OF BOND IN LIEU OF REHABILITATION.] An order for rehabilitation under this section shall be refused or vacated if the provider posts a *surety* bond issued by an insurer authorized to do business in this state. The *surety* bond shall be filed with the (COMMISSIONER) *attorney general*, with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider or for the prompt payment of other damages, in the event the provider is unable to fulfill its contracts to provide continuing care at the facility. The *surety* bond shall be in an amount determined by the court to be equal to the reserve funding which would otherwise be needed to fulfill the obligations.

Sec. 11. Minnesota Statutes 1980, Section 80D.13, Subdivision 1, is amended to read:

Subdivision 1. Any person who, as or on behalf of a provider, enters into a contract for continuing care at a facility (THAT IS NOT REGISTERED UNDER SECTION 80D.03, OR ENTERS INTO A CONTRACT FOR CONTINUING CARE AT A FACILITY) without having first delivered a disclosure statement meeting the requirements of section 80D.04 to the person contracting for the continuing care, or enters into a contract for continuing care at a facility with a person who has relied on a disclosure statement that omits to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they are made, not misleading, is liable to the person contracting for the continuing care for damages and repayment of all fees paid to the provider, facility or person violating sections 80D.01 to 80D.12, less the reasonable value of care and lodging provided to the resident by or on whose behalf the contract for continuing care was entered into prior to discovery of the violation, misstatement or omission or the time the violation, misstatement or omission should reasonably have been discovered, together with interest thereon at the legal rate for judgments, and court costs and reasonable attorney fees.

Sec. 12. Minnesota Statutes 1980, Section 80D.14, Subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATION OF VIOLATIONS.] The (COMMISSIONER) *attorney general* may make public or private investigations within or outside of this state as necessary to determine whether any person has violated or is about to violate any provision of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER) or to verify statements contained in (THE APPLICATION FOR REGISTRATION, OR THE) *any* disclosure statement, or to aid in the enforcement of sections 80D.03 to 80D.16 (OR IN THE PRESCRIBING OF RULES AND FORMS HEREUNDER), and may publish information concern-

ing any violation of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER).

Sec. 13. Minnesota Statutes 1980, Section 80D.14, Subdivision 2, is amended to read:

Subd. 2. [STATEMENTS.] For the purpose of any investigation or proceeding under sections 80D.03 to 80D.16, the (COMMISSIONER) *attorney general* may require or permit any person to file a statement in writing, under oath or otherwise as the (COMMISSIONER) *attorney general* determines, as to any of the facts and circumstances concerning the matter to be investigated.

Sec. 14. Minnesota Statute 1980, Section 80D.15, is amended to read:

80D.15 [CEASE AND DESIST ORDERS, INJUNCTIONS.]

Whenever it appears to the (COMMISSIONER) *attorney general* that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER), the (COMMISSIONER) *attorney general* may (;)

((A) ISSUE AN ORDER DIRECTED AT ANY PERSON REQUIRING THE PERSON TO CEASE AND DESIST FROM ENGAGING IN THE ACT OR PRACTICE; OR)

((B)) bring an action in any court that has appropriate jurisdiction to enjoin the acts or practices and to enforce compliance with sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER). Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The (COMMISSIONER) *attorney general* is not required to post a bond.

Sec. 15. Minnesota Statutes 1980, Section 80D.16, is amended to read:

80D.16 [CRIMINAL PENALTIES.]

Any person who willfully and knowingly violates any provision of sections 80D.03 to 80D.16 (, OR ANY RULE HEREUNDER,) shall upon conviction be fined not more than \$10,000 or imprisoned not more than one year, or both.

(THE COMMISSIONER MAY REFER EVIDENCE CONCERNING VIOLATIONS OF SECTIONS 80D.03 TO 80D.16 OR OF ANY RULE HEREUNDER TO THE ATTORNEY GENERAL OR THE PROPER COUNTY ATTORNEY WHO

MAY, WITH OR WITHOUT THE REFERENCE, INSTITUTE THE APPROPRIATE CRIMINAL PROCEEDINGS.)

Nothing in sections 80D.03 to 80D.16 limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

Sec. 16. Minnesota Statutes 1980, Section 82.18, is amended to read:

82.18 [EXCEPTIONS.]

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;

(b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;

(c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) Any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in such building;

(e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) Public officers while performing their official duties;

(g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) Any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;

(i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial

buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period and that the person complies with section 82.24;

(j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of such securities;

(k) Any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise;

(l) Any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility (THAT IS REGISTERED), pursuant to the continuing care facility (REGISTRATION) disclosure and rehabilitation act, chapter 80D, when acting solely as incident to the contract.

Sec. 17. [REPEALER.]

Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective October 1, 1981."

Delete the title and insert:

"A bill for an act relating to commerce; clarifying the definition of "continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2, and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.14, Subdivisions 1 and 2; 80D.15; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 565, A bill for an act relating to eminent domain; providing for certain procedures relating to condemnation actions and other acquisition of property; establishing rates of interest for certain payments related to acquisition of property; amending Minnesota Statutes 1980, Sections 117.041; 117.042; 117.055; 117.075; 117.085; 117.125; 117.155; 117.175, Subdivision 1; 117.195; 117.231; 117.232; 117.51; 117.52; and proposing new law coded in Minnesota Statutes, Chapter 117.

Reported the same back with the following amendments:

Page 2, line 1, delete everything after "*activities*" and insert a semicolon

Page 2, delete line 2

Page 3, line 2, delete "*, and for substantial*"

Page 3, line 3, delete "*interference with its possession or use,*"

Page 3, line 19, delete "*, and for substantial interference with*"

Page 3, line 20, delete "*possession or use of,*"

Page 3, delete lines 31 to 36 and insert:

"(b) *caused physical damage to the property; or*

(c) *violated the terms of a court order made under this section.*"

Page 5, line 6, after the period, insert "*When required by other law or*"

Page 8, line 12, before "A" insert:

"*The information required by clauses (c), (d), and (e) need not be included as part of the notice if the information has previously been provided to the owner.*"

Page 8, line 13, after the period insert "*To the extent practical, this notice shall be written in clear and easily understandable language.*"

If any such owner (BE) is not a resident of the state, or his place of residence (BE) is unknown to the petitioner, upon the filing of an affidavit of the petitioner, his agent or attorney, stating that he believes that (SUCH) the owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of

residence cannot be ascertained by the affiant, then service may be made upon (SUCH) *the* owner by three weeks' published notice. If the state (BE) *is* an owner, the notice shall be served upon the attorney general. Any owner not served as (HEREIN) provided shall not be bound by (SUCH) *the* proceeding unless he voluntarily appears (THEREIN. ANY OWNER SHALL BE FURNISHED A RIGHT OF WAY MAP OR PLAT OF ALL THAT PART OF HIS LAND TO BE TAKEN UPON WRITTEN DEMAND, PROVIDED THAT THE PETITIONER SHALL HAVE TEN DAYS FROM THE RECEIPT OF THE DEMAND WITHIN WHICH TO FURNISH THE SAME.) Any plans or profiles which the petitioner has shall be made available to the owner for inspection."

Page 10, line 7, reinstate the stricken language

Page 10, line 8, reinstate "total of" and delete "*actually*" and insert "\$400"

Page 10, line 27, reinstate the stricken language

Page 10, line 28, reinstate "deposited shall" reinstate "draw interest" and after "deposit" insert "*pursuant to section 15*"

Page 10, line 28, reinstate the stricken period

Page 11, lines 20 to 22, reinstate the stricken language

Page 11, line 22, after "deposit," insert "*but shall draw interest pursuant to section 15.*"

Page 12, line 18, delete "Subdivision 1. [INTEREST ON DEPOSITS.]"

Page 12, line 21, after "account" insert "*in a depository institution insured by an agency of the federal government*"

Page 12, line 22, after the period, insert "*The clerk of court shall attempt to maximize the interest earned for the ultimate recipient on the amount deposited, while preserving the necessary degree of liquidity of the funds.*"

Page 12, delete lines 25 to 35

Page 13, lines 2 to 6, reinstate the stricken language

Page 13, line 6, before "If" insert "*Except as provided in other law, the rate of interest shall be that established pursuant to section 549.09, subdivision 1.*"

Page 13, lines 31 to 33, reinstate the stricken language and delete the new language

Page 14, lines 5 to 7, reinstate the stricken language and delete the new language

Page 14, line 13, after "for" insert "*reasonable*"

Page 14, line 14, reinstate " , not to exceed a total of" and delete "*reasonably*"

Page 14, line 15, delete "*incurred*" and insert "\$400"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 567, A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2; 354.47, Subdivision 1; and 354A.35, Subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, Chapter 356.

Reported the same back with the following amendments:

Page 3, line 7, reinstate the stricken language

Page 3, line 8, delete the new language

Page 3, line 13, delete "*member contributions*" and insert "*deductions*"

Page 4, line 4, delete "*while in active service*" and delete "*and*" and insert "*which*"

Page 4, line 5, delete "*designate a beneficiary to whom the benefit*" and after "*payable*" insert "*to the surviving spouse*"

Page 4, line 6, delete "*member*" and insert "*person*"

Page 4, line 7, after the first "*the*" delete the balance of the line

Page 4, line 8, delete the comma

Page 4, line 9, after "*subdivision 1*" insert " , *if applicable,*"

Page 4, line 12, after "(3)" delete *"the designated beneficiary"* and insert *"whichever is applicable, the surviving spouse"*

Page 4, line 21, delete *"if the designated"* and insert a period

Page 4, delete lines 22 to 25 and insert:

"Sec. 3. Minnesota Statutes 1980, Section 354.46, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] Any member and the spouse of the member may make a joint specification in writing on a form prescribed by the executive director that the benefits provided in section 354.46, subdivision 2, or subdivision 1, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this subdivision, a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."

Page 4, line 35, strike *"beneficiary"* and delete *"designated by the member"* and insert *"surviving spouse"*

Page 5, line 9, strike *"beneficiary"* and delete *"designated by the"* and insert *"surviving spouse"*

Page 5, line 10, delete *"member"*

Pages 5 and 6, delete sections 4 and 5 and insert:

"Sec. 5. Minnesota Statutes 1980, Section 354A.35, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] Any coordinated member and the spouse of the coordinated member may make a joint specification in writing on a form prescribed by the executive secretary that the benefits provided in section 354A.35, subdivisions 1 or 2, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this subdivision, a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."

Page 7, line 33, after *"act"* insert *"and the spouse of the person"* and delete *"designating a"* and insert *"making a joint specification in writing on a form prescribed by the executive director or executive secretary, whichever is applicable, that the benefits provided in sections 354.46, subdivision 2, 354.47, sub-*

division 1, or 354A.35, subdivisions 1 or 2, whichever is applicable, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this section a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."

Page 7, delete lines 34 to 36

Page 8, delete lines 1 and 2

Page 8, line 3, delete "*class, whichever is applicable*"

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "spouse" insert a semicolon

Page 1, line 12, after "2" insert ", and by adding a subdivision"

Page 1, line 13, delete "Subdivisions 1 and 2" and insert "by adding a subdivision"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 643, A bill for an act relating to Goodhue county; permitting an additional tax for county fairs.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [GOODHUE COUNTY FAIR LEVY.]

The levy limit of Goodhue county prescribed by Minnesota Statutes, Sections 275.50 to 275.56 shall be increased for taxes levied in 1981 payable 1982 by an amount authorized by the county board not to exceed 1/12 of one mill to cover expenses of public fairs in the county as authorized by Minnesota Statutes, Section 38.28. For taxes levied in 1982 payable 1983 and subsequent years, the amount authorized pursuant to this act for taxes levied in 1981 payable 1982 shall be a permanent adjustment to the levy limit base and allowed to increase in the manner prescribed by Minnesota Statutes, Section 275.52.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after compliance by the Goodhue county board with Minnesota Statutes, Section 645.021, Subdivision 3."

Amend the title as follows:

Page 1, line 2, delete "permitting an additional"

Page 1, delete line 3 and insert "authorizing an increase in the levy limit to allow a levy for county fairs."

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 664, A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 238.08, Subdivision 5, is amended to read:

Subd. 5. Municipalities may by ordinance or resolution create a joint cable communications commission under section 471.59, to which each member municipality may delegate authority vested in the municipality by statute or charter to prepare, adopt, grant, administer, and enforce a cable communications franchise, and establish rates thereunder. The adoption, granting, administration and enforcement of a cable communications franchise, and the establishment of rates thereunder by a joint cable communications commission, pursuant to this subdivision is deemed to comply with procedural requirements of a statute or charter for the adoption, granting, administration and enforcement of a franchise, and establishment of rates. *A member of the commission may, by ordinance adopted in the manner provided by section 412.191, subdivision 4, adopt by reference the joint cable communication franchise in the manner provided by section 471.62.* The members and governing body of the joint commission shall consist of two representatives appointed by each municipality, at least one of whom shall be a member of the council of that municipality and the other a qualified voter residing within that municipality."

Page 2, line 13, delete "mamagement's" and insert "management's"

Page 2, after line 17, insert:

"Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Renumber the sections

Amend the title as follows:

Page 1, line 2, delete "counties;" and insert "local government; providing for adoption of certain joint cable franchises;"

Page 1, line 4, after "Sections" insert "238.08, Subdivision 5;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 708, A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 435.193, is amended to read:

435.193 [SENIOR CITIZENS HARDSHIP SPECIAL ASSESSMENT DEFERRAL.]

Notwithstanding the provisions of any law to the contrary, any county, *statutory or home rule charter city*, or town, making a special assessment may, at its discretion, defer the payment of that assessment for any homestead property owned by a person 65 years of age or older *or retired by virtue of a permanent and total disability* for whom it would be a hardship to make the payments. Any county, *statutory or home rule charter city*, or town electing to defer special assessments shall adopt an ordinance or resolution establishing standards and guidelines for determining the existence of a hardship *and for determining the existence of a disability*, but nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines where the determination is made in a nondiscriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 725, A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authoriz-

ing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; and 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, reinstate the stricken language

Page 4, after line 30, insert:

"Subd. 11a. [DEFERRED YIELD ADJUSTMENT ACCOUNT FOR THE BOND ACCOUNT OF THE SUPPLEMENTAL INVESTMENT FUND.] There is hereby established a deferred yield adjustment account which shall be increased by the sale or disposition of any debt securities at less than book value and shall be decreased by the sale disposition of debt securities at more than book value. At the end of each fiscal year, a portion of the balance of this account shall be offset against the investment income for that year. The annual portion of the balance to be offset shall be proportional to the reciprocal of the period over which the established rate was set, unless the amounts are offset by gains on the future sales of securities. In any fiscal year in which the gains on the sales of debt securities exceed the discounts realized on the sales of such securities, the excess shall be used to reduce the balance of the account."

Page 5, line 1, strike "assumed" and insert "established"

Page 6, line 20, after "clause (1)(b)" insert *". The required reserves shall be determined assuming that all annuitants and benefit recipients eligible to receive the post retirement adjustment will be alive on the January 1 in question"*

Page 6, line 27, delete "25 percent of"

Page 6, line 30, strike "75 percent will" and insert "amount shall"

Page 6, line 34, strike the period and insert a semicolon

Page 9, line 21, strike "three" and insert "five"

Page 9, line 36, after "capital" insert "investment business"

Page 9, line 36, after "through" delete "investment" and insert "participation"

Page 10, line 2, after "estate" insert "ownership interests or loans secured by mortgages or deeds of trust"

Page 10, line 8, after "partnerships" insert *", private placements"*

Page 10, line 15, delete "participants" and insert "unrelated owners of the investment"

Page 10, line 16, delete "in each investment vehicle"

Page 10, line 21, delete the language after the period and insert "*The state board shall not engage in any activity as a limited partner which creates general liability.*"

Page 10, delete line 22

Page 10, after line 22, insert:

"Sec. 7. Minnesota Statutes 1980, Section 69.77, Subdivision 2, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, 1981, a contribution for retirement and survivorship benefits of not less than eight percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that the contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread over several years, but the increase in rate of contribution in each year commencing in 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

The total of the amounts calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.

(a) The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

(b) To the dollar amount of normal cost thus determined shall be added an amount equal to the level annual dollar amount

sufficient to amortize the unfunded accrued liability by December 31, 2010, as determined from the actuarial survey of the fund.

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less the estimated amount of member contributions herein provided from covered salary anticipated for the following calendar year and less one year's estimated receipts expected from the applicable state aid program established pursuant to sections 69.011 to 69.051, and from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 423A.02. The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, ten percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body on or before the date established by the municipality which shall not be earlier than August 1 and shall not be later than September 1 of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of the obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation specified in section 11A.24, subdivision 5 would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be no limit to the amount which may be invested in the income share account, *in the bond account* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental (RETIREMENT) investment fund may be invested in the growth share account.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year.

Sec. 8. Minnesota Statutes 1980, Section 69.775, is amended to read:

69.775 [INVESTMENTS.]

The special fund assets of the relief associations governed by sections 69.771 to 69.776 shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to five percent of the special fund assets, or a minimum of \$10,000, may be invested in the stock of any one corporation. Securities held by the associations before January 1, 1972, which do not meet the requirements of this section may be retained after that date if they were proper investments for the association on May 14, 1971. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be

no limit to the amount which may be invested in the income share account, *in the bond account* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental (RETIREMENT) investment fund may be invested in the growth share account.

Sec. 9. [APPROPRIATION.]

There is annually appropriated to the state board, from the assets of the funds for which the state board invests pursuant to section 6, clause (a), sums sufficient to pay the costs for the management of these funds by private management firms.

Sec. 10. [INSTRUCTIONS TO REVISOR.]

Whenever it appears in Minnesota Statutes, Chapters 3A; 11A; 13; 69; 352; 354; 355; 356; 442A or 490; the revisor shall replace the terms "Minnesota supplemental retirement investment fund" or "supplemental retirement investment fund" if referring to the fund established pursuant to Minnesota Statutes, Section 11A.17, with the terms "Minnesota supplemental investment fund" or "supplemental investment fund" respectively.

Sec. 11. [EFFECTIVE DATE.]

This act is effective on the day following final enactment."

Further, amend the title as follows:

Page 1, line 6, before "amending" insert "appropriating money;"

Page 1, line 8, delete the first "and"

Page 1, line 9, before the period, insert "; 69.77, Subdivision 2; and 69.775"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 749, A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

Reported the same back with the following amendments:

Page 2, line 12, delete "50 cents" and insert "an amount as determined by the county board"

Page 2, line 14, delete "50 cents" and insert "a like amount"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 779, A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Reported the same back with the following amendments:

Page 2, line 22, after "1981" insert "*and shall apply retroactively to any person living on the effective date of this act who ceased to be a judge prior to retirement and who has not received a refund pursuant to section 490.124, subdivision 12*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 802, A bill for an act relating to health; providing for home health services through the community health services act; changing certain funding formulas; appropriating money; amending Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; 144A.54, Subdivision 1; 145.913, by adding a subdivision; 145.914, Subdivision 2; 145.915, by adding a subdivision; 145.918, by adding a subdivision; 145.919; 145.921; and 145.95, Subdivision 5.

Reported the same back with the following amendments:

Page 6, line 21, after "shall" insert "*after consulting with the department of public welfare, other public agencies, private agencies, associations, providers, and other interested persons, promulgate rules pursuant to chapter 15 to*"

Page 6, line 33, after the period, delete to the end of the line

Page 6, line 34, delete "*promulgate the model home health ordinance as a rule.*"

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

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 848, A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PROGRAM AND PURPOSE.]

The city of Duluth may establish a home energy conservation program as part of the service furnished and made available by its municipal utility system. All provisions for the operation and financing of the program shall be made by and pursuant to resolutions adopted by the city council, subject to approval or veto by the mayor. The purpose of this authorization is to provide means for the city to aid all residents of the city, but particularly families of low and moderate income, to maintain their essential home energy requirements at affordable cost, and to reduce progressively, as fast as economically possible, the peak demands for energy needed to maintain the livability of all homes within the city, and thereby tend to assure the continuance of essential public, industrial, and commercial activities as well, under the severest conditions of weather, supply shortages, and transmission failures. The extension of utility services and expenditures of public funds authorized herein are determined to be necessary governmental functions, particularly under present conditions of uncertain and limited oil supplies, high cost of oil and gas, and difficulty and delay in the increase of energy supplies from all sources due to environmental problems. The powers granted herein are supplemental, and the procedures authorized for exercising them are alternative, to those provided in any other law or the city charter.

Sec. 2. [SURVEY AND CONTRACTS WITH HOME-OWNERS.]

The city may survey homes to identify those where significant energy waste exists and can be reduced by energy conservation projects including but not limited to insulation, weather-stripping, temperature controls, storm windows and doors, furnace modifications, or conversion to cheaper or more plentiful energy sources, at a capital cost recoverable within a ten year period from energy cost savings. It may contract with the owners of such homes to cause work and materials to be furnished for such projects by the means authorized in section 3 and subject to reimbursement in the ways contemplated in section 4. The program shall be limited to homes containing not more than four dwelling units, one occupied as a principal residence by an owner not engaged in the trade or business of rental

real estate. Nothing herein, however, shall preclude the city from constructing or financing similar improvements to other property, in any manner otherwise authorized by law or the city charter.

Sec. 3. [CONTRACTS FOR WORK AND MATERIALS.]

Subdivision 1. The city may negotiate and contract with building trade unions, union members, or contractors, subject to the requirements of Minnesota Statutes, Section 471.345, to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city, providing labor at union rates with optimum use of apprentices and trainees under supervision by union members, and with or without public advertisement for bids.

Subd. 2. A homeowner, subject to the approval of the city, may negotiate and contract with building trade unions, union members, or contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city.

Subd. 3. The city may contract with a homeowner for labor or materials, or both, provided that in such cases the city may inspect the work performed and shall not pay the homeowner for his labor.

Subd. 4. The city may provide all or part of the materials needed for the program during any period, by contracting with suppliers on a lump sum or unit price basis pursuant to the provisions of Minnesota Statutes, Section 471.345.

Sec. 4. [REIMBURSEMENT.]

Subdivision 1. [CASH PAYMENTS.] The city may contract with each homeowner for payment of the cost in cash upon completion of the project, with payment secured by deposit in advance of an amount equal to at least 90 percent of the contract price, or by a written commitment by a bank or other approved financial institution to loan the full amount of the contract price to the homeowner.

Subd. 2. [INSTALLMENT PAYMENTS.] Alternatively, the city may accept payment by a promissory note in a principal amount equal to the contract price, repayable in equal periodic installments, including both principal and interest on the declining principal balance, payable on the due dates of bills for utility service furnished by the city and made available to the home from the completion date until the principal and interest are fully paid, and matching as closely as possible the estimated reduction in current home energy cost resulting from the project; with

such provisions as may be agreed, permitting or restricting prepayment. The installments shall be added to and deemed a part of the charges for municipal utility service to the premises, but shall be deposited when received in a special fund or funds separate from other utility or municipal funds and used only for the payment and security of revenue bonds or notes issued by the city to finance the cost of projects to be paid as provided in this subdivision.

Subd. 3. [LIEN FOR UNPAID INSTALLMENTS.] *The payment of note installments may be enforced in the same manner as other utility charges. The installments are a first and prior lien on the property improved as provided in Minnesota Statutes, Section 514.67, and if not paid when due shall be entered upon the tax rolls and collected with and as a part of the taxes on the property, with the same interest and penalties.*

Sec. 5. [FINANCING.]

Subdivision 1. [REVENUE BONDS OR NOTES.] *The city may from time to time issue its revenue bonds or notes in the amounts deemed necessary to provide sufficient funds to finance projects for which promissory notes are given pursuant to section 4, subdivision 2, to fund or refund the principal of or interest or redemption premiums on such revenue bonds or notes, whether or not due, to establish or increase reserves to secure the payment of principal and interest, and to pay all other costs and expenses incident to the completion of the projects and the issuance of the revenue bonds or notes.*

Subd. 2. [OTHER FUNDS.] *In lieu of or in addition to the issuance of revenue bonds or notes to finance such projects, the city may use municipal utility revenues or any other funds appropriated by it or granted to it, if available under the terms of outstanding municipal utility bonds and of such grants. Subject to the provisions of applicable grants or bond instruments, it may combine these funds with the proceeds of revenue bonds or notes and may pledge and appropriate such funds and the income therefrom, and the repayments of promissory notes given for projects financed thereby, for the security of the revenue bonds or notes.*

Subd. 3. [CONDITIONS OF BONDS OR NOTES.] *Revenue bonds or notes may be issued by resolution of the city council, or under a trust indenture or other security agreement approved by resolution, which may establish the covenants made for their security and may provide for their issuance in one or more series, bearing a date or dates, maturing at a time or times, bearing interest at a rate or rates, either fixed or variable, in denominations and form, either coupon or registered, with such provisions for execution, conversion, registration, and exchange, having relative priorities, payable at a place or places within or*

outside the state, subject to terms of redemption before maturity with or without premium, and containing any other terms, as provided by the council. They may be sold at public or private sale at the price and in the manner that the council shall determine, and shall not be restricted by the provisions of any other law limiting the amounts, price, maturities, interest rates, or other terms of city obligations, but no holder may enforce payment of the principal or interest from taxes, except as provided in section 4, subdivision 3, or from city funds other than utility revenues, and the revenue bonds or notes shall not be included in the net debt of the city as defined in Minnesota Statutes, Chapter 475. Temporary revenue bonds or notes may be issued pending preparation of and may be exchanged for definitive revenue bonds or notes. Any revenue bonds or notes may be issued and delivered notwithstanding that one or more of the officers executing them shall have ceased to hold office at the time of actual delivery.

Subd. 4. [TERMS OF AGREEMENT WITH HOLDERS.]
The resolution, trust indenture, or other security agreement under which any revenue bonds or notes are issued shall constitute a contract with the holders and may contain covenants, among others, prescribing:

(1) The pledge of and the grant of a security interest in (a) the proceeds of revenue bonds and notes, (b) all or any part of the revenues derived from repayments of promissory notes given to the city with respect to home energy conservation projects, subject to any existing agreements with the holders of outstanding revenue bonds or notes, (c) all funds and accounts established by the resolution, trust indenture, or other security agreement for the security of the revenue bonds or notes, and (d) the income from the investment of such funds and accounts;

(2) The creation, regulation, and disposition of reserves or sinking funds for the security of the revenue bonds or notes;

(3) The establishment and maintenance of and the use of revenues from charges for service furnished and made available by any or all of the municipal utilities, sufficient at all times to pay the current expenses of operation and maintenance thereof, to pay debt service for and perform covenants securing other obligations payable from municipal utility revenues, and also to restore any deficiency in any reserve established for the security of revenue bonds or notes issued hereunder;

(4) The custody, collection, securing, investment, and payment of the revenues pledged hereunder;

(5) The terms upon which additional or refunding revenue bonds or notes may be issued and secured, and any limitations upon such issuance;

(6) *The procedure by which the terms of any contract with or for the benefit of the holders of revenue bonds or notes may be amended or abrogated, the amount of revenue bonds or notes the holders of which must consent thereto, and the manner in which consent may be given;*

(7) *The definition of the acts or omissions to act which shall constitute events of default, and the rights and remedies of the holders upon the occurrence of such events, including, if so determined, the right to accelerate the due date of the revenue bonds or notes or the right to appoint a receiver or receivers of the property or revenues subject to the lien of the resolution, trust indenture, or other security agreement;*

(8) *The vesting in a trustee or trustees, within or outside the state, of such properties, rights, powers, and duties in trust as the city may determine, and the limiting of such rights, powers, and duties; and*

(9) *The performance of any and all conditions established by federal laws and regulations for the exemption of the interest on the revenue bonds or notes from federal income taxation; provided that no revenue bond or note, nor any provision for the security thereof, shall be deemed invalid or unenforceable for the reason that (a) the conditions for such tax exemption do not exist at the time of issuance, or (b) the interest is subsequently determined by a court or administrative agency of competent jurisdiction to be or to have been subject to federal income taxation.*

Sec. 6. [EFFECT OF OTHER STATE AND FEDERAL LEGISLATION.]

Subdivision 1. [LAW OR CHARTER NOT TO LIMIT PROJECTS.] *Projects initiated and financed pursuant to this act shall not be limited or otherwise affected by the provisions of Minnesota Statutes, Chapter 462C or any other state law or charter provision.*

Subd. 2. [STATUS AND PROCEEDS OF BONDS AND NOTES.] *The revenue bonds and notes authorized herein are not considered to be mortgage subsidy bonds within the meaning of section 103A of the Internal Revenue Code of 1954, as amended, which provides that the interest on such bonds is subject to federal income taxation; because they are authorized for the purpose of financing improvements needed for the welfare of the city as a whole, to avoid hardship which would result from the failure of utility service within the city. The proceeds are not to be used for owner-financing of home improvements generally, but for financing the city's undertaking of improvements which, though situated on private premises, are needed to protect all the citizens, in a manner which is intended to pay the cost without thereby raising materially the level of current home*

energy costs of either the owners of the premises or other utility customers.

Subd. 3. [GENERAL POWERS.] Notwithstanding the provisions of subdivision 2, the city is authorized to do all things determined on the advice of counsel to be necessary or desirable to assure that any issue of revenue bonds or notes hereunder, if subject to section 103A of the Internal Revenue Code of 1954, as amended, will be a qualified mortgage bond issue as described therein, the interest on which will be and remain exempt from federal income taxation. Until and unless it is determined by a clarifying amendment of section 103A of the Internal Revenue Code of 1954, as amended, or by rulings or regulations of the internal revenue service or a decision of a court of competent jurisdiction, that such issues are not mortgage subsidy bonds, the applicable limit established pursuant to section 103A of the Internal Revenue Code of 1954, as amended, upon the amount of qualified mortgage bonds which the city may issue in any calendar year, shall be \$3,000,000.

Sec. 7. [COLLATERAL FOR PUBLIC DEPOSITS.]

Revenue bonds and notes issued pursuant to sections 1 to 7 may be pledged as collateral for the security of deposits of public funds under the provisions of Minnesota Statutes, Chapter 118.

Sec. 8. [REPORT.]

By January 1, 1982, the city of Duluth shall report to the appropriate committees of the legislature on the implementation of the program created in sections 1 to 7. The report shall include but is not limited to information on the amount of bonds issued, average size of loans, types of energy conservation measures financed, number of households served, and an analysis of the effectiveness of the program.

Sec. 9. [EFFECTIVE DATE.]

This act is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3."

Delete the title and insert:

"A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose; requiring a report to the legislature."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 874, A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 6, 7 and 9.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 245.783, Subdivision 3, is amended to read:

Subd. 3. Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. *The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department with the informed consent of the subject of the data shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care.* If the commissioner is satisfied that the provisions of Laws 1976, Chapter 243 and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license (SHALL) *may* be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant."

Page 1, delete section 1

Amend the title as follows:

Page 1, line 2, delete "child abuse" and insert "public welfare; providing access to criminal conviction data of certain applicants for licenses"

Page 1, line 5, delete "Section" and insert "Sections 245.783, Subdivision 3; and"

Page 1, line 6, delete "1,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 887, A bill for an act relating to municipal land use planning; permitting municipal fees for administrative actions relating to official controls; amending Minnesota Statutes 1980, Section 462.353, by adding a subdivision; repealing Minnesota Statutes 1980, Section 462.358, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 13, delete "*to review*,"

Page 1, line 14, delete "*investigate and administer*" and insert "*in reviewing, investigating, and administering an application for an amendment to*"

Page 1, line 15, before the period insert "*or an application for a permit or other approval required under an official control established pursuant to those sections*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 892, A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; repealing Minnesota Statutes, Chapter 43.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.01] [POLICIES.]

Subdivision 1. [GENERAL.] It is the policy of the state to maintain an efficient and effective merit based personnel management system to meet the management needs of the state

and the social, economic and program needs of the people of the state. The system shall provide means to recruit, select and develop an effective, productive and responsive work force representative of the labor market according to the demands of society, equity and law, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, employee benefits, discipline, discharge, retirement and other related activities as appropriate, taking into consideration formal and informal labor relations arrangements.

Subd. 2. [PRECEDENCE OF MERIT PRINCIPLES AND NONDISCRIMINATION.] *It is the policy of this state to provide for equal employment opportunity consistent with chapter 363 by ensuring that all personnel actions be based on the ability to perform the duties and responsibilities assigned to the position without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, or political affiliation. It is the policy of this state to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with other provisions of this chapter or chapter 179, in order to correct imbalances and eliminate the present effects of past discrimination.*

No contract executed pursuant to chapter 179 shall modify, waive or abridge sections 1, 7 to 13, 15, and 17 to 21, except to the extent expressly permitted in those sections.

Sec. 2. [43A.02] [DEFINITIONS.]

Subdivision 1. [INTERPRETATION.] *Unless the language or context indicates that a different meaning is intended, the following terms, for the purposes of this act, have the meanings given them in this section.*

Subd. 2. [AGENCY.] *"Agency" means a department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority.*

Subd. 3. [ALLOCATION.] *"Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed in the position.*

Subd. 4. [APPLICANT.] *"Applicant" means a person who has completed a state application for employment and has submitted it to the department of employee relations or other appointing authority who has been delegated authority to recruit and examine individuals for state jobs.*

Subd. 5. [APPOINTING AUTHORITY.] "*Appointing authority*" means a person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service.

Subd. 6. [APPOINTMENT.] "*Appointment*" means the act of filling a vacancy by placement of a person in a civil service position through selection from an eligible list or a noncompetitive or qualifying process including transfer, demotion or reinstatement.

Subd. 7. [CANDIDATE.] "*Candidate*" means an applicant whose application for employment has been accepted into the examination process for a class.

Subd. 8. [CERTIFICATION.] "*Certification*" means the referral of names from an eligible list to an appointing authority to fill vacant positions in the classified service.

Subd. 9. [CHANGE IN ALLOCATION.] "*Change in allocation*" means reclassification resulting from abrupt, management-imposed changes in the duties and responsibilities of a position.

Subd. 10. [CIVIL SERVICE.] "*Civil service*" means all employees in the legislative, judicial and executive branches of state government and all positions in the classified and unclassified services as provided in sections 7 and 8.

Subd. 11. [CLASS.] "*Class*" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class and that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

Subd. 12. [CLASSIFIED SERVICE.] "*Classified service*" means all positions now existing or hereafter created in the civil service and not specifically designated unclassified pursuant to section 8.

Subd. 13. [COMMISSIONER.] "*Commissioner*" means the commissioner of employee relations.

Subd. 14. [COMMISSIONER'S PLAN.] "*Commissioner's plan*" means the plan required by section 3.855 regarding total compensation and terms and conditions of employment, including grievance administration, for employees of the executive branch who are not otherwise provided for in this act or other law.

Subd. 15. [COMPETITIVE OPEN.] *"Competitive open" means eligibility to compete in an examination for state employment is extended to all interested persons.*

Subd. 16. [COMPETITIVE PROMOTIONAL.] *"Competitive promotional" means eligibility to compete in an examination for state employment is limited to persons currently occupying, or on leave or layoff from, civil service positions.*

Subd. 17. [DECLASSIFIED POSITION.] *"Declassified position" means a position which is removed from the classified service and placed in the unclassified service.*

Subd. 18. [DEPARTMENT.] *"Department" means the department of employee relations.*

Subd. 19. [ELIGIBLE.] *"Eligible" means a person whose name is on an eligible list.*

Subd. 20. [ELIGIBLE LIST.] *"Eligible list" means a list of candidates qualified under provisions of this act for employment in a specific class.*

Subd. 21. [EMPLOYEE.] *"Employee" means any person currently occupying, or on leave from, a civil service position.*

Subd. 22. [EXECUTIVE BRANCH.] *"Executive branch" means heads of all agencies of state government, elective or appointive, established by statute or constitution and all employees of those agency heads who have within their particular field of responsibility statewide jurisdiction and who are not within the legislative or judicial branches of government. The executive branch also includes employees of the iron range resources and rehabilitation board. The executive branch does not include agencies with jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts, the University of Minnesota, the public employees retirement association, the Minnesota state retirement system, the teachers retirement association, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, even though it receives state funds.*

Subd. 23. [INTERMITTENT EMPLOYEE.] *"Intermittent employee" means an employee who works an irregular and uncertain schedule which alternately begins, ceases and begins again as the needs of the agency require.*

Subd. 24. [INTERN.] *"Intern" means an individual who, for a work experience, is receiving academic credit from or is fulfilling an academic requirement of, an accredited educational institution.*

Subd. 25. [JUDICIAL BRANCH.] "*Judicial branch*" means all justices of the supreme court, all employees of the supreme court, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of all courts of law and other agencies placed in the judicial branch by law.

Subd. 26. [LAYOFF LIST.] "*Layoff list*" means an eligible list by class of former permanent or probationary employees who have been terminated from positions in the class because of a shortage of funds or curtailment of service or for any other reason beyond their control not reflecting discredit on the employee.

Subd. 27. [LEGISLATIVE BRANCH.] "*Legislative branch*" means all legislators and all employees of the legislature, legislative committees or commissions.

Subd. 28. [MANAGERIAL.] "*Managerial*" means those positions designated by the commissioner or statute as being accountable for determining, securing, and allocating human, financial, and other resources needed to accomplish objectives. Positions in this category also are accountable for determining overall objectives, priorities, and policies within a program area. Higher level positions in this category handle significant and involved relationships with governmental leadership. Incumbents of these positions have the authority to exercise discretionary powers on a regular basis.

Subd. 29. [OFFICER.] For purposes of chapter 15A the term "*officer*" may be used interchangeably with the term "*employee*" within the executive branch.

Subd. 30. [PERMANENT STATUS.] "*Permanent status*" means the state or condition achieved by a tenured laborer or by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment, or whose probationary period is waived through specific statutory direction.

Subd. 31. [POSITION.] "*Position*" means a group of duties and responsibilities assigned or delegated by competent authority, requiring the full-time or less than full-time employment of one person.

Subd. 32. [PROBATIONARY PERIOD.] "*Probationary period*", part of the examination process, means a working period following unlimited appointment to a position in the classified service, during which the employee is required to demonstrate ability to perform the duties and fulfill the responsibilities of the position.

Subd. 33. [PROTECTED GROUPS.] *"Protected groups" means females; handicapped persons; members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native; and, until 1989, veterans who served in the military service of this country during the period from August 5, 1964 to May 7, 1975, and separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or because of disability incurred while serving on active duty and who are permanent residents of the state of Minnesota.*

Subd. 34. [QUALIFYING APPOINTMENT.] *"Qualifying appointment" means the selection, from other than an eligible list, of a candidate who has demonstrated through an examination process that the candidate meets minimum job related requirements.*

Subd. 35. [REALLOCATION.] *"Reallocation" means reclassification resulting from significant changes over a period of time in the duties and responsibilities of a position.*

Subd. 36. [RECLASSIFICATION.] *"Reclassification" means changing the allocation of a position to a higher, lower or equivalent class.*

Subd. 37. [REEMPLOYMENT LIST.] *"Reemployment list" means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class, and whose written applications for consideration for reemployment in the class have been approved by the commissioner.*

Subd. 38. [TOTAL COMPENSATION.] *"Total compensation" means salaries, cash payments and employee benefits including paid time off, group insurance benefits, and other direct and indirect items of compensation with the exception of retirement plans.*

Subd. 39. [UNCLASSIFIED SERVICE.] *"Unclassified service" means all positions designated not being classified pursuant to section 8.*

Subd. 40. [UNLIMITED APPOINTMENT.] *"Unlimited appointment" means an appointment for which there is no specified maximum duration.*

Sec. 3. [48A.03.] [DEPARTMENT OF EMPLOYEE RELATIONS.]

Subdivision 1. [CREATION.] *The department of employee relations is created under the control and direction of the commissioner.*

Subd. 2. [COMMISSIONER.] The commissioner shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.

Subd. 3. [ORGANIZATION.] The department shall be organized into two bureaus which shall be designated the personnel bureau and the labor relations bureau. Each bureau shall be responsible for administering the duties and functions assigned to it by law. When the duties of the bureaus are not mandated by law, the commissioner may establish and revise the assignments of either bureau. Each bureau shall be under the direction of a deputy commissioner.

Subd. 4. [DEPUTY COMMISSIONERS.] The deputy commissioners of the personnel and labor relations bureaus shall be in the unclassified service and shall be appointed by and serve at the pleasure of the commissioner.

Subd. 5. [CONFIDENTIAL SECRETARY.] The commissioner may appoint a confidential secretary, who shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 4. [43A.04] [GENERAL POWERS AND RESPONSIBILITIES OF COMMISSIONER.]

Subdivision 1. [STATEWIDE LEADERSHIP.] The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.

(a) Whenever any power or responsibility is given to the commissioner by any provision of this act, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system and the teacher's retirement association.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 15.1692, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of this act and may order any remedial actions consistent with law.

Subd. 2. [EXECUTIVE DIRECTION.] The commissioner shall direct all departmental services, appoint employees and may enter into contracts to carry out the provisions of this act.

Subd. 3. [RULES.] The commissioner shall promulgate rules pursuant to the administrative procedure act to implement the provisions of this act which directly affect the rights of or processes available to the general public. The rules shall have the force and effect of law and shall include but are not limited to:

(a) The processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

(b) The process for effecting noncompetitive and qualifying appointments;

(c) The process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;

(d) A statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;

(e) Conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;

(f) Establishment of procedures and rates of reimbursement governing payment of travel expenses for members of boards and commissions and other persons providing services to the state; and

(g) Procedures for administration of the code of ethics for employees of the executive branch.

Subd. 4. [ADMINISTRATIVE PROCEDURES.] The commissioner shall develop administrative procedures to effect provisions of this act which do not directly affect the rights of or processes available to the general public. The administrative procedures shall not be subject to the rulemaking provisions of the administrative procedure act. They shall be reproduced and made available for comment to agencies, employees, and appropriate exclusive representatives certified pursuant to sections 179.61 to 179.76, for at least 15 days prior to implementation and shall include but are not limited to:

(a) *Maintenance and administration of a plan of classification for all positions in the classified service and for comparisons of unclassified positions with positions in the classified service;*

(b) *Procedures for administration of collective bargaining agreements and plans established pursuant to section 18 concerning total compensation and the terms and conditions of employment for employees;*

(c) *Procedures for effecting all personnel actions internal to the state service such as conduct of competitive promotional examinations, ranking and certification of employees for promotion, noncompetitive and qualifying appointments of employees and leaves of absence; and*

(d) *Maintenance and administration of employee performance appraisal, training and other programs.*

Subd. 5. [PRECEDENCE OF COLLECTIVE BARGAINING PROVISIONS.] *A provision of an agreement entered into by the commissioner pursuant to section 179.74, subdivision 5, shall supersede the provisions of any rule or administrative procedure or portion thereof which is inconsistent with the agreement unless the provision is found to violate existing law.*

Subd. 6. [PAYMENT FOR GRIEVANCE SETTLEMENTS.] *Notwithstanding any other law to the contrary, the commissioner may authorize an appointing authority to pay an employee for hours not worked, pursuant to the resolution of a grievance through a formal grievance procedure established by a collective bargaining agreement or one of the plans established pursuant to section 18.*

Sec. 5. [43A.05] [POWERS AND RESPONSIBILITIES THROUGH THE PERSONNEL BUREAU.]

Subdivision 1. [GENERAL.] *The commissioner through the personnel bureau shall perform the duties assigned in this act. The deputy for the personnel bureau shall perform any duties delegated by the commissioner.*

The commissioner's authority and responsibility shall include but not be limited to maintenance of a classification plan, assignment of all positions in the classified service to job classes, maintenance and approval of total compensation plans for all positions in the executive branch pursuant to the provisions of section 18 and other provisions of law; preparation of examinations, rating of candidates for employment and preparation of eligible lists; maintenance of employee performance appraisal, training and affirmative action programs; and maintenance and publication of logical career paths in the classified civil service.

Subd. 2. [REQUESTS FOR NONSTATE FUNDS.] *The commissioner shall have the authority to review and comment upon all requests for other than state appropriated funds by any agency for personnel and labor relations purposes before any funding request is made to a federal, local or private agency.*

Subd. 3. [COMMISSIONER'S PLAN.] *The commissioner shall periodically develop and establish pursuant to this act a commissioner's plan. The commissioner shall submit the plan, before becoming effective, to the legislative commission on employee relations for approval.*

Subd. 4. [TIME OFF IN EMERGENCIES.] *The commissioner shall authorize appointing authorities to pay for time off in emergencies. An appointing authority, after consultation with the commissioner of public safety, may excuse employees from duty with full pay in the event of a natural or manmade emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the commissioner authorizes a longer duration.*

Sec. 6. [43A.06] [POWERS AND RESPONSIBILITIES THROUGH THE LABOR RELATIONS BUREAU.]

Subdivision 1. [GENERAL.] *The commissioner, through the labor relations bureau, shall perform the duties assigned to the commissioner by section 3.855, sections 179.61 to 179.76 and this section.*

The deputy commissioner for the labor relations bureau shall be the state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of employees and shall perform any other duties delegated by the commissioner.

Subd. 2. [HEARINGS.] *The commissioner shall represent the state at hearings conducted by the director of the bureau of mediation services and the public employment relations board.*

Subd. 3. [COLLECTIVE BARGAINING.] *The commissioner through the labor relations bureau shall represent the state in all collective bargaining between the state and exclusive representatives, and shall represent the state in mediation and arbitration of collective bargaining disputes.*

Subd. 4. [REPORTS.] *The commissioner shall report to the legislative commission on employee relations pursuant to section 3.855.*

Subd. 5. [INTERPRETATION OF COLLECTIVE BARGAINING AGREEMENTS.] *The commissioner shall be re-*

sponsible for management interpretation of all collective bargaining agreements between the state and exclusive representatives and provide management personnel with training in the interpretation and application of these collective bargaining agreements.

Subd. 6. [GRIEVANCES; ARBITRATION.] *The commissioner shall oversee the administration of all written grievances arising under collective bargaining agreements between the state and an exclusive representative and shall represent the state at all grievance arbitrations.*

Subd. 7. [GRIEVANCE SETTLEMENT.] *The commissioner shall have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration.*

Subd. 8. [UNFAIR LABOR PRACTICE CHARGES.] *The commissioner shall direct investigations and shall have authority to decide whether agencies in the executive branch shall settle unfair labor practice charges filed against the employer, appointing authorities or their agents pursuant to chapter 179.*

Sec. 7. [43A.07] [CLASSIFIED SERVICE.]

Subdivision 1. [CLASSIFICATION PLAN.] *The commissioner shall maintain, revise and administer a classification plan.*

Subd. 2. [JOB CLASSES AND TITLES.] *An appointing authority shall notify the commissioner when a new position is to be established in the classified service. The commissioner shall allocate the position to an appropriate class in the classification plan or if the position cannot be allocated to an existing class, establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a bargaining unit under the provisions of section 179.741, and there is an applicable provision in the collective bargaining agreement the commissioner shall establish the salary rate or range pursuant to the agreement.*

The commissioner may independently conduct classification studies or, upon request of an appointing authority or a permanent employee, shall investigate the duties of a classified position. The commissioner may reclassify the position, change the title of the position or establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a collective bargaining unit under the provisions of section 179.741, and there is an applicable provision in the collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the agreement.

Subd. 3. [PROTESTED ALLOCATION OR RECLASSIFICATION.] *An appointing authority who is affected by a position allocation or reclassification or an employee who is affected by a position reclassification may protest the allocation or reclassification in writing to the commissioner. The commissioner shall review the allocation or reclassification and may change the allocation or reclassification decision. This procedure shall not be subject to contested case provisions of the administrative procedure act.*

Subd. 4. [EFFECT OF RECLASSIFICATION.] *Except as provided in section 17, subdivision 5, the incumbent of a position which has been reclassified shall continue in the position only if the employee is eligible for and is appointed to the position of the new class in accordance with the provisions of this chapter and the rules, administrative procedures or a collective bargaining agreement entered into under sections 179.61 to 179.76 governing reallocation or change in allocation of positions, promotion, transfer, and demotion. If the incumbent is ineligible to continue in the position and is not transferred, promoted or demoted, the layoff provisions of this chapter and plans pursuant to section 18 or a collective bargaining agreement entered into under sections 179.61 to 179.76 shall apply. Personnel changes required by the reclassification of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the reclassification notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any examination held to fill the reallocation position, as provided in the rules or administrative procedures.*

Subd. 5. [LEAVES TO ACCEPT UNCLASSIFIED APPOINTMENTS.] *An employee who is granted a leave of absence from a position in the classified service to accept a position in the unclassified service shall retain an inactive classified service status. Upon his request, during the unclassified appointment or within sixty days of the end of the unclassified appointment, the employee shall be reappointed in the agency from which the employee was granted the leave, to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position.*

Subd. 6. [RIGHTS OF INCUMBENTS OF DECLASSIFIED POSITIONS.] *Except for just cause, an employee with permanent status shall not be removed from a position which is declassified for a period of one year following the declassification. An appointing authority may remove an incumbent of a declassified position after one year with 30 days prior notice. At any time after the declassification, and prior to the end of the thirty-day notice period, if he so requests, the employee shall be appointed within the same agency to a classified position comparable to the position that was declassified or, if a comparable position*

is unavailable, to a position in that agency comparable to that which he held immediately prior to being appointed to the declassified position.

Sec. 8. [43A.08] [UNCLASSIFIED SERVICE.]

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

- (a) *Chosen by election or appointed to fill an elective office;*
- (b) *Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;*
- (c) *The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;*
- (d) *Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;*
- (e) *Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;*
- (f) *Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, his deputies, and his confidential secretary, shall be employees in the classified service;*
- (g) *Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions.*
- (h) *Officers and enlisted persons in the national guard;*
- (i) *Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;*

(j) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(k) Members of the state highway patrol; provided that selection and appointment of highway patrol troopers shall be made in accordance with applicable laws governing the classified service;

(l) Seasonal help employed by the department of revenue;

(m) Employees of the department of administration permanently assigned to the ceremonial house;

(n) Chaplains employed by the state;

(o) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

(p) Student workers; and

(q) Employees unclassified pursuant to other statutory authority.

Subd. 2. [ADDITIONAL UNCLASSIFIED POSITIONS.]
Notwithstanding any other law to the contrary, the commissioner, upon request of the governor, may establish permanent unclassified positions, or unclassify previously classified positions, provided that:

(a) The positions involve only deputy or assistant heads of agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of an agency who is required by law to be appointed by the governor, or by a board appointed by the governor.

(b) The positions established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, employee relations and the housing finance agency; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, veterans affairs, and the crime control planning board; and to one for a confidential secretary of any head of an agency listed in this paragraph. Agencies not enumerated in this paragraph shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(c) *Funds are available.*

Subd. 3. [UNCLASSIFIED TITLES; SALARY RATES AND RANGES; INVESTIGATIONS.] *Except for those positions listed in section 18, subdivision 4, when a new position is to be established in the unclassified service, the commissioner shall compare the position to a class in the classified service if a comparable class exists or if not, establish a salary rate or range and official title for the position.*

The commissioner shall independently or upon request of an appointing authority or employee investigate the duties of a position unclassified under provisions of subdivision 2 or rule. If the commissioner determines the position is incorrectly placed in the unclassified service, the commissioner shall place the position in the classified service. If the commissioner determines the position is improperly compared or assigned to an inappropriate salary range, the commissioner shall recompare the position, change the title or establish a new title or reassign the position to a different salary rate or range.

If a new title is established for the position or if the position is reassigned to a different salary rate or range and the position will be covered by a bargaining unit under the provisions of section 179.741, and if there is an applicable provision in a collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the collective bargaining agreement.

Sec. 9. [43.09] [RECRUITMENT.]

The commissioner in cooperation with appointing authorities of all state agencies shall maintain an active recruiting program publicly conducted and designed to attract sufficient numbers of well qualified people to meet the needs of the civil service, and to enhance the image and public esteem of state service employment. Special emphasis shall be given to recruitment of protected group members to assist state agencies in meeting affirmative action goals to achieve a balanced work force.

Sec. 10. [43A.10] [EXAMINATIONS; ELIGIBILITY TO COMPETE.]

Subdivision 1. [GENERAL.] *Entrance to the classified service shall be through successful competition in an examination and certification and appointment from an eligible list except as provided in section 15 or other law.*

Subd. 2. [EXAMINATION CRITERIA.] *All examinations for positions in the classified service shall be job related and designed to fairly assess ability to perform the duties of the class for which the examination is given.*

Subd. 3. [FACILITIES FURNISHED EXAMINERS.] *The authorities having control of public buildings in political subdivisions of the state and school districts, upon written request of the commissioner, shall furnish without charge convenient facilities for the administration of examinations. Upon such request, it shall be the duty of state and local authorities and employees, as it is consistent with their other duties, to aid in carrying out the provisions of this section.*

Subd. 4. [CANDIDATES, ELIGIBLES; EXPENSES.] *The commissioner or an appointing authority may pay travel expenses incurred by candidates or eligibles invited for oral examinations or employment interviews in the manner and amounts authorized by the commissioner.*

Subd. 5. [ELIGIBILITY FOR COMPETITIVE OPEN EXAMINATIONS.] *Competitive open examinations shall, upon public notice, be open to all applicants who meet reasonable job related requirements fixed by the commissioner.*

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

Subd. 7. [EXAMINATION ACCOMMODATIONS.] *Upon request, the commissioner shall provide examination accommodations to a candidate with a handicap that does not prevent performance of the duties of the class. The accommodations shall provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the handicap but shall preserve, to the extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without handicaps.*

Subd. 8. [ELIGIBILITY FOR QUALIFIED HANDICAPPED EXAMINATIONS.] *The commissioner shall establish examination procedures for candidates whose handicaps are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures shall consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the employee will be paid or unpaid at the employee's option. This work experience shall be limited to candidates who are mentally retarded, have severe hearing or visual impairments, are confined to wheelchairs, or have other impairments that comprise serious employment handicaps and who have been referred for employment to a specific suitable*

vacancy by a vocational rehabilitation, veterans administration, or services for the blind counselor. Implementation of provisions of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.

Sec. 11. [43A.11] [VETERAN'S PREFERENCE.]

Subdivision 1. [CREATION.] Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to United States citizens who entered the military service of this country prior to December 31, 1976 and separated under honorable conditions (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty.

Subd. 2. [RESTRICTIONS.] Veteran's preference credit under this section may not be used by any veteran who is currently receiving or is eligible to receive a monthly veteran's pension based exclusively on length of military service.

Subd. 3. [NONDISABLED VETERAN'S CREDIT.] There shall be added to the competitive open examination score of a nondisabled veteran, if he so elects, a credit of five points provided that the veteran obtained a passing score on the examination without the addition of the credit points.

Subd. 4. [DISABLED VETERAN'S CREDIT.] There shall be added to the competitive open examination score of a disabled veteran, if he so elects, a credit of ten points provided that the veteran obtained a passing score on the examination without the addition of the credit points. There shall be added to the competitive promotional examination score of a disabled veteran, if he so elects, a credit of five points provided that (a) the veteran obtained a passing score on the examination without the addition of the credit points and (b) the veteran is applying for his first promotion after securing public employment.

Subd. 5. [DISABLED VETERAN; DEFINITIONS.] For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the veterans administra-

tion for a permanent service connected disability rated at 50 percent or more.

Subd. 6. [PREFERENCE FOR SPOUSES.] A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.

Subd. 7. [RANKING OF VETERANS.] An eligible with a score augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same score.

Subd. 8. [NOTIFICATION.] A governmental agency when notifying eligibles that they have passed examinations shall show the final examination scores and the preference credits and shall notify eligibles that they may elect to use veteran's preference to augment passing scores.

Subd. 9. [REJECTION; EXPLANATION.] If the appointing authority rejects a certified eligible who has received veteran's preference, the appointing authority shall notify the eligible in writing of the reasons for the rejection.

Sec. 12. [43A.12] [RANKING OF ELIGIBLES.]

Subdivision 1. [GENERAL.] The commissioner shall prepare eligible lists as provided in this section.

Subd. 2. [LAYOFF LISTS.] On layoff lists former employees of the class shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.

Subd. 3. [REEMPLOYMENT LISTS.] On reemployment lists former employees of the class with satisfactory prior service ratings shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.

Subd. 4. [COMPETITIVE LISTS.] On competitive open and competitive promotional lists eligibles shall be ranked according to their ratings in examinations and the veteran's preference provisions of section 11.

Subd. 5. [QUALIFIED HANDICAPPED LISTS.] On qualified handicapped lists eligibles shall be ranked in alphabetical order.

Subd. 6. [TERM OF ELIGIBILITY.] The term of eligibility of eligibles on lists shall be determined by the commissioner but shall not be less than six months.

Sec. 13. [43A.13] [CERTIFICATION OF ELIGIBLES.]

Subdivision 1. [GENERAL.] Upon request of an appointing authority the commissioner shall certify eligibles from an eligible list determined appropriate by the commissioner, or as provided in collective bargaining agreements, rules or section 4, subdivision 4. The commissioner shall certify qualified available eligibles as provided in this section. Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the list of certified eligibles shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.76.

Subd. 2. [LAYOFF.] If an agency has a layoff list for the class and employment conditions of the vacancy to be filled, the commissioner shall certify eligibles as provided in collective bargaining agreements, plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.

Subd. 3. [REEMPLOYMENT.] For positions to be filled by reemployment of a former employee, the commissioner may certify any eligible on the reemployment list for the class or approve direct reinstatement of a former classified employee within three years of separation.

Subd. 4. [COMPETITIVE OPEN.] For positions to be filled by competitive open examination, the commissioner shall certify the first 10 eligibles on the list plus those eligibles having the same score as the tenth eligible certified.

Subd. 5. [COMPETITIVE PROMOTIONAL.] For positions to be filled by competitive promotional examination, the commissioner shall certify the first three eligibles on the list plus those eligibles having an examination rating within three points of the eligible with the highest examination rating and any additional eligible having the same score as the last eligible certified.

Subd. 6. [QUALIFIED HANDICAPPED.] For a position to be filled by qualified handicapped examination, the commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 10, Subdivision 8 for the position.

Subd. 7. [EXPANDED CERTIFICATION.] When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirmative action plan approved in accordance with section 19, the commissioner

shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than three eligibles of all protected groups for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify as many additional eligibles from all of the protected groups for which disparities have been determined to exist as are necessary to bring the number of such protected group eligibles certified to an aggregate total of three. Implementation of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.

Subd. 8. [REFUSAL TO CERTIFY.] The commissioner may refuse to certify an eligible who (a) is found to lack any of the requirements established for the examination for which the eligible has applied, (b) has been dismissed from the public service for delinquency or misconduct, (c) has been dismissed from the same or a similar classification within the civil service for unsatisfactory job performance, (d) has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment, or (e) has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in the application, or examination or in securing eligibility or appointment.

When the commissioner refuses to certify an eligible, the commissioner shall, upon request of the eligible refused, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information, the commissioner shall reconsider the refusal and may certify the eligible.

Sec. 14. [43A.14] [APPOINTMENTS.]

All appointments to the classified service shall be based upon merit and ability to perform the duties of the position and the needs of the employing agency, including the need to achieve and maintain a representative work force. For employees in a bargaining unit as defined in section 179.741 appointments shall be subject to applicable provisions of collective bargaining agreements.

Sec. 15. [43A.15] [NONCOMPETITIVE AND QUALIFYING APPOINTMENTS.]

Subdivision 1. [GENERAL.] Positions in the classified service may be filled other than by appointment from eligible lists only as provided in this section or other law, provided that appointments made pursuant to subdivisions 5, 6, 9, 10, 11, and 12 shall be subject to applicable provisions of collective bargaining agreements.

Subd. 2. [EMERGENCY APPOINTMENTS.] *An appointing authority may make an emergency appointment for up to 30 working days. No person shall be employed in any one agency on an emergency basis for more than 30 working days in any 12 month period.*

Subd. 3. [TEMPORARY APPOINTMENTS.] *The commissioner may authorize an appointing authority to make a temporary appointment of up to six months. The commissioner may, in the best interest of the state, grant an extension of a temporary appointment or approve a temporary appointment to fill a vacancy created by an approved leave of absence to a maximum period of one year. When practicable, the commissioner may certify any qualified eligible from an eligible list for the temporary appointment, but may authorize the appointment of any person deemed qualified by the appointing authority.*

No person shall be employed on a temporary basis in any one agency for more than 12 months in any 24 month period.

Subd. 4. [PROVISIONAL APPOINTMENTS.] *The commissioner may authorize an appointing authority to make a provisional appointment if there is an urgent reason for filling a vacancy and no person on an incomplete certification is suitable or available for appointment.*

No person shall be provisionally appointed unless the person has passed an appropriate qualifying examination or is qualified in all respects except for completion of a licensure or certification requirement. To the extent possible, the commissioner shall ensure that provisional appointments are kept to a minimum.

No person shall be employed on a provisional basis for more than six months unless the commissioner grants an extension to a maximum of 12 months in the best interest of the state. No extension may be granted beyond 12 months except for persons provisionally appointed to physician positions or other positions requiring licensure or certification where there is a lack of eligibles.

At the request of an appointing authority, the commissioner may authorize the probationary appointment of a provisional appointee who has performed satisfactorily for at least 60 days.

Subd. 5. [NONCOMPETITIVE PROMOTIONS.] *The commissioner may authorize an appointing authority to promote the incumbent with permanent or probationary status to a reallocated classified position.*

Subd. 6. [APPOINTMENTS THROUGH TRANSFER OR DEMOTION.] *The commissioner may authorize the transfer or demotion of an employee in the classified service within an*

agency or between agencies. An authorized transfer may result in the movement of an employee between different positions in the same class or between positions in different classes provided that the compensation for the classes is similar.

The commissioner may enter into arrangements with public personnel agencies in other jurisdictions for the purpose of effecting transfers or voluntary demotions of employees between jurisdictions.

Subd. 7. [APPOINTMENTS FOR UNCLASSIFIED INCUMBENTS OF NEWLY CLASSIFIED POSITIONS.] The commissioner may authorize the probationary appointment of an incumbent who has passed a qualifying examination and who has served at least one year in an unclassified position which has been placed in the classified service by proper authority.

Subd. 8. [EXCEPTIONAL APPOINTMENTS.] Where a position requires exceptional qualifications of a scientific, professional or expert character and competition is impracticable, the commissioner may, at the request of an appointing authority, authorize the probationary appointment of a designated person possessing the required exceptional qualifications.

Subd. 9. [LABOR SERVICE APPOINTMENTS.] The commissioner shall designate classes involving unskilled labor as comprising a labor service and shall authorize appointing authorities to make appointments to such classes without prior approval.

Subd. 10. [ROUTINE SERVICE APPOINTMENTS.] The commissioner may authorize the administration of a qualifying selection process where the position to be filled is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. Appointing authorities may consider any candidate found so qualified for probationary appointment to such a position.

Subd. 11. [APPOINTMENTS TO POSITIONS IN SHORT-AGE OCCUPATIONS.] The commissioner may designate classifications for which qualified applicants are in critically short supply and may develop recruitment, qualifying examination and referral processes as will provide agencies opportunity to make prompt appointments.

Subd. 12. [WORK-TRAINING APPOINTMENTS.] The commissioner may authorize the probationary appointment of persons who successfully complete on-the-job state training programs which have been approved by the commissioner.

Sec. 16. [43A.16.] [PROBATIONARY PERIODS.]

Subdivision 1. [GENERAL.] All unlimited appointments to positions in the classified service except as provided in this subdivision shall be for a probationary period the duration of which shall be determined through collective bargaining agreements or plans established pursuant to section 18 but which shall not be less than 30 days of full-time equivalent service nor more than two years of full-time equivalent service. An appointing authority may require a probationary period for transfers, re-employment, reinstatements, voluntary demotions, and appointments from layoff lists of former employees of a different appointing authority. For employees in a bargaining unit as defined in 179.741 the requirement of such a probationary period shall be subject to applicable provisions of collective bargaining agreements.

Subd. 2. [TERMINATION DURING PROBATIONARY PERIOD.] There is no presumption of continued employment during a probationary period. Terminations or demotions may be made at any time during the probationary period subject to the provisions of this section and collective bargaining agreements or plans established pursuant to section 18.

If during the probationary period an employee with permanent status is dismissed for inability to perform the duties of the new position or for other cause not related to misconduct or delinquency, the employee shall be restored to a position in the employee's former class and agency.

Sec. 17. [43A.17.] [SALARY LIMITS, RATES, RANGES AND EXCEPTIONS.]

Subdivision 1. [SALARY LIMITS.] As used in this section, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established pursuant to section 18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Subd. 2. [GENERAL COMPENSATION.] *For classes or positions covered under the provisions of section 18, subdivision 1, the commissioner shall negotiate compensation. For classes or positions covered under the provisions of section 18, subdivisions 2 and 3, the commissioner shall establish compensation. Employees covered under section 18 shall receive salary at the appropriate single rate or within the limits of the salary range to which their class is assigned or their position compared except for any lump sum payments including cost of living lump sum payments. The commissioner may grant further exemptions from this subdivision as provided in subdivisions 3, 5, 6, and 7.*

Subd. 3. [UNUSUAL EMPLOYMENT SITUATIONS.] *Upon the request of the appointing authority, and when the commissioner determines that changes in employment situations create difficulties in attracting or retaining employees, the commissioner may approve an unusual employment situation increase to advance an employee within the compensation plan. Such action will be consistent with applicable provisions of collective bargaining agreements or plans pursuant to section 18. The commissioner shall review each proposal giving due consideration to salary rates paid to other employees in the same class and agency and may approve any request which in the commissioner's judgment is in the best interest of the state. If the commissioner determines that the position requires special expertise necessitating a higher salary to attract or retain qualified persons, the commissioner may grant an exemption not to exceed 120 percent of the base salary of the head of the agency.*

Subd. 4. [MEDICAL SPECIALISTS.] *The commissioner may without regard to subdivision 1 establish special salary rates and plans of compensation designed to attract and retain exceptionally qualified doctors of medicine. In establishing salary rates and eligibility for nomination for payment at special rates, the commissioner shall consider the standards of eligibility established by national medical specialty boards where appropriate. The incumbents assigned to these special ranges shall be excluded from the collective bargaining process.*

Subd. 5. [SALARY ON DEMOTION; SPECIAL CASES.] *The commissioner may, upon request of an appointing authority, approve payment of an employee with permanent status at a salary rate above the maximum of the class to which the employee is demoted. The commissioner shall take such action as required by collective bargaining agreements or plans pursuant to section 18. If the action is justified by the employee's long or outstanding service, exceptional or technical qualifications, age, health, or substantial changes in work assignment beyond the control of the employee, the commissioner may approve a rate up to and including the employee's salary immediately prior to demotion. Thereafter, so long as the employee remains in the same position, the employee shall not be eligible to receive any increase in salary until the employee's salary is within the range*

of the class to which the employee's position is allocated unless such increases are specifically provided in collective bargaining agreements or plans pursuant to section 18.

Subd. 6. [SALARY ON TRANSFER.] *The commissioner may authorize an employee transferring between two classes established as equivalent for purposes of transfer to retain a rate of compensation above the maximum of the range of the class to which the employee is transferring. The commissioner shall take such action as required by a collective bargaining agreement or plans pursuant to section 18. Thereafter, so long as the employee remains in the same class, the employee shall receive an increase in salary only as provided pursuant to applicable collective bargaining agreements or plans pursuant to section 18, until his salary is within the range of the class to which his position is allocated.*

Subd. 7. [INJURED ON DUTY PAY.] *Notwithstanding section 176.021, subdivision 5, the commissioner may provide for injured on duty pay through collective bargaining agreements or plans pursuant to section 18.*

Sec. 18. [43A.18] [TOTAL COMPENSATION; COLLECTIVE BARGAINING AGREEMENTS; PLANS.]

Subdivision 1. [COLLECTIVE BARGAINING AGREEMENTS.] *Except as provided in section 1 and to the extent they are covered by a collective bargaining agreement, the compensation, terms and conditions of employment for all employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed solely by the collective bargaining agreement executed by the parties and approved by the legislature.*

Subd. 2. [COMMISSIONER'S PLAN.] *Except as provided in section 1 of this act, the compensation, terms and conditions of employment for all classified and unclassified employees who are not covered by a collective bargaining agreement and not otherwise provided for in this act or other law shall be governed solely by the commissioner's plan. The legislative commission on employee relations shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15.*

The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5. If the legislature modifies or rejects the plan or adjourns without action during the following

legislative session, any total compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.

Subd. 3. [MANAGERIAL PLAN.] The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, except those listed in subdivision 4, in the executive branch as being managerial.

(a) The commissioner shall establish appropriate plans for training and development, mobility, total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this act. The plans shall include a career executive service to provide a system for identifying, developing and recognizing key individuals who occupy managerial positions in the classified service.

(b) Incumbents of managerial positions as identified under this subdivision shall be excluded from any bargaining units under the provisions of chapter 179.

(c) The management compensation plan shall provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the plan shall ensure that compensation within assigned salary ranges is related to level of performance.

The commissioner shall develop a total compensation plan for individuals appointed to the career executive service. Salaries established under this plan shall be limited to 120 percent of the maximum of the salary range for the employee's job classification in the classified service. The total compensation established under the provisions of this clause may be extended to unclassified managers and the employee benefits established under the provisions of this clause may be extended to those heads of agencies whose salaries are established in section 15A.081, subdivision 1.

(d) No rights or tenure shall attach to a career executive service assignment. An incumbent in the career executive service may be removed from the career executive service by the appointing authority, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, status with regard to public assistance or political affiliation. An employee removed from the career executive service shall receive compensation at the level formerly received plus any increases the employee would have received

had the employee not been appointed to the career executive service.

An employee who is in the career executive service on the effective date of this section and whose position, as a result of this act, is no longer eligible for inclusion in the career executive service is nonetheless eligible to remain a member of the career executive service in accordance with the provisions of this section so long as the employee remains in that position.

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] *Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities subject to the following limitations:*

(a) Total compensation paid pursuant to this subdivision and that paid pursuant to section 6.582, shall be within the limits of compensation plans which shall have been approved by the commissioner before becoming effective;

(b) Total compensation for unclassified employees in the office of the governor shall be determined by the governor;

(c) Total compensation for unclassified employees in the office of the attorney general shall be determined by the attorney general;

(d) Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;

(e) Total compensation for unclassified positions pursuant to section 8, subdivision 1, clause (g) and in the higher education coordinating board shall be determined by the state university board, the state board for community colleges, and the higher education coordinating board, respectively; and

(f) Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.

Subd. 5. [GOVERNOR TO SET CERTAIN SALARIES.] *The governor shall, on or before January 31 of each numbered year, submit to the legislative commission on employee relations recommendations for salaries for the positions listed in sections 15A.081 and 15A.083. The governor may also propose additions or deletions of positions from those listed.*

(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the com-

missioner of finance, and the commissioner of employee relations concerning the recommendations. Before submitting recommendations for an employee in the office of a constitutional officer, the governor shall consult with the constitutional officer concerning the recommendations and shall give due consideration to the advice of the officer;

(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for the positions of the constitutional officers, the judges of the workers' compensation court of appeals and the commissioner of public service;

(c) In making recommendations, the governor shall consider only those criteria established in subdivision 7 and shall not take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining recommendations rate each position by this system; and

(d) The initial salary of a head of an agency hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the commissioner, whose recommendation shall be advisory only, in an amount comparable to the salary of an agency head having similar duties and responsibilities.

Subd. 6. [MEMBERS OF MINNESOTA NATIONAL GUARD.] *Members of the Minnesota national guard shall receive the pay and allowances prescribed by the armed forces of the United States for similar rank and time in service.*

Subd. 7. [COMPENSATION RELATIONSHIPS OF POSITIONS.] *In establishing, recommending and approving total compensation for any position within the plans covered in subdivisions 2, 3 and 4, the commissioner shall assure that:*

(a) Compensation for positions in the classified and the unclassified service compare reasonably to one another;

(b) Compensation for state positions bears reasonable relationship to compensation for similar positions outside state service;

(c) Compensation for management positions bears reasonable relationship to compensation of represented employees managed;

(d) *Compensation for positions within the classified service bears reasonable relationships among related job classes and among various levels within the same occupation; and*

(e) *Compensations bear reasonable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities is comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities is proportional to the knowledge, abilities, duties and responsibilities required.*

Sec. 19. [43A.19] [AFFIRMATIVE ACTION.]

Subdivision 1. [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the underutilization of qualified members of protected groups, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program shall consist of at least the following:

(a) *Objectives, goals and policies;*

(b) *Procedures, standards and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables shall be established; and*

(c) *Requirements for the periodic submission of affirmative action progress reports from heads of agencies.*

The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service who may be delegated the preparation, revision, implementation and administration of the program.

Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules promulgated pursuant to section 4, subdivision 3. No agency affirmative action plan may be implemented without the commissioner's approval.

Subd. 3. [EXEMPTIONS.] Implementation of the provisions of this section shall not be deemed a violation of other provisions of this act or chapter 363.

Sec. 20. [43A.20] [PERFORMANCE APPRAISAL AND PAY.]

The commissioner shall design and maintain a performance appraisal system under which each employee in the civil service in the executive branch shall be evaluated and counseled on work performance at least once a year. Individual pay increases for all employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on the evaluation and other factors the commissioner includes in the plans developed pursuant to section 18. Collective bargaining agreements entered into pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee work performance.

Sec. 21 [43A.21] [TRAINING PROGRAMS.]

Subdivision 1. [AUTHORITY; PURPOSE.] The commissioner shall develop and interpret policy and administer and, to the extent possible, conduct programs in training and development for employees to promote individual, group and agency efficiency and effectiveness.

Subd. 2. [RESPONSIBILITIES.] The commissioner is responsible for developing and coordinating consistent training policy which shall be binding on all state agencies. The policies shall include conditions under which employees may receive or be assigned to training; internships and work-training programs; minimum and maximum training standards for employee participation and agency reporting requirements. Career development training is a permissive subject of collective bargaining. Each appointing authority in the executive branch, including the Minnesota state retirement system and the teachers retirement association, is primarily responsible for planning, budgeting, conducting and evaluating training programs.

Subd. 3. [PROGRAMS.] The commissioner shall design and implement a management development program for the state service. The program shall include but not be limited to mandatory training and development requirements for managers and supervisors. No management or supervisory training shall be conducted by any agency without specific approval of the commissioner. No person shall acquire permanent status in a management or supervisory position in the classified service until training and development requirements have been met.

Subd. 4. [FUNDS.] For purposes of training and development, the commissioner is authorized to apply for and accept funds from any source including reimbursement charges from agencies for reasonable program costs. Funds received shall be deposited in the general fund of the state treasury and shall be appropriated annually to the department for the purposes for which they are received.

Sec. 22. [43A.22] [BENEFITS; INTENT.]

It is the intent of the state to provide eligible employees and other eligible persons with life insurance and hospital, medical, and dental benefits coverage through provider organizations, hereafter referred to as "carriers", authorized to do business in the state.

Sec. 23. [43A.23] [CONTRACTING AUTHORITY.]

Subdivision 1. [GENERAL.] The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Subd. 2. [CONTRACT TO CONTAIN STATEMENT OF BENEFITS.] Each contract under sections 22 to 30 shall contain a detailed statement of benefits offered and shall include any maximums, limitations, exclusions, and other definitions of benefits the commissioner deems necessary or desirable. Each hospital and medical benefits contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.

Sec. 24. [43A.24] [ELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]

Subdivision 1. [GENERAL.] Employees, including persons on layoff from a civil service position, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 18.

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.

(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner, provided that the waiver shall not prohibit the member from enrolling himself or his dependents for optional coverages, without cost to the state, as provided for in section 26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;

(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session, provided that his name appears on the state payroll or the legislative payroll for at least one working day each payroll period;

(c) A judge of the supreme court or an officer or employee of a court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;

(d) A salaried employee of the public employees retirement association;

(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board; and

(g) An employee of the regents of the University of Minnesota.

Sec. 25. [43A.25] [IN ELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]

Except as provided in section 27, subdivision 2, the following persons are excluded from the provisions of sections 22 to 30:

emergency employees of the state and interns of the state and unless specifically included in collective bargaining agreements or plans established pursuant to section 18, student workers of the state, temporary employees of the state and intermittent employees of the state.

Sec. 26. [43A.26] [OPTIONAL COVERAGES.]

The commissioner may make available to eligible persons and their dependents certain optional coverages provided by carriers selected by the commissioner. Eligible employees may elect to purchase optional coverages at their own expense.

Sec. 27. [43A.27] [ELIGIBILITY FOR INDIVIDUAL PAID INSURANCE AND BENEFITS.]

Subdivision 1. [GENERAL.] Notwithstanding any other provisions of this act, the persons listed in subdivisions 2 and 3, and their dependents, may elect to enroll at their own expense in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages at the time, in the manner, and under conditions of eligibility the commissioner prescribes and otherwise approves. The commissioner may also provide for payroll deductions to be made in the same manner and under the same conditions as provided in section 30, subdivision 2 authorizing payroll deductions for an eligible employee and his dependents.

Subd. 2. [ELECTIVE ELIGIBILITY.] The following persons, if not otherwise covered by section 24, may elect coverage for themselves or their dependents at their own expense:

(a) A state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 18;

(b) An employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the Board of Regents;

(c) An officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, or Minnesota humane society;

(d) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; and

(e) An officer or employee of the state capitol credit union or the highway credit union.

Subd. 3. [RETIRED EMPLOYEES.] A retired employee may elect to purchase coverage for himself or his dependents at his own expense. A retired employee of the state who receives an annuity under a state retirement program may elect to retain coverages to which he was entitled at the time of his retirement and any additional coverages made available through collective bargaining agreements or plans established pursuant to section 18 to employees in positions equivalent to that from which he retired. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or his designee within 30 days after the effective date of his retirement of his intention to exercise this option.

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:

(a) A retired judge of the state supreme court or district court may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (c), provided that the retired judge exercises this option with 30 days of the effective date of retirement; or

(b) A former member of the legislature may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (a).

Sec. 28. [43A.28] [ENROLLMENT.]

The time, manner, and conditions and terms of eligibility for enrollment of persons eligible for state paid or individual paid life insurance, hospital, medical and dental benefits, and optional coverages authorized shall be determined and prescribed by the commissioner according to collective bargaining agreements and plans established pursuant to section 18.

Sec. 29. [43A.29] [CONTRIBUTIONS BY STATE.]

The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 18.

Sec. 30. [43A.30] [PAYMENT OF PREMIUMS.]

Subdivision 1. [PAYMENTS FROM AGENCY REVENUES.] Each agency shall pay the amounts due for state

paid life insurance and hospital, medical and dental benefits coverage authorized for eligible employees pursuant to this act.

Each agency shall pay the amounts from accounts and funds from which the agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, the commissioner of finance may require certifications in connection with payments as the commissioner of finance deems necessary from the Minnesota historical society, the University of Minnesota, or any agency whose employees receive benefits pursuant to this act. The accounts and funds from which agencies receive appropriations under the terms of this section are a source of revenue for the purposes of any other law or statutory enactment.

Subd. 2. [PAYROLL DEDUCTION.] If an eligible person who is on any payroll of the state enrolls himself or his dependents for any of the optional coverages made available by the commissioner pursuant to section 26 the commissioner of finance, upon the person's written order, shall deduct from the salary or wages of the person those amounts required from time to time to maintain the optional coverages in force, and issue his warrant therefor to the appropriate carrier. Legislators may elect not to pay their premiums via payroll deduction.

Subd. 3. [GENERAL APPROPRIATION.] If for any reason there are insufficient funds in the state treasury to provide funds to expend under the appropriations made by subdivision 1 from any account or fund in the state treasury, the necessary additional funds therefor are appropriated from the general fund in the state treasury.

Sec. 31. [43A.31.] [ADMINISTRATION.]

Subdivision 1. [GENERAL.] The commissioner shall maintain records, prepare reports, and perform all functions necessary to carry out the intent of sections 22 to 30. Upon request of the commissioner, the commissioner of finance shall perform necessary accounting and disbursement functions.

Subd. 2. [COMMISSIONER REPORTS.] The commissioner shall transmit a report each biennium to the legislative commission on employee relations concerning the operation of sections 22 to 30.

Subd. 3. [AGENCY REPORTS AND RECORDS.] Each agency shall keep the records, make the certifications, and furnish the commissioner or carriers with the information and

reports necessary to enable the commissioner or carriers to carry out their functions under sections 22 to 30.

Subd. 4. [INSURANCE ADVISORY COUNCIL.] *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of 11 members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. One member shall be selected from names submitted by the regents of the University of Minnesota. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.*

Sec. 32. [43A.32] [POLITICAL ACTIVITIES.]

Subdivision 1. [PROHIBITION.] *No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.*

Subd. 2. [LEAVES OF ABSENCE FOR ELECTED PUBLIC OFFICIALS, CANDIDATES.] *Except as herein provided any officer or employee in the classified service shall:*

(a) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;

(b) Take leave of absence upon assuming any elected public office other than enumerated in clause (a), if, in the opinion of the commissioner, the holding of the office conflicts with his regular state employment;

(c) Upon his request, be granted leave of absence upon becoming a candidate, or during the course of his candidacy, for any elected public office; and

(d) Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office

if, in the opinion of the commissioner, the candidacy conflicts with his regular state employment.

All requests for opinions of the commissioner and all opinions from the commissioner under the provisions of clauses (b) and (d) shall be in writing and shall be delivered by certified mail.

The commissioner shall issue an opinion under the provisions of clauses (b) and (d) within seven calendar days of receipt of the request.

Sec. 33. [43A.33] [GRIEVANCES.]

Subdivision 1. [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE, SALARY DECREASE.] *No permanent employee in the classified service shall be discharged, suspended without pay, or reduced in pay or position, except for just cause.*

Subd. 2. [JUST CAUSE.] *For purposes of this section, just cause includes, but is not limited to, consistent failure to perform assigned duties, substandard performance, insubordination, and serious violation of written policies and procedures, provided the policies and procedures are applied in a uniform, nondiscriminatory manner.*

Subd. 3. [PROCEDURES.] *Procedures for discipline and discharge of employees covered by collective bargaining agreements shall be governed by the agreements. Procedures for employees not covered by a collective bargaining agreement shall be governed by this subdivision.*

(a) For discharge, suspension for more than 30 days, or reduction in pay or position, no later than the effective date of such action, a permanent employee not covered by a collective bargaining agreement shall be given written notice by the appointing authority. The written notice shall include a statement of the nature of the disciplinary action, the specific reasons for the action, the effective date of the action and a statement informing the employee that he may reply within five days in writing or, upon request, in person, to the appointing authority or his designee. The notice shall also include a statement that the employee may appeal the action to the office of administrative hearings within 30 days of the effective date of the disciplinary action. A copy of the notice and the employee's reply, if any, shall be filed with the commissioner no later than ten calendar days following the effective date of the disciplinary action. The commissioner shall have final authority to decide whether the appointing authority shall settle the dispute prior to the hearing provided under subdivision 4.

(b) For suspensions of permanent employees for 30 days or less grievance procedures shall be provided in plans established pursuant to section 18.

(c) For discharge, suspension or reduction in pay or position of employees serving an initial probationary period, grievance procedures shall be provided in plan established pursuant to section 18.

Subd. 4. [APPEALS; PUBLIC HEARINGS, FINDINGS.]
Any permanent employee who is discharged, suspended without pay or reduced in pay or position may appeal to the chief hearing examiner of the office of administrative hearings within 30 days after the effective date of the discharge, suspension or reduction in pay or position. Any permanent employee who is covered by a collective bargaining agreement may elect to appeal to the chief hearing examiner within 30 days after the effective date of the discharge, suspension or reduction in pay or position if the collective bargaining agreement provides that option. In no event may an employee use both the procedure under this section and the grievance procedure available pursuant to sections 179.61 to 179.76. Within ten days of receipt of the employee's written notice of appeal, the chief hearing examiner shall assign a hearing examiner to hear the appeal.

The hearing shall be conducted pursuant to the contested case provisions of chapter 15 and the procedural rules adopted by the chief hearing examiner. Prior to the hearing, both parties may stipulate on mutually agreed matters relevant to the disciplinary action. The issues and facts on which agreement has not been reached will be decided during the hearing at which technical rules of evidence shall not apply. If the hearing examiner finds, based on the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another division within the same agency, without loss of pay. If the hearing examiner finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, he may in his discretion reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action. The hearing examiner's order shall be the final decision, but it may be appealed according to the provisions of section 15.0424. Settlement of the entire dispute by mutual agreement is encouraged at any stage of the proceedings. Any settlement agreement shall be final and binding when signed by all parties and submitted to the chief hearing examiner of the office of administrative hearings. Except as provided in collective bargaining agreements the appointing authority shall bear the costs of the hearing examiner for hearings provided for in this section.

Sec. 34. [43A.34] [RETIREMENT.]

Subdivision 1. [AGE.] Employees in the executive branch who are subject to the provisions of the Minnesota state retirement system or the teacher's retirement association must retire from employment by the state upon reaching the age of 70 except as provided in other law.

Subd. 2. [PHYSICIANS EXEMPTED.] *Notwithstanding any provision to the contrary, a physician in the civil service may upon reaching the maximum retirement age specified in subdivision 1, continue to be employed subject to annual certification by his appointing authority to the commissioner that the employee is physically and mentally competent to fulfill the duties of his position.*

Subd. 3. [CORRECTIONAL PERSONNEL EXEMPTED.] *Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, may elect or be required to retire from employment in the covered correctional position upon reaching the age of 55 years.*

A correctional employee occupying a position covered by provisions of section 352.91, desiring employment beyond the conditional mandatory retirement age shall, at least 30 days prior to the date of reaching the conditional mandatory retirement age of 55 years, and annually thereafter, request in writing to his appointing authority that he be authorized to continue in employment in the covered position. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. If the results of the medical examination establish the mental and physical ability of the employee to continue the duties of his employment, he shall be continued in his employment for the following year. If the determination of the appointing authority based upon the results of the physical examination is adverse, the disposition of the matter shall be decided by the commissioner of corrections or, for employees of the Minnesota security hospital, the commissioner of public welfare. Based on the information provided, the decision of the applicable commissioner shall be made in writing and shall be final.

Subd. 4. [CONSERVATION AND CRIME BUREAU OFFICERS EXEMPTED.] *Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed on or after July 1, 1973 and are members of the highway patrolmen's retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for a fractional portion of one year that will enable the employee to complete his next full year of allowable service. Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed and are members of the highway patrolmen's retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement rules applied to other employees who are covered by the Minnesota state retirement system.*

Sec. 35. [43A.35] [DEATH BENEFIT FOR RETIRED EMPLOYEES.]

Employees who retire from the civil service on or after July 1, 1977, and before July 1, 1981, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is entitled to an annuity under a state retirement program. A \$500 cash death benefit shall also be payable to the designated beneficiary of an employee who becomes totally and permanently disabled after July 1, 1979, and before July 1, 1981, and who at the time of death is receiving a state disability benefit and is eligible for a deferred annuity under a state retirement program.

Employees who retire from the civil service on or after July 1, 1981 shall be entitled to a cash death benefit payable to a beneficiary designated by the employee if provided in collective bargaining agreements or plans pursuant to section 18 in effect at the time of the employee's retirement.

Sec. 36. [43A.36] [RELATIONSHIPS WITH OTHER AGENCIES AND JURISDICTIONS.]

Subdivision 1. [COOPERATION; STATE AGENCIES.]
The commissioner may delegate administrative functions associated with the duties of the commissioner to appointing authorities who have the capability to perform such functions when the commissioner determines that it is in the best interests of the state civil service. The commissioner shall consult with agencies and agencies shall cooperate as appropriate in implementation of this act.

The commissioner, in conjunction with appointing authorities, shall analyze and assess current and future human resource requirements of the civil service and coordinate personnel actions throughout the civil service to meet the requirements. The commissioner shall permit appointing authorities to use eligible lists in making appointments to positions in the unclassified service and shall provide recruiting assistance.

The head of each agency in the executive branch shall designate an agency personnel officer. The agency personnel officer shall be accountable to the agency head for all personnel functions prescribed by laws, rules, collective bargaining agreements, the commissioner and the agency head. Except when otherwise prescribed by the agency head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the agency head over any other officer or employee in the agency for personnel functions.

The head of each agency in the executive branch shall designate an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative

action plan. The officer shall report directly to the head of the agency on affirmative action matters.

Subd. 2. [SERVICES AVAILABLE TO POLITICAL SUBDIVISIONS.] *The services and facilities of the department and its staff may be made available upon request to political subdivisions of the state. Enforcement and administration of other provisions of this act shall take precedence over the provision of the services and facilities. Political subdivisions shall reimburse the state for the reasonable cost of services and facilities.*

Subd. 3. [SERVICES EXCHANGED WITH OTHER JURISDICTIONS.] *The commissioner may enter into arrangements with personnel agencies in other jurisdictions to exchange services. The commissioner may also join or subscribe to any association or service having as its purpose the interchange of information relating to the practices of personnel administration and labor relations. The commissioner is authorized as an agent of the state of Minnesota to enter into contracts, compacts or cooperative agreements involving matters of personnel and labor relations with other governments within the United States.*

Sec. 37. [43A.37] [PAYROLLS.]

Subdivision 1. [CERTIFICATION.] *Neither the commissioner of finance nor any other fiscal officer of this state shall draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid shall bear the certificate of the commissioner that the persons named in the payroll register have been appointed, as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed pursuant to law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision shall not apply to positions defined in section 8, subdivision 1, clauses (f), (g), (h) and (j). Employees to whom this subdivision does not apply may be paid on the state's payroll system and the appointing authority or fiscal officer submitting their payroll register shall be responsible for the accuracy and legality of the payments.*

Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Subd. 2. [SALARIES PAID CONTRARY TO PROVISIONS RECOVERED FROM APPOINTING OFFICER.] Any sum intentionally paid contrary to the provisions of this section may be recovered from any officer making the appointments in contravention of the provisions of law or the rules, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the sum, or from the sureties on the official bond of any officer, in an action maintained by the commissioner in the district court of any county within the state. All moneys recovered in any action brought under this section when collected shall be paid into the state treasury.

Subd. 3. [ACTION AGAINST APPOINTING OFFICERS; NOT REIMBURSED FOR SUMS PAID.] Any person appointed contrary to the provisions of this chapter and the rules, whose payroll or account is refused certification, shall have an action against the employee employing or appointing or attempting to appoint the person for the amount due by reason of the employment or purported employment and the costs of the action. No employee, during the time of official service, or thereafter, shall be reimbursed by the state for any sum recovered in any court action under subdivision 2.

Sec. 38. [43A.38] [CODE OF ETHICS FOR OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH.]

Subdivision 1. [PURPOSE.] Employees in the executive branch shall have equal opportunity with all citizens to develop private, economic, and social interests; however, it is necessary to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material and conflict with the employee's responsibility to the public. This section shall not be interpreted to apply to any activity which is protected by 179.61 to 179.76, collective bargaining agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.

Subd. 2. [DEFINITIONS.] For the purpose of this section the following definitions shall apply:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in non-profit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic

advantage or adversely affect the competitive position of an individual or a business.

(c) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Subd. 3. [ACCEPTANCE OF GIFTS; FAVORS.] Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:

(a) Advertising gifts of nominal value having wide distribution.

(b) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.

(c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.

(d) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the state.

Subd. 4. [USE OF CONFIDENTIAL INFORMATION.] An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

Subd. 5. [USE OF STATE PROPERTY.] An employee shall not use or allow the use of state time, supplies or state owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

Subd. 6. [CONFLICTS OF INTEREST.] The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 39 or disciplinary action as appropriate:

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; or

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf.

Subd. 7. [DETERMINATION OF CONFLICTS OF INTEREST.] When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

(a) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

(b) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;

(c) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee;

(d) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee. If the employee, appointing authority or commissioner determine that a conflict of interest exists, the employee shall, if possible, assign the matter to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

Subd. 8. [PRECEDENCE OF CHAPTER 10A.] Where specific provisions of chapter 10A apply to employees and would conflict with this section, the provisions of chapter 10A shall apply.

Sec. 39. [43A.39] [COMPLIANCE WITH LAW.]

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] All employees shall comply with and aid in all proper ways the enforcement of the provisions of this act. No employee or any other person shall intentionally:

(a) Make any false oral or written statement, mark, rating or report concerning any application, examination, certification or appointment made under provisions of this act or in any manner commit or attempt to commit any fraud preventing the impartial execution of this act;

(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in obtaining, a position in the civil service;

(c) Defeat, deceive or obstruct any person in rights to examination, eligibility, certification or appointment under this act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to appointment, advancement or retention in the classified service;

(d) Violate the provisions of sections 37 or 38; or

(e) If in the classified service, engage in activities prohibited by section 32.

Subd. 2. [NONCOMPLIANCE.] Any employee who intentionally fails to comply with the provisions of this act shall be subject to disciplinary action and action pursuant to chapter 609. An appointing authority shall report in writing to the legislative auditor when there is probable cause to believe that a substantial violation has occurred. Any person convicted of a misdemeanor based on violations of this act shall be ineligible for appointment in the civil service for three years following conviction.

Subd. 3. [VIOLATIONS; POSITION VACATED.] Intentional violation of section 37 may be cause for disciplinary action and conviction of an employee in the classified service under section 32 of this act shall render the position vacant.

Sec. 40. [43A.40] [JOB SHARING; TEMPORARY.]

The purpose of sections 40 to 46 is to increase career opportunities in the Minnesota state service through job sharing.

Sec. 41. [43A.41] [DEFINITIONS.]

Subdivision 1. [INTERPRETATION.] For the purposes of sections 40 to 46 the following terms shall have the meanings given them in this section.

Subd. 2. [AGENCY.] "Agency" means a department, agency, commission, board, institution, or other entity in the executive branch in which all positions are under the same appointing authority.

Subd. 3. [COORDINATOR.] "Coordinator" means the coordinator of the Minnesota demonstration job sharing program.

Subd. 4. [SHARED POSITION.] "Shared position" means a classified position which has been converted from a full-time position into part-time positions of equivalent class for purposes of sections 40 to 46.

Subd. 5. [PROGRAM.] "Program" means the Minnesota demonstration job sharing program.

Subd. 6. [APPROPRIATE SHARED TIME PERCENT.] "Appropriate shared time percent" means the percent of full-time hours allocated to a particular shared time position.

Sec. 42. [43A.42] [POSITIONS AFFECTED.]

A total of 50 full-time positions within agencies of state government shall be selected for inclusion within the program. These positions shall be selected within as few separate agencies as possible, and in no case shall positions be selected in more than ten agencies. No fewer than 15 of these positions shall be either professional, supervisory or managerial positions. In no instance shall a person in a shared time position work less than 40 percent time. No position shall be selected if it is contained in a unit which is represented by an exclusive representative which has a collective bargaining agreement covering the unit unless the exclusive representative agrees to the selection. All shared time positions shall be equivalent in classification to the full-time position from which they are converted.

Sec. 43. [43A.43] [PROGRAM MANAGEMENT.]

Subdivision 1. [COORDINATOR.] The commissioner shall designate from among the employees of the department a coordinator of the program.

Subd. 2. [DUTIES AND POWERS.] The coordinator shall have the following powers and duties to:

(a) Select, in cooperation with the affected agencies and the commissioner, the agencies and the positions within the agencies to be included in the program;

(b) *Design and implement, in cooperation with the affected agencies and the commissioner, an evaluation plan for the program, in accordance with accepted research criteria, to ascertain the effect of job sharing on employee satisfaction, productivity, absenteeism, administrative and supervisory time demands, and increased costs both direct and indirect, as well as any other relevant impact on employer or employee;*

(c) *Coordinate the conversion of full-time to shared positions in the affected agencies and to assist in the design of the shared positions, with attention to employee and employer needs and to the potential for replicability of the program experience in other agencies throughout state government. All shared positions shall be equivalent in classification to the full-time position from which they are converted;*

(d) *Assist the affected agencies and the commissioner in recruitment, selection and hiring for the affected positions;*

(e) *Assist both supervisors and employees in the affected agencies in the transition to shared positions under the program and to recommend to the commissioner any modifications in rules, executive authority or statutes deemed desirable to effectuate the purposes of sections 40 to 46;*

(f) *Monitor the positions selected pursuant to section 41, in cooperation with the affected agencies and the commissioner, throughout the term of the program; and*

(g) *Assist the commissioner in reporting to the governor and the legislature on January 1, 1981 and January 1, 1982. The commissioner's report shall provide an evaluation of the experience of the program, with attention to the items listed in clause (b) in addition to any other relevant information, and shall offer recommendations concerning the further increase of shared positions in the state service.*

Sec. 44. [43A.44] [TOTAL COMPENSATION.]

Subdivision 1. [SALARIES; CLASS.] A position selected by the coordinator pursuant to section 43 shall be divided into shared positions to be paid at the rate of the appropriate shared time percent of the otherwise appropriate salary. The classification of a shared position shall be the same as that applicable to the full-time position from which it is converted.

Subd. 2. [BENEFITS.] Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:

(a) *Membership in the Minnesota state retirement system, the teachers retirement association or the highway patrol retire-*

ment fund, whichever is appropriate. This provision shall be retroactive to July 1, 1980;

(b) Vacation and sick leave accrual at the rate of the appropriate shared time percent of the entitlement of comparable full-time employees;

(c) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(d) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(e) Employees in shared positions shall be entitled to the appropriate shared time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday, the next scheduled working day shall be treated as the holiday;

(f) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(g) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate shared time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable

to the employer shall be allocated, the appropriate shared time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

Sec. 45. [43A.45] [ACCEPTANCE OF SHARED POSITIONS.]

No employee holding a full-time or three-quarter time position on July 1, 1980 shall be required to accept a shared position pursuant to sections 40 to 46.

Sec. 46. [43A.46] [CONFLICTING LAWS.]

Sections 40 to 46 shall be given effect notwithstanding any law or rule to the contrary. Sections 40 to 46 shall not affect, except as expressly provided therein, any existing labor agreement or personnel rule.

Sec. 47. [210A.081] [POLITICAL ACTIVITIES PROHIBITED BY EMPLOYEES OF POLITICAL SUBDIVISIONS.]

No officer, agent, clerk, or employee of any political subdivision shall, directly or indirectly, during his hours of employment solicit or receive funds or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

Sec. 48. [TRANSITIONAL PROVISIONS.]

All rights, privileges, liabilities and obligations possessed or created under chapter 43, shall be continued if they are consistent and compatible with the provisions of this act.

Sec. 49. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes is instructed to remove any remaining references to chapter 43 or sections thereof and replace them with appropriate references to chapter 43A or sections thereof.

Sec. 50. [REPEALER.]

Minnesota Statutes, Chapter 43 is repealed. Section 2, subdivision 22; section 4, subdivisions 1 and 4; section 8; section 13;

section 15; section 17, subdivisions 2 and 3; section 18, subdivisions 3 and 4; section 33; and section 38 are repealed effective June 30, 1982; sections 40 to 46 are repealed effective June 30, 1982.

Sec. 51. [EFFECTIVE DATE.]

This act is effective July 1, 1981."

Further, amend the title as follows:

Page 1, line 5, after the semicolon, insert "proposing new law coded in Minnesota Statutes, Chapter 210A;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 924, A bill for an act relating to crimes; authorizing state funding for the Minnesota automated fingerprint identification network; appropriating money; amending Minnesota Statutes 1980, Sections 299C.46; and 299C.48.

Reported the same back with the following amendments:

Page 3, line 7, after "\$" insert "904,000"

Page 3, line 12, after "\$" insert "313,000"

Page 3, line 15, after "These" insert "operating"

Page 3, line 19, after the period insert "*Included in this appropriation is \$55,000 for site preparation necessary for the installation of this equipment.*"

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

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 933, A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regu-

latory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34; proposing new law coded in Minnesota Statutes, Chapter 327.

Reported the same back with the following amendments:

Page 1, line 21, strike "includes" and insert "*means*"

Page 3, line 12, reinstate "any"

Page 3, line 13, delete "*any structural system*" and insert "*foundation system or other structural method*"

Page 3, line 17, strike "device"

Page 3, line 17, delete "*or combination of devices*"

Page 3, line 17, strike "connected to a"

Page 3, line 18, delete "*manufactured*" and strike "home and designed"

Page 3, line 18, insert "*method used*" before "for"

Page 3, line 19, after "to" insert "*a foundation system or*"

Page 3, line 25, before the period insert "*, except manufactured homes installed on a foundation system*"

Page 3, line 27, after "commissioner" insert "*to a manufactured home installer*"

Page 4, line 21, after "a" insert "*factory built*"

Page 4, after line 24, insert:

"Subd. 20. [FOUNDATION SYSTEM.] "*Foundation system*" means a permanent foundation constructed in conformance with the state building code."

Page 5, line 26, strike "may" and insert "*shall*"

Page 6, line 13, before "standards" insert "*installation*"

Page 7, line 36, delete "*the*" and insert "*states*"

Page 8, line 1, delete "*states*"

Page 11, line 28, after "or" delete "any" and insert "a"

Page 12, line 22, before "ACCESS" insert "REASONABLE"

Page 12, line 24, after "access" insert "at any reasonable time"

Page 12, line 26, after "permit" insert "reasonable"

Page 12, line 26, after "inspection" insert "at any reasonable time"

Page 12, line 27, after "or" insert "reasonable"

Page 13, line 18, delete "additions" and insert "editions"

Page 13, line 20, after "appears" insert "except in section 327.36"

Page 13, after line 20, insert a section to read:

"Sec. 7. [327.36] [APPLICATION TO LOCAL OFFICIAL CONTROLS.]

For purposes of local land use controls adopted before the effective date of this act pursuant to chapters 462, 394, and 366 or special law, mobile homes shall be defined to include the term "manufactured homes" as used in sections 327.31 to 327.36."

Page 13, delete lines 21 to 23

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 968, A bill for an act relating to peace officers; creating the Minnesota law enforcement training account; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.86] [MINNESOTA LAW ENFORCEMENT TRAINING ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] *The Minnesota law enforcement training account is created as a separate account in the general fund of the state treasury.*

Subd. 2. [PURPOSES.] *All penalty assessments collected pursuant to section 3 for violations of Minnesota Statutes, Chapters 168 to 173 or an equivalent local traffic ordinance and forwarded to the state treasurer shall be deposited in the Minnesota law enforcement training account. All money in the state treasury credited to the Minnesota law enforcement training account is annually appropriated to the Minnesota board of peace officer standards and training for the purpose of providing law enforcement financial assistance to local units of government. Financial assistance shall be available for board approved skill courses and in-service training under Minnesota Statutes, Chapters 214 and 626.*

Subd. 3. [DISBURSEMENTS.] *Disbursements from the account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the board of peace officer standards and training.*

Subd. 4. [ALLOCATION OF DISBURSEMENTS.] *Disbursements of funds pursuant to subdivision 3 shall be made according to the following method for the purposes of subdivision 2:*

(a) *Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the boards skills licensing examination.*

(b) *To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.*

Sec. 2. [626.861] [CRIME VICTIMS ASSISTANCE ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] *The crime victims assistance account is created as a separate account in the general fund of the state treasury.*

Subd. 2. [APPROPRIATION; PURPOSE.] *All penalty assessments collected pursuant to section 3 for petty misdemeanors or for violations of the criminal laws of this state, except for penalty assessments imposed for violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances and forwarded to the state treasurer shall be deposited in the crime victims assistance account. All money in the state trea-*

sury credited to the crime victims assistance account is annually appropriated to the crime victims reparations board for the purposes authorized by sections 299B.01 to 299B.17.

Subd. 3. [DISBURSEMENTS.] Disbursements from the crime victims assistance account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the crime victims reparations board.

Sec. 3. [626.862] [LEVY AND COLLECTION OF PENALTY ASSESSMENTS.]

Subdivision 1. [LEVY OF ASSESSMENT.] On and after the effective date of sections 1, 2, and 3, there is levied a penalty assessment of ten percent on each fine imposed and collected by the courts of this state for petty misdemeanors or for criminal or traffic offenses, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Subd. 2. [PAYMENT GUIDELINES.] The sentencing court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, authorize payment of the penalty assessment in installments. If the convicted person is sentenced and committed to imprisonment, the chief executive officer of the institution in which the person is confined may collect the assessment from any earnings the inmate shall accrue for work performed in the institution or while on conditional release therefrom under the provisions of Minnesota Statutes, Sections 241.26 or 631.425 and forward same to the clerk of the court in which he was sentenced, for transmittal to the state treasurer in the manner provided in section 3, subdivision 3.

The court may decline to impose a penalty assessment or may forgive payment of a penalty assessment previously imposed, in cases where undue hardship cannot otherwise be avoided.

Subd. 3. [COLLECTION BY COURT.] After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county treasurer separately but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the Minnesota law enforcement training account or in the victim assistance account, whichever account is designated by the transmitting court, in the same manner as fines collected for the state by a county.

Sec. 4. Minnesota Statutes 1980, Section 171.16, Subdivision 3, is amended to read:

Subd. 3. [SUSPENSION FOR FAILURE TO PAY FINE.] When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine (ONLY) or had a penalty assessment levied against him or her, or sentenced to a fine upon which a penalty assessment was levied, and (3) has refused or failed to comply with that sentence or to pay the penalty assessment, notwithstanding the fact that the court has determined that the person has the ability to pay the fine or penalty assessment, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or penalty assessment, or both if a fine and penalty assessment were not paid, has been paid.

Sec. 5. Minnesota Statutes 1980, Section 299B.06, is amended to read:

299B.06 [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; (AND)

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied; *and*

(f) prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it from the crime victims assistance account, including the name and address of each recipient of money from that account, the amount awarded, and the purpose of the award.

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 299B.01 to 299B.16 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 299B.01 to 299B.16;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; (AND)

(h) reconsider any decision granting or denying reparations or determining their amount; *and*

(i) make, receive, manage, control, and disburse all moneys in the crime victims assistance account established in section 2.

Sec. 6. Minnesota Statutes 1980, Section 588.01, Subdivision 3, is amended to read:

Subd. 3. [CONSTRUCTIVE.] Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) Misbehavior in office, or other wilful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) Disobedience of any lawful judgment, order, or process of the court;

(4) Assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

(6) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) Any other unlawful interference with the process or proceedings of a court;

(8) Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court;

(10) Disobedience, by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after the same has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) *Failure or refusal to pay a penalty assessment levied pursuant to section 3.*

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective July 1, 1981. Section 1 applies to all violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances except parking violations committed on or after that date; section 2 applies to all non-traffic petty misdemeanors and criminal offenses committed on or after that date; and section 3 applies to all petty misdemeanors, criminal offenses, and violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances except parking violations committed on or after that date."

Delete title and insert:

"A bill for an act relating to penalties for crimes; creating the Minnesota law enforcement training account and the crime victim assistance account; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 299B.06; 588.01, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 626."

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 996, A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.091; 354.092; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1980, Section 354.06, Subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president. It shall elect an executive director, and fix his salary and the salary of the assistant executive director in the unclassified service. The executive director shall serve during the pleasure of the board and be the executive officer of the

board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of this chapter shall be paid by the fund. The executive director shall be appointed by the board on the basis of fitness, experience in the retirement field and leadership ability. The executive director shall have had at least five years of experience on the administrative staff of a major retirement system.

Sec. 2. Minnesota Statutes 1980, Section 354.06, Subdivision 2a, is amended to read:

Subd. 2a. The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as advisor to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant *executive director in the unclassified service* and two assistant *executive directors in the classified service* with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) Certify funds available for investment to the state board of investment;

(13) With the advice and approval of the board request the state board of investment to sell securities when he determines that funds are needed for the purposes of the association;

(14) Prepare and submit biennial and annual budgets to the board and with the approval of the board submit such budgets to the department of administration; and

(15) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

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

Page 2, line 13, strike "*must*" and insert "*shall*"

Page 2, line 19, strike "*must*" and insert "*shall*"

Page 2, line 24, strike "*his*" and insert "*the*"

Page 2, line 25, after "*credit*" insert "*of the member*"

Page 2, after line 29, insert:

"Sec. 3. Minnesota Statutes 1980, Section 354.41, is amended by adding a subdivision to read:

Subd. 9. Any member who has been granted a leave of absence to serve as an elected officer of a professional teachers organization shall be entitled to acquire allowable service credit for the period of leave. To acquire the allowable service credit, the member shall make any required employee contributions currently during the period of the leave, which shall be based upon the contract salary for which the member would have been eligible if the member had not been granted the leave of absence and shall be consistent with the contract in force for the year occurring immediately prior to the commencement of the leave of absence. Any shortage which occurs in the amount of required employee contributions for any year may be paid directly to the fund with interest at the rate of six percent per annum compounded annually on or prior to the last day of the fiscal year next following the occurrence of the shortage."

Page 2, line 34, strike "he" and insert "*the member*"

Page 4, line 1, after "date" insert "*on which*"

Page 4, line 6, strike "said" and insert "*the*"

Page 4, line 22, strike "such" and insert "*any*"

Page 4, line 24, strike "him" and insert "*the member*"

Page 4, line 27, strike "him" and insert "*the member*"

Page 4, line 32, delete "he" and insert "*the commissioner*"

Page 4, line 36, delete "such" and insert "*those*"

Page 5, line 4, delete "said"

Page 5, line 5, delete "his"

Page 5, line 6, delete "to him"

Page 5, line 34, after the period, insert "If the shortage payment is not paid by the employing unit within 60 days of notification, the executive director shall certify the amount of the shortage payment to the applicable county auditor, who shall spread a levy in the amount of the shortage payment over the taxable property of the taxing district of the employing unit if the employing unit is supported by property taxes, or to the commissioner of finance, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit if the employing unit is not supported by property taxes."

Page 6, line 6, strike "such" and insert "*the*"

Page 6, line 16, strike "him" and insert "*the state treasurer*"

Page 6, line 18, strike "upon him"

Page 7, line 13, strike the first "such" and insert "*the*" and strike "such date" and insert "*the end of the previous fiscal year*"

Page 7, line 27, strike "said" and insert "*the*"

Page 7, line 31, strike "will" and insert "*shall*"

Page 7, line 34, strike the first "such" and insert "*the*" and strike "such date" and insert "*the end of the previous fiscal year*"

Page 7, line 35, strike "his" and insert "*the*"

Page 8, line 11, strike "such" and insert "*the*"

Page 8, line 12, strike "such date" and insert "*the end of the previous fiscal year*"

Page 8, line 21, strike "he" and insert "*the member*"

Page 8, line 24, strike "will" and insert "*shall*"

Page 8, line 30, strike "will" and insert "*shall*"

Page 8, line 33, strike "shall"

Page 8, line 35, strike "his" and insert "*the*" and after "accumulation" insert "*of the member*"

Page 9, line 5, strike "Such" and insert "*The*"

Page 9, line 6, strike "board of trustees" and insert "*executive secretary*"

Page 9, after line 6, insert:

"Sec. 12. [EFFECTIVE DATE.]

This act is effective on the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "Sections" insert "354.06, Subdivisions 2 and 2a;"

Page 1, line 6, after "354.092;" insert "354.41, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1059, A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Reported the same back with the following amendments:

Page 1, line 13, strike "the former by direct"

Page 1, lines 13 and 14, delete "*or circumstantial evidence*"

Page 1, line 14, strike "and the latter"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1071, A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

Reported the same back with the following amendments:

Page 1, line 15, delete "*for each*" and insert "*in any two*"

Page 1, delete line 16 and insert "*has shown that no contribution to other municipal funds has been made from the net income*"

Page 1, line 17, delete "*than 25 percent over a period*" and insert "*of the operation in any two*"

Page 1, line 21, after the period insert "*Two weeks notice, written in clear and easily understandable language, of the hearing shall be printed in the city's official newspaper.*"

Page 2, delete lines 3 to 8

Renumber the section

Page 2, line 13, delete "in a newspaper published in the"

Page 2, line 14, delete "city or if there is no newspaper in the city then"

Page 2, line 15, after the period insert "The statement shall be headlined, in a type size no smaller than 18 point, "Analysis of (city) municipal liquor store operations for (year)" and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and/or from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall be prescribed by the state auditor."

Amend the title as follows:

Page 1, lines 3, 4, and 5 delete "restricting expenditure of public funds for liquor store operation;"

Page 1, line 8, delete "Chapters 426 and" and insert "Chapter"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1072, A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Renumber the sections

Amend the title as follows:

Page 1, lines 2 and 3, delete "clarifying the meaning of reprisal;"

Page 1, line 9, delete "363.03, Subdivision 7;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1086, A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 115A.03, Subdivision 15, is amended to read:

Subd. 15. "Intrinsic suitability" of a land area or site means that, (BECAUSE OF) *based on existing data on the inherent and natural attributes, physical features, and location of the land area or site, there is no known reason why the waste facility proposed to be located in the area or site (WOULD NOT BE LIKELY TO RESULT IN MATERIAL HARM TO THE PUBLIC HEALTH AND SAFETY AND NATURAL RESOURCES AND THAT THEREFORE THE PROPOSED FACILITY CAN) cannot reasonably be expected to qualify for permits in accordance with agency rules. Agency certification of intrinsic suitability shall be based on data submitted to the agency by the proposing entity and data included by the hearing examiner in the record of any public hearing on recommended certification, and applied against criteria in agency rules and any additional criteria developed by the agency in effect at the time the proposing entity submits the site for certification.*

Sec. 2. Minnesota Statutes 1980, Section 115A.03, Subdivision 29, is amended to read:

Subd. 29. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and con-

centrated by a municipal wastewater treatment plant (FOR DISPOSAL AT A SEWAGE SLUDGE DISPOSAL FACILITY). Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sec. 3. Minnesota Statutes 1980, Section 115A.05, Subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] For the the purposes of each project review conducted by the board under sections 115A.18 to 115A.30 and 115A.32 to 115A.39 and for the purpose of preparing and adopting the hazardous waste management plan under section 115A.11 and making decisions on the elements of the certification of need for disposal required under sections 115A.18 to 115A.30, six local representatives shall be added to the board as temporary voting members, as provided in sections 115A.22, subdivision 4, and 115A.34. The provisions of section (15.075) *15.075, subdivisions 3 and 4* relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on board activities *and that appointments by the governor to fill vacancies shall take effect in the same manner as the original appointment.*

Sec. 4. Minnesota Statutes 1980, Section 115A.06, Subdivision 4, is amended to read:

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the board pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39, *and any temporary interest in any land subject to the development moratorium established by section 115A.21, subdivision 3.* Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections 115A.57 to 115A.59. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the pur-

pose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of (SITES AND BUFFER) preferred areas under section 115A.09 or as a candidate site under section 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 5. Minnesota Statutes 1980, Section 115A.06, is amended by adding a subdivision to read:

Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), sales information, or any other information which, if public, would tend to adversely affect the competitive position of the subject of the data, shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c if the subject of the data has certified that the data qualifies as non-public or private data under this subdivision and the chairman of the waste management board approves the classification in writing. When data is classified private or non-public pursuant to this subdivision the board may:

(a) Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or

(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation.

The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board.

Sec. 6. Minnesota Statutes 1980, Section 115A.08, Subdivision 4, is amended to read:

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.] By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

(a) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications and an explanation of the preliminary design and operating specifications for disposal facilities selected for consideration under section 115A.23;

(b) an evaluation of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(c) an evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of the alternatives to reduce the need for and practice of disposal;

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those objectives.

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated. The report shall include a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 115A.11, and a draft certificate or certificates of need proposed for issuance under section 115A.24.

Sec. 7. Minnesota Statutes 1980, Section 115A.08, Subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited

to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Sec. 8. Minnesota Statutes 1980, Section 115A.08, Subdivision 6, is amended to read:

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By January 1, 1981 the board through its chairperson shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. The board and the chairperson on behalf of the board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility (SITES) areas prepared pursuant to section 115A.09. The board and the chairperson on behalf of the board shall follow the procedures set out in section 115A.22, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports required by subdivisions 4 and 5, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under sections 115A.18 to 115A.30. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 9. Minnesota Statutes 1980, Section 115A.09, is amended to read:

115A.09 [DUTIES OF THE BOARD; INVENTORY OF PREFERRED (SITES) AREAS FOR HAZARDOUS WASTE PROCESSING FACILITIES.]

Subdivision 1. [BOARD RESPONSIBILITY.] By (NOVEMBER) *January 1, (1981) 1982*, the board shall prepare an inventory of preferred (SITES) *areas of up to ten square miles in size* for commercial hazardous waste processing facilities. *No preferred area may extend into more than one statutory or home rule charter city or town, but the board may propose adjoining preferred areas in adjacent cities and towns.* The inventory shall include at least three (SITES) *areas* for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [EVALUATION OF (SITES) AREAS.] The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of (SITES) *areas* under this section. The board and the chairperson on behalf of the board shall evaluate the (SITES) *areas* in consultation with the board's advisory councils, the affected counties and regions, generators of hazardous waste, and prospective facility developers. The evaluation shall consider at least the consistency of (SITES) *areas* with state and federal regulations, local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential (SITES) *areas*, and the location of hazardous waste generators. (NO SITE SHALL BE INCLUDED IN THE INVENTORY UNLESS THE AGENCY CERTIFIES ITS INTRINSIC SUITABILITY FOR THE USE INTENDED. NO LAND SHALL BE EXCLUDED FROM CONSIDERATION FOR INCLUSION IN THE INVENTORY EXCEPT LAND DETERMINED BY THE AGENCY TO BE INTRINSICALLY UNSUITABLE) *The agency shall prepare a report on the suitability of each proposed area for the use intended.*

Subd. 3. [PROCEDURES.] The board shall propose the inventory of (SITES) *areas* by (JUNE) *August 1, 1981* by publication in the state register and newspapers of general circulation in the state and by mail to each regional development commission, metropolitan council, and local government unit containing a proposed (SITE) *area.* (ANY) *The publications and mailing shall include notice of* (PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR INCLUSION IN THE INVENTORY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) *hearings on the board's proposal. The hearings shall be conducted by the state office of administrative hearings in a manner determined by the hearing examiner to be consistent with the completion of the proceedings and the examiner's report in the time allowed by this section. At the hearing, any*

(COUNTY) local government unit in which (A SITE) an area is proposed for inclusion in the inventory may propose an alternative (SITE) area or (SITES) areas within (THE COUNTY) its jurisdiction. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed area or alternative areas which is relevant to the board's decision on the areas to be included in the inventory. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. When any (SITE) area in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other (SITE) area in the inventory may be reviewed and approved under sections 115A.32 to 115A.39. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board through its chairperson may make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board through its chairperson shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 10. Minnesota Statutes 1980, Section 115A.11, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] By (MAY 1) December 15, 1982, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial disposal facility in the state.

Sec. 11. Minnesota Statutes 1980, Section 115A.19, is amended to read:

115A.19 [PROCEDURE NOT EXCLUSIVE.]

Except as provided in Minnesota Statutes 1980, Section 115A.21, Subdivision 1, the procedure established by sections 115A.18 to 115A.30 for the permitting of hazardous waste disposal facilities shall not preclude the issuance of permits by the agency pursuant to section 116.07 for disposal facilities at sites not reviewed under sections 115A.18 to 115A.30.

Sec. 12. Minnesota Statutes 1980, Section 115A.20, is amended to read:

115A.20 [EVALUATION OF SITES.]

The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under sections 115A.18 to 115A.30, nor shall the agency be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability of sites for commercial disposal facilities under sections 115A.18 to 115A.30. In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility, including proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) intrinsic suitability of the sites;

(c) federal and state pollution control and environmental protection rules;

(d) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(e) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(f) the adverse effects of a facility at the site on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and require-

ments respecting the design and operation of a disposal facility at the proposed site.

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 13. Minnesota Statutes 1980, Section 115A.21, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] By (AUGUST 1, 1981) *March 15, 1982*, the board shall select six locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency (ON AUGUST 1, 1981,) may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites. *The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site.*

Sec. 14. Minnesota Statutes 1980, Section 115A.21, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] As soon as practicable, the board through its chairperson shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The board may select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize any conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under sections 115A.18 to 115A.30 and the hazardous waste reports and plans required under sections 115A.04 to 115A.15. The notification shall request recommendations and

suggestions from each such commission, the metropolitan council, and local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. *The board shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than November 1, 1981.* By (MAY 1) November 15, 1981, the board shall propose at least six locations as candidate sites, the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable, and the board through its chairperson and the director shall publish notice of hearings on the board's proposal and the director's recommendations. Notice shall be published in the state register and newspapers of general circulation in the state and shall (NOTIFY) be sent by mail to all regional development commissions, or the metropolitan council, and to local government units containing a proposed candidate site. (ANY PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR CANDIDACY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) *The hearings shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency and board in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify sites accordingly by March 1, 1982. No action of the board or agency shall be held invalid by reason of the board's or agency's failure to notify any of the entities listed in this subdivision.*

Sec. 15. Minnesota Statutes 1980, Section 115A.22, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By (SEPTEMBER 1, 1981) April 15, 1982, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected

local units of government before selecting members. Members may be added to the local committee from time to time by the governor.

Sec. 16. Minnesota Statutes 1980, Section 115A.22, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By (OCTOBER 1, 1981) *May 15, 1982*, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under sections 115A.18 to 115A.30. *If a local committee fails to appoint a temporary board member within 45 days after the appointment of the committee the governor shall appoint a temporary board member to represent the committee on the board.* Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. *Temporary board members shall serve for terms lasting until the board has taken final action pursuant to section 115A.28 and, in the case of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*

Sec. 17. Minnesota Statutes 1980, Section 115A.23, is amended to read:

115A.23 [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.]

By (JANUARY 1) *August 15, 1982*, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste in sufficient detail and extent in the judgment of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 115A.25. The preliminary design and operating specifications shall not be final and shall not preclude the consideration of other specifications nor foreclose the subsequent addition by the board of other disposal facility alternatives.

Sec. 18. Minnesota Statutes 1980, Section 115A.24, is amended to read:

115A.24 [CERTIFICATION OF NEED.]

By (MAY 1) *December 15, 1982*, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be

needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 19. Minnesota Statutes 1980, Section 115A.26, is amended to read:

115A.26 [AGENCIES; PERMIT CONDITIONS.]

Within 60 days following (THE ACCEPTANCE) *determination of adequacy* of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, each permitting state agency shall issue a notice of intent to issue permits, indicating the terms, conditions, and requirements of agency approval for all permits needed at each candidate site for the establishment of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.

Sec. 20. Minnesota Statutes 1980, Section 115A.28, Subdivision 2, is amended to read:

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that a facility*

established pursuant to the decision shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's decision and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3. The permitting agencies shall issue permits within 60 days following and in accordance with the board's final decision, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 21. Minnesota Statutes 1980, Section 115A.33, is amended to read:

115A.33 [ELIGIBILITY; REQUEST FOR REVIEW.]

The following persons shall be eligible to request supplementary review by the board pursuant to sections 115A.32 to 115A.39: (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area; (c) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only; (d) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to section 115A.09; (e) *a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person.* The metropolitan waste control commission shall not be eligible to request review under clause (a) for a sewage sludge disposal facility. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a solid waste facility with a proposed permitted life of longer than four years. The board may require completion of a plan conforming to the requirements of section 115A.46, before granting review under clause (b). A request for supplementary review shall show that the required permits for the facility have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility.

Sec. 22. Minnesota Statutes 1980, Section 115A.34, is amended to read:

115A.34 [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]

Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under sections 115A.32 to 115A.39, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the chairperson of the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. *If the appointing authority fails to appoint temporary board members in the period allowed, the governor shall appoint the temporary members to represent the local interests in accordance with this section.* Temporary board members shall serve for terms lasting until the board has taken final action on the facility.

Sec. 23. Minnesota Statutes 1980, Section 115A.37, Subdivision 2, is amended to read:

Subd. 2. [DECISION PARAMOUNT.] The decision of the board to approve a facility shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that the facility shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's approval and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3.* The permitting agencies shall issue or amend the permits for the facility within 60 days following and in accordance with the final decision of the board, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of the facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 24. Minnesota Statutes 1980, Section 115A.54, Subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the (AGENCY) board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 25. Minnesota Statutes 1980, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it

may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall

be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 26. Minnesota Statutes 1980, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for (THE DISPOSAL OF)

sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of (DISPOSAL) facilities, and operation of (DISPOSAL) facilities and (DISPOSAL) sites. The agency shall promulgate temporary rules for sewage sludge (DISPOSAL) pursuant to section 15.0412, subdivision 5. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public utilities commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221. In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste gen-

erators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 27. Minnesota Statutes 1980, Section 116.41, Subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons operating facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. *Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.*

Sec. 28. Minnesota Statutes 1980, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, transportation, processing, disposal, and storage of hazardous waste, (d) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent

jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. (ANY ORDINANCE UNDER THIS SECTION SHALL EMBODY STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE OF THE AGENCY.) *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, modifying, imposing conditions upon, or revoking permits (PURSUANT TO THE PROVISIONS OF THIS SECTION) or licenses and county hazardous waste regulations (PROMULGATED HEREUNDER) and ordinances shall be subject to review, denial, suspension, modification, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, deny, suspend, modify, or reverse the action of the county. After (15 DAYS) this period, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.*

Sec. 29. Minnesota Statutes 1980, Section 473.149, Subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By (OCTOBER 1, 1981) *February 1, 1982*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983.

Sec. 30. Minnesota Statutes 1980, Section 473.149, Subdivision 2c, is amended to read:

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] By (JANUARY 1) *August 15, 1982*, the council shall report to the legislative commission on methods of mitigating

and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Sec. 31. Minnesota Statutes 1980, Section 473.149, Subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. *The schedule shall also include a closure schedule and plans for post-closure management for facilities in existence prior to January 1, 1983.*

Sec. 32. Minnesota Statutes 1980, Section 473.149, is amended by adding a subdivision to read:

Subd. 4a. [RIGHT OF ACCESS.] *Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under chapter 473, the council or any member, employee, or agent thereof, when authorized by it, may enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations if the entrance and activity are undertaken after reasonable notice and during nor-*

mal business hours. The council shall compensate for any damage to the property caused by the entrance and activity.

Sec. 33. Minnesota Statutes 1980, Section 473.153, Subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish (AT LEAST ONE FACILITY FOR SEWAGE SLUDGE DISPOSAL AND AT LEAST ONE FACILITY FOR SOLID WASTE DISPOSAL) *the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.*

Sec. 34. Minnesota Statutes 1980, Section 473.153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By (JULY) November (1) 15, 1981, the council shall select (THREE) *six* candidate sites for the disposal of the commission's sewage sludge and (THREE CANDIDATE SITES FOR THE DISPOSAL OF THE COMMISSION'S) solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its (APPARENT) intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the (AGENCY) council. *The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent*

with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by November 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 35. Minnesota Statutes 1980, Section 473.153, Subdivision 6, is amended to read:

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission (AS A SEWAGE SLUDGE DISPOSAL FACILITY AND AT LEAST ONE OF THE CANDIDATE SITES FOR ACQUISITION AND DEVELOPMENT BY THE COMMISSION AS A SOLID WASTE DISPOSAL FACILITY.) Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 36. Minnesota Statutes 1980, Section 473.516, Subdivision 4, is amended to read:

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes

of the program. *The commission shall attempt to the greatest practical extent to provide a sludge quality that permits desired nutrient loadings and minimizes elements not essential for plant growth when sludge is disposed of on private property as a soil conditioner or amendment. The commission shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.*

Sec. 37. Minnesota Statutes 1980, Section 473.801, is amended by adding a subdivision to read:

Subd. 4. Unless otherwise provided the definitions of terms defined in section 115A.03 shall apply to sections 473.801 to 473.823.

Sec. 38. Minnesota Statutes 1980, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By (JUNE) October (1) 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be (PROPOSED BY THE COUNTY OR APPROVED) adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county (OR AGENCY). Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. *Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites re-*

quired for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 39. Minnesota Statutes 1980, Section 473.811, Subdivision 2, is amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. *The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475.* No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Sec. 40. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 2a. [COUNTY SOLID WASTE INDUSTRIAL DEVELOPMENT REVENUE BONDS.] *A metropolitan county may issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in section 368.01 under and pursuant to the provisions of chapter 474.*

Sec. 41. Minnesota Statutes 1980, Section 473.811, Subdivision 3, is amended to read:

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951,

Chapter 556, as amended shall not apply to the sale of the materials or energy (PROVIDED THAT THE DEALINGS OF EACH COUNTY SHALL BE ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE ON THE PART OF THE COUNTY).

Sec. 42. Minnesota Statutes 1980, Section 473.811, Subdivision 4, is amended to read:

Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county may contract for the acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste and may contract with any person for the operation (AND) or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation (AND) or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county may warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.

Sec. 43. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 4b. [CONTRACTS; NEGOTIATION.] Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction management agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with section 574.26 if a construction management agreement provides for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted

to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of the facilities and negotiated with the same person.

Sec. 44. Minnesota Statutes 1980, Section 473.811, Subdivision 5b, is amended to read:

Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, storage, transportation, processing, and disposal of hazardous waste, and (d) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days.* Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days *in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances* to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in Chapter 15.

Sec. 45. Minnesota Statutes 1980, Section 473.811, Subdivision 8, is amended to read:

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, *or may be sold in such other manner and on such terms and conditions as the county board shall determine.* Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county

shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 46. Minnesota Statutes 1980, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] (FOLLOWING THE ADOPTION OF THE REVISIONS TO ITS POLICY PLAN REQUIRED BY SECTION 473.149, SUBDIVISION 2C,) The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in Chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. *The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council.* The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Sec. 47. Minnesota Statutes 1980, Section 473.833, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Each metropolitan county shall select and acquire sites and buffer areas for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 48. Minnesota Statutes 1980, Section 473.833, is amended by adding a subdivision to read:

Subd. 2a. [ENVIRONMENTAL ANALYSIS.] *By January 1, 1983, each metropolitan county shall complete an analysis comparing the environmental effects of solid waste disposal fa-*

cilities at the sites in the county which are included in the metropolitan inventory of solid waste disposal sites adopted by the metropolitan council pursuant to section 473.149, subdivision 2b. The analysis shall be in detail sufficient, in the judgment of the county board, to inform adequately the county site selection authority established under subdivision 3 of the environmental effects of facilities at sites within the county and to assure that facilities at the sites can reasonably be expected to qualify for permits in accordance with the rules of the agency.

Sec. 49. Minnesota Statutes 1980, Section 473.834, Subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned and certified by the council to each (CITY AND TOWN) county in the metropolitan area, in the proportion that the assessed value of all taxable property within (SUCH CITY OR TOWN) each county bears to the assessed value of the taxable property in all (SUCH CITIES AND TOWNS, AS LAST FINALLY EQUALIZED BEFORE OCTOBER 1 IN THE YEAR IN WHICH THE ALLOCATION IS MADE) the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by subdivision 3.

Sec. 50. [APPROPRIATIONS.]

Subdivision 1. The appropriation of \$1,200,000 made available for certain purposes before June 30, 1981, by Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 3, Clause (b), is available for expenditure for those purposes until expended.

Subd. 2. The appropriation made in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 4, Clause (b), is available until expended.

Subd. 3. The two positions in the unclassified service created in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6, shall not cancel when the appropriation is expended. The continuation of the positions is dependent upon the availability of money in the general services revolving fund, resource recovery account established in section 115A.15, subdivision 6.

Sec. 51. [REPEALER.]

Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5, are repealed.

Sec. 52. [EFFECTIVE DATE; APPLICATION.]

This act is effective the day following final enactment. Sections 29 to 50 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to the environment; clarifying terms, procedures, powers, and duties in the waste management act and for counties and metropolitan waste management; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c, 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.516, Subdivision 4; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, 8, and by adding subdivisions; 473.831, Subdivision 1; 473.833, Subdivision 2, and by adding a subdivision; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5."

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

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1142, A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal meeting room.

Reported the same back with the following amendments:

Page 1, line 11, delete "*city hall,*"

Page 1, line 12, delete "*, and municipal meeting room*" and insert "*as authorized by the electors of the city at the election held on March 4, 1980*"

Page 1, line 14, delete "*no election shall be required*"

Page 1, delete line 15

Pages 1 and 2, delete section 2

Renumber the section

Amend the title as follows:

Page 1, line 3, delete "city"

Page 1, line 4, delete "hall," and " , and municipal meeting room"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1166, A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553, Subdivisions 2 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.553, is amended to read:

473.553 [COMMISSION; MEMBERSHIP; ADMINISTRATION.]

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. [MEMBERSHIP.] The commission shall consist of (SIX) *eight* members (,) appointed (BY THE GOVERNOR DURING THE PERIOD BEFORE SUBSTANTIAL COMPLETION OF CONSTRUCTION OF SPORTS FACILITIES PURSUANT TO SECTIONS 473.551 TO 473.595 AND THEREAFTER) as (HEREINAFTER) provided in *this subdivision*, plus a chairman appointed as provided in subdivision 3. *Six members shall be appointed by the governor. Initial appointments of these members shall be made within 30 days of May 17, 1977. One member shall be appointed by the governor from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed by the governor from outside the metropolitan area. (UPON SUBSTANTIAL COMPLETION OF CONSTRUCTION OF THE SPORTS FACILITY, VACANCIES OCCURRING ON THE COMMIS-*

SION, WHETHER AT THE COMPLETION OF OR PRIOR TO THE COMPLETION OF A MEMBER'S TERM, SHALL BE FILLED BY THE CITY COUNCIL OF THE CITY IN WHICH THE STADIUM IS LOCATED) *Commencing on April 1, 1982, two members shall be appointed by the city council of the city in which the stadium is located.*

Subd. 3. [CHAIRMAN.] The chairman shall be appointed by the governor as the (SEVENTH) *ninth* voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] Each member (APPOINTED PRIOR TO SUBSTANTIAL COMPLETION OF CONSTRUCTION OF A SPORTS FACILITY CONSTRUCTED PURSUANT TO SECTIONS 473.551 TO 473.595) shall be a resident of the precincts or area of the state for which he is appointed (. A MEMBER APPOINTED AT ANY TIME) and shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. *Only one of the members appointed by the city may be an elected public official.* Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. [TERMS.] The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the (OTHER) *members representing precincts D and E and F and H, the term of the other member from outside the metropolitan area, and the term of the chairman shall end the first Monday in January, 1983. The terms of the members appointed by the city council shall end the first Monday in January, 1985.* After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chairman may be removed in the manner specified in chapter 351.

Sec. 2. [APPLICATION.]

This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."

Amend the title as follows:

Page 1, line 5, delete “, Subdivisions 2 and 4”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1223, A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; proposing new law coded in Minnesota Statutes, Chapter 353.

Reported the same back with the following amendments:

Page 1, line 20, delete “, *by written*”

Page 1, delete line 21

Page 1, line 22, delete “*with the board,*”

Page 1, line 23, after “*association.*” insert “*The election of exclusion shall be made within 30 days following the commencement of employment or within 30 days following the effective date of this act, whichever occurs later, in writing on a form prescribed by the executive director and shall be approved by a resolution of the governing body of the city. The election of exclusion shall not be effective until it is filed with the executive director.*”

Page 1, line 25, delete “*board*” and insert “*executive director*”

Page 1, line 25, after “*specified.*” insert “*The election to be excluded from membership shall include a provision agreeing that the person will not at any time in the future seek any authorization to purchase service credit for any period of excluded service and shall be irrevocable.*”

Page 2, line 1, delete “*When*” and insert “*If*”

Page 2, line 2, after “*election*” insert “*of exclusion*” and after “*made*” insert “, and if the city manager and the governing body of the city agree in writing that the additional compensation is to be deferred and shall be contributed on behalf of the city manager to a deferred compensation program which meets the requirements of section 457 of the federal Internal Revenue Code of 1954, as amended through December 31, 1980,”

Page 2, line 7, after "*association*" delete the balance of the line and insert a period

Page 2, delete lines 8 to 10

Page 2, line 13, after "*or*" insert "*, if otherwise qualified,*"

Page 2, line 18, delete "*city manager is*" and insert "*election shall be*"

Page 2, line 19, after "*have*" insert "*been*" and delete "*the election*"

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "home-owners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal

income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code

of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; (AND)

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30 (.) ; and

(20) *To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 1, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association.*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A

of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b) (6) ;

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b) (6) ;

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a

credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and

(18) Minnesota exempt-interest dividends as provided by subdivision 27.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.-972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner."

Renumber the remaining section.

Amend the title as follows:

Page 1, line 3, after "managers;" insert "modifying the income taxation of deferred compensation contributions by certain

city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1294, A bill for an act relating to the city of Granite Falls; authorizing the establishment of a community development program and providing powers for it.

Reported the same back with the following amendments:

Page 6, after line 14, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after compliance by the governing body of the city of Granite Falls with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 400, A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 626.84, is amended to read:

626.84 [DEFINITIONS AND SCOPE.]

Subdivision 1. [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. *The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g).*

(g) "Reserve peace officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even

though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Subd. 2. [SCOPE.] Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary *except an emergency appointment pursuant to section 626.8465, subdivision 3*, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

Sec. 2. Minnesota Statutes 1980, Section 626.841, is amended to read:

626.841 [BOARD; MEMBERS.]

The board of peace officer standards and training shall be composed of the following 11 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) The superintendent of the Minnesota bureau of criminal apprehension or his designee;

(d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

(e) Two members to be appointed by the governor from among the (GENERAL PUBLIC) *elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2.*

A chairman shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 3. Minnesota Statutes 1980, Section 626.843, Subdivision 1, is amended to read:

Subdivision 1. The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota highway patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum (BASIC) *specialized* training which *part-time* peace officers (NOT APPOINTED FOR TEMPORARY OR PROBATIONARY TERMS BUT APPOINTED ON OTHER THAN A PERMANENT BASIS) shall complete in order to be eligible for continued employment as a *part-time peace officer* or permanent employment as a *peace officer*, and the time within which (SUCH) *the* (BASIC) *specialized* training must be completed (FOLLOWING SUCH APPOINTMENT ON A NONPERMANENT BASIS);

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement (PROVIDED THE STUDENT OBTAINS EMPLOY-

MENT AS A PEACE OFFICER WITHIN ONE YEAR OF COMPLETION);

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; (AND)

(j) The procedures to be followed by a part-time peace officer for notifying the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g); and

((J)) (k) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.

Sec. 4. Minnesota Statutes 1980, Section 626.845, Subdivision 1, is amended to read:

Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers *and part-time peace officers* in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

(k) *To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data.*

Sec. 5. Minnesota Statutes 1980, Section 626.846, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer or part-time *peace officer* employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the board pursuant to sections 626.84 to 626.855.

Sec. 6. Minnesota Statutes 1980, Section 626.846, Subdivision 2, is amended to read:

Subd. 2. Every peace officer or part-time *peace officer* who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.855. Any other peace officer or part-time *peace officer* employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board pursuant to sections 626.84 to 626.855.

Sec. 7. Minnesota Statutes 1980, Section 626.8461, is amended to read:

626.8461 [PART-TIME *PEACE* OFFICERS; POLICY.]

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time *peace* officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time *peace* officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time *peace* officers when needs for service would otherwise justify the use of (FULL-TIME) *peace* officers.

Sec. 8. Minnesota Statutes 1980, Section 626.8462, is amended to read:

626.8462 [COMPETENCY REQUIREMENTS.]

Part-time *peace* officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 hours:

- (a) Law of arrest, including probable cause;
- (b) Law of search and seizure;
- (c) Confessions and interrogations, oral and written;
- (d) Law and rules of evidence;
- (e) Minnesota criminal code;
- (f) Juvenile law;
- (g) General principles of criminal investigations;
- (h) Crime scene search and investigation;
- (i) Preservation and collection of crime scene evidence;
- (j) Traffic enforcement, including accident investigation.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

Sec. 9. Minnesota Statutes 1980, Section 626.8463, is amended to read:

626.8463 [PART-TIME PEACE OFFICERS.]

Any individual appointed or employed as a part-time *peace* officer to a position which was filled by a part-time officer between January 1, 1978 and May 31, 1979 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect. The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;

(b) Within 12 months of his appointment he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force;

(c) Within 24 months of his appointment he has successfully passed a board part-time *peace* officer licensing examination.

A law enforcement agency may designate personnel as part-time *peace* officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers between January 1, 1978 and May 31, 1979. Provided that the number of personnel so designated shall not exceed a number equal to two or ten percent of the positions filled by part-time officers between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater.

Sec. 10. Minnesota Statutes 1980, Section 626.8464, is amended to read:

626.8464 [NEW PART-TIME PEACE OFFICER POSITIONS.]

Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time *peace* officer to a position which was not filled by a part-time officer between January 1, 1978 and May 31, 1979 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

Sec. 11. Minnesota Statutes 1980, Section 626.8465, Subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OF POWERS AND DUTIES.] No law enforcement agency shall utilize the services of a part-time *peace* officer unless the part-time *peace* officer exercises his powers and duties under the supervision, directly or indirectly of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

Sec. 12. Minnesota Statutes 1980, Section 626.8465, Subdivision 2, is amended to read:

Subd. 2. [PART-TIME PEACE OFFICER LICENSE, RESTRICTION.] Any individual licensed by the board as a part-time *peace* officer shall be eligible for appointment or employment anywhere in the state as a part-time *peace* officer but not as a peace officer unless he meets board training and licensing requirements then in effect for peace officers.

Sec. 13. Minnesota Statutes 1980, Section 626.851, Subdivision 1, is amended to read:

Subdivision 1. Any peace officer or part-time *peace* officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board.

Sec. 14. Minnesota Statutes 1980, Section 626.852, is amended to read:

626.852 [TUITION; SALARY AND EXPENSES.]

No tuition shall be charged any peace officer or part-time *peace* officer for attending any training school herein provided for, and each officer when assigned to (ATTEND THE POLICE SCHOOL) *the bureau of criminal apprehension continuing education courses pursuant to rules of the board* shall receive his regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the (POLICE SCHOOL) *bureau of criminal apprehension courses*, not to exceed similar allowance for state employees.

Sec. 15. Minnesota Statutes 1980, Section 214.10, Subdivision 7, is amended to read:

Subd. 7. [PEACE OFFICERS STANDARDS AND TRAINING BOARD; DEFINITIONS.] For purposes of subdivisions

4 to 6 the term "appropriate law enforcement agency" means the agency (EMPLOYING THE PEACE OFFICER WHO IS A PARTY TO THE COMPLAINT. IN THE EVENT ALL OF THE PEACE OFFICERS EMPLOYED BY THE AGENCY ARE PARTIES TO THE COMPLAINT, THE BOARD SHALL DESIGNATE THE APPROPRIATE LAW ENFORCEMENT AGENCY) designated by the subcommittee of the board.

Sec. 16. Minnesota Statutes 1980, Section 626.88, is amended by adding a subdivision to read:

Subd. 3. [EXCEPTION.] Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until April 1, 1983, at which time they shall be subject to the same uniform color restrictions as other security guards."

Amend the title as follows:

Page 1, line 6, after "two" insert "additional"

Page 1, line 7, delete "to" and insert "on"

Page 1, line 8, delete "from among elected city officials"

Page 1, line 16, delete "and"

Page 1, line 16, after "626.852" insert "; and 626.88, by adding a subdivision"

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 61, 70, 108, 247, 251, 284, 478, 484, 565, 567, 664, 708, 725, 749, 779, 848, 874, 887, 892, 933, 996, 1059, 1071, 1072, 1142, 1166, 1223 and 1294 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 718 and 291 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Laidig introduced:

H. F. No. 1389, A bill for an act relating to forestry; cutting, removal and transportation of decorative trees; amending Minnesota Statutes 1980, Sections 88.642; and 88.648; repealing Minnesota Statutes 1980, Sections 88.643; 88.644; 88.646; and 88.649.

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

Carlson, L.; Nelson, K.; Tomlinson; Evans and Swanson introduced:

H. F. No. 1390, A bill for an act relating to special assessments; permitting special assessments for certain residential energy conservation improvements; amending Minnesota Statutes 1980, Section 429.011, by adding a subdivision; and 429.021, Subdivision 1.

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

Jude and Rice introduced:

H. F. No. 1391, A bill for an act relating to real property; providing for the effect of payment of taxes on a claim of title by adverse possession; amending Minnesota Statutes 1980, Section 541.02.

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

Ellingson introduced:

H. F. No. 1392, A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

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

Ellingson introduced:

H. F. No. 1393, A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

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

Battaglia, Begich and Eliooff introduced:

H. F. No. 1394, A bill for an act relating to financial institutions; redefining "contract for deed" to include sales of residential units situated upon real property subject to a lease held by the seller; amending Minnesota Statutes 1980, Section 47.20, Subdivision 2.

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

Vanasek introduced:

H. F. No. 1395, A bill for an act relating to local government; exempting the fire protection district levy of the towns of Erin, Forest, Webster and Wheatland in Rice County from the levy limitation.

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

Ellingson introduced:

H. F. No. 1396, A bill for an act relating to the revisor of statutes; changing the method of determining the selling price of publications; abolishing the Minnesota Statutes Revolving Fund; broadening the limitation on prior appropriations to the revisor for the unpublished laws project; appropriating money; amending Minnesota Statutes 1980, Section 648.39; and repealing Minnesota Statutes 1980, Sections 648.45; and 648.46.

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

Wynia; Peterson, D.; Wenzel; Clawson and Anderson, R., introduced:

H. F. No. 1397, A bill for an act relating to elections; requiring candidates for county offices to report certain costs of election contests; amending Minnesota Statutes 1980, Section 210A.26, by adding a subdivision.

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

Reding introduced:

H. F. No. 1398, A bill for an act relating to game and fish; enlarging the definition of fur bearing animals and regulating the taking and possession thereof; amending Minnesota Statutes 1980, Sections 97.40, Subdivisions 7 and 9; 97.45, Subdivision 13; 97.482, Subdivision 1; 97.55, Subdivision 9; 98.45, Subdivision 7; 98.46, Subdivisions 2a, 4, 14, and 21; 98.47, Subdivisions 1, 6, and 10; 98.48, Subdivision 5; 98.50, Subdivision 1; 98.51, Subdivisions 1 and 3; 99.27, Subdivision 1; 100.273, Subdivisions 2 and 7; 100.29, Subdivision 11; and 100.30.

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

Eken; Sieben, H.; Norton; Heinitz and Laidig introduced:

H. F. No. 1399, A bill for an act relating to governmental operations; establishing a commission to forecast state government revenue; transferring the power to forecast revenue from the department of finance; appropriating money; amending Minnesota Statutes 1980, Sections 16A.04, Subdivision 1; 16A.06; and 16A.11, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 3.

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

Rees, Samuelson, Lehto, Forsythe and Vanasek introduced:

H. F. No. 1400, A bill for an act relating to public improvements; providing for a new women's correctional facility; providing for a bond issue; appropriating money.

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

Minne and Peterson, D., introduced:

H. F. No. 1401, A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

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

Haukoos; Levi; Jennings; Rodriquez, C., and Murphy introduced:

H. F. No. 1402, A bill for an act relating to state government; requiring a method to be used to update mailing lists for certain state publications; amending Minnesota Statutes 1980, Section 15.18.

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

Wynia, Brandl, Novak, Levi and Peterson, D., introduced:

H. F. No. 1403, A bill for an act relating to crimes; establishing minimum terms of imprisonment for certain burglary offenses; prescribing penalties; amending Minnesota Statutes 1980, Section 609.58, by adding a subdivision.

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

Clawson and Onnen introduced:

H. F. No. 1404, A bill for an act relating to nursing homes; requiring new procedures for determining nursing home rates; amending Minnesota Statutes 1980, Sections 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes, Chapter 256B; repealing Minnesota Statutes 1980, Sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

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

Hanson introduced:

H. F. No. 1405, A bill for an act relating to real property; providing that certain contracts and purchase agreements for the conveyance of homestead property are voidable within a specified time; proposing new law coded in Minnesota Statutes, Chapter 507.

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

Sarna introduced:

H. F. No. 1406, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

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

Sarna introduced:

H. F. No. 1407, A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1980, Section 340.11, Subdivision 15.

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

Clawson, Jude, Dempsey, Vellenga and Wieser introduced:

H. F. No. 1408, A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Hanson; Sieben, M.; Reif and Swanson introduced:

H. A. No. 24, A proposal to study social costs of motorcycle accidents and methods of equitable distribution of costs.

The advisory was referred to the Committee on Health and Welfare.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 483, A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Section 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Welch moved that the House concur in the Senate amendments to H. F. No. 471 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.-07; and 32B.12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Elioff	Gustafson	Hokr
Ainley	Carlson, D.	Ellingson	Halberg	Jacobs
Anderson, B.	Carlson, L.	Erickson	Hanson	Johnson, C.
Anderson, G.	Clark, J.	Esau	Harens	Johnson, D.
Anderson, I.	Clark, K.	Evans	Hauge	Jude
Anderson, R.	Clawson	Ewald	Haukoos	Kahn
Battaglia	Dahlvang	Fjoslien	Heap	Kaley
Begich	Dempsey	Forsythe	Heinitz	Kalis
Berkelman	Den Ouden	Friedrich	Himle	Kelly
Brandl	Drew	Greenfield	Hoberg	Knickerbocker
Brinkman	Eken	Gruenes	Hokanson	Kostohryz

Kvam	Minne	Piepho	Schreiber	Vellenga
Laidig	Murphy	Pogemiller	Sherman	Voss
Lehto	Nelsen, B.	Redalen	Sieben, M.	Weaver
Lemen	Nelson, K.	Reding	Simoneau	Welch
Levi	Niehaus	Rees	Skoglund	Welker
Long	Norton	Rice	Stadum	Wenzel
Ludeman	Novak	Rodriguez, C.	Stowell	Wieser
Mann	Nysether	Rodriguez, F.	Stumpf	Wynia
Marsh	O'Connor	Rose	Sviggum	Zubay
McCarron	Ogren	Rothenberg	Swanson	Spkr. Sieben, H.
McDonald	Olsen	Samuelson	Tomlinson	
McEachern	Onnen	Sarna	Valan	
Mehrkens	Otis	Schafer	Valento	
Metzen	Peterson, B.	Schoenfeld	Vanasek	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

House Concurrent Resolution No. 2, A Concurrent Resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

House Concurrent Resolution No. 4, A Concurrent Resolution relating to adjournment of the House of Representatives for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 31, 155, 330 and 560.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 393 and 430.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 72, 89 and 250.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 489, 520 and 522.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 196, 462 and 408.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 168, 849 and 973.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 333, 436 and 759.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 874 and 903.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 31, A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

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

S. F. No. 155, A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

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

S. F. No. 330, A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

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

S. F. No. 560, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

The bill was read for the first time.

Voss moved that S. F. No. 560 and H. F. No. 1034, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 393, A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

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

S. F. No. 430, A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; restricting native prairie designation; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; requiring notice of wetland designation; clarifying assessment of property of cooperative associations; authorizing estimation of values and mill rates; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund and modifying payment to part-year homeowners; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.02, Subdivision 1; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1, and by adding a subdivision; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.08; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

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

S. F. No. 72, A bill for an act relating to elections; providing a penalty for broadcasting certain false information; exempting certain broadcasters and publishers; amending Minnesota Statutes 1980, Section 210A.04.

The bill was read for the first time.

Minne moved that S. F. No. 72 and H. F. No. 780, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 89, A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

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

S. F. No. 250, A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

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

S. F. No. 489, A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

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

S. F. No. 520, A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

The bill was read for the first time.

Peterson, D., moved that S. F. No. 520 and H. F. No. 714, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 522, A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

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

S. F. No. 196, A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

The bill was read for the first time.

McDonald moved that S.F. No. 196 and H. F. No. 427, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 462, A bill for an act relating to labor; providing for increases in fees for certain steamfitters; prohibiting certain time credit when applying for license; amending Minnesota Statutes 1980, Sections 326.48, Subdivision 1; and 326.50.

The bill was read for the first time.

Rice moved that S. F. No. 462 and H. F. No. 421, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 408, A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

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

S. F. No. 168, A bill for an act relating to intoxicating liquor; providing for a liquor license fee to be set by a town board in certain cases; requiring town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.11, Subdivision 10.

The bill was read for the first time.

McDonald moved that S. F. No. 168 and H. F. No. 291, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 849, A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

The bill was read for the first time.

McEachern moved that S. F. No. 849 and H. F. No. 1024, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 978, A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

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

S. F. No. 333, A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

The bill was read for the first time.

Berkelman moved that S. F. No. 333 and H. F. No. 206, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 436, A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

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

S. F. No. 759, A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, Subdivision 2, and by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

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

S. F. No. 874, A bill for an act relating to energy; requiring the provision of energy audits for certain rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.17, by adding a subdivision; 216B.165, Subdivisions 1 and 2; and 216B.241, by adding a subdivision.

The bill was read for the first time.

Otis moved that S. F. No. 874 and H. F. No. 729, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 903, A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

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

Mann was excused at 2:20 p.m.

CONSENT CALENDAR

H. F. No. 616 was reported to the House.

Upon objection of ten members H. F. No. 616 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 659 was reported to the House.

Norton moved to amend H. F. No. 659 as follows:

Page 3, line 17, after "1978," delete "may be amended"

The motion prevailed and the amendment was adopted.

H. F. No. 659, A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Norton	Sherman
Anderson, B.	Esau	Kaley	Novak	Sieben, M.
Anderson, G.	Evans	Kalis	Nysether	Simoneau
Anderson, I.	Ewald	Kelly	O'Connor	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Stowell
Battaglia	Forsythe	Kostohryz	Olsen	Stumpf
Begich	Friedrich	Kvam	Onnen	Sviggum
Berkelman	Greenfield	Laidig	Otis	Swanson
Blatz	Gruenes	Lehto	Peterson, D.	Tomlinson
Brandl	Gustafson	Lemen	Piepho	Valan
Brinkman	Halberg	Levi	Pogemiller	Valento
Byrne	Hanson	Long	Redalen	Vanasek
Carlson, D.	Harens	Ludeman	Reding	Vellenga
Carlson, L.	Hauge	Marsh	Rees	Voss
Clark, J.	Haukoos	McCarron	Reif	Weaver
Clark, K.	Heap	McDonald	Rice	Welch
Clawson	Heinitz	McEachern	Rodriguez, C.	Welker
Dahlvang	Himle	Mehrrens	Rodriguez, F.	Wenzel
Dean	Hoberg	Metzen	Rose	Wieser
Dempsey	Hokanson	Minne	Rothenberg	Wynia
Den Ouden	Hokr	Munger	Samuelson	Zubay
Drew	Jacobs	Murphy	Sarna	Spkr. Sieben, H.
Eken	Jennings	Nelsen, B.	Schafer	
Elioff	Johnson, C.	Nelson, K.	Schoenfeld	
Ellingson	Johnson, D.	Niehaus	Schreiber	

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

H. F. No. 696, A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Niehaus	Schoenfeld
Ainley	Esau	Kahn	Norton	Schreiber
Anderson, B.	Evans	Kaley	Novak	Sherman
Anderson, G.	Ewald	Kalis	Nysether	Sieben, M.
Anderson, I.	Fjoslien	Kelly	O'Connor	Simoneau
Anderson, R.	Forsythe	Knickerbocker	Ogren	Skoglund
Battaglia	Friedrich	Kostohryz	Olsen	Stadium
Begich	Greenfield	Kvam	Onnen	Stowell
Blatz	Gruenes	Laidig	Otis	Stumpf
Brandl	Gustafson	Lehto	Peterson, B.	Sviggum
Brinkman	Halberg	Lemen	Peterson, D.	Swanson
Byrne	Hanson	Levi	Piepho	Tomlinson
Carlson, D.	Harens	Long	Pogemiller	Valan
Carlson, L.	Hauge	Ludeman	Redalen	Valento
Clark, J.	Haukoos	Marsh	Reding	Vanasek
Clark, K.	Heap	McCarron	Rees	Vellenga
Clawson	Heinitz	McDonald	Reif	Voss
Dahlvang	Himle	McEachern	Rice	Weaver
Dean	Hoberg	Mehrkens	Rodriguez, C.	Welch
Dempsey	Hokanson	Metzen	Rodriguez, F.	Welker
Den Ouden	Hokr	Minne	Rose	Wenzel
Drew	Jacobs	Munger	Rothenberg	Wieser
Eken	Jennings	Murphy	Samuelson	Wynia
Elioff	Johnson, C.	Nelsen, B.	Sarna	Zubay
Ellingson	Johnson, D.	Nelson, K.	Schafer	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 928, A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Fjoslien	Hokanson	Lehto
Ainley	Clark, K.	Forsythe	Hokr	Lemen
Anderson, B.	Clawson	Friedrich	Jacobs	Levi
Anderson, G.	Dahlvang	Greenfield	Jennings	Long
Anderson, I.	Dean	Gruenes	Johnson, C.	Ludeman
Anderson, R.	Dempsey	Gustafson	Johnson, D.	Marsh
Battaglia	Den Ouden	Halberg	Jude	McCarron
Begich	Drew	Hanson	Kahn	McDonald
Berkelman	Eken	Harens	Kaley	McEachern
Blatz	Elioff	Hauge	Kalis	Mehrkens
Brandl	Ellingson	Haukoos	Kelly	Metzen
Brinkman	Erickson	Heap	Knickerbocker	Minne
Byrne	Esau	Heinitz	Kostohryz	Munger
Carlson, D.	Evans	Himle	Kvam	Murphy
Carlson, L.	Ewald	Hoberg	Laidig	Nelsen, B.

Nelson, K.	Peterson, B.	Rodriguez, F.	Simoneau	Vanasek
Niehaus	Peterson, D.	Rose	Skoglund	Vellenga
Norton	Piepho	Rothenberg	Stadum	Voss
Novak	Pogemiller	Samuelson	Stowell	Weaver
Nysether	Redalen	Sarna	Stumpf	Welch
O'Connor	Reding	Schafer	Sviggum	Wenzel
Ogren	Rees	Schoenfeld	Swanson	Wieser
Olsen	Reif	Schreiber	Tomlinson	Wynia
Onnen	Rice	Sherman	Valan	Zubay
Otis	Rodriguez, C.	Sieben, M.	Valento	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 937, A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kaley	O'Connor	Simoneau
Anderson, B.	Ewald	Kalis	Ogren	Skoglund
Anderson, G.	Fjoslien	Knickerbocker	Olsen	Stadum
Anderson, I.	Forsythe	Kostohryz	Onnen	Stowell
Anderson, R.	Friedrich	Laidig	Otis	Stumpf
Battaglia	Greenfield	Lehto	Peterson, B.	Sviggum
Begich	Gruenes	Levi	Peterson, D.	Swanson
Berkelman	Gustafson	Long	Piepho	Tomlinson
Blatz	Halberg	Ludeman	Pogemiller	Valan
Brandl	Hanson	Marsh	Redalen	Valento
Brinkman	Harens	McCarron	Reding	Vanasek
Byrne	Hauge	McDonald	Rees	Vellenga
Carlson, D.	Haukoos	McEachern	Reif	Voss
Carlson, L.	Heap	Mehrken	Rice	Weaver
Clark, J.	Heinitz	Metzen	Rodriguez, C.	Welch
Clark, K.	Himle	Minne	Rodriguez, F.	Wenzel
Clawson	Hoberg	Munger	Rothenberg	Wieser
Dahlvang	Hokanson	Murphy	Samuelson	Wynia
Dean	Jacobs	Nelsen, B.	Sarna	Zubay
Dempsey	Jennings	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Drew	Johnson, C.	Niehaus	Schreiber	
Eken	Johnson, D.	Norton	Shea	
Elioff	Jude	Novak	Sherman	
Ellingson	Kahn	Nysether	Sieben, M.	

Those who voted in the negative were:

Aasneas	Erickson	Kvam	Rose	Welker
Den Ouden	Kelly	Lemen	Schafer	

The bill was passed and its title agreed to.

H. F. No. 976, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the

establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	Norton	Sieben, M.
Ainley	Erickson	Jude	Novak	Simoneau
Anderson, B.	Esau	Kaley	Nysether	Skoglund
Anderson, G.	Evans	Kalis	O'Connor	Stadum
Anderson, I.	Ewald	Kelly	Ogren	Stowell
Anderson, R.	Fjoslien	Knickerbocker	Olsen	Stumpf
Battaglia	Forsythe	Kostohryz	Onnen	Svigum
Begich	Friedrich	Kvam	Otis	Swanson
Berkelman	Greenfield	Laidig	Peterson, D.	Tomlinson
Blatz	Gruenes	Lehto	Piepho	Valan
Brandl	Gustafson	Lemen	Pogemiller	Valento
Brinkman	Halberg	Levi	Redalen	Vanasek
Byrne	Hanson	Long	Reding	Vellenga
Carlson, D.	Harens	Ludeman	Rees	Voss
Carlson, L.	Hauge	Marsh	Reif	Weaver
Clark, J.	Haukoos	McCarron	Rice	Welch
Clark, K.	Heap	McDonald	Rodriguez, C.	Welker
Clawson	Heinitz	McEachern	Rodriguez, F.	Wenzel
Dahlvang	Himle	Mehrkens	Rothenberg	Wieser
Dean	Hoberg	Metzen	Samuelson	Wynia
Dempsey	Hokanson	Munger	Sarna	Zubay
Den Ouden	Hokr	Murphy	Schafer	Spkr. Sieben, H.
Drew	Jacobs	Nelsen, B.	Schoenfeld	
Eken	Jennings	Nelson, K.	Schreiber	
Elioff	Johnson, C.	Niehaus	Sherman	

The bill was passed and its title agreed to.

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff

Ellingson	Hokr	McDonald	Pogemiller	Stowell
Erickson	Jacobs	McEachern	Redalen	Stumpf
Esau	Jennings	Mehrkens	Reding	Sviggum
Evans	Johnson, C.	Metzen	Rees	Swanson
Ewald	Johnson, D.	Minne	Reif	Tomlinson
Fjoslien	Jude	Munger	Rice	Valan
Forsythe	Kahn	Murphy	Rodriguez, C.	Valento
Friedrich	Kaley	Nelsen, B.	Rodriguez, F.	Vanasek
Greenfield	Kalis	Nelson, K.	Rose	Vellenga
Gruenes	Kelly	Niehaus	Rothenberg	Voss
Gustafson	Knickerbocker	Norton	Samuelson	Weaver
Halberg	Kostohryz	Novak	Sarna	Welch
Hanson	Kvam	Nysether	Schafer	Welker
Harens	Laidig	O'Connor	Schoenfeld	Wenzel
Hauge	Lehto	Ogren	Schreiber	Wieser
Haukoos	Lemen	Olsen	Shea	Wynia
Heap	Levi	Onnen	Sherman	Zubay
Heinitz	Long	Otis	Sieben, M.	Spkr. Sieben, H.
Himle	Ludeman	Peterson, B.	Simoneau	
Hoberg	Marsh	Peterson, D.	Skoglund	
Hokanson	McCarron	Piepho	Stadum	

The bill was passed and its title agreed to.

H. F. No. 997, A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Sieben, M.
Ainley	Esau	Kalis	O'Connor	Simoneau
Anderson, B.	Evans	Kelly	Ogren	Skoglund
Anderson, G.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stowell
Anderson, R.	Forsythe	Kvam	Otis	Stumpf
Battaglia	Friedrich	Laidig	Peterson, B.	Sviggum
Begich	Greenfield	Lehto	Peterson, D.	Swanson
Berkelman	Gruenes	Lemen	Piepho	Tomlinson
Blatz	Halberg	Levi	Pogemiller	Valan
Brandl	Hanson	Long	Redalen	Valento
Brinkman	Harens	Ludeman	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wynia
Dempsey	Jacobs	Murphy	Sarna	Zubay
Den Ouden	Jennings	Nelsen, B.	Schafer	Spkr. Sieben, H.
Drew	Johnson, C.	Nelson, K.	Schoenfeld	
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1015, A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; amending Minnesota Statutes 1980, Section 122.85, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Anderson, B.	Evans	Kelly	Ogren	Simoneau
Anderson, G.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, R.	Forsythe	Kvam	Otis	Stowell
Battaglia	Friedrich	Laidig	Peterson, B.	Stumpf
Begich	Greenfield	Lehto	Peterson, D.	Sviggum
Berkelman	Gruenes	Lemen	Piepho	Swanson
Blatz	Halberg	Levi	Pogemiller	Tomlinson
Brandl	Hanson	Long	Redalen	Valan
Brinkman	Harens	Marsh	Reding	Valento
Byrne	Hauge	McCarron	Rees	Vanasek
Carlson, D.	Haukoos	McDonald	Reif	Vellenga
Carlson, L.	Heap	McEachern	Rice	Voss
Clark, J.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clark, K.	Himle	Metzen	Rodriguez, F.	Welch
Clawson	Hoberg	Minne	Rose	Wenzel
Dahlvang	Hokanson	Munger	Rothenberg	Wieser
Dean	Hokr	Murphy	Samuelson	Wynia
Dempsey	Jacobs	Nelsen, B.	Sarna	Zubay
Drew	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schoenfeld	
Elioff	Jude	Norton	Schreiber	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Ainley	Jennings	Ludeman	Welker
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The bill was passed and its title agreed to.

H. F. No. 1070, A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Sieben, M.
Ainley	Esau	Kalis	O'Connor	Simoneau
Anderson, B.	Evans	Kelly	Ogren	Skoglund
Anderson, G.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stowell
Anderson, R.	Forsythe	Kvam	Otis	Stumpf
Battaglia	Friedrich	Laidig	Peterson, B.	Sviggunn
Begich	Greenfield	Lehto	Peterson, D.	Swanson
Berkelman	Gruenes	Lemen	Piepho	Tomlinson
Blatz	Halberg	Levi	Pogemiller	Valan
Brandl	Hanson	Long	Redalen	Valento
Brinkman	Harens	Ludeman	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wynia
Dempsey	Jacobs	Murphy	Sarna	Zubay
Den Ouden	Jennings	Nelsen, B.	Schafer	Spkr. Sieben, H.
Drew	Johnson, C.	Nelson, K.	Schoenfeld	
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1080, A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Haukoos	Laidig	Novak
Anderson, B.	Den Ouden	Heap	Lehto	Nysether
Anderson, G.	Drew	Heinitz	Lemen	O'Connor
Anderson, I.	Eken	Himle	Levi	Ogren
Anderson, R.	Elioff	Hoberg	Long	Olsen
Battaglia	Ellingson	Hokanson	Ludeman	Onnen
Begich	Erickson	Hokr	Marsh	Otis
Berkelman	Esau	Jacobs	McCarron	Peterson, B.
Blatz	Evans	Jennings	McDonald	Peterson, D.
Brandl	Ewald	Johnson, C.	McEachern	Piepho
Brinkman	Fjoslien	Johnson, D.	Mehrkens	Pogemiller
Byrne	Forsythe	Jude	Metzen	Redalen
Carlson, D.	Friedrich	Kahn	Minne	Reding
Carlson, L.	Greenfield	Kaley	Munger	Rees
Clark, J.	Gruenes	Kalis	Murphy	Reif
Clark, K.	Halberg	Kelly	Nelsen, B.	Rice
Clawson	Hanson	Knickerbocker	Nelson, K.	Rodriguez, C.
Dahlvang	Harens	Kostohryz	Niehaus	Rodriguez, F.
Dean	Hauge	Kvam	Norton	Rose

Rothenberg	Shea	Stowell	Valento	Welker
Samuelson	Sherman	Stumpf	Vanasek	Wenzel
Sarna	Sieben, M.	Sviggum	Vellenga	Wieser
Schafer	Simoneau	Swanson	Voss	Wynia
Schoenfeld	Skoglund	Tomlinson	Weaver	Zubay
Schreiber	Stadum	Valan	Welch	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 1120, A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Jude	Niehaus	Schreiber
Ainley	Erickson	Kahn	Norton	Sherman
Anderson, B.	Esau	Kaley	Novak	Sieben, M.
Anderson, G.	Evans	Kalis	Nysether	Simoneau
Anderson, I.	Ewald	Kelly	O'Connor	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Stadum
Battaglia	Forsythe	Kostohryz	Olsen	Stowell
Begich	Friedrich	Kvam	Onnen	Stumpf
Berkelman	Greenfield	Laidig	Otis	Sviggum
Blatz	Gruenes	Lehto	Peterson, B.	Swanson
Brandl	Halberg	Lemen	Peterson, D.	Tomlinson
Brinkman	Hanson	Levi	Piepho	Valan
Byrne	Harens	Long	Pogemiller	Valento
Carlson, D.	Hauge	Ludeman	Redalen	Vanasek
Carlson, L.	Haukoos	Marsh	Reding	Vellenga
Clark, J.	Heap	McCarron	Rees	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	

The bill was passed and its title agreed to.

H. F. No. 1178, A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Norton	Schreiber
Ainley	Esau	Kaley	Novak	Sherman
Anderson, B.	Evans	Kalis	Nysether	Sieben, M.
Anderson, I.	Ewald	Kelly	O'Connor	Simoneau
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Skoglund
Battaglia	Forsythe	Kostohryz	Olsen	Stadum
Begich	Friedrich	Kvam	Onnen	Stowell
Berkelman	Greenfield	Laidig	Otis	Stumpf
Blatz	Gruenes	Lehto	Peterson, B.	Sviggum
Brandl	Halberg	Lemen	Peterson, D.	Swanson
Brinkman	Hanson	Levi	Piepho	Tomlinson
Byrne	Harens	Long	Pogemiller	Valan
Carlson, D.	Hauge	Ludeman	Redalen	Valento
Carlson, L.	Haukoos	Marsh	Reding	Vanasek
Clark, J.	Heap	McCarron	Rees	Vellenga
Clark, K.	Heinitz	McDonald	Reif	Voss
Clawson	Himle	McEachern	Rice	Weaver
Dahlvang	Hoberg	Mehrkins	Rodriguez, C.	Welch
Dean	Hokanson	Metzen	Rodriguez, F.	Welker
Dempsey	Hokr	Minne	Rose	Wenzel
Den Ouden	Jacobs	Munger	Rothenberg	Wieser
Drew	Jennings	Murphy	Samuelson	Wynia
Eken	Johnson, C.	Nelsen, B.	Sarna	Zubay
Elioff	Johnson, D.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Schoenfeld	

The bill was passed and its title agreed to.

H. F. No. 1231, A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, K.	Friedrich	Johnson, C.	Marsh
Ainley	Clawson	Greenfield	Johnson, D.	McCarron
Anderson, B.	Dahlvang	Gruenes	Jude	McDonald
Anderson, G.	Dean	Gustafson	Kahn	Mehrkins
Anderson, I.	Dempsey	Halberg	Kaley	Metzen
Anderson, R.	Den Ouden	Hanson	Kalis	Minne
Battaglia	Drew	Harens	Kelly	Munger
Begich	Eken	Hauge	Knickerbocker	Murphy
Berkelman	Elioff	Haukoos	Kostohryz	Nelsen, B.
Blatz	Ellingson	Heap	Kvam	Nelson, K.
Brandl	Erickson	Heinitz	Laidig	Niehaus
Brinkman	Esau	Hoberg	Lehto	Norton
Byrne	Evans	Hokanson	Lemen	Novak
Carlson, D.	Ewald	Hokr	Levi	Nysether
Carlson, L.	Fjoslien	Jacobs	Long	O'Connor
Clark, J.	Forsythe	Jennings	Ludeman	

Ogren	Reding	Sarna	Stowell	Voss
Olsen	Rees	Schafer	Stumpf	Weaver
Onnen	Reif	Schoenfeld	Sviggum	Welch
Otis	Rice	Schreiber	Swanson	Welker
Peterson, B.	Rodriguez, C.	Sherman	Tomlinson	Wenzel
Peterson, D.	Rodriguez, F.	Sieben, M.	Valan	Wieser
Piepho	Rose	Simoneau	Valento	Wynia
Pogemiller	Rothenberg	Skoglund	Vanasek	Zubay
Redalen	Samuelson	Stadum	Vellenga	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 1237, A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Jude	Norton	Schreiber
Ainley	Erickson	Kahn	Novak	Sherman
Anderson, B.	Esau	Kaley	Nysether	Sieben, M.
Anderson, G.	Evans	Kalis	O'Connor	Simoneau
Anderson, I.	Ewald	Kelly	Ogren	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Olsen	Stadum
Battaglia	Forsythe	Kostohryz	Onnen	Stowell
Begich	Greenfield	Kvam	Otis	Stumpf
Berkelman	Gruenes	Laidig	Peterson, B.	Sviggum
Blatz	Gustafson	Lehto	Peterson, D.	Swanson
Brandl	Halberg	Lemen	Piepho	Tomlinson
Brinkman	Hanson	Levi	Pogemiller	Valan
Byrne	Harens	Long	Redalen	Valento
Carlson, D.	Hauge	Ludeman	Reding	Vanasek
Carlson, L.	Haukoos	Marsh	Rees	Vellenga
Clark, J.	Heap	McCarron	Reif	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Welker
Dean	Hokanson	Minne	Rose	Wenzel
Dempsey	Hokr	Munger	Rothenberg	Wieser
Den Ouden	Jacobs	Murphy	Samuelson	Wynia
Drew	Jennings	Nelsen, B.	Sarna	Zubay
Eken	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Niehaus	Schoenfeld	

Those who voted in the negative were:

Friedrich McEachern

The bill was passed and its title agreed to.

H. F. No. 1269, A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations;

extending biomass center plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.19, Subdivision 1; 462.-358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Novak	Sherman
Ainley	Ewald	Kalis	Nysether	Sieben, M.
Anderson, B.	Fjoslien	Kelly	O'Connor	Simoneau
Anderson, G.	Forsythe	Knickerbocker	Olsen	Skoglund
Anderson, I.	Friedrich	Kostohryz	Onnen	Stadum
Anderson, R.	Greenfield	Kvam	Otis	Stowell
Battaglia	Gruenes	Laidig	Peterson, B.	Stumpf
Begich	Gustafson	Lehto	Peterson, D.	Sviggum
Berkelman	Halberg	Lemen	Piepho	Swanson
Blatz	Hanson	Levi	Pogemiller	Tomlinson
Brandl	Harens	Long	Redalen	Valan
Brinkman	Hauge	Ludeman	Reding	Valento
Byrne	Haukoos	Marsh	Rees	Vanasek
Carlson, D.	Heap	McCarron	Reif	Vellenga
Carlson, L.	Heinritz	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Drew	Jacobs	Munger	Samuelson	Wynia
Eken	Jennings	Murphy	Sarna	Zubay
Elioff	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, D.	Nelson, K.	Schoenfeld	
Erickson	Jude	Niehaus	Schreiber	
Esau	Kahn	Norton	Shea	

Those who voted in the negative were:

Clark, K.	Dean	Den Ouden	Ogren	Welker
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The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 12.

CALL OF THE HOUSE

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

Aasness	Ellingson	Johnson, D.	Niehaus	Schreiber
Ainley	Erickson	Jude	Norton	Shea
Anderson, B.	Esau	Kahn	Novak	Sherman
Anderson, G.	Evans	Kaley	Nysether	Sieben, M.
Anderson, I.	Ewald	Kalis	O'Connor	Simoneau
Anderson, R.	Fjoslien	Kelly	Ogren	Skoglund
Battaglia	Forsythe	Knickerbocker	Olsen	Stadum
Begich	Friedrich	Kostohryz	Onnen	Stowell
Berkelman	Greenfield	Kvam	Otis	Stumpf
Blatz	Gruenes	Laidig	Peterson, B.	Sviggum
Brandl	Gustafson	Lehto	Peterson, D.	Swanson
Brinkman	Halberg	Lemen	Piepho	Tomlinson
Byrne	Hanson	Levi	Pogemiller	Valan
Carlson, D.	Harens	Ludeman	Reding	Valento
Carlson, L.	Hauge	Marsh	Rees	Vanasek
Clark, J.	Haukoos	McCarron	Reif	Vellenga
Clark, K.	Heap	McDonald	Rice	Voss
Clawson	Heinitz	McEachern	Rodriguez, C.	Weaver
Dahlvang	Himle	Mehrkens	Rodriguez, F.	Welch
Dean	Hoberg	Metzen	Rose	Welker
Dempsey	Hokanson	Minne	Rothenberg	Wenzel
Den Ouden	Hokr	Munger	Samuelson	Wieser
Drew	Jacobs	Murphy	Sarna	Wynia
Eken	Jennings	Nelsen, B.	Schafer	Zubay
Elioff	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 12 was reported to the house.

Rodriguez, C., moved to amend H. F. No. 12, the second engrossment, as follows:

Page 2, line 2, after the period insert *"In determining the need for interim rates, the commission may consider factors relating to the anticipated costs of the utility during the nine month period beginning three months after the filing for increased rates."*

Page 2, line 16, after *"only"* insert *": (1)"*

Page 2, line 22, change the period to a comma and insert *"and (2) an allowance for probable increases in interest and operating costs during the period beginning three months after the filing for a rate increase and ending on the anticipated date of the 'final determination' as defined in subdivision 2."*

Page 4, after line 2, insert *"In determining the need for interim rates, the commission may consider factors relating to the anticipated costs of the telephone company during the nine month period beginning three months after the filing for increased rates."*

Page 4, line 15, after *"only"* insert *": (1)"*

Page 4, line 21, change the period to a comma and insert "*and (2) an allowance for probable increases in interest and operating costs during the period beginning three months after the filing for a rate increase and ending on the anticipated date of the "final determination" as defined in subdivision 2.*"

The motion prevailed and the amendment was adopted.

Novak moved to amend H. F. No. 12, as amended, the second engrossment, as follows:

Page 5, line 19, delete "*the day following final enactment*" and insert "*January 1, 1982*"

The motion prevailed and the amendment was adopted.

Shea moved to amend H. F. No. 12, as amended, the second engrossment, as follows:

Page 3, line 12, delete "*one year*" and insert "*six months*"

Page 3, line 15, delete "*one*" and insert "*six month*"

Page 3, line 16, delete "*year*"

Page 5, line 11, delete "*one year*" and insert "*six months*"

Page 5, line 14, delete "*one*" and insert "*six month*"

Page 5, line 15, delete "*year*"

The motion prevailed and the amendment was adopted.

H. F. No. 12, A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Byrne	Den Ouden	Gustafson	Johnson, C.
Anderson, I.	Carlson, L.	Eken	Hanson	Jude
Battaglia	Clark, J.	Elioff	Harens	Kahn
Begich	Clark, K.	Ellingson	Hauge	Kelly
Berkelman	Clawson	Fjoslien	Hokanson	Kostohryz
Brandl	Dahlvang	Greenfield	Jacobs	Lehto

Long	Novak	Reding	Schoenfeld	Vanasek
McCarron	O'Connor	Rice	Shea	Vellenga
Metzen	Ogren	Rodriguez, C.	Sieben, M.	Voss
Minne	Onnen	Rodriguez, F.	Simoneau	Welch
Munger	Osthoff	Rose	Skoglund	Wenzel
Murphy	Otis	Rothenberg	Stumpf	Wynia
Nelson, K.	Peterson, D.	Samuelson	Swanson	Spkr. Sieben, H.
Norton	Pogemiller	Sarna	Tomlinson	

Those who voted in the negative were:

Aasness	Ewald	Johnson, D.	Nelsen, B.	Stadum
Ainley	Forsythe	Kaley	Niehaus	Stowell
Anderson, R.	Friedrich	Knickerbocker	Nysether	Sviggum
Blatz	Gruenes	Kvam	Olsen	Valan
Brinkman	Halberg	Laidig	Peterson, B.	Valento
Carlson, D.	Haukoos	Lemen	Piepho	Weaver
Dean	Heap	Levi	Redalen	Welker
Dempsey	Heinitz	Ludeman	Rees	Wieser
Drew	Himle	Marsh	Reif	Zubay
Erickson	Hoberg	McDonald	Schafer	
Esau	Hokr	McEachern	Schreiber	
Evans	Jennings	Mehrkens	Sherman	

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

CALENDAR

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Himle	Mehrkens	Stadum
Ainley	Erickson	Hokanson	Metzen	Stowell
Anderson, B.	Esau	Jacobs	Munger	Sviggum
Anderson, R.	Evans	Jennings	Niehaus	Swanson
Battaglia	Ewald	Johnson, C.	Norton	Tomlinson
Begich	Forsythe	Johnson, D.	Novak	Valan
Berkelman	Friedrich	Kaley	Nysether	Voss
Blatz	Gruenes	Knickerbocker	Olsen	Weaver
Brinkman	Halberg	Kvam	Redalen	Welker
Byrne	Hanson	Laidig	Rees	Wenzel
Carlson, D.	Harens	Lemen	Rose	Zubay
Carlson, L.	Hauge	Levi	Rothenberg	Spkr. Sieben, H.
Dahlvang	Haukoos	Ludeman	Schafer	
Dean	Heap	Marsh	Sherman	
Den Ouden	Heinitz	McEachern	Sieben, M.	

Those who voted in the negative were:

Anderson, G.	Greenfield	Murphy	Rice	Stumpf
Anderson, I.	Gustafson	Nelson, K.	Rodriguez, C.	Vanasek
Brandl	Jude	O'Connor	Rodriguez, F.	Vellenga
Clark, J.	Kahn	Ogren	Samuelson	Welch
Clark, K.	Kelly	Onnen	Sarna	Wieser
Eken	Kostohryz	Osthoff	Schoenfeld	Wynia
Elioff	Long	Otis	Shea	
Ellingson	McCarron	Peterson, D.	Simoneau	
Fjoslien	Minne	Reding	Skoglund	

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Simoneau moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CALENDAR, Continued

H. F. No. 449, A bill for an act relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Aasness	Brandl	Dean	Evans	Harens
Ainley	Brinkman	Dempsey	Ewald	Hauge
Anderson, B.	Byrne	Den Ouden	Fjoslien	Haukoos
Anderson, I.	Carlson, L.	Drew	Friedrich	Heap
Anderson, R.	Clark, J.	Eken	Gruenes	Heinitz
Begich	Clark, K.	Elioff	Gustafson	Himle
Berkelman	Clawson	Ellingson	Halberg	Hoberg
Blatz	Dahlvang	Esau	Hanson	Jacobs

Jennings	Long	Novak	Rodriguez, F.	Stowell
Johnson, C.	Ludeman	Nysether	Rose	Stumpf
Johnson, D.	Marsh	O'Connor	Rothenberg	Swiggum
Jude	McDonald	Ogren	Samuelson	Tomlinson
Kahn	McEachern	Olsen	Sarna	Valan
Kaley	Mehrkens	Onnen	Schafer	Vanasek
Kalis	Metzen	Otis	Schoenfeld	Vellenga
Knickerbocker	Minne	Peterson, D.	Schreiber	Voss
Kostohryz	Munger	Piepho	Shea	Weaver
Kvam	Murphy	Reding	Sherman	Welker
Laidig	Nelsen, B.	Rees	Sieben, M.	Wenzel
Lehto	Nelson, K.	Reif	Simoneau	Wieser
Lemen	Niehaus	Rice	Skoglund	Zubay
Levi	Norton	Rodriguez, C.	Stadum	Spkr. Sieben, H.

Those who voted in the negative were:

Anderson, G.	Forsythe	McCarron	Redalen	Wynia
Carlson, D.	Greenfield	Osthoff	Swanson	
Erickson	Kelly	Pogemiller	Welch	

The bill was passed and its title agreed to.

H. F. No. 569, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Hokanson	McDonald	Redalen
Ainley	Eken	Hokr	McEachern	Reding
Anderson, B.	Elioff	Jacobs	Mehrkens	Rees
Anderson, G.	Ellingson	Jennings	Metzen	Reif
Anderson, I.	Erickson	Johnson, C.	Minne	Rice
Anderson, R.	Esau	Johnson, D.	Munger	Rodriguez, C.
Battaglia	Evans	Jude	Murphy	Rodriguez, F.
Begich	Ewald	Kahn	Nelson, K.	Rose
Berkelman	Fjoslien	Kaley	Niehaus	Rothenberg
Blatz	Forsythe	Kalis	Norton	Samuelson
Brandl	Friedrich	Kelly	Novak	Schoenfeld
Brinkman	Greenfield	Knickerbocker	Nysether	Schreiber
Byrne	Gruenes	Kostohryz	O'Connor	Shea
Carlson, D.	Gustafson	Kvam	Ogren	Sherman
Carlson, L.	Halberg	Laidig	Olsen	Sieben, M.
Clark, J.	Hanson	Lehto	Onnen	Simoneau
Clark, K.	Harens	Lemen	Osthoff	Skoglund
Clawson	Hauge	Levi	Otis	Stadum
Dahlvang	Haukoos	Long	Peterson, B.	Stumpf
Dean	Heap	Ludeman	Peterson, D.	Swiggum
Dempsey	Heinitz	Marsh	Piepho	Swanson
Den Ouden	Himle	McCarron	Pogemiller	Tomlinson

Valento
Vanasek
Vellenga

Voss
Weaver
Welch

Welker
Wenzel
Wieser

Wynia
Zubay

Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 588 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Anderson, B., requested unanimous consent to offer an amendment. The request was granted.

Anderson, B., moved to amend H. F. No. 588, the first engrossment, as follows:

Page 2, line 1, delete everything after the period and insert

"If credit is extended pursuant to an overdraft checking plan on the day on which an increase in the periodic rate of finance charge is made effective pursuant to this section, the rate in effect prior to the increase shall be the maximum lawful rate chargeable on the amount of credit so extended until that credit is fully repaid according to the terms of the plan."

Page 2, delete lines 2 and 3

The motion prevailed and the amendment was adopted.

H. F. No. 588, A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 59 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness
Ainley
Anderson, B.
Anderson, R.
Berkelman
Blatz
Brandl
Brinkman
Dean
Dempsey
Den Ouden
Eken

Erickson
Esau
Evans
Ewald
Fjoslien
Forsythe
Friedrich
Gruenes
Halberg
Hauge
Haukoos
Heap

Heinitz
Himle
Hoberg
Jennings
Johnson, C.
Johnson, D.
Kaley
Kalis
Knickerbocker
Kvam
Ludeman
McDonald

Mehrkens
Nelsen, B.
Niehaus
Nysether
Olsen
Onnen
Otis
Peterson, B.
Piepho
Rees
Rodriguez, F.
Rothenberg

Schafer
Sherman
Stadum
Sviggum
Valan
Valento
Welch
Welker
Wenzel
Wieser
Zubay

Those who voted in the negative were:

Anderson, G.	Ellingson	Lehto	Osthoff	Simoneau
Anderson, I.	Greenfield	Lemen	Peterson, D.	Skoglund
Battaglia	Gustafson	Long	Reding	Stumpf
Begich	Hanson	McCarron	Reif	Swanson
Byrne	Harens	McEachern	Rice	Tomlinson
Carlson, D.	Hokanson	Minne	Rodriguez, C.	Vanasek
Carlson, L.	Hokr	Munger	Rose	Vellenga
Clark, J.	Jacobs	Murphy	Samuelson	Voss
Clark, K.	Jude	Nelson, K.	Sarna	Weaver
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kelly	Novak	Schreiber	Spkr. Sieben, H.
Drew	Kostohryz	O'Connor	Shea	
Elioff	Laidig	Ogren	Sieben, M.	

The bill was not passed, as amended.

Murphy was excused at 4:20 p.m.

H. F. No. 743, A bill for an act relating to energy; requiring the provision of fuel payment locations; proposing new law coded in Minnesota Statutes, Chapter 116H.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 57 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kahn	Osthoff	Skoglund
Anderson, I.	Elioff	Kelly	Otis	Stumpf
Battaglia	Ellingson	Lehto	Peterson, D.	Tomlinson
Begich	Greenfield	Long	Pogemiller	Vanasek
Berkelman	Gustafson	McCarron	Rice	Vellenga
Brandl	Hanson	Metzen	Rodriguez, C.	Voss
Byrne	Harens	Minne	Rodriguez, F.	Wenzel
Carlson, L.	Hauge	Munger	Samuelson	Wynia
Clark, J.	Hokanson	Nelson, K.	Sarna	Spkr. Sieben, H.
Clawson	Jacobs	Norton	Shea	
Dahlvang	Johnson, C.	Novak	Sieben, M.	
Drew	Jude	Ogren	Simoneau	

Those who voted in the negative were:

Aasness	Erickson	Heap	Laidig	Onnen
Ainley	Esau	Heinitz	Lemen	Peterson, B.
Anderson, G.	Evans	Himle	Levi	Piepho
Anderson, R.	Ewald	Hoberg	Ludeman	Redalen
Blatz	Fjoslien	Hokr	Marsh	Rees
Brinkman	Forsythe	Jennings	McDonald	Reif
Carlson, D.	Friedrich	Johnson, D.	Mehrkens	Rose
Dean	Gruenes	Kaley	Nelson, B.	Rothenberg
Dempsey	Halberg	Kalis	Niehaus	Schafer
Den Ouden	Haukoos	Knickerbocker	Nysether	

Schoenfeld	Stadum	Swanson	Weaver	Wieser
Schreiber	Stowell	Valan	Welch	Zubay
Sherman	Sviggum	Valento	Welker	

The bill was not passed.

MOTION FOR RECONSIDERATION

Onnen moved that the vote whereby H. F. No. 12, as amended, was passed under rule 1.10 be now reconsidered.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Aasness	Erickson	Kahn	Nysether	Sherman
Ainley	Esau	Kaley	O'Connor	Sieben, M.
Andersen, B.	Evans	Kalis	Ogren	Simoneau
Anderson, G.	Ewald	Kelly	Olsen	Skoglund
Anderson, I.	Fjoslien	Knickerbocker	Onnen	Stadum
Anderson, R.	Forsythe	Kostohryz	Osthoff	Stowell
Battaglia	Friedrich	Kvam	Otis	Stumpf
Begich	Greenfield	Laidig	Peterson, B.	Sviggum
Berkelman	Gruenes	Lehto	Peterson, D.	Swanson
Blatz	Gustafson	Lemen	Piepho	Tomlinson
Brandl	Halberg	Levi	Pogemiller	Valan
Brinkman	Hanson	Long	Redalen	Valento
Byrne	Harens	Ludeman	Reding	Vanasek
Carlson, D.	Hauge	Marsh	Rees	Vellenga
Carlson, L.	Haukoos	McCarron	Reif	Voss
Clark, J.	Heap	McDonald	Rice	Weaver
Clark, K.	Heintz	McEachern	Rodriguez, C.	Welch
Clawson	Himle	Mehrken	Rodriguez, F.	Welker
Dahlvang	Hoberg	Metzen	Rose	Wenzel
Dean	Hokanson	Minne	Rothenberg	Wieser
Dempsey	Hokr	Munger	Samuelson	Wynia
Den Ouden	Jacobs	Nelsen, B.	Sarna	Zubay
Drew	Jennings	Nelson, K.	Schafer	Spkr. Sieben, H.
Eken	Johnson, C.	Niehaus	Schoenfeld	
Elioff	Johnson, D.	Norton	Schreiber	
Ellingson	Jude	Novak	Shea	

The question recurred on the Onnen motion for reconsideration of H. F. No. 12, as amended, and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Heap	Laidig	Olsen
Ainley	Esau	Heintz	Lemen	Onnen
Anderson, B.	Evans	Himle	Levi	Peterson, B.
Anderson, R.	Ewald	Hoberg	Ludeman	Piepho
Blatz	Fjoslien	Hokr	Marsh	Redalen
Carlson, D.	Forsythe	Jennings	McDonald	Rees
Dean	Friedrich	Johnson, D.	Mehrken	Reif
Dempsey	Gruenes	Kaley	Nelsen, B.	Rose
Den Ouden	Halberg	Knickerbocker	Niehaus	Rothenberg
Drew	Haukoos	Kvam	Nysether	Schafer

Schreiber
Sherman
Stadum

Stowell
Sviggum
Valan

Valento
Weaver
Welker

Wieser

Zubay

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Otis	Stumpf
Anderson, I.	Ellingson	Lehto	Peterson, D.	Swanson
Battaglia	Greenfield	Long	Pogemiller	Tomlinson
Begich	Gustafson	McCarron	Reding	Vanasek
Berkelman	Hanson	McEachern	Rice	Vellenga
Brandl	Harens	Metzen	Rodriguez, C.	Voss
Brinkman	Hauge	Minne	Rodriguez, F.	Welch
Byrne	Hokanson	Munger	Samuelson	Wenzel
Carlson, L.	Jacobs	Nelson, K.	Sarna	Wynia
Clark, J.	Johnson, C.	Norton	Schoenfeld	Spr. Sieben, H.
Clark, K.	Jude	Novak	Shea	
Clawson	Kahn	O'Connor	Sieben, M.	
Dahlvang	Kalis	Ogren	Simoneau	
Eken	Kelly	Osthoff	Skoglund	

The motion did not prevail.

CALL OF THE HOUSE LIFTED

Schreiber moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CALENDAR, Continued

H. F. No. 817, A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Harens	Knickerbocker	Niehaus
Ainley	Dempsey	Hauge	Kostohryz	Novak
Anderson, B.	Den Ouden	Haukoos	Kvam	Nysether
Anderson, G.	Drew	Heap	Laidig	O'Connor
Anderson, I.	Eken	Heinitz	Lemen	Ogren
Anderson, R.	Elioff	Himle	Levi	Olsen
Battaglia	Ellingson	Hoberg	Ludeman	Onnen
Begich	Erickson	Hokanson	Marsh	Otis
Berkelman	Esau	Hokr	McCarron	Peterson, B.
Blatz	Evans	Jacobs	McDonald	Piepho
Brandl	Ewald	Jennings	McEachern	Redalen
Brinkman	Fjoslien	Johnson, C.	Mehrkins	Reding
Carlson, D.	Friedrich	Johnson, D.	Metzen	Rees
Carlson, L.	Gruenes	Jude	Minne	Reif
Clawson	Halberg	Kalis	Munger	Rice
Dahlvang	Hanson	Kelly	Nelsen, B.	Rodriguez, C.

Rodriguez, F.	Schreiber	Stowell	Vanasek	Wieser
Rose	Shea	Stumpf	Vellenga	Wynia
Rothenberg	Sherman	Sviggum	Voss	Zubay
Samuelson	Sieben, M.	Swanson	Weaver	Spkr. Sieben, H.
Sarna	Simoneau	Tomlinson	Welch	
Schafer	Skoglund	Valan	Welker	
Schoenfeld	Stadum	Valento	Wenzel	

Those who voted in the negative were:

Byrne	Gustafson	Lehto	Osthoff	Pogemiller
Clark, J.	Kahn	Long	Peterson, D.	
Greenfield	Kaley	Norton		

The bill was passed and its title agreed to.

H. F. No. 893, A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Norton	Schreiber
Ainley	Esau	Kahn	Novak	Shea
Anderson, B.	Evans	Kaley	Nysether	Sherman
Anderson, I.	Ewald	Kalis	O'Connor	Sieben, M.
Anderson, R.	Fjoslien	Kelly	Ogren	Simoneau
Battaglia	Friedrich	Knickerbocker	Olsen	Skoglund
Begich	Greenfield	Kostohryz	Onnen	Stadum
Berkelman	Gruenes	Kvam	Otis	Stowell
Blatz	Gustafson	Laidig	Peterson, B.	Stumpf
Brandl	Halberg	Lehto	Peterson, D.	Sviggum
Brinkman	Hanson	Lemen	Piepho	Swanson
Byrne	Harens	Levi	Pogemiller	Tomlinson
Carlson, L.	Hauge	Long	Redalen	Valan
Clark, J.	Haukoos	Ludeman	Reding	Valento
Clark, K.	Heap	Marsh	Rees	Vellenga
Clawson	Heinitz	McDonald	Reif	Weaver
Dahlvang	Himle	McEachern	Rodriguez, C.	Welch
Dean	Hoberg	Mehrken	Rodriguez, F.	Welker
Dempsey	Hokanson	Metzen	Rose	Wenzel
Den Ouden	Hokr	Minne	Rothenberg	Wieser
Drew	Jacobs	Munger	Samuelson	Wynia
Eken	Jennings	Nelsen, B.	Sarna	Zubay
Elioff	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, D.	Niehaus	Schoenfeld	

Those who voted in the negative were:

Anderson, G. Osthoff

Rice

Vanasek

Voss

The bill was passed and its title agreed to.

H. F. No. 912, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Sub-

division 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapter 528; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, Section 8

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Shea
Ainley	Esau	Kalis	O'Connor	Sherman
Anderson, B.	Evans	Kelly	Ogren	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, R.	Forsythe	Kvam	Osthoft	Stowell
Battaglia	Friedrich	Laidig	Otis	Stumpf
Begich	Greenfield	Lehto	Peterson, B.	Svigum
Berkelman	Gruenes	Lemen	Peterson, D.	Swanson
Blatz	Halberg	Levi	Piepho	Tomlinson
Brandl	Hanson	Long	Pogemiller	Valan
Brinkman	Hauge	Ludeman	Redalen	Valento
Byrne	Haukoos	Marsh	Reding	Vanasek
Carlson, D.	Heap	McCarron	Rees	Vellenga
Carlson, L.	Heinitz	McDonald	Reif	Voss
Clark, J.	Himle	McEachern	Rice	Weaver
Clawson	Hoberg	Mehrken	Rodriguez, C.	Welch
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welker
Dean	Hokr	Minne	Rose	Wenzel
Dempsey	Jacobs	Munger	Rothenberg	Wieser
Den Ouden	Jennings	Nelsen, B.	Samuelson	Wynia
Drew	Johnson, C.	Nelson, K.	Sarna	Zubay
Eken	Johnson, D.	Niehaus	Schafer	Spkr. Sieben, H.
Elioff	Jude	Norton	Schoenfeld	
Ellingson	Kahn	Novak	Schreiber	

The bill was passed and its title agreed to.

S. F. No. 197, A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Novak	Schreiber
Ainley	Erickson	Kaley	Nysether	Shea
Anderson, B.	Esau	Kalis	O'Connor	Sherman
Anderson, G.	Evans	Kelly	Ogren	Sieben, M.
Anderson, I.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, R.	Fjoslien	Kostohryz	Onnen	Skoglund
Battaglia	Forsythe	Kvam	Osthoff	Stadum
Begich	Friedrich	Laidig	Otis	Stowell
Berkelman	Greenfield	Lehto	Peterson, B.	Stumpf
Blatz	Gruenes	Lemen	Peterson, D.	Sviggum
Brandl	Halberg	Levi	Piepho	Swanson
Brinkman	Hanson	Long	Pogemiller	Tomlinson
Byrne	Hauge	Ludeman	Redalen	Valan
Carlson, D.	Haukoos	Marsh	Reding	Valento
Carlson, L.	Heap	McCarron	Rees	Vanasek
Clark, J.	Heinitz	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Hokr	Minne	Rose	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Nelsen, B.	Samuelson	Wieser
Drew	Johnson, C.	Nelson, K.	Sarna	Wynia
Eken	Johnson, D.	Niehaus	Schafer	Zubay
Elioff	Jude	Norton	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

Hoberg was excused at 5:00 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 632 which it recommended to pass.

H. F. No. 170 which it recommended progress retaining its place on General Orders.

H. F. No. 188 which it recommended progress retaining its place on General Orders.

H. F. No. 1040 which it recommended progress until Thursday, April 30, 1981.

S. F. No. 263 which it recommended to pass.

H. F. No. 590 which it recommended to pass with the following amendment offered by Anderson, B., and Erickson:

Page 1, line 15, delete "ten" and insert "15"

On the motion of Eken the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Carlson, L., moved that H. F. No. 1390 be recalled from the Committee on Energy and be re-referred to the Committee on Taxes. The motion prevailed.

Olsen moved that her name be stricken as an author on H. F. No. 1155. The motion prevailed.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 5.9 that H. F. No. 763, now on General Orders, be re-referred to the Committee on Taxes. The Speaker ruled the point of order well taken and that H. F. No. 763 be re-referred to the Committee on Taxes.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 20, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 20, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives