

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 15, 1981

The House of Representatives convened at 10:30 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Debra von Fischer, Trinity Lutheran Congregation, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Evans and Anderson, R., were excused until 11:20 a.m. Luknic was excused until 1:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig 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. 403 and 546 and S. F. No. 571 have been placed in the members' files.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 13, 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. 624, relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services;

H. F. No. 217, relating to state trails; authorizing the sale or conveyance of certain lands acquired for the Luce Line Trail and certain other lands acquired for trail purposes; reducing the selling price on the sale of certain state owned trail land in Fillmore County.

H. F. No. 211, relating to local government; permitting agreements for compensation for transfers of taxable property in certain annexations; proposing new law coded in Minnesota Statutes, Chapter 414.

H. F. No. 921, relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers;

H. F. No. 1344, relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at

a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions;

H. F. No. 1218, relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules;

H. F. No. 357, relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting a type three school bus from being equipped and identified as certain other school buses;

Sincerely,

ALBERT H. QUIE  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 13, 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 File:

H. F. No. 142, relating to taxation; real property; extending 3 classification to certain property used for recreational purposes;

Sincerely,

ALBERT H. QUIE  
Governor

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

May 13, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
207		180	May 13	May 13
560		181	May 13	May 13
641		182	May 13	May 13
771		183	May 13	May 13
982		184	May 13	May 13
1058		185	May 13	May 13
1122		186	May 13	May 13
1343		187	May 13	May 13
	142	188	May 13	May 13
	211	189	May 13	May 13
	217	190	May 13	May 13
	357	191	May 13	May 13
	624	192	May 13	May 13
	1218	193	May 13	May 13

55th Day]

FRIDAY, MAY 15, 1981

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	1344	194	May 13	May 13

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

May 13, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
822		195	May 13	May 13
	921	196	May 13	May 13

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; estab-

lishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

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

**PATRICK E. FLAHAVEN**, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 766, A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; limiting the use of the proceeds of the bonds; requiring an annual report to the legislature; appropriating money.

**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. 477, A bill for an act relating to education; changing a reference to the provisions governing the student loan program; including parents within the definition of eligible student for guaranteed student loan purposes; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; providing exclusive property rights in certain records; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, Subdivision 7; 136A.16, Subdivisions 3 and 4; 136A.17, Subdivisions 1, 4, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision.

**PATRICK E. FLAHAVEN**, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Johnson, C., moved that the House concur in the Senate amendments to H. F. No. 477 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 477, A bill for an act relating to education; changing a reference to the provisions governing the student loan program; including parents within the definition of eligible student for guaranteed student loan purposes; requiring the higher education coordinating board to receive approval prior to implementing a parent loan program; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; providing exclusive property rights in certain records; providing for development of procedures by the higher education coordinating board; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, Subdivision 7; 136A.16, Subdivisions 3 and 4, and by adding a subdivision; 136A.17, Subdivisions 1, 4, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

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

S. F. No. 140.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 140, A bill for an act relating to natural resources; changing the term "public waters" to "protected waters"; excluding watercourses with a drainage area of five square miles or less from the definition of protected waters; requiring notice to landowners of designation of wetlands adjacent to their property; permitting repair of drainage systems without a permit; changing the procedure for designating protected waters and wetlands; raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; eliminating a responsibility imposed on certain water project contractors; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15 and 16, and by adding a subdivision; 105.38; 105.39, Subdivision 3; 105.391, Subdivisions 1, 3, 10 and 11; 105.42, Subdivision 1; 106.041; 106.631, Subdivision 2; repealing Minnesota Statutes 1980, Section 105.463.

The bill was read for the first time.

Munger moved that S. F. No. 140 and H. F. No. 1305, now on General Orders, be referred to the Chief Clerk for comparison.

A roll call was requested and properly seconded.

### CALL OF THE HOUSE

On the motion of Jennings and on the demand of 10 members, a call of the House was ordered. The following members answered to their names :

Aasness	Dean	Heinitz	Kvam	Nelsen, B.
Ainley	Den Ouden	Himle	Laidig	Niehaus
Anderson, B.	Drew	Hoberg	Lehto	Norton
Anderson, G.	Erickson	Hokanson	Lemen	Novak
Battaglia	Esau	Hokr	Levi	Nysether
Begich	Ewald	Jacobs	Long	Ogren
Berkelman	Fjoslien	Jennings	Ludeman	Olsen
Blatz	Forsythe	Johnson, C.	Mann	Onnen
Brinkman	Gruenes	Johnson, D.	Marsh	Osthoff
Carlson, D.	Gustafson	Jude	McDonald	Otis
Carlson, L.	Halberg	Kahn	Mehrkens	Peterson, B.
Clark, J.	Hanson	Kaley	Metzen	Peterson, D.
Clark, K.	Harens	Kalis	Minne	Piepho
Clawson	Hauge	Kelly	Munger	Pogemiller
Dahlvang	Haukoos	Kostohryz	Murphy	Redalen

Reding	Rothenberg	Sherwood	Sviggum	Welch
Rees	Sarna	Simoneau	Valan	Welker
Reif	Schafer	Skoglund	Valento	Wenzel
Rice	Schreiber	Stadum	Vanasek	Wieser
Rodriguez, C.	Searles	Staten	Vellenga	Wigley
Rodriguez, F.	Shea	Stowell	Voss	Spkr. Sieben, H.
Rose	Sherman	Stumpf	Weaver	

Vanasek moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Munger motion and the roll was called.

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

There were 69 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kostohryz	Osthoff	Simoneau
Anderson, G.	Elioff	Lehto	Otis	Skoglund
Anderson, I.	Ellingson	Lemen	Peterson, B.	Staten
Battaglia	Greenfield	Long	Peterson, D.	Stumpf
Begich	Gustafson	Mann	Pogemiller	Swanson
Berkelman	Hanson	Marsh	Reding	Tomlinson
Brandl	Harens	McCarron	Rice	Vanasek
Byrne	Hokanson	Minne	Rodriguez, C.	Vellenga
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Voss
Clark, J.	Johnson, C.	Murphy	Rothenberg	Welch
Clark, K.	Jude	Nelson, K.	Samuelson	Wenzel
Clawson	Kahn	Norton	Sarna	Wynia
Dahlvang	Kalis	Novak	Shea	Spkr. Sieben, H.
Dean	Kelly	O'Connor	Sieben, M.	

Those who voted in the negative were:

Aasness	Friedrich	Knickerbocker	Olsen	Stowell
Ainley	Gruenes	Kvam	Onnen	Sviggum
Blatz	Halberg	Laidig	Piepho	Valan
Brinkman	Hauge	Levi	Redalen	Valento
Carlson, D.	Haukoos	Ludeman	Rees	Weaver
Dempsey	Heap	McDonald	Reif	Welker
Den Ouden	Heinitz	McEachern	Rose	Wieser
Drew	Himle	Mehrkens	Schafer	Wigley
Erickson	Hoberg	Metzen	Schreiber	Zubay
Esau	Hokr	Nelsen, B.	Searles	
Ewald	Jennings	Niehaus	Sherman	
Fjoslien	Johnson, D.	Nysether	Sherwood	
Forsythe	Kaley	Ogren	Stadum	

The motion prevailed.

#### CALL OF THE HOUSE LIFTED

Jennings moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Shea; Munger; Begich; Carlson, D., and Anderson, B., introduced:

H. F. No. 1503, A bill for an act relating to resource recovery; providing for approval of resource recovery franchises; imposing an excise tax on the gross receipts from sales of products, packages and containers sold to retailers; providing income tax credits for the investment in property used in recycling and on the gross receipts from sales of recycled materials; imposing penalties; amending Minnesota Statutes 1980, Section 290.06, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 116F, 297A, 400, and 473.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Osthoff; Sieben, M., and Levi introduced:

H. F. No. 1504, A bill for an act relating to metropolitan government; changing the membership of the metropolitan parks and open space commission; amending Minnesota Statutes 1980, Section 473.301, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 473; and repealing Minnesota Statutes 1980, Section 473.303.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Levi; Voss; McCarron; Rodriguez, C., and Weaver introduced:

H. F. No. 1505, A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; establishing a metropolitan water resources advisory board; providing for the establishment and operation of watershed management organizations; establishing a program of planning and capital improvement grants; authorizing county and metropolitan debt; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3 and by adding subdivisions; 112.43, by adding a subdivision; 112.46; proposing new law coded in Minnesota Statutes, Chapter 473.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Shea; Stowell; Johnson, C.; Stumpf and Wenzel introduced:

H. F. No. 1506, A bill for an act relating to agriculture; providing for state-wide agricultural land preservation; amending Minnesota Statutes 1980, Sections 473H.01; 473H.02; 473H.04; 473H.06; and 473H.08, Subdivision 4.

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

Shea, Gustafson, Hauge and Pogemiller introduced:

H. F. No. 1507, A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

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

#### HOUSE ADVISORIES

The following House Advisories were introduced:

Shea, Kalis, Himle, Stumpf and Nelson, K., introduced:

H. A. No. 36, A proposal to study the potential for wind power in highway rest areas and information centers.

The advisory was referred to the Committee on Energy.

Hokanson; Swanson; Clark, J.; Reif and Hokr introduced:

H. A. No. 37, A proposal for a study of the Child Abuse Reporting Act.

The advisory was referred to the Committee on Health and Welfare.

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1421

A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and

the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

May 14, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1421, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 1421 be further amended as follows:

Delete everything after the enacting clause and insert

"Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1981", "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1981, June 30, 1982, or June 30, 1983, respectively.

#### SUMMARY BY FUND

	1981	1982	1983	TOTAL
General .....	\$432,322,400	\$424,466,600	\$856,789,000	
Tr. Hwy. ....	17,100	18,600	35,700	
Prm. Univ. ....	2,500,000	2,500,000	5,000,000	
Non-Game Wildlife Fund ....	25,000	25,000	50,000	
<b>TOTAL .....</b>	<b>434,864,500</b>	<b>427,010,200</b>	<b>861,874,700</b>	

APPROPRIATIONS  
Available for the Year  
Ending June 30

1982	1983
\$	\$

**Sec. 2. DEPARTMENT OF  
EDUCATION**

Subdivision 1. General Operations and Management .....	23,801,500	23,798,200
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Approved Complement

State—	536.6	535.6
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Federal—	222.9	222.9
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Special Revenue—	11.5	11.5
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The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.

**Subd. 2. Special and Compensatory  
Education**

\$ 5,728,500	\$ 5,695,300
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Of this appropriation, \$625,000 in the first year, and \$625,000 in the second year is for Indian scholarships. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$91,000 the first year is for repair and purchase of equipment at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

**Subd. 3. Vocational Technical  
Instruction**

\$3,270,800	\$3,381,000
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(a) \$416,500 the first year and \$441,000 the second year is for Minnesota curriculum services center.

	1982	1983
	\$	\$

(b) \$180,000 the first year and \$196,000 the second year is for the vocational student organization center.

(c) \$216,000 the first year and \$234,000 the second year is for vocational area agricultural coordinators.

(d) The amounts in (a), (b), and (c), shall be spent pursuant to agreements between the state board of education and the recipients. The agreements are not subject to the contract approval procedures of the commissioner of administration.

Until June 30, 1983, the recipient may charge fees to users of these services designed to cover the cost to the recipient of duplication and distribution, plus ten percent.

(e) Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Section 120, and required to be used for vocational education of the disadvantaged and handicapped shall be used only for grants and not for state administrative costs. This does not limit the use of grant money by a school district for its own administrative costs if otherwise permitted by federal law. The remainder of section 120 money not required to be used for eliminating sex bias, for displaced homemakers programs, and for matching requirements in vocational education shall be used for grants for post-secondary vocational support services aid.

(f) The department shall charge municipalities, counties or other units of government, electric cooperatives and other independent telephone companies an amount to provide 25 percent of the cost of field instruction in the utilities, electric cooperatives, and telephone training. The department shall make a similar charge to the above named units

1982

1983

\$

\$

of government or companies for rescue training, however, volunteers shall not be charged.

(g) On or before January 1, 1982, the commissioner of education shall submit to the legislature an examination of the adult vocational field instructor positions and services. The examination shall include a cost analysis of the following options: (1) transferring all adult vocational field instructors to area vocational-technical institutes as local employees; (2) transferring all adult vocational field instructors to area vocational-technical institutes but maintaining their status as state employees; (3) transferring a portion of the field instructors to area vocational-technical institutes; (4) maintaining field instructors as a part of the vocational division with a fee structure similar to that of the area vocational-technical institutes.

(h) Of the five state complement positions to be reduced from this program, three shall be vocational supervisors in the post-secondary and adult activity areas and two shall be professional positions to be selected at the discretion of the commissioner from within the program.

#### Subd. 4. Special Services

\$1,854,500      \$1,907,700

The department may fund two professional and one clerical positions from the fees and grants collected, pursuant to section 13 of this act and appropriated in section 14 of this act.

Effective July 1, 1981, all fees for private trade school licenses and for solicitor's permits are doubled. Notice of the revised fees shall be published in the state register as soon as practicable. During the biennium ending June 30, 1983,

1982

1983

\$

\$

these fees shall not be decreased, but may be increased pursuant to sections 15.0412, subdivision 4, 16A.128, and 214.06, as amended. Thereafter, the fees shall be set as provided in those sections.

The department shall provide on or before January 4, 1982, to the appropriate committees of the legislature a report on the administrative and regulatory activities associated with the provisions of Minnesota Statutes, Chapter 141, including details and the resulting costs and relationship of costs to the fees charged and collected.

The state board of education and the state board of teaching, after joint consultation, shall individually set consistent license fees for which they are responsible at a level sufficient to recover all department of education and board of teaching costs associated with the licensure, relicensure, and placement of teachers, administrators, and other education professionals. In setting these fees, the state board of education and the board of teaching are exempt from the public hearing process in chapter 15.

#### Subd. 5. Instructional Services

\$2,171,900      \$2,188,500

Of the amounts provided by this subdivision, \$17,100 in 1982 and \$18,600 in 1983 are from the trunk highway fund.

\$94,300 in the first year and \$94,900 in the second year is for the chemical dependency program. These appropriations may be expended only with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30 and only as a substitute for federal funds that are diminished or no longer available for this purpose. Up to two federal complement positions may be con-

	1982	1983
	\$	\$

verted to state complement positions as needed to compensate for any loss of federal funds and as state funds are made available pursuant to this paragraph.

The department of education is authorized to apply for and receive federal money for the career education program. The department of education shall not increase its expenditure of state money or its state complement involved in career education programs above the level of the spending and complement in fiscal year 1979. The department of education shall not apply for federal career education money if the application will require an appropriation of state money at any time in the future. The department of education shall present no budget requests for state appropriations for this program in future sessions.

#### Subd. 6. School Management Services

\$8,601,100	\$8,431,100
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(a) \$800,000 in 1982 and \$850,000 in 1983 is for MECC management information services. Of this amount \$300,000 in 1982 and \$850,000 in 1983 shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30. No dollars shall be expended for new ESV-IS applications software development or major enhancements of present applications software until a systems architecture plan has been approved by the state board with the advice and assistance of the ESV computer council. The system architecture plan shall consider the formation of a central development group to be created to provide for the future development of applications software for ESV-IS. Particular emphasis shall be placed on the consolidation and coordina-

	1982	1983
	\$	\$

tion of software development efforts at MECC and the regional management information centers so as to reduce duplication of effort and cost.

(b) \$3,213,000 in 1982 and \$3,425,100 in 1983 is for regional support aids for regional management information centers.

(c) \$757,400 in 1982 and \$872,500 in 1983 is for regional telecommunication subsidies.

(d) \$900,000 in 1982 and \$450,000 in 1983 is for instructional timesharing telecommunications costs.

The appropriation for 1983 shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30. The Minnesota Education Computing Consortium shall charge fees to any district which uses the instructional timesharing system for a computer program which is available for use on a microcomputer. MECC shall prepare a report on the specific effects of the reduction of the instructional telecommunications subsidy for submission to the legislature on or before January 1, 1983.

(e) The department of education in consultation with MECC shall submit to the chairman of the house appropriations committee and the chairman of the senate finance committee by July 15 and December 31 of each year a progress report, proposed plans, and expenditures for educational computing.

(f) Any unexpended balance remaining in (a) through (e) in the first year does not cancel but is available for the second year of the biennium.

(g) \$40,000 is appropriated to a special contingent account for an evaluation

	1982	1983
	\$	\$

of the development of the state department of education information system (SDE-IS). These funds shall be released to the office of the legislative auditor after submission of a plan to the chairmen of the house appropriations committee and the senate finance committee. The evaluation shall consider:

(1) the extent to which the present system meets all reporting requirements of the department and the cost and effort required to automate those reporting requirements which are presently not computerized;

(2) the impact of legislative mandates and changing complex statutory requirements on the system;

(3) an estimate of the resources and schedule necessary to complete development of the system and to maintain it in the future; specific consideration shall be given to the present arrangement of data processing hardware used for the system and projected hardware requirements in the future;

(4) the role of consultants in the development of the system;

(5) the adequacy of the documentation of the system as development occurs.

(h) \$40,000 shall be used by the department to hire a consultant to assist the department in implementing the recommendations in the evaluation which was performed pursuant to Laws 1979, Chapter 334, Article VI, Section 33. The consultant shall evaluate the effectiveness of the regional reporting subsidy formula and make recommendations. The consultant shall further develop a systematic mechanism for the monitoring of the financial and performance elements of the operations of the ESV regional centers. The employ-

	1982	1983
	\$	\$

ment of a consulting firm shall not be subject to the contract approval procedures of the commissioner of administration.

**Subd. 7. Auxiliary and General Support Services**

\$ 2,009,200      \$ 2,021,800

Of the complement positions to be eliminated in the department, the commissioner shall eliminate at least one state complement position of his own choosing with a classification of education specialist IV or higher. In addition, the commissioner shall prepare a plan to reorganize the senior level management of the department. In developing the plan, the commissioner shall provide for the elimination of two state complement in the assistant commissioner and/or deputy commissioner categories. The plan shall be submitted to the chairmen of the house appropriations and senate finance committees by December 1, 1981. The department may carry two positions in excess of approved complement until January 1, 1982.

The commissioner of education with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfer shall be reported forthwith to the house appropriations and senate finance committees.

It is the intent of the legislature, except in the case of executive order to the contrary, that the department of education be allowed to transfer money among the various object of expenditure categories and activities within each program.

**Subd. 8. Federal money received for strengthening state education agencies pursuant to the Elementary and Secondary Education Act of 1965, Title 4C, as**

	1982	1983
	\$	\$

amended, or pursuant to the Education Amendments of 1978, Section 404, Paragraph (a), Clause (9), or Title 5, Part B, shall be spent only for the activities and approved complement positions shown in the allocation plan for Title 4C money as approved by the conferees of the senate and house of representatives. The amounts available for expenditure for each activity are those shown in the allocation plan. Amounts necessary to support approved complement positions shown in the allocation plan may be added to or transferred among those activities by the commissioner of education, with the approval of the commissioner of finance and with notification to the committee on finance of the senate and the committee on appropriations of the house of representatives. Any other transfers or additions may be made only by the governor after consultation with the legislative advisory commission.

Subd. 9. Board of Teaching

\$ 165,500		\$ 172,800
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Sec. 3. HIGHER EDUCATION  
COORDINATING BOARD

Subdivision 1. General Operations  
and Management

	43,528,600	44,103,900
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Salaries and Expenses

\$ 2,003,800		\$ 2,018,200
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This appropriation includes sufficient state money to offset anticipated loss of federal money in the policy planning and research activities. If any federal money becomes available for this activity, an equal amount of state money shall cancel to the general fund.

	1982	1983
	\$	\$

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

This appropriation includes money for continuation of the optometry and osteopathy contract program. No more than eight new students shall be admitted to the program each year. The higher education coordinating board shall amend the contracts with participating institutions to provide that continued participation by the state of Minnesota be contingent upon the availability of appropriations for the program.

Subd. 3. State Scholarship, Nurses Scholarship and State Grant-In-Aid

\$27,720,000	\$27,720,000
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The general goal of this program is that the proportion of funds flowing to students attending private institutions not exceed a figure which is approximately 50 percent of the total amount of money available.

It is expected that approximately \$3,000,000 of this appropriation will revert to the general fund at the end of fiscal year 1983.

Subd. 4. Part Time Student Subsidy

\$ 300,000	\$ 300,000
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Subd. 5. Special Assistance

\$ 1,200	\$ 1,200
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Subd. 6. Interstate Tuition Reciprocity

\$ 5,300,000	\$ 5,669,000
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	1982	1983
	\$	\$

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

Subd. 7. State Work Study

\$3,892,000	\$4,067,000
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Subd. 8. Medical Student Loans

\$81,000	\$222,000
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No new participants shall be admitted to this program after June 30, 1981. This appropriation shall be used to meet the renewal loan requests of participants who entered the program prior to June 30, 1981 and to make principal and interest payments on outstanding bonds.

Subd. 9. AVTI Tuition Subsidy

\$1,400,000	\$1,400,000
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Any unexpended balance in this subdivision remaining at the end of the first year does not cancel but is available for the purposes of subdivision 3 above for the second year.

Subd. 10. Private College Contracts

\$2,105,000	\$2,105,000
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Any private educational institution that holds classes or other scheduled educational activities on evenings of precinct caucuses as defined by Minnesota Statutes, Chapter 202A is ineligible to receive money from this appropriation.

Subd. 11. Regional Coordination and Service

\$132,600

	1982	1983
	\$	\$
Subd. 12. Minitex Library Program		
	\$557,900	\$601,500

Subd. 13. Southwest and West  
Central Consortium

\$35,100

Subd. 14. The nursing articulation task force shall submit a report to the higher education coordinating board by January 1, 1982. The report shall include, but not necessarily be limited to: (1) a documentation of the changes in the curricula that existing nursing education programs will implement before January 1, 1983; (2) a documentation of the changes in the transfer policies and policies for advanced placement of licensed nurses that each institution will implement before January 1, 1983; and (3) a set of specific alternatives for providing additional educational opportunities for licensed nurses in all areas of the state which could be implemented on or before July 1, 1983.

The higher education coordinating board shall present its recommendations on the above mentioned report to the chairmen of the house appropriations and senate finance committees.

Subd. 15. Notwithstanding any other provision to the contrary, none of the personnel, powers, or duties of the higher education coordinating board shall be transferred to any other department, higher education system, or other part of state government.

Subd. 16. Any unexpended balances in this section, except subdivisions 8, 11 and 13 remaining in the first year do not cancel but are available for the second year of the biennium.

	1982	1983
	\$	\$

**Sec. 4. STATE UNIVERSITY BOARD**

Subdivision 1. General Operations and Management .....	83,757,300	82,298,700
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

**Subd. 2. Maintenance and Equipment**

\$81,653,500	\$80,649,100
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This appropriation includes an amount not to exceed \$1,482,300 in 1982 and \$1,770,300 in 1983 for partial support of the temporary increase in enrollment. None of this amount shall be available unless full year equivalent enrollment exceeds the threshold level of 31,505. For each full year equivalent student in excess of the threshold level \$653 shall be available. The full year equivalent enrollment figure to be used in determining the amount of partial enrollment support to be available in fiscal year 1982 shall be the actual full year equivalent enrollment for fiscal year 1981. In like manner, the full year equivalent enrollment for fiscal year 1982 shall be used in determining the amount to be available in fiscal year 1983. The number of students generating partial enrollment support is limited by the amount appropriated above. If the number of students exceeds the number which can be supported by the appropriation, those students shall be supported by tuition revenue only.

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen

	1982	1983
	\$	\$

have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

(a) The appropriation in subdivision 2 includes \$120,000 in 1982 and \$130,000 in 1983 for enrollment and staffing stabilization.

(b) If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 3.

No additional funding shall be available for the above program after June 30, 1983.

(c) The amounts appropriated in subdivision 2 include a sum in each year for recruitment of unclassified staff.

Notwithstanding the provisions of Minnesota Statutes, Chapters 15A and 43A, the state university board may establish executive salaries within the state university system.

Subd. 3. State University Board  
Contingent

\$500,000

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.

	1982	1983
	\$	\$

**Subd. 4. Federal Student Loans—  
State Matching**

\$175,000      \$175,000

**Subd. 5. Federal Work Study—  
State Matching**

\$518,000      \$518,000

Any unexpended balances in subdivisions 4 and 5 remaining in the first year do not cancel but are available for the second year of the biennium. If the amounts appropriated in subdivision 5 are insufficient to fully match federal money available, the state university board may transfer money from the appropriations in subdivisions 1 or 3 to this program. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1980.

**Subd. 6. Repairs and Betterments**

\$910,800      \$956,600

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The state university board, with the concurrence of the commissioner of finance and the chairmen of the senate finance and house appropriations committees, may transfer excess fuel and utility money appropriated in subdivision 2 to the repair and betterment account to fund energy conservation related building repairs and improvements.

**Subd. 7.** A report shall be submitted to the 73rd session of the legislature on the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

	1982	1983
	\$	\$

**Sec. 5. STATE COMMUNITY COLLEGE BOARD**

Subdivision 1. General Operations and Management .....	40,349,000	38,661,000
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

**Subd. 2. Operations and Maintenance**

\$38,797,800	\$37,587,500
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This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Notwithstanding the provisions of Minnesota Statutes, Chapters 15A and 43A, the state community college board may establish executive salaries within the community college system.

An amount not to exceed \$861,900 in 1982 and \$861,900 in 1983 is for partial support of the temporary increase in enrollment. None of this amount shall be available unless full year equivalent enrollment exceeds the threshold level of 21,247. For each full year equivalent student in excess of the threshold level \$533 shall be available. The full year equivalent enrollment figure to be used in determining the amount of partial enrollment support to be available in fiscal year 1982 shall be the actual full year equivalent enrollment for fiscal year 1981. In like manner, the full year equivalent enrollment for fiscal year 1982 shall be used in determining the amount

	1982	1983
	\$	\$

to be available in fiscal year 1983. The number of students generating partial enrollment support is limited by the amount appropriated above. If the number of students exceeds the number which can be supported by the appropriation, those students shall be supported by tuition revenue only.

Rental funds are appropriated in the amount of \$194,800 for the biennium. A request for release of these funds shall be submitted and reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations are advisory only. Failure to make a recommendation promptly is deemed a negative recommendation.

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

(a) The appropriation in subdivision 2 includes \$40,000 in 1982 and \$60,000 in 1983 for enrollment and staffing stabilization.

(b) If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 7.

No additional funding shall be available for the above program beyond June 30, 1983.

	1982	1983
	\$	\$
Subd. 3. Program Development		
\$300,000		

Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.

Subd. 4. Learning Centers		
\$231,300	\$232,500	

The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1982 for the first year and January 1, 1983 for the second year on the use of the money in this appropriation.

Subd. 5. Federal Student Loan— State Matching		
\$35,000	\$35,000	

Subd. 6. Federal Work Study— State Matching		
\$365,600	\$365,600	

If the amounts appropriated are insufficient to fully match federal money available, the community college board may transfer money available from the appropriation in subdivision 2 to this program.

Subd. 7. State Community College Board Contingent		
\$200,000		

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

	1982	1983
	\$	\$
Subd. 8. Repairs and Betterments		
	\$419,300	\$440,400

Any unexpended balances in this section, except subdivision 2, remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 6. UNIVERSITY OF MINNESOTA	241,904,400	236,481,100
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following three sections of this act.

**Sec. 7. UNIVERSITY OF MINNESOTA: GENERAL**

Subdivision 1. Operations and Maintenance	199,393,400	195,818,100
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These appropriations are made from:

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

(b) The general fund. It is estimated that the amount required from the general fund will be at least \$196,893,400 for the first year and \$193,318,100 for the second year.

The university is authorized to retain 2-1/2 percent of the indirect cost recoveries and this amount shall be expended to improve its ability to attract nonstate money. A report on the expenditures of this money with an analysis of apparent results shall accom-

	1982	1983
	\$	\$

pany the university's annual report on expenditure of excess receipts.

On October 1, 1982 and 1983 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

(1) The total amount of receipts during the fiscal year 1982 from all sources in excess of \$93,179,300 and during the fiscal year 1983 from all sources in excess of \$101,522,400;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund is reduced accordingly.

State appropriations for fellowship programs shall cancel if replacement federal money becomes available during the 1981-1983 biennium.

In preparing the university's legislative budget request for the 1983-1985 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

This appropriation includes money to provide direct support services to handicapped students.

This appropriation includes money for a program for the education of teachers

	1982	1983
	\$	\$

of children with vision and hearing impairments. This appropriation shall only be available if it is matched by an equal amount of money from the federal government, private sources, or reallocation of existing funds from the budgets of the university and the state universities. The university shall operate this program in cooperation with the state university system and other teacher education institutions.

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

#### Subd. 2. Salary Increase Authorization

Salary supplements for employees of the University of Minnesota are approved as follows:

##### (a) Academic employees

(1) Academic employees who are not represented by an exclusive representative. The commissioner of finance, in consultation with the chairmen of the house appropriations and senate finance committees, shall determine the average of the percentage increases provided from the salary supplement appropriation to the state university instructional unit, and the community college instructional unit. That average shall be the basis for determining the amount of the approved salary supplement.

	1982	1983
\$	\$	

(2) Academic employees who are represented by an exclusive representative shall receive salary supplements in accordance with the collective bargaining agreements approved pursuant to chapter 179.

(b) Non-academic employees

(1) Non-academic employees who are not represented by an exclusive representative. The commissioner of finance shall determine the average of the percentage increase provided from the salary supplement appropriation to classes of state employees which are approximately comparable to classes of university employees. That average shall be the basis for determining the amount of the approved salary supplement.

(2) Non-academic employees who are represented by an exclusive representative shall receive salary supplements in accordance with the collective bargaining agreements approved pursuant to chapter 179.

The amounts needed to provide the above salary supplements shall be provided to the University of Minnesota from the salary supplement appropriation in the state departments appropriations act.

The salary supplements provided by this subdivision shall be submitted to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.

**Sec. 8. UNIVERSITY OF MINNESOTA: SPECIAL PROGRAMS**

Subdivision 1. Student Loans—State Matching .....	175,000	175,000
Subd. 2. Disadvantaged Students ...	361,500	361,500

	1982	1983
	\$	\$
<p>This appropriation shall be used for providing counseling, tutorial, and other direct services to disadvantaged students.</p>		
Subd. 3. Fellowship for Minority and Disadvantaged Students .....	71,500	
<p>Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.</p>		
Subd. 4. Intercollegiate athletics ...	1,494,700	1,494,700
<p>This appropriation shall be used as a general offset to the expenses of intercollegiate athletics.</p>		
Subd. 5. Summer School Tuition and Continuing Education Supplement.....	1,202,200	1,164,200
<p>This appropriation includes money for the administration of the elderhostel program and construction of a tower at Rochester.</p>		
Subd. 6. Medical Services and Instruction .....	1,771,800	1,746,800
<p>This appropriation includes money for the final appropriation for the rural hospital cooperative program.</p>		
<p>This appropriation includes money for the occupational and physical therapy instructional grants replacement.</p>		
Subd. 7. Health Sciences Contingent	3,212,500	1,212,500
<p>Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.</p>		
<p>Portions or all of the above appropriation are available upon submission of required documentation that federal health sciences capitation money has been re-</p>		

	1982	1983
\$		\$

duced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. The replacement will be adjusted to reflect faculty and civil service salary increases granted to the university for the 1981-1983 biennium. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations are advisory only. Failure to make a recommendation promptly is deemed a negative recommendation.

**Sec. 9. UNIVERSITY OF MINNESOTA: RESEARCH**

Subdivision 1. General Research . . . . .	2,064,900	2,064,900
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. Mineral Resource Research Center . . . . .	307,500	307,500
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Subd. 3. General Agricultural Research . . . . .	8,899,800	8,899,800
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This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, swine disease, corn improvement and irrigation.

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

	1982	1983
	\$	\$
come distributions of farms and agri- business.		
Subd. 4. Hormel Institute— Austin .....	185,100	135,100
To support the operation of the insti- tute and to promote research by the institute.		
Subd. 5. Medical Research .....	1,673,900	1,673,900
Subd. 6. Coleman Leukemia Research Fund .....	150,000	200,000
Subd. 7. Veterinary Diagnostic Laboratory and Teaching Hospital .....	776,400	776,400
This appropriation includes \$25,000 from the nongame wildlife fund for the Raptor Rehabilitation and Research Clinic.		
Subd. 8. Geological Survey .....	565,300	565,300
Subd. 9. Lake Superior Basin Studies .....	114,500	114,500
Subd. 10. Sea Grant .....	100,200	100,200
Subd. 11. Plant Biomass Research ..	112,500	125,000
Subd. 12. Immigration History Research Center .....	225,000	

Portions of the above appropriation are available upon submission of required documentation that each dollar in state money has been matched by at least two dollars in money contributed from non-state and non-federal sources; that each dollar in state money has been matched by at least one dollar in federal money and that the total amount provided by the state does not exceed the total amount provided by the federal government. All requests shall be reviewed by the chairmen of the house appropriations and senate finance com-

	1982	1983
	\$	\$
<p>mittees and the chairmen shall make recommendations on the requests. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.</p>		

Subd. 13. Science and Technical Center .....	125,000	125,000
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**Sec. 10. UNIVERSITY OF MINNESOTA: COMMUNITY SERVICES**

Subdivision 1. Agricultural Extension Service .....	8,729,600	8,729,600
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

This appropriation includes money each year for the sawyer training program. It also includes money for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.

Subd. 2. For State's Share of Expenses of County Indigent Patients ...	2,000,000	2,000,000
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Subd. 3. Special Hospitals, Community Service, and Educational Offset ..	7,270,500	7,270,500
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Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals, to be available until June 30, 1983.

	1982	1983
	\$	\$
Subd. 4. Industrial Relations Education Program .....	520,600	520,600
Subd. 5. Inflation Allowance— University Specials .....	451,000	900,000

The appropriations in section 7 for operations and maintenance funding for the agricultural extension service, for the faculty travel fund and for the university hospitals outpatient clinics shall be merged with the appropriate special appropriations in fiscal years 1982 and 1983.

#### Sec. 11. MAYO MEDICAL

Subdivision 1. Medical School .....	1,367,700	1,499,300
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The state of Minnesota shall pay a capitation of \$8,998 in fiscal year 1982 and \$9,799 in fiscal year 1983 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Subd. 2. Family Practice and Graduate Residency Program .....	156,000	168,000
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The state of Minnesota shall pay capitation of \$13,000 in fiscal year 1982 and \$14,000 in fiscal year 1983 for a maximum of 12 students each year.

Sec. 12. Minnesota Statutes 1980, Section 15.38, is amended to read:

#### 15.38 [NON-INSURANCE OF STATE PROPERTY; (STILLWATER CORRECTIONAL FACILITY, EXCEPTION) EXCEPTIONS.]

*Subdivision 1. [INSURANCE PROHIBITED.]* No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except (THAT) as specifically authorized in this section, section 15.39, or other law.

*Subd. 2. [STILLWATER PRISON.] The commissioner of corrections is authorized in his discretion to insure the state of Minnesota against loss by fire or tornado to the Minnesota correctional facility-Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as he may from time to time determine and to pay the premiums therefor from the revolving fund of the institution.*

*Subd. 3. [STATE UNIVERSITIES.] The state university board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state universities.*

*Subd. 4. [COMMUNITY COLLEGES.] The community college board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state community colleges.*

Sec. 13. Minnesota Statutes 1980, Section 123.742, is amended by adding a subdivision to read:

*Subd. 3. The department may provide available curriculum information for improving teaching practices at public elementary, secondary and post-secondary vocational schools. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.*

Sec. 14. Minnesota Statutes 1980, Section 123.743, is amended to read:

#### 123.743 [APPROPRIATION.]

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 123.742, subdivision 2 and section 13 of this act.

Sec. 15. Minnesota Statutes 1980, Section 136A.121, Subdivision 4, is amended to read:

Subd. 4. A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 in the 1979-1980 school year, \$1,250 in the 1980-1981 school year and up to \$1,400 in the 1981-1982 school year and subsequent school years to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need or an amount which if combined with the amount of a federal basic educational opportunity grant for which the

applicant is eligible equals 75 percent of the applicants need, whichever is the lesser. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships.

Sec. 16. Minnesota Statutes 1980, Section 136A.121, Subdivision 5, is amended to read:

Subd. 5. A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 in the 1979-1980 school year, \$1,250 in the 1980-1981 school year and up to \$1,400 in the 1981-1982 school year and subsequent school years to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need, or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants need, whichever is the lesser.

Sec. 17. Minnesota Statutes 1980, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. [CURRICULA; TEST.] The commissioner of education shall develop curricula (WHICH MAY) and a test to be used for nursing assistant training programs for employees of nursing homes. The curricula, as reviewed and evaluated by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs. *The test may be given by any area vocational-technical institute or community college in accordance with instructions from the commissioner of education. The commissioner of education may prescribe a fee for the administration of the test not to exceed \$30.*

Sec. 18. [REPEALER.]

*Minnesota Statutes 1980, Section 123.939, is repealed."*

Delete the title and insert

"A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 123.742, by adding a subdivision; 123.743; 136A.121, Subdivisions 4 and 5; and 144A.61, Subdivision 3; repealing Minnesota Statutes 1980, Section 123.939."

We request adoption of this report and repassage of the bill.

House Conferees: LYNDON R. CARLSON, JAMES C. SWANSON, RICHARD J. WELCH, BRUCE G. NELSEN and WENDELL O. ERICKSON.

Senate Conferees: TOM A. NELSON, GERALD L. WILLET, TIMOTHY J. PENNY, ROBERT J. TENNESSEN and JOHN B. KEEFE.

Carlson, L., moved that the report of the Conference Committee on H. F. No. 1421 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

#### CALL OF THE HOUSE

On the motion of Carlson, L., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Vanasek 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. 1421, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kvam	O'Connor	Sherman
Ainley	Ewald	Laidig	Ogren	Sherwood
Anderson, B.	Fjoslien	Lehto	Olsen	Sieben, M.
Anderson, G.	Greenfield	Lemen	Osthoff	Simoneau
Anderson, I.	Gruenes	Levi	Otis	Skoglund
Battaglia	Gustafson	Long	Peterson, D.	Stadum
Begich	Halberg	Mann	Piepho	Staten
Berkelman	Harens	Marsh	Pogemiller	Stumpf
Blatz	Hauge	McCarron	Reding	Sviggum
Brandl	Heap	McDonald	Rees	Swanson
Brinkman	Hoberg	McEachern	Rice	Tomlinson
Byrne	Hokanson	Mehrkens	Rodriguez, C.	Valan
Carlson, D.	Jacobs	Metzen	Rodriguez, F.	Vanasek
Carlson, L.	Johnson, C.	Minne	Rose	Vellenga
Clark, J.	Johnson, D.	Munger	Rothenberg	Weaver
Clawson	Jude	Murphy	Samuelson	Welch
Dahlvang	Kahn	Nelsen, B.	Sarna	Wenzel
Drew	Kalis	Nelson, K.	Schafer	Wieser
Elioff	Kelly	Niehaus	Schoenfeld	Wigley
Ellingson	Knickerbocker	Norton	Schreiber	Wynia
Erickson	Kostohryz	Novak	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Anderson, R.	Forsythe	Himle	Nysether	Stowell
Dean	Friedrich	Hokr	Onnen	Valento
Dempsey	Hanson	Jennings	Peterson, B.	Voss
Den Ouden	Haukoos	Kaley	Redalen	Welker
Esau	Heinitz	Ludeman	Searles	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

Vanasek moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 586

A bill for an act relating to crimes; authorizing courts to order certain persons to participate in counseling in domestic abuse cases; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 6; 595.02; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609.

May 13, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 586 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 586 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 15.1695, Subdivision 1, is amended to read:

Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct or *intrafamilial sexual abuse* shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Sec. 2. Minnesota Statutes 1980, Section 518B.01, Subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] Upon notice and hearing, the court may provide relief as follows:

(a) Restrain any party from committing acts of domestic abuse;

(b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;

(d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse;

(e) Provide counseling or other social services for the parties, if married, or if there are minor children;

(f) *Order the abusing party to participate in treatment or counseling services;*

(g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

Sec. 3. Minnesota Statutes 1980, Section 595.02, is amended to read:

#### 595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of (SUCH) *the* attorney be examined as to (SUCH) *the* communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of (SUCH) *the* person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of (SUCH) *the* patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of (SUCH) *the* deceased person for the purpose of waiving (THE) *this* privilege (HEREINBEFORE CREATED), and no oral or written waiver of the privilege (HEREINBEFORE CREATED) shall have any binding force or effect except (THAT THE SAME BE) *when* made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 7, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 4. Minnesota Statutes 1980, Section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. If a person is convicted of a second or subsequent offense under sections 609.342 to (609.346) *609.345 or sections 7 to 11* within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 *or sections 7 to 11* or under any similar statute of the United States, or this or any other state.

Sec. 5. Minnesota Statutes 1980, Section 609.348, is amended to read:

609.348 [MEDICAL PURPOSES; EXCLUSION.]

Laws 1975, Chapter 374, *and sections 7 to 11* shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 6. Minnesota Statutes 1980, Section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct *or intrafamilial sexual abuse, as defined in section 7, subdivision 10*, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of (SUCH) *the* examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 7. [609.364] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 3 and 7 to 11, the terms in this section have the meanings given them.*

*Subd. 2. [ACTOR.] "Actor" means an adult accused of intrafamilial sexual abuse.*

*Subd. 3. [CHILD.] "Child" means a person under age 16.*

Subd. 4. [COERCION.] "Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another.

Subd. 5. [COMPLAINANT.] "Complainant" means a child or minor alleging to have been subjected to intrafamilial sexual abuse, but need not be the person who signs the complaint.

Subd. 6. [CONSENT.] "Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 7. [FORCE.] "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat.

Subd. 8. [INTIMATE PARTS.] "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 9. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:

- (a) The complainant's parent, stepparent, or guardian;
- (b) Nearer of kin to the complainant than first cousin, computed by rules of the civil law, whether of the half or the whole blood;
- (c) Any of the following persons related to the complainant by marriage or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or
- (d) An adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 10. [INTRAFAMILIAL SEXUAL ABUSE.] "Intrafamilial sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a familial relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 11. [MINOR.] "Minor" means a person under age 18 but age 16 or over.

*Subd. 12. [PERSONAL INJURY.] "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy.*

*Subd. 13. [SEXUAL CONTACT.] "Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:*

*(a) The intentional touching by the actor of the complainant's intimate parts;*

*(b) The touching by the complainant of the actor's, the complainant's, or another's intimate parts;*

*(c) The touching by another of the complainant's intimate parts; or*

*(d) In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.*

*Subd. 14. [SEXUAL PENETRATION.] "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.*

**Sec. 8. [609.3641] [INTRAFAMILIAL SEXUAL ABUSE IN THE FIRST DEGREE.]**

*Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the first degree if:*

*(1) He has a familial relationship to and engages in sexual penetration with a child; or*

*(2) He has a familial relationship to and engages in sexual penetration with a child and:*

*(a) the actor or an accomplice used force or coercion to accomplish the penetration;*

*(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

*(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(d) *the complainant suffered personal injury; or*

(e) *the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years.*

**Sec. 9. [609.3642] [INTRAFAMILIAL SEXUAL ABUSE IN THE SECOND DEGREE.]**

*Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the second degree if:*

(1) *He has a familial relationship to and engages in sexual contact with a child; or*

(2) *He has a familial relationship to and engages in sexual contact with a child and:*

(a) *the actor or an accomplice used force or coercion to accomplish the contact;*

(b) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the dangerous weapon;*

(c) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(d) *the complainant suffered personal injury; or*

(e) *the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 15 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 15 years.*

Sec. 10. [609.3643] [INTRAFAMILIAL SEXUAL ABUSE  
IN THE THIRD DEGREE.]

*Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the third degree if:*

*(1) He has a familial relationship to and engages in sexual penetration with a minor; or*

*(2) He has a familial relationship to and engages in sexual penetration with a minor and:*

*(a) the actor or an accomplice used force or coercion to accomplish the penetration;*

*(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

*(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

*(d) the complainant suffered personal injury; or*

*(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years.*

Sec. 11. [609.3644] [INTRAFAMILIAL SEXUAL ABUSE  
IN THE FOURTH DEGREE.]

*Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the fourth degree if:*

*(1) He has a familial relationship to and engages in sexual contact with a minor; or*

*(2) He has a familial relationship to and engages in sexual contact with a minor and:*

*(a) the actor or an accomplice used force or coercion to accomplish the contact;*

(b) *the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

(c) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(d) *the complainant suffered personal injury; or*

(e) *the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years.*

Sec. 12. Minnesota Statutes 1980, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 7 to 11. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 13. Minnesota Statutes 1980, Section 629.341, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person ((1) *anywhere, including* at his place of residence (; OR (2) WHEN THE PERSON IS THREATENING TO RETURN TO HIS PLACE OF RESIDENCE,) if the peace officer has probable cause to believe the person within the preceding four hours has assaulted his spouse or other person with whom he resides, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing recent physical injury to, or impairment of physical condition of the alleged victim.

Sec. 14. [EFFECTIVE DATE.]

*Sections 1 to 13 are effective the day following final enactment and apply to any act which occurs on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; authorizing courts to order certain persons to participate in counseling in domestic abuse cases; creating the crime of intrafamilial sexual abuse; prescribing penalties; amending Minnesota Statutes 1980, Sections 15.1695, Subdivision 1; 518B.01, Subdivision 6; 595.02; 609.346; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609."

We request adoption of this report and repassage of the bill.

House Conferees: BRUCE ANDERSON, WAYNE A. SIMONEAU and TERRY M. DEMPSEY.

Senate Conferees: LINDA BERGLIN, DENNIS R. FREDERICKSON and DON FRANK.

Anderson, B., moved that the report of the Conference Committee on H. F. No. 586 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 586, A bill for an act relating to crimes; authorizing courts to order certain persons to participate in counseling in domestic abuse cases; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 6; 595.02; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eloff	Jude	Olsen	Sieben, M.
Ainley	Ellingson	Kaley	Onnen	Simoneau
Anderson, B.	Esau	Kelly	Osthoff	Skoglund
Anderson, G.	Evans	Kostohryz	Otis	Stadum
Anderson, I.	Fjoslien	Kvam	Peterson, B.	Stowell
Anderson, R.	Forsythe	Laidig	Piepho	Stumpf
Battaglia	Friedrich	Lemen	Pogemiller	Sviggum
Begich	Greenfield	Long	Redalen	Tomlinson
Blatz	Gruenes	Luknic	Reding	Valan
Brandl	Halberg	Mann	Rees	Valento
Brinkman	Hauge	McDonald	Rice	Vanasek
Byrne	Haukoos	McEachern	Rodriguez, C.	Weaver
Carlson, D.	Heap	Mehrkens	Rodriguez, F.	Welch
Carlson, L.	Heinitz	Metzen	Rose	Welker
Clark, J.	Himle	Munger	Rothenberg	Wenzel
Clark, K.	Hoberg	Murphy	Sarna	Wieser
Clawson	Hokanson	Nelsen, B.	Schafer	Wynia
Dahivang	Hokr	Nelson, K.	Schoenfeld	Zubay
Dempsey	Jacobs	Niehaus	Schreiber	Spkr. Sieben, H.
Den Ouden	Jennings	Novak	Searles	
Drew	Johnson, C.	Nysether	Sherman	
Eken	Johnson, D.	O'Connor	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 157

A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

May 14, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 157, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: SHIRLEY A. HOKANSON, JANET H. CLARK and KENNETH P. ZUBAY.

Senate Conferees: LINDA BERGLIN, RONALD R. DICKLICH and DUANE D. BENSON.

Hokanson moved that the report of the Conference Committee on H. F. No. 157 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 157, A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Weaver  
WelchWelker  
WenzelWieser  
WigleyWynia  
Zubay

Spkr. Sieben, H.

The bill was repassed, as amended by Conference, and its title agreed to.

**CALL OF THE HOUSE LIFTED**

Peterson, B., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 1190**

A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

May 14, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1190, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment and that H. F. No. 1190 be further amended as follows:

Page 2, after line 9, insert:

“Sec. 2. [375.056] [SEVEN-MEMBER BOARD.]

*Any county with a population of 100,000 or more according to the last federal decennial census may by resolution of its county board provide for a seven-member board of county commissioners. A certified copy of the resolution of the county board of any county choosing to exercise this option shall be transmitted to the secretary of state, and the county commissioner districts shall be redistricted by the county board in accordance with section 375.025.”*

Page 2, line 14, delete “this act is” and insert “sections 1 and 3 are”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for a seven-member board of commissioners in certain counties;"

Page 1, line 6, after the semicolon, insert "proposing new law coded in Minnesota Statutes, Chapter 375;"

We request adoption of this report and repassage of the bill.

House Conferees: JOSEPH R. BEGICH, WALTER R. HANSON and AL W. WIESER, JR.

Senate Conferees: DOUGLAS W. JOHNSON, JAMES C. PEHLER and DUANE D. BENSON.

Begich moved that the report of the Conference Committee on H. F. No. 1190 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1190, A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1434

A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

May 14, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1434, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1434 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1981", "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1981, June 30, 1982, or June 30, 1983, respectively.

**SUMMARY BY FUND**  
(Net after transfers)

	1981	1982	1983	TOTAL
General	\$75,000	\$37,793,800	\$37,615,700	\$75,484,500
Airports		10,319,300	9,956,300	20,275,600
M.S.A.S.		35,208,600	35,280,900	70,489,500
C.S.A.H.		107,291,200	107,524,900	214,816,100
Tr. Hwy.		337,171,700	341,119,500	678,291,200
Hwy. User		6,077,500	6,129,200	12,206,700
Special Revenue Fund		157,900	167,500	325,400
<b>TOTAL</b>	<b>\$75,000</b>	<b>\$534,020,000</b>	<b>\$537,794,000</b>	<b>\$1,071,889,000</b>

APPROPRIATIONS  
Available for the Year  
Ending June 30  
1982                      1983  
\$                              \$

**Sec. 2. TRANSPORTATION**

Subdivision 1. Total Department  
Appropriation ..... 455,727,400 458,297,700

Approved Complement—4313

Trunk Highway—4309

Federal—4

The approved complement in this section as adjusted pursuant to subdivisions 8, 9, or 10 of this section shall be in effect on January 1, 1982.

The appropriations in this section are from the trunk highway fund, except where another fund is designated.

Of this appropriation, \$1,000,000 the first year is from the general fund; \$10,284,900 the first year and \$9,919,000 the second year is from the

	1982	1983
	\$	\$

state airports fund; \$35,208,600 the first year and \$35,280,900 the second year is from the municipal state aid street fund; \$107,291,200 the first year and \$107,524,900 the second year is from the county state aid highway fund; \$301,942,700 the first year and \$305,572,900 and second year is from the trunk highway fund.

Subd. 2. Planning .....	2,672,600	2,690,200
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Of this amount \$175,000 each year is available for grants to regional development commissions outside the seven county metropolitan area for transportation studies to identify critical concerns, problems and issues.

Subd. 3. Highway Operations .....	406,624,000	409,935,500
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The amounts that may be expended from this appropriation for each activity are as follows:

#### Highway Maintenance

\$85,182,500	\$87,537,000
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#### Maintenance Preservation

\$7,500,000	\$7,500,000
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#### District Construction Support

\$23,033,200	\$23,094,500
--------------	--------------

#### Highway Improvement

\$138,000,000	\$139,000,000
---------------	---------------

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to land owners for lands acquired for highway right of way, payment to lessees, interest subsidies, and relocation expenses.

	1982	1983
	\$	\$
County State Aids		
	\$107,291,200	\$107,524,900

This appropriation is from the county state-aid highway fund and is available until expended.

#### Municipal State Aids

	\$35,208,600	\$35,280,900
--	--------------	--------------

This appropriation is from the municipal state-aid street fund and is available until expended.

If an appropriation for either county state aids or municipal state aids is insufficient to exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

#### Highway Debt Service

	\$10,408,500	\$9,998,200
--	--------------	-------------

For transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount pursuant to the statutory open appropriation.

	1982	1983
	\$	\$
Subd. 4. Public Transportation . . . . .	2,474,400	1,487,800

The amounts that may be expended from this appropriation for each activity are as follows:

(a) Transportation Rates and Regulation

\$539,000      \$546,100

(b) Transit Administration

\$352,000      \$354,500

The appropriation made by Laws 1979, Extra Session, Chapter 1, Section 4, for development of operating standards for vehicles providing special transportation service and of procedures for enforcing the standards shall be available until June 30, 1983.

(c) Railroad Administration

\$583,400      \$587,200

(d) Rail Service Improvement Grants

\$1,000,000

This appropriation is from the general fund for transfer to the rail service improvement account.

This appropriation shall be used to maximize the use of federal money.

(e) AMTRAK operations for the Northstar line between Minneapolis-St. Paul and Duluth

\$75,000

This appropriation may be used to satisfy any deficit and may be expended only if funds from any municipality or

	1982	1983
	\$	\$

other sources are so appropriated or otherwise received. This appropriation shall be used to match on a 50-50 basis the amount received from the other sources. These funds shall be available immediately.

Subd. 5. Aeronautics Operations . . .	11,654,200	11,204,600
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The amounts that may be expended from this appropriation for each activity are as follows:

#### Aeronautics Operations

\$369,900	\$373,300
-----------	-----------

The commissioner shall not require the registration of personal use airports except for those within five miles of a public airport, whether privately or publicly owned.

#### Aeronautics Development and Assistance

\$10,696,900	\$10,722,200
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\$7,293,300 the first year and \$7,233,500 the second year is for airport construction grants.

\$1,105,500 the first year and \$1,211,700 the second year is for airport maintenance grants.

\$1,040,300 the first year and \$1,066,300 the second year is for navigational aids.

The appropriations for construction grants, maintenance grants, and navigational aids are from the state airports fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. These appropriations shall be expended only for grant-in-aid programs for airports that are not state owned.

	1982	1983
	\$	\$

These appropriations are to be expended in accordance with Minnesota Statutes, Section 360.305, Subdivision 4, Clauses (1), (2), (4) and (5).

The commissioner of transportation may transfer unencumbered balances among these appropriations with the approval of the governor after consultation with the legislative advisory commission.

\$350,000 the first year and \$400,000 the second year is from the state airports fund to increase the capitalization of the hangar revolving account from \$2,800,000 to \$3,150,000 in the first year and \$3,550,000 in the second year.

\$17,500 the first year and \$7,500 the second year is from the state airports fund for maintenance of the Pine Creek Airport.

#### Air Transportation Services

\$109,100      \$109,100

The commissioner of transportation shall expend no money for pilot uniforms.

#### Aeronautics Debt Service

\$478,300

This appropriation is from the state airports fund for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer

	1982	1983
	\$	\$

that amount pursuant to the statutory open appropriation.

Subd. 6. Technical Services . . . . .	17,768,100	18,076,800
---------------------------------------	------------	------------

The amounts that may be expended from this appropriation for each activity are as follows:

#### Engineering Services

\$10,284,800	\$10,512,200
--------------	--------------

#### Engineering Development

\$5,195,700	\$5,257,000
-------------	-------------

\$75,000 the first year and \$75,000 the second year is for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. Expenditures from this account are subject to the approval of the commissioner of finance. Reimbursements shall be deposited in the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### State Aid Technical Assistance

\$319,600	\$321,000
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The variance committee shall be continued at the fiscal year 1981 level.

#### Electronic Communications

\$1,326,400	\$1,342,100
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#### Environmental Services

\$641,600	\$644,500
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Subd. 7. General Support . . . . .	14,534,100	14,902,800
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1982

1983

\$

\$

The amounts that may be expended from this appropriation for each activity are as follows:

**Finance and Administration**

\$6,255,900      \$6,345,200

**Equipment**

\$4,933,800      \$5,089,800

**General Services**

\$2,949,500      \$3,033,900

\$400,000 the first year and \$400,000 in the second year is for development of a computerized cost accounting system.

The commissioner of transportation shall submit forthwith to the chairmen of the house appropriations and senate finance committees a cost and time schedule for completion of the development project once phase II of the PRIDE procedure has been approved by the commissioners of administration and finance. This cost and time schedule shall include a description of the elements and costs of the development project which are anticipated to extend beyond the 1982-1983 biennium.

In addition the commissioner shall prepare a report every three months beginning October 1, 1981, describing the progress made in developing the computer system. The reports shall be sent to the above named chairmen.

Programming specifications for each stage of the project shall be frozen at the completion of PRIDE phase III for that stage. Any deviation shall require the approval of the commissioner of administration. If at the end of any quarter, development project expendi-

1982

1983

\$

\$

tures exceed the schedule by 25 percent or more, the project shall be halted immediately and shall not resume until reviewed and approved by the commissioners of administration and finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available. However, the appropriation for the second year shall be expended with the approval of the governor, after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.

#### Legal Services

\$394,900      \$428,900

This appropriation is for the purchase of legal services from or through the attorney general.

#### Subd. 8. New Revenue Appropriated

The purpose of this subdivision is to provide a mechanism for increasing department of transportation complement and operational expenditures from the levels provided in the previous subdivisions of this section if new revenues are provided by the legislature to the department for highway purposes.

(a) Immediately following the adjournment of the 1981 session of the legislature, the commissioner of finance shall determine the total amount of new revenue provided by all acts of the legislature to the department of transportation for highway related purposes. The commissioner of finance shall report that amount of new revenue with an explanation of how the new revenue estimates were determined to the chairman of the senate finance committee and the chairman of the house appropriations committee.

	1982	1983
	\$	\$

(b) Appropriations to the department of transportation for operational purposes may increase by 7 percent of the new revenue determined pursuant to paragraph (a) of this subdivision. Complement may increase by 1 position for each \$1,000,000 of new revenue for the first \$100,000,000 of new revenue, by .55 positions for each \$1,000,000 of new revenue for new revenue from \$100,000,000 to \$200,000,000, and by .3 positions for each \$1,000,000 of new revenue for new revenue from \$200,000,000 to \$223,000,000. A detailed biennial spending and complement plan shall be submitted by the commissioner of transportation to the commissioner of finance, approved by the commissioner of finance, and reported to the chairman of the senate finance committee and the chairman of the house appropriations committee by June 30, 1981. In no activity may the appropriations in this plan exceed those recommended by the governor in his biennial budget, and in no event shall the complement increase by more than 161 positions over the complement set in this act.

(c) The amounts necessary to provide increases in appropriations pursuant to this subdivision are appropriated from the trunk highway fund to the commissioner of transportation.

#### Subd. 9. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund made in this section. No transfer shall be made from the appropriation for highway improvement, except to the appropriation for highway maintenance, nor shall any transfer be made from highway maintenance, except with the approval of the governor after consultation with the legislative advisory commission.

1982

1983

\$

\$

No transfer shall be made from the appropriations for debt service to any other appropriation. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Subd. 10. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to the appropriation for highway improvement or for departmental operations in order to meet an emergency or to take advantage of an unanticipated receipt of income to the trunk highway fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

#### Subd. 11. Reimbursement

(a) The sums of \$1,140,500 for the first year and \$1,152,900 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1982 and January 1, 1983, respectively, in order to reimburse the trunk highway fund for expenses not related to trunk highways.

These represent amounts appropriated out of the trunk highway fund for general fund purposes as follows: transportation rates and regulation; transit administration; railroads, ports and pipelines; and general services.

(b) The sums of \$1,403,600 for the first year and \$1,316,400 for the second year are appropriated from the state airports fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1982 and Janu-

1982                    1983  
\$                            \$

ary 1, 1983, respectively, in order to reimburse the trunk highway fund for expenses not related to trunk highways.

These represent amounts appropriated out of the trunk highway fund for aeronautics purposes in subdivision 5, and for general services in subdivision 7.

Sec. 3. PUBLIC SAFETY

General Operations and Management .....	55,949,800	56,943,800
	1982	1983
Approved Complement—	1,677.3	1,649.3
General—	395.2	392.2
Trunk Highway—	1,023.3	1,026.3
Highway User—	182.6	174.6
Federal—	76.2	56.2

The above approved complement includes 504 in fiscal year 1982 and 511 in fiscal year 1983 for state funded unclassified patrol officers and supervisors of the highway patrol.

Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

Of this appropriation, \$14,655,500 for the first year and \$15,281,400 for the

	1982	1983
	\$	\$

second year are from the general fund; \$34,400 the first year and \$37,300 the second year are from the state airports fund for the civil air patrol; \$35,182,400 for the first year and \$35,495,900 for the second year are from the trunk highway fund for traffic safety programs. \$6,077,500 for the first year and \$6,129,200 for the second year are from the highway user tax distribution fund for the administration of motor vehicle laws.

The amounts that may be expended from this appropriation for each program are as follows:

#### Administration and Related Services

\$ 1,868,100	\$ 1,902,200
--------------	--------------

This appropriation is from the trunk highway fund.

#### Emergency Services

\$ 610,600	\$ 615,800
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The appropriation in Laws 1979, Chapter 333, Section 41, for air warning devices is available only to match local money on the basis of 50 percent state and 50 percent local.

The appropriation in Laws 1980, Chapter 611, Section 6, is available until June 30, 1983.

#### Criminal Apprehension

\$ 8,092,100	\$ 8,660,000
--------------	--------------

	1982	1983
\$		\$

Of this appropriation, \$230,700 the first year and \$233,600 the second year is from the trunk highway fund for blood alcohol analysis.

\$49,500 the first year and \$51,200 the second year is for the bureau of criminal apprehension to continue to provide in-service training for peace officers on a regional basis.

\$38,000 the first year and \$38,000 the second year is for reimbursing political subdivisions for training peace officers and firefighters in the conduct of arson investigations.

\$171,000 each year is for grants to local officials for the cooperative investigation of cross jurisdictional criminal activity. \$193,800 the first year and \$206,500 the second year is for use by the bureau of criminal apprehension for the purpose of investigating cross jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

#### Fire Safety

\$ 1,045,200	\$ 1,064,000
--------------	--------------

\$27,300 the first year and \$29,600 the second year is for reimbursing political subdivisions who enter into agreements to perform uniform fire code inspections.

#### State Patrol

\$ 24,550,600	\$ 24,654,000
---------------	---------------

This appropriation is from the trunk highway fund.

The commissioner may assign up to 11 pilots to the air patrolling of highways.

	1982	1983
	\$	\$

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12 month basis.

No more than five positions in the state patrol support activity shall be filled by state troopers.

#### Capitol Security

\$ 968,600	\$ 965,300
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The commissioner shall submit to the legislature by January 1, 1982, a plan for coordinating capitol and mansion security activities.

#### Driver and Vehicle Licensing

\$ 17,578,800	\$ 17,789,100
---------------	---------------

Of this appropriation, \$8,420,400 the first year and \$8,590,800 the second year is from the trunk highway fund, and \$6,077,500 the first year and \$6,129,200 the second year is from the highway user tax distribution fund.

During the biennium ending June 30, 1983, the commissioner of public safety shall continue to notify licensed drivers when their licenses need to be renewed.

Effective July 1, 1981, the fee for obtaining a copy of a traffic accident report is doubled.

License plates currently on hand in the department of public safety may be used for lifetime license plates.

#### Liquor Licensing

\$ 461,600	\$ 463,200
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#### Ancillary Services

\$ 774,200	\$ 830,200
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1982

1983

\$

\$

\$34,400 the first year and \$37,300 the second year is from the state airports fund for the civil air patrol.

\$112,600 the first year and \$115,300 the second year is from the trunk highway fund for traffic safety and research.

\$27,200 the first year and \$27,600 the second year is for the expenses of the Private Detective and Protective Agency Licensing Board.

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

\$600,000 the first year and \$650,000 the second year is for the crime victims reparations board. If any funds are generated by a penalty assessment and dedicated for use in paying crime victims, the unexpended funds in this activity intended for payments to crime victims shall cancel. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

The sums of \$303,200 for the first year and \$313,800 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1982 and January 1, 1983 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

	1982	1983
	\$	\$

The sums of \$383,800 for the first year and \$391,400 for the second year are appropriated from the highway user fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1982 and January 1, 1983 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

#### Sec. 4. COMMERCE

General Operations and Management	6,736,000	6,792,300
	1982	1983
Approved Complement—248		244
General—	245	241
Special—	3	3

The amounts that may be expended from this appropriation for each program are as follows:

#### Supervision of State Chartered Financial Institutions

\$2,205,500	\$2,232,500
-------------	-------------

Included in this appropriation is \$130,000 each year for employee salary structure changes. The department of employee relations is directed to review the classification structure of financial institution examiners and if revisions are appropriate to work with the department of commerce in preparing revised classification specifications and standards. If no or lesser adjustments are made, the remaining amounts shall cancel back to the general fund.

	1982	1983
	\$	\$

The commissioner of banks shall cooperate with the state treasurer in the conduct of audits relating to unclaimed property.

#### Investment Protection

\$998,700	\$1,024,300
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\$157,900 the first year and \$167,500 the second year is from the real estate education, research and recovery fund for the purpose of Minnesota Statutes, Section 82.34, Subdivision 6. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Consumer Services

\$1,111,300	\$1,101,000
-------------	-------------

This appropriation includes funding for activities relating to cosmetology pursuant to sections 31 to 48 of this act.

The director of consumer services shall establish a statewide consumer outreach service to provide consumer services, education, and information throughout the state.

The staff complement of the section of consumer services shall be increased by four to carry out the program of the statewide consumer outreach service.

#### Regulation of Insurance Companies

\$1,700,300	\$1,721,600
-------------	-------------

The commissioner of insurance shall cooperate with the state treasurer to improve procedures for notifying beneficiaries of the death of life insurance policyholders.

	1982	1983
	\$	\$
<b>General Support</b>		
	\$872,200	\$892,700
<b>General Staff Reduction</b>		
	(\$ 27,600)	(\$ 55,500)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

#### General Reduction

(\$ 124,400)      (\$ 124,300)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The commission with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 5. [NON-HEALTH RELATED BOARDS.]

Subdivision 1. Total for this section .....	1,467,300	1,460,700
Subd. 2. Board of Abstractors .....	3,700	3,900
Subd. 3. Board of Accountancy .....	185,100	195,700

	1982	1983
	\$	\$
Approved Complement—4		
Subd. 4. Board of Architecture, Engineering and Land Surveying . . . . .	244,700	237,200
Approved Complement—7		
Subd. 5. Board of Barber Examiners . . . . .	88,400	90,800
Approved Complement—3		
Subd. 6. Board of Boxing and Wrestling . . . . .	32,600	33,600
Approved Complement—1		
Subd. 7. Board of Electricity . . . . .	616,300	595,400
Approved Complement—18		
Subd. 8. Board of Peace Officer Standards and Training		
General Operations and Management . . . . .	290,700	297,600
Approved Complement—10		
Subd. 9. Board of Examiners in Watchmaking . . . . .	5,800	6,500
Sec. 6. PUBLIC UTILITIES COMMISSION . . . . .	1,064,500	1,011,300
Approved Complement—27		
\$85,000 the first year is for transfer to the special account for administra- tive hearing costs.		
Sec. 7. PUBLIC SERVICE		
General Operations and Management . . . . .	2,959,000	3,024,500
Approved Complement—98		

	1982	1983
	\$	\$
General—94		
Federal—4		

The amounts that may be expended from this appropriation for each program are as follows:

Utility Regulation

\$ 1,233,000      \$ 1,251,700

Weights and Measures

\$ 1,329,200      \$ 1,370,700

Effective July 1, 1981, the flat rate and hourly fees for regular and special weights and measures inspections by the department of public service shall be based upon hourly charges of \$35 for light duty devices, \$40 for heavy duty devices, and \$47 for laboratory work. Notice of the revised fees shall be published in the state register as soon as practicable. During the biennium ending June 30, 1983 these fees shall not be decreased, but may be increased pursuant to section 239.52, as amended by this act. Thereafter, the fees shall be set as provided in that section.

Administrative Services

\$ 396,800      \$ 402,100

The public service department with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 8. ETHICAL PRACTICES BOARD .....	156,700	161,000
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Approved Complement—5

	1982	1983
	\$	\$
Sec. 9. MINNESOTA MUNICIPAL BOARD .....	166,900	169,600
Approved Complement—4		
Sec. 10. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION .....	54,800	60,000
The amount expended shall not exceed the amount provided for the commission by the state of Wisconsin.		
Sec. 11. UNIFORM LAWS COMMISSION .....	12,600	12,900
Sec. 12. VOYAGEURS NATIONAL PARK CITIZENS COMMITTEE .....	51,000	52,000
Sec. 13. SOUTHERN MINNESOTA RIVERS BASIN BOARD .....	46,700	48,100
Sec. 14. MINNESOTA HISTORICAL SOCIETY .....	6,910,300	7,023,500

The amounts that may be expended from this appropriation for each program are as follows:

(a) Minnesota Historical Society Operations

\$ 6,532,800      \$ 6,636,500

\$30,000 in the first year is for the purpose of maintaining Minnesota military history museums at Fort Snelling and Camp Ripley. Any unexpended funds shall not cancel and shall be available in the second year.

This appropriation includes money for a seven-day-a-week tour program in the capitol and historical buildings. The historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of

	1982	1983
	\$	\$

the week day schedule may be effected by the Minnesota historical society.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The appropriation in this subdivision includes no funds for compensation increases. The Minnesota historical society will draw on the open appropriation for that purpose. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

(b) Historic Grant-In-Aid

\$ 245,000	\$ 245,000
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For historic site grants to encourage local historic preservation projects.

To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

(c) Fiscal Agent

\$ 132,500	\$ 142,000
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\$40,100 the first year and \$41,000 the second year is for the Sibley House association.

This appropriation is available for operation and maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House association.

The historical society should seek an agreement with the Sibley House association whereby the historical society will make payments to the association for this purpose and will provide the as-

	1982	1983
\$	\$	

sociation with technical assistance in applying for federal grants.

Notwithstanding any laws to the contrary, the Sibley House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

\$50,000 the first year and \$55,000 the second year is for the Government Learning Center.

\$26,500 the first year and \$28,700 the second year is for the Minnesota Humanities Commission.

\$15,900 the first year and \$17,300 the second year is for the Minnesota International Center.

Any unencumbered balance remaining in (b) or (c) the first year does not cancel but is available for the second year of the biennium.

Sec. 15. BOARD OF THE ARTS	2,160,000	2,340,000
	1982	1983
Approved Complement—	16	16
Federal	3	3

The amounts that may be expended from this appropriation for each program are as follows:

(a) Administrative Services

\$ 355,700      \$ 361,500

(b) Subsidies and Grants

\$1,804,300      \$1,978,500

\$70,200 the first year and \$85,700 the second year is for individual artist grants.

	1982	1983
\$		\$

\$676,600 the first year and \$700,100 the second year is for the support of regional arts councils throughout the state.

The board of the arts shall prepare a report that includes, but is not necessarily limited to: (1) a documentation of the historical expenditures of state monies by regional arts councils in the areas of program grants, administrative costs, and program services; (2) a documentation of the projected financial needs in the area of grants, administrative costs, and program services; (3) a set of specific alternatives on the amount of state money granted to regional arts councils that may be used for both general administrative costs and program service costs; and (4) a recommendation for the allocation of block grants to regional arts councils to insure an equitable distribution of money throughout the state. The report shall be submitted to the chairman of the senate finance committee and the chairman of the house appropriations committee by January 1, 1982, and the appropriations for the regional arts councils for fiscal year 1983 shall not be available for expenditure until the chairmen have made their recommendations on the report. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Any unencumbered balance remaining in (a) or (b) the first year does not cancel but is available for the second year of the biennium.

Sec. 16. MINNESOTA HUMANE SOCIETY .....	50,000
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No state money shall be expended for the care, feeding, housing, or disposal of animals.

1982                      1983  
\$                              \$

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 17. COUNTY ATTORNEYS COUNCIL ..... 121,800

	1982	1983
Approved Complement—	4	4
General—	4	2
Special—	0	2

No additional funding shall be available for the above program beyond June 30, 1983. Any unexpended balances remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 18. MINNESOTA HORTICULTURAL SOCIETY ..... 71,800                      77,500

Sec. 19. MINNESOTA ACADEMY OF SCIENCE ..... 23,300                      23,300

Sec. 20. SCIENCE MUSEUM OF MINNESOTA ..... 200,000                      200,000

Sec. 21. MINNESOTA SAFETY COUNCIL ..... 46,600                      50,700

This appropriation is from the trunk highway fund.

Sec. 22. DISABLED AMERICAN VETERANS ..... 18,500                      20,100

For salaries, supplies and expenses to be expended as provided by Laws 1941, Chapter 425.

Sec. 23. VETERANS OF FOREIGN WARS ..... 25,000                      25,000

For carrying out the provisions of  
Laws 1945, Chapter 455.

Sec. 24. Minnesota Statutes 1980, Section 12.14, is amended to read:

**12.14 [ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.]**

Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment of \$250,000 per plant to cover the initial cost of upgrading nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. This assessment shall be paid to the state for deposit in the general fund within 90 days of April 25, 1980. Thereafter, an assessment of (\$50,000) \$75,000 per plant shall be paid annually on July 1 of each year, beginning with July 1, 1981, to cover ongoing costs related to the emergency response plan.

Sec. 25. Minnesota Statutes 1980, Section 15.0412, Subdivision 4, is amended to read:

Subd. 4. No rule, *other than a rule setting a fee covered by section 16A.128 or section 214.06*, shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate. *Fee adjustments authorized under section 16A.128 or section 214.06 may be made by rule without a public hearing when the total fees received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.* Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to hold a hearing by United States mail to all persons on its list, and by publication in the state register. Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention to hold a hearing in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the full text of the rule proposed for adoption and, when amending existing rules, whatever portion of the existing rules is necessary to provide adequate notice of the nature of the proposed action. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the exact citation to the rule to be repealed in the notice.

Sec. 26. Minnesota Statutes 1980, Section 16A.128, is amended to read:

16A.128 [FEE ADJUSTMENTS.]

The fees fixed for the various accounts for which appropriations are made by law, shall be neither increased nor decreased except with the approval of the commissioner of finance. All (SUCH) *these* fees shall be reviewed at least once each six months, and (SUCH) adjustments shall be made to the end that the total fees received shall approximate the amount appropriated for the several (FUNDS) *accounts, plus the portion of the general support costs and statewide indirect costs of the agency that is attributable to the function for which the fee is charged.* Fee adjustments authorized under this section may be made without a public hearing when the total fees *estimated to be received during the fiscal biennium* will not exceed (THE AMOUNT OF THE DIRECT APPROPRIATION) *110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.*

Sec. 27. Minnesota Statutes 1980, Section 37.17, is amended by adding a subdivision to read:

*Subd. 3. [EXPANSION OF CERTAIN LICENSES.] The society shall permit the expansion of services by license holders for food services by allowing additional sites upon request of the contract holder, provided that:*

*(a) The request for additional sites, is made by a license holder of five years or more;*

*(b) No more than four sites are held by a single license holder at the time of the requests; and*

*(c) The sites are physically available at the fairgrounds. The society shall make every effort to make additional sites available and shall not unreasonably withhold the allocation of additional sites, to qualified license holders, or fail to renew contracts for established food concessionaries who have made every good faith effort to comply with state fair rules and regulations.*

Sec. 28. Minnesota Statutes 1980, Section 43.491, Subdivision 2, is amended to read:

Subd. 2. The following persons enumerated in this subdivision though excluded by section 43.47 from coverage are nonetheless eligible for coverages at their own expense pursuant to the provisions of subdivision 1:

(1) A part time or seasonal employee of the state serving on less than a 75 percent time basis;

(2) An employee of the board of regents of the University of Minnesota on the academic staff serving on less than a 75 percent regular appointment;

(3) A part time or seasonal employee of the board of regents of the University of Minnesota and a member of the civil service staff under the civil service plan serving on less than a 75 percent time basis;

(4) An employee in the unclassified service of the state civil service who is employed by the state university board or the state board for community colleges as a member of the academic staff serving on less than a 75 percent time basis;

(5) 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, *state office of disabled American veterans, or state office of veterans of foreign wars;*

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

(7) An officer or employee of the state capitol credit union or the hiway credit union.

Sec. 29. Minnesota Statutes 1980, Section 46.131, Subdivision 3, is amended to read:

Subd. 3. A proportionate share of all annual office expenses of the commissioner of banks *and the portion of the general support costs of the department of commerce and of the cost of services provided by the attorney general that is attributable to the commissioner of banks,* as well as all actual expenses of the examiners in the field, excepting salaries, shall be allocated to each industry affected, and referred to in subdivision 4, as assessments and on the basis of the total time devoted to each.

Sec. 30. [138.94] [STATE HISTORICAL CENTER.]

*The Historical building at 690 Cedar Street and the land housing the Mechanic Arts gymnasium, parking lot, and any other properties between those entities and the Historical building at 690 Cedar Street is hereby designated as the State Historical Center, and is to be used for such purposes notwithstanding any*

*other law to the contrary. Authority for administration and control of the State Historical Center is conferred on the Minnesota historical society. As such, the society is exempt from rental or lease costs by the state. The state will maintain and provide custodial, security, and climate control services for the Historical Center.*

**Sec. 31. [155A.01] [POLICY.]**

*The legislature finds that the health and safety of the people of the state are served by the licensing of the practice of cosmetology because of the use of chemicals, apparatus, and other appliances requiring special skills and education.*

*To this end, the public will best be served by vesting these responsibilities in the director of the office of consumer services.*

**Sec. 32. [155A.02] [PROHIBITION; LIMITATION.]**

*It shall be unlawful for any person to engage in cosmetology, or to conduct or operate a cosmetology school or salon, except as hereinafter provided.*

**Sec. 33. [155A.03] [DEFINITIONS.]**

*Subdivision 1. [TERMS.] For purposes of sections 31 to 48, and unless the context clearly requires otherwise, the words defined in this section have the meanings given them.*

*Subd. 2. [COSMETOLOGY.] "Cosmetology" is the practice of personal services, for compensation, for the cosmetic care of the hair, nails, and skin. These services include a cleaning, conditioning, shaping, reinforcing, coloring and enhancing the body surface in the areas of the head, scalp, face, arms, hands, legs, and feet, except where these services are performed by a licensed barber under chapter 154.*

*Subd. 3. [COSMETOLOGIST.] A "cosmetologist" is any person who, for compensation, performs the personal services, as defined in subdivision 2.*

*Subd. 4. [ESTHETICIAN.] An "esthetician" is any person who, for compensation, performs personal services for the cosmetic care of the skin only.*

*Subd. 5. [MANICURIST.] A "manicurist" is any person who, for compensation, performs personal services for the cosmetic care of the hands, feet, and nails only.*

*Subd. 6. [MANAGER.] A "manager" is any person who conducts, operates, or manages a cosmetology school or salon and*

*who also instructs in or provides any services, as defined in subdivision 2.*

*Subd. 7. [SALON.] A "salon" is an area, room, or rooms employed to offer personal services, as defined in subdivision 2. "Salon" does not include the home of a customer but the director may adopt health and sanitation rules governing practice in the homes of customers.*

*Subd. 8. [SCHOOL.] A "school" is a place where any person operates and maintains a class to teach cosmetology to the public for compensation. "School" does not include a place where the only teaching of cosmetology is done by a licensed cosmetologist as part of a community education program of less than ten hours duration, provided that the program does not permit practice on persons other than students in the program, and provided that the program is intended solely for the self-improvement of the students and not as preparation for professional practice.*

*Subd. 9. [INSTRUCTOR.] An "instructor" is any person employed by a school to prepare and present the theoretical and practical education of cosmetology to persons who seek to practice cosmetology.*

*Subd. 10. [DIRECTOR.] "Director" means the director of the office of consumer services.*

*Subd. 11. [COUNCIL.] The "council" is the Minnesota cosmetology advisory council, as defined in section 36.*

*Subd. 12. [PERSON.] The term "person" may extend and be applied to bodies politic and corporate, and to partnership and other unincorporated associations.*

**Sec. 34. [155A.04] [ADMINISTRATION.]**

*Subdivision 1. [DIRECTOR'S POWERS AND DUTIES; GENERALLY.] The director of the office of consumer services shall have the power and duties necessary for the administration of the provisions of this chapter.*

*Subd. 2. [HIRING AND ASSIGNMENT OF EMPLOYEES.] The director shall have the authority to hire in the classified service, or to assign to employees of the department of commerce, qualified personnel to assist in administering the law, including those for the testing and licensing of applicants and the continuing inspections required.*

**Sec. 35. [155A.05] [RULES.]**

*The director shall develop and adopt rules to carry out the provisions of sections 31 to 48 by December 31, 1982, pursuant*

to chapter 15. For purposes of sections 31 to 48, the director may adopt temporary rules, pursuant to section 15.0412, subdivision 5. These rules may be reissued as temporary rules until permanent rules are adopted or until December 31, 1982, whichever is earlier. These temporary rules may provide that for any renewal license issued by the director within one year after the effective date of this section, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee.

**Sec. 36. [155A.06] [ADVISORY COUNCIL.]**

*Subdivision 1. [CREATION.] The Minnesota cosmetology advisory council is created, consisting of nine members, as follows: three members representative of consumers; three cosmetologists or shop managers; two cosmetology school representatives, one representing public cosmetology schools and one representing private cosmetology schools; and one representative of manufacturers of cosmetology products. The chair shall be selected at the first meeting of each year by the council from among its members by majority vote and shall serve until a successor is elected.*

*Subd. 2. [APPOINTMENTS.] Appointments to the council shall be made by the governor in accordance with section 15.0597.*

*Subd. 3. [MEMBERSHIP TERMS.] Each member of the council shall be appointed for a four year term, except that in making the appointments for the first term the governor shall appoint members for one, two, three, or four year duration by September 1, 1981 so that appointments do not expire concurrently.*

*Subd. 4. [DUTIES.] The council shall meet at least annually, at the call of the director. The council shall advise the director of the availability of cosmetology services and their ethical and safe operation. The director shall consult with the council prior to the promulgation of any rules, adoption of testing instruments, criteria for inspections, and other matters as the director deems appropriate.*

*Subd. 5. [COMPENSATION.] Members of the council shall be compensated for expenses as provided in section 15.059.*

**Sec. 37. [155A.07] [PRACTITIONER.]**

*Subdivision 1. [LICENSING.] Individual licensing shall be required for persons seeking to practice in the state as a cosmetologist, esthetician, manicurist, manager, or instructor.*

*Subd. 2. [QUALIFICATIONS.] Qualifications for licensing in each classification shall be determined by the director in consultation with the council, established by rule, and shall include educational and experiential prerequisites. The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.*

*Subd. 3. [TESTING.] Appropriate standardized tests shall be used and shall include subject matter relative to the application of Minnesota law. In every case, the primary consideration shall be to safeguard the health and safety of consumers by determining the competency of the applicants to provide the services indicated.*

*Subd. 4. [LICENSING WITHOUT TEST.] Licensing of persons without testing may be allowed as determined by rules.*

*Subd. 5. [DURATION OF LICENSE.] Licensing in each classification shall be for a period of three years.*

*Subd. 6. [RENEWALS.] Renewal of license shall be for a period of three years under conditions and process established by rule.*

*Subd. 7. [FEES.] Examination and licensing fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section 214.06.*

*Subd. 8. [EXEMPTIONS.] Persons licensed to provide cosmetology services in other states visiting this state for cosmetology demonstrations shall be exempted from the licensing provisions of sections 31 to 48 provided that services to consumers are in the physical presence of a licensed cosmetologist.*

**Sec. 38. [155A.08] [SALONS.]**

*Subdivision 1. [LICENSING.] Any person who offers cosmetology services for compensation in this state shall be licensed as a salon if not employed by another licensed salon.*

*Subd. 2. [REQUIREMENTS.] The conditions and process by which a salon is licensed shall be established by the director by rule after consultation with the council. The rule shall include the following requirements:*

*(a) Compliance with all local and state laws, particularly relating to matters of sanitation, health, and safety;*

(b) *The employment of a manager, as defined in section 33, subdivision 6;*

(c) *Inspection and licensing prior to the commencing of business; and*

(d) *Evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule. The rule shall authorize a licensed manicurist who complies with the health, safety, sanitation, inspection, and insurance rules promulgated by the director to operate a salon solely for the performance of those personal services defined in section 33, subdivision 5.*

**Subd. 3. [HEALTH AND SANITARY STANDARDS.]** *Minimum health and sanitary standards for the operation of a salon shall be established by rule. A salon shall not be located in a room used for residential purposes. If a salon is in the residence of a person practicing cosmetology, the rooms used for the practice of cosmetology shall be completely partitioned off from the living quarters. There shall be an inspection at least annually to affirm compliance.*

**Subd. 4. [RENEWAL.]** *Licenses shall be renewed every three years by a process established by rule.*

**Subd. 5. [FEES.]** *Licensing and inspection fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section 214.06.*

**Sec. 39. [155A.09] [SCHOOLS.]**

**Subdivision 1. [LICENSING.]** *Any person who establishes or conducts a school in this state shall be licensed.*

**Subd. 2. [STANDARDS.]** *The director, after consultation with the council, shall by rule establish minimum standards of course content and length specific to the educational preparation prerequisite to testing and licensing as cosmetologist, esthetician, and manicurist.*

**Subd. 3. [APPLICATIONS.]** *Application for a license shall be prepared on forms furnished by the director and shall contain the following and such other information as may be required:*

(a) *The name of the school, together with ownership and controlling officers, members, managing employees and director;*

(b) *The specific fields of instruction which will be offered and reconciliation of the course content and length to meet the minimum standards, as prescribed in subdivision 2;*

- (c) *The place or places where instruction will be given;*
- (d) *A listing of the equipment available for instruction in each course offered;*
- (e) *The maximum enrollment to be accommodated;*
- (f) *A listing of instructors, all of whom shall be licensed as provided in section 37, subdivision 2, except that any school may use occasional instructors or lecturers who would add to the general or specialized knowledge of the students but who need not be licensed;*
- (g) *A current balance sheet, income statement or documentation to show sufficient financial worth and responsibility to properly conduct a school and to assure financial resources ample to meet the school's financial obligations;*
- (h) *Other financial guarantees which would assure protection of the public as determined by rule; and*
- (i) *A copy of all written material which the school uses to solicit prospective students, including but not limited to a tuition and fee schedule, and all catalogues, brochures and other recruitment advertisements. Each school shall annually, on a date determined by the director, file with the director any new or amended materials which it has distributed during the past year.*

**Subd. 4. [VERIFICATION OF APPLICATION.]** *Each application shall be signed and certified to under oath by the proprietor if the applicant is a proprietorship, by the managing partner if the applicant is a partnership, or by the authorized officers of the applicant if the applicant is a corporation, association, company, firm, society or trust.*

**Subd. 5. [CONDITIONS PRECEDENT TO ISSUANCE.]** *No license shall be issued unless the director first determines:*

- (a) *That the applicant has a sound financial condition with sufficient resources available to meet the school's financial obligations; to refund all tuition and other charges, within a reasonable period of time, in the event of dissolution of the school or in the event of any justifiable claims for refund against the school; to provide adequate service to its students and prospective students; and for the proper use and support of the school to be maintained;*
- (b) *That the applicant has satisfactory training facilities with sufficient tools and equipment and the necessary number of work stations to adequately train the students currently enrolled, and those proposed to be enrolled;*

(c) *That the applicant employs a sufficient number of qualified instructors trained by experience and education to give the training contemplated;*

(d) *That the premises and conditions under which the students work and study are sanitary, healthful, and safe according to modern standards;*

(e) *That each occupational course or program of instruction or study shall be of such quality and content as to provide education and training which will adequately prepare enrolled students for testing, licensing, and entry level positions as a cosmetologist, esthetician, or manicurist; and*

(f) *Evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule.*

*Subd. 6. [FEES; RENEWALS.] (a) Applications for initial license under this chapter shall be accompanied by a non-refundable application fee established by rule.*

(b) *License duration shall be three years. Each renewal application shall be accompanied by a nonrefundable renewal fee established by rule.*

(c) *Application for renewal of license shall be made as stipulated in rules promulgated by the director and on forms supplied by the director.*

*Subd. 7. [INSPECTIONS.] All schools shall be inspected at least once a year. The director shall have the authority to assess the cost of the inspection to the school.*

*Subd. 8. [LIST OF LICENSED SCHOOLS; AVAILABILITY.] The director shall maintain and make available to the public a list of licensed schools.*

*Subd. 9. [SEPARATION OF SCHOOL AND PROFESSIONAL DEPARTMENTS.] A school shall display in the entrance reception room of its student section a sign prominently and conspicuously indicating that all work therein is done exclusively by students. Professional departments of a school shall be run as entirely separate and distinct businesses and shall have separate entrances.*

*Nothing contained in sections 31 to 48 shall prevent a school from charging for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All of the student work shall be prominently and conspicuously advertised and held forth as being student work and not otherwise.*

*Subd. 10. [DISCRIMINATION PROHIBITED.] No school, duly approved under this chapter, shall refuse to teach any student, otherwise qualified, on account of race, sex, creed, color, citizenship, national origin, or sexual preference.*

**Sec. 40. [155A.10] [DISPLAY OF LICENSE.]**

*(a) Every holder of a license granted by the director, shall display it in a conspicuous place in the place of business.*

*(b) Notwithstanding the provisions of paragraph (a), nothing contained in sections 31 to 48 shall be construed to prohibit a person licensed to provide cosmetology services from engaging in any practices defined in sections 31 to 48 in the homes of customers or patrons, under the sanitary and health rules promulgated by the director.*

**Sec. 41. [155A.11] [REVOCAION OF LICENSE.]**

*Subdivision 1. [GROUNDS.] The director may, after notice and opportunity for a hearing pursuant to chapter 15, refuse to renew, or revoke or suspend any license for any one, or combination of, the following grounds:*

*(a) Violation of any provision of sections 31 to 48 or any other statute or rule promulgated or enforced by the director;*

*(b) Intentionally furnishing false, misleading, or incomplete information;*

*(c) Refusal to allow reasonable inspection or supply reasonable information after a written request by the director or his designee;*

*(d) The existence of any circumstance which would be grounds for the refusal of an initial or renewal license.*

*Subd. 2. [APPEAL FROM ORDER.] Any order refusing, revoking, or suspending a license is appealable to the district court where the licensee conducts business as provided in chapter 15. If a person has been operating and the person's license has been revoked, suspended, or refused by the director, the order is not effective until final determination of the appeal unless the court orders it to take effect immediately.*

**Sec. 42. [155A.12] [COMPLAINTS; INVESTIGATIONS AND HEARINGS.]**

*Subdivision 1. [NOTICE TO ATTORNEY GENERAL.] The director or person employed by him who receives a complaint or other communication, whether oral or written, alleging or im-*

*plying a violation of a statute or rule which the director is empowered to enforce, which cannot be conciliated or resolved by the director or his designee shall promptly forward the substance of the communication on a form prepared by the attorney general to the designee of the attorney general responsible for providing legal services to the director. Before proceeding further with the communication, the director or designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the director. An officer of that agency shall advise the director of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which the director is empowered to enforce shall be forwarded to the director to be processed in accordance with this section.*

**Subd. 2. [INVESTIGATIONS BY ATTORNEY GENERAL.]** *The designee of the attorney general providing legal services to the director shall evaluate the communications forwarded to him by the director. If the communication alleges a violation of statute or rule which the director is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the director. He may also consult with or seek the assistance of any other qualified person who the designee believes will materially aid in the process of evaluation or investigation. The director may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts he may be assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the director, or if after investigation the designee providing legal services to the director believes that the communication and the investigation suggest illegal or unauthorized activities warranting action, he shall inform the director who shall schedule a disciplinary hearing in accordance with chapter 15. Before scheduling a disciplinary hearing, the basis for the hearing must be stated in writing. The director shall promptly inform the complaining party, if any, of the final disposition of the complaint. Nothing in this section shall preclude the director from scheduling a disciplinary hearing based upon the findings or report of the director's staff or the attorney general.*

**Subd. 3. [ISSUANCE OF COMPULSORY PROCESS.]** *In all matters pending before him relating to his lawful regulation activities, the director may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to either appear to testify regarding any matter about which he may be lawfully questioned, or produce any papers, books, records, documents, or*

*other evidentiary materials in the matter to be heard, after having been required by the order of the director or by subpoena of the director to do so may, upon application to the district court where the licensee conducts business, be ordered to comply therewith. The director may issue subpoenas and may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other expenses shall be paid as the director directs.*

**Sec. 43. [155A.13] [ADDITIONAL REMEDY.]**

*In addition to any other remedy provided by law, the director may in his own name bring an action in the district court where the licensee conducts business for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute or rule which the director is empowered to regulate or enforce. A temporary restraining order may be granted in the proceeding if continued activity by a person would create an imminent risk of harm to others. Injunctive relief granted pursuant to this section shall not relieve the person from disciplinary action by the director in respect to the person's license or application for license or renewal.*

**Sec. 44. [155A.14] [SERVICES EXCEPTED; EMERGENCY.]**

*Nothing in sections 31 to 48 shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor in the practice of medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner.*

**Sec. 45. [155A.15] [APPOINTMENT OF AGENT FOR SERVICE OF PROCESS.]**

*Any person, firm, partnership, or corporation, not a resident of Minnesota, who engages in Minnesota in the practices regulated in sections 31 to 48 shall file with the director the name and address of a duly authorized agent for service of legal process, which agent for service shall be a resident of the state of Minnesota.*

**Sec. 46. [155A.16] [VIOLATIONS; PENALTIES.]**

*Any person who violates any of the provisions of sections 31 to 48 shall be guilty of a misdemeanor and upon conviction may be sentenced to imprisonment for not more than 90 days or fined not more than \$500, or both, per violation.*

**Sec. 47. [155A.17] [TRANSFER OF POWERS.]**

*Subdivision 1. [AUTHORIZATION.] The director, as successor to the board of cosmetology examiners, shall be deemed to be a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties and obligations of the board of cosmetology examiners as they were constituted immediately prior to the effective date of sections 31 to 48.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules heretofore promulgated under the authority of a power, duty, or responsibility transferred by sections 31 to 48 to the director shall remain in full force until modified or repealed in accordance with law by the director.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of sections 31 to 48 and which was undertaken or commenced by the board of cosmetology examiners under the authority of any power, duty, or responsibility which is transferred by sections 31 to 48 to the director may be conducted and completed by the director in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by sections 31 to 48 to the director shall, upon request by the director or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the director's new duties. The transfer shall be made in accordance with the directions of the director or his designated employee.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the board of cosmetology examiners for the purpose of performing any of the functions, powers, or duties which are transferred by sections 31 to 48 to the director are hereby transferred to the director. If any unexpended appropriation must be allocated between the director and any other individual, office, division, agency, or department to accurately reflect the division of responsibilities between those individuals, divisions, agencies, or departments and the director after the effective date of sections 31 to 48, the com-*

*missioner of administration shall allocate the unexpended appropriation as he deems appropriate.*

*Subd. 6. [TRANSFER OF POSITIONS.] Prior to the effective date of sections 31 to 48, the director has the authority to identify which board of cosmetology positions are required to carry out the provisions of sections 31 to 48. The incumbents of those positions in the classified service which the director determines are needed to carry out sections 31 to 48 are transferred to the employment of the director. The positions of all persons who are employed in the unclassified service by the board of cosmetology examiners to perform any of the functions, powers, or duties which are transferred by sections 31 to 48 to the director are abolished. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.*

**Sec. 48. [155A.18] [PRIOR LICENSES.]**

*All licenses which were issued by the board of cosmetology under chapter 155, shall continue in effect under the office of consumer services until the licenses expire.*

**Sec. 49.** Minnesota Statutes 1980, Section 161.125, Subdivision 1, is amended to read:

**Subdivision 1.** The commissioner of transportation shall, in accordance with the department's program, implement sound abatement measures within or along the perimeter of any interstate or trunk highway within incorporated areas located within the metropolitan area or any municipality whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize federal matching funds available for constructing and maintaining sound abatement measures. *No standard adopted by any state agency for limiting levels of noise in terms of sound pressure in the outdoor atmosphere shall apply to any interstate highway.*

**Sec. 50.** Minnesota Statutes 1980, Section 161.242, Subdivision 4, is amended to read:

**Subd. 4. [AUTHORITY.]** The commissioner shall screen junk yards when required by this section at locations on the right-of-way of the highway or on lands within 1,000 feet of the right-of-way and shall pay for the costs thereof. If screening is not feasible because of economic or topographic reasons, the commissioner shall secure the removal, relocation or disposal of such junk yard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the other provisions of this section, if a junk yard exists within one-half mile of the right-

of-way of any trunk highway and is visible from the highway, the commissioner may acquire easements for screening purposes up to one-half mile from the edge of the right-of-way of the highway. The commissioner shall acquire such rights and interest in property, personal or real, necessary to carry out the purposes of this section by purchase, gift, or eminent domain proceedings and shall pay just compensation therefor. The commissioner shall not **(BE REQUIRED TO)** expend any **(FUNDS FOR SUCH PURPOSES UNLESS FEDERAL MONEYS ARE AVAILABLE TO THE STATE AND HAVE)** *money to acquire rights or interests in junk yards under this section, except those for which acquisition proceedings were begun before June 8, 1979 or for which federal money has been appropriated by Congress for junk yards described in Title 23, United States Code, Section 136(j) and the federal share has been made available to the commissioner.* All costs described herein shall be necessary for a highway purpose.

Sec. 51. Minnesota Statutes 1980, Section 168.013, Subdivision 1c, is amended to read:

Subd. 1c. **[FARM TRUCKS.]** On farm trucks, the tax shall be based on total gross weight and shall be 30 percent of the Minnesota base rate prescribed by subdivision 1e under Schedule I during each of the first six years of vehicle life, but in no event less than \$19, and during the seventh and succeeding years of vehicle life as taken from Schedule II, but in no event less than \$11. In addition to **(SUCH)** *the* gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period **(OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS).**

Sec. 52. Minnesota Statutes 1980, Section 162.09, Subdivision 4, is amended to read:

Subd. 4. **[FEDERAL CENSUS TO BE CONCLUSIVE.]** In determining whether any city has a population of 5,000 or more, the last federal census shall be conclusive *provided that any city having been classified as having a population of 5,000 or more for the purposes of chapter 162 shall not be reclassified unless the city's population decreases by 15 percent from the census figure which last qualified the city for inclusion (;).* A city not reclassified under the provisions of this section shall receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census. The governing body of any city not reclassified under the provisions of this section may contract with the United States bureau of the census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities

by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city. Provided further, that if an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

Sec. 53. Minnesota Statutes 1980, Section 168.013, Subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semi-trailer combinations except those defined as farm combinations and urban combinations, the tax based on total gross weight during the first six years of vehicle life shall be graduated according to Schedule I of the Minnesota base rate prescribed in this subdivision, but in no event less than \$28, and during the seventh and succeeding years of vehicle life the tax shall be graduated according to Schedule II of this subdivision, but in no event less than \$17.

### MINNESOTA BASE RATE

Scheduled taxes include five percent

surtax provided for in subdivision 14

#### TOTAL GROSS WEIGHT

IN POUNDS

SCHEDULE I

SCHEDULE II

Tax

Tax

A	0 - 1,500	\$ 5.00	\$ . . . .
B	1,501 - 3,000	9.00	. . . .
C	3,001 - 4,500	14.00	8.00
D	4,501 - 6,000	19.00	11.00
E	6,001 - 9,000	28.00	17.00
F	9,001 - 12,000	39.00	23.00

TOTAL GROSS  
WEIGHT  
IN POUNDS

## SCHEDULE I

## SCHEDULE II

		Tax	Tax
G	12,001 - 15,000	62.00	37.00
H	15,001 - 18,000	86.00	52.00
I	18,001 - 21,000	114.00	68.00
J	21,001 - 27,000	158.00	95.00
K	27,001 - 33,000	230.00	138.00
L	33,001 - 39,000	320.00	192.00
M	39,001 - 45,000	420.00	252.00
N	45,001 - 51,000	540.00	324.00
O	51,001 - 57,000	690.00	414.00
P	57,001 - 63,000	830.00	498.00
Q	63,001 - 69,000	970.00	582.00
R	69,001 - 73,280	1,050.00	630.00
S	73,281 - 77,000	1,155.00	693.00
T	77,001 - 81,000	1,260.00	746.00

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$36 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to provisions of subdivision 12.

Provided however, that on all trucks, except those in this chapter defined as farm trucks and urban trucks, having a gross weight in excess of 18,000 pounds but less than 27,001 pounds, the tax shall be:

(a) For the registration year 1976, 70 percent of the applicable Schedule I or Schedule II of this subdivision;

(b) For the registration year 1977, 80 percent of the applicable Schedule I or Schedule II of this subdivision;

(c) For the registration year 1978, 90 percent of the applicable Schedule I or Schedule II of this subdivision;

(d) For the registration year 1979 and thereafter, 100 percent of the applicable Schedule I or Schedule II of this subdivision.

On vehicles having a gross weight in excess of 27,000 pounds, and used for the transportation of livestock or unprocessed and raw farm products shall be taxed at 90 percent of the Minnesota base rate prescribed by this subdivision under Schedule I during each of the first six years of vehicle life and during the seventh and succeeding years of vehicle life as taken from Schedule II, provided the gross receipts derived from (SUCH) use equal or exceed 60 percent of the owner's total gross receipts from the operation of (SUCH) *the* vehicle during the 12 month period immediately preceding the date set by law for the reregistration of (SUCH) *the* vehicle. The owner shall furnish (SUCH) information as the commissioner of public safety may require, including sworn statements of fact, and the commissioner of public safety shall thereupon determine whether (SUCH) *the* owner comes within the provisions of this paragraph.

If an owner has not used (SUCH) *a* vehicle for the transportation of livestock or unprocessed and raw farm products so as to be able to report gross receipts for the 12 month period as herein set forth, (HE) *the* owner may, nevertheless, apply for registration hereunder and pay the reduced tax and the commissioner of public safety shall, after consideration of the established facts, determine whether (SUCH) *the* owner is entitled to have (SUCH) *the* registration approved.

If an owner fails to operate under the conditions and limitations herein set forth, (HE) *the* owner shall immediately notify the commissioner of public safety of (SUCH) *the* fact and pay the difference between the scheduled gross weight tax and the reduced tax proportionate to the number of months remaining in the year, 1/12 of the difference for each month or fraction thereof, beginning with the month in which (SUCH) *the* operations were discontinued or changed.

If an owner first uses (SUCH) *a* vehicle for the transportation of livestock and unprocessed and raw farm products after the tax becomes due without reduction, no adjustment of refund of tax shall be made during that calendar year for reasons of transporting livestock and unprocessed and raw farm products.

All truck-tractors except those (HEREIN) defined as farm and urban truck-tractors shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of (SUCH) *the* truck-tractor and any semi-trailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to (SUCH) *a* gross weight tax im-

posed on the truck-tractor, each semi-trailer shall be taxed on fee of \$10 for a one year period (OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS).

(URBAN) *Commercial zone* trucks include only all trucks and all truck-tractors (AND SEMI-TRAILERS USED EXCLUSIVELY IN TRANSPORTING PROPERTY WITHIN THE METROPOLITAN AREA CONSISTING OF HENNEPIN, RAMSEY, SCOTT, DAKOTA, ANOKA, WASHINGTON AND CARVER COUNTIES, OR WITHIN THE CORPORATE LIMITS OF ANY CITY OR CONTIGUOUS CITIES OR WITHIN ONE MILE OF CITIES OF THE FIRST AND SECOND CLASS. FOR THE PURPOSES OF THIS CLAUSE A LAND AREA CEDED TO THE UNITED STATES OF AMERICA UNDER GENERAL LAWS 1889, CHAPTER 57, IS A STATUTORY CITY. THE VEHICLE SHALL NOT BE OPERATED OUTSIDE THE METROPOLITAN AREA OR CORPORATE LIMITS OF SUCH CITY OR CONTIGUOUS CITIES, OR BEYOND ONE MILE OF CITIES OF THE FIRST AND SECOND CLASS; EXCEPT THAT THE COMMISSIONER OF PUBLIC SAFETY MAY, BY SPECIAL PERMIT, AUTHORIZE THE PERMANENT REMOVAL OF SUCH VEHICLE FROM ANY REGISTRATION AREA TO ANOTHER. THE LICENSE PLATES ISSUED THEREFOR SHALL BE PLAINLY MARKED. ON URBAN TRUCKS AND COMBINATIONS THE TAX SHALL BE BASED ON TOTAL GROSS WEIGHT AND SHALL BE 30 PERCENT OF THE MINNESOTA BASE RATE PRESCRIBED IN THIS SUBDIVISION UNDER SCHEDULE I DURING EACH OF THE FIRST SIX YEARS OF VEHICLE LIFE, BUT IN NO EVENT LESS THAN \$19, AND DURING THE SEVENTH AND SUCCEEDING YEARS OF VEHICLE LIFE AS TAKEN FROM SCHEDULE II, BUT IN NO EVENT LESS THAN \$11. IN ADDITION TO SUCH GROSS WEIGHT TAX IMPOSED ON THE TRUCK-TRACTOR, EACH SEMI-TRAILER SHALL BE TAXED A FEE OF \$10 FOR A ONE YEAR PERIOD OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS. PROVIDED THAT ON VEHICLES USED BY AN AUTHORIZED LOCAL CARTAGE CARRIER OPERATING UNDER A PERMIT ISSUED PURSUANT TO SECTION 221.296 AND WHOSE GROSS TRANSPORTATION REVENUE CONSIST OF AT LEAST 60 PERCENT OBTAINED SOLELY FROM LOCAL CARTAGE CARRIAGE, SHALL BE TAXED AT 90 PERCENT OF THE PRESCRIBED URBAN TRUCK AND COMBINATION RATES FOR THE LIFE OF THE VEHICLE DURING EACH YEAR SUCH VEHICLE IS USED, PROVIDED THAT THE GROSS REVENUES OBTAINED FROM TRANSPORTATION SERVICES IS OBTAINED FROM LOCAL CARTAGE CARRIAGE IS AT LEAST 60 PERCENT OF ALL REVENUE OBTAINED FROM TRANSPORTATION SERVICES BY SAID PERSON; AND PROVIDED FURTHER, THAT SAID TAX SHALL IN NO EVENT BE LESS THAN \$10.) *and semi-trailers which are:*

(1) used by an authorized local cartage carrier operating under a permit issued pursuant to section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within the area defined in section 221.296, subdivision 1; or,

(2) operated by an interstate carrier registered pursuant to section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority pursuant to chapter 221, and operated solely within a zone exempt from regulation by the Interstate Commerce Commission pursuant to 49 U.S.C. 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. Any person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to re-register the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as provided in this subdivision.

During the ninth and succeeding years the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 54. Minnesota Statutes 1980, Section 168.013, is amended by adding a subdivision to read:

Subd. 1i. [URBAN TRUCKS.] On all vehicles registered as urban trucks for the registration year 1981, or any part

thereof, and which are not registered as commercial zone trucks for the registration year 1982 and succeeding years, the tax shall be:

(a) for the registration year 1982, 50 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 67 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 84 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

*Beginning with the registration year 1985, the registrar shall not issue urban license plates.*

Sec. 55. Minnesota Statutes 1980, Section 168.12, Subdivision 1, is amended to read:

Subdivision 1. [NUMBER PLATES; VISIBILITY, PERIODS OF ISSUANCE.] The registrar, upon the approval and payment, shall issue to the applicant the number plates required by law, bearing an abbreviation of the state name and the number assigned. The number assigned may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the registrar, and when a vehicle is registered on the basis of total gross weight, the plates issued shall clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet. The registrar shall issue these number plates for the following periods:

(1) Number plates issued pursuant to sections 168.27, subdivisions 16 and 17, and 168.053 shall be for a one year period;

(2) New number plates issued pursuant to section 168.012, subdivision 1, shall be issued to a vehicle for as long as it is owned by the exempt agency and shall not be transferable from one vehicle to another but may be transferred with the vehicle from one tax exempt agency to another; (AND)

(3) *Plates issued for passenger automobiles as defined in section 168.011, subdivision 7, shall be issued for the life of the vehicle; and*

(3) (4) Plates for any vehicle not specified in clauses (1) (AND (2)), (2) and (3), except for trailers as hereafter provided, shall be issued for (A FIVE YEAR PERIOD) *the life of the vehicle*. Beginning with number plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less shall be issued for (A FOUR YEAR PERIOD) *the life of the trailer* and shall be not more than seven inches in length and four inches in width.

(IN ANY YEAR DURING WHICH THESE NUMBER PLATES ARE NOT ISSUED) The registrar shall issue for each registration a (REFLECTORIZED YEAR PLATE,) tab (,) or sticker to designate the year of registration. This (PLATE,) tab (,) or sticker shall show the calendar year or years for which issued, and is valid only for that period. Unless the motor vehicle for which a number plate, number, tab, or sticker is issued, is permanently lost, is destroyed, or is removed from the state, no number plate, number, tab, or sticker may be transferred to another motor vehicle during the period for which it is issued.

Notwithstanding any other provision of this subdivision, number plates issued to a vehicle which is used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The registrar shall be notified of each transfer of number plates under this paragraph, and may prescribe a form for (SUCH) notification.

Sec. 56. Minnesota Statutes 1980, Section 168.12, Subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, or self-propelled recreational vehicle, upon compliance with all laws of this state relating to registration of the vehicle, and upon payment of a fee of \$50 in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, (SUCH) personalized license plates shall have imprinted thereon a series of not to exceed any combination of six numbers and letters. When an applicant has once obtained personalized plates, (HE) *the applicant* shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if (HE MAKES) *application is made* for them at least 30 days prior to the first date on which (HIS) registration can be renewed. The commissioner of public safety shall adopt rules and regulations in

the manner provided by chapter 15, regulating the issuance and transfer of (SUCH) personalized license plates. No words or combination of letters placed on (SUCH) personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or (SUCH AS) *that* would offend public morals or decency. The call signals or letters of a radio or television station shall not be construed as commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for (SUCH) notification.

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 57. Minnesota Statutes 1980, Section 168.27, Subdivision 16, is amended to read:

Subd. 16. [PLATES, DISTINGUISHING NUMBERS.] (a) The registrar shall issue to every motor vehicle dealer, upon a request from (SUCH) *the* motor vehicle dealer licensed as provided in subdivisions 2 or 3, one or more (PAIR OF NUMBER) plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each (PAIR OF) dealer (PLATES) *plate* purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited to the general fund. Motor vehicles, new or used, owned by (SUCH) *the* motor vehicle dealer and bearing (SUCH) *the* number (PLATES) *plate*, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state by (SUCH) *the* motor vehicle dealer, or any employee of (SUCH) *the* motor vehicle dealer or by any member of the immediate family of (SUCH) *the* dealer or employee for either private or business purposes; or may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semi-trailer, for a period of seven days.

(b) A new or used motor vehicle sold by (SUCH) *the* motor vehicle dealer and bearing the motor vehicle dealer's number

(PLATES) *plate* may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before (HE) *the buyer* receives number plates pursuant to (HIS OWN) registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before (HE) *the buyer* receives number plates pursuant to (HIS OWN) registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Sec. 58. Minnesota Statutes 1980, Section 168.27, Subdivision 17, is amended to read:

Subd. 17. [APPLICATION.] Every licensed dealer in motor vehicles may make application upon a blank provided by the registrar for that purpose for a general distinguishing number for use upon all new or used motor vehicles being transported from the dealer's source of supply, or other place of storage, to (HIS) *the dealer's* place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the registrar to (SUCH) *the* dealer for (SUCH) *that* purpose, and the registrar shall then issue to the dealer (SUCH) *the* number of (PAIRS OF SUCH) plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$2 per (PAIR) *plate*. (SUCH) *The* plates shall be known as "in transit" plates. The registrar may issue (SUCH) "in transit" plates, upon the payment of the sum of \$2 to the registrar, to dealers duly licensed in other states or provinces upon information furnished (HIM) in (SUCH) *the* manner as (HE) *the registrar* may prescribe, and which satisfies (HIM) *the registrar* that persons or companies applying therefor are duly licensed dealers under the laws of (SUCH) *the* states or provinces.

Sec. 59. Minnesota Statutes 1980, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FEES.] In addition to all other statutory fees and taxes, a filing fee is imposed on every application. The filing fee shall be (\$1.50) \$2.50 effective August 1, (1977) 1981, and (\$1.75) \$3.25 effective January 1, (1979) 1983. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.

Sec. 60. Minnesota Statutes 1980, Section 169.09, Subdivision 7, is amended to read:

Subd. 7. [ACCIDENT REPORT TO COMMISSIONER.] The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an

apparent extent of (\$300) \$500 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. If, in the opinion of the commissioner of public safety, the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient he may require the driver to file supplementary reports.

Sec. 61. Minnesota Statutes 1980, Section 169.451, is amended to read:

169.451 [SCHOOL BUS INSPECTION.]

Subdivision 1. The Minnesota highway patrol shall inspect every school bus (AT LEAST SEMIANNUALLY) *annually* to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

Subd. 2. No person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on a certain date, which shall be within (SEVEN) 13 months of the date of operation, a member of the Minnesota highway patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The commissioner of public safety shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

Subd. 3. Not later than January 1, 1975 the commissioner of public safety shall provide by rule and regulation a point system for evaluating the effect on safety operation of any variance from law detected during school bus inspections conducted pursuant to subdivision 1.

Sec. 62. Minnesota Statutes 1980, Section 169.79, is amended to read:

169.79 [VEHICLE REGISTRATION.]

No person shall operate, drive or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates for the current year only, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate is not obstructed. If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, (OR) semitrailer, or *vehicle displaying a dealer plate*, one (SUCH) plate shall be displayed on the rear thereof; if the vehicle is a truck-tractor or road-tractor, one (SUCH) plate shall be displayed on the front thereof; if it is any other kind

of motor vehicle, one (SUCH) plate shall be displayed on the front and one on the rear thereof. All plates shall be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering shall be plainly visible at all times.

Sec. 63. Minnesota Statutes 1980, Section 169.974, Subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIREMENTS.] No person shall operate a motorcycle on any street or highway unless he has a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with such regulations as the commissioner of public safety shall promulgate. *The commissioner may waive the road test for any applicant if he determines that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance.* A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;
- (b) Drive the motorcycle at night time;
- (c) Drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to Title 23 of the United States Code.
- (d) Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Sec. 64. Minnesota Statutes 1980, Section 171.13, is amended by adding a subdivision to read:

*Subd. 1a. The commissioner may waive the requirement that the applicant demonstrate his ability to exercise ordinary and reasonable control in the operation of a motor vehicle if he determines that the applicant possesses a valid driver's license issued by a jurisdiction that requires a comparable demonstration for license issuance.*

Sec. 65. Minnesota Statutes 1980, Section 171.36, is amended to read:

171.36 [LICENSE RENEWAL AND FEES.]

All licenses shall expire one year from date of issuance and may be renewed upon application to the commissioner. Each application for an original or renewal school license shall be accompanied by a fee of (\$75) \$150 and each application for an original or renewal instructor's license shall be accompanied by a fee of (\$20) \$50. The license fees collected under this article shall be paid into the trunk highway fund. No license fee shall be refunded in the event that the license is rejected or revoked.

Sec. 66. Minnesota Statutes 1980, Section 173.25, is amended to read:

173.25 [AVAILABILITY OF FEDERAL AID (FUNDS).]

The commissioner of transportation shall not (BE REQUIRED TO) expend (FUNDS) *money* for the acquisition of advertising devices controlled under this chapter (UNTIL FEDERAL FUNDS ARE MADE AVAILABLE TO THE COMMISSIONER FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS CHAPTER), *except those for which acquisition proceedings were begun before June 8, 1979 or for which federal money has been appropriated by Congress and the federal share has been made available to the commissioner.* No advertising device legal under Laws 1971, Chapter 883, shall be required to be removed or relocated until payment as provided in Laws 1971, Chapter 883, is tendered by the commissioner of transportation. (THIS SECTION SHALL NOT APPLY TO THE REMOVAL OF SIGNS FOR WHICH NO FEDERAL SHARE IS PAYABLE.)

Sec. 67. Minnesota Statutes 1980, Section 174.255, is amended by adding a subdivision to read:

*Subd. 3. [OPERATOR ASSISTANCE.] A person operating or assisting the operation of a vehicle while employed by a program such as "project mobility" may leave the vehicle to enter premises in order to assist a person who does not require emergency ambulance service to gain access and entrance to the vehicle. The assistance shall include assisting through the first entrance to a building. Operators of the special transportation vehicles shall provide the necessary passenger assistance for door-through-door service. Assistance shall also include assisting wheelchair passengers over any exterior steps essential to either departure or destination buildings, subject to both the steps and the wheelchair being in good repair. If an operator or assistant refuses to assist because of the condition of the steps or the wheelchair, the operator of the service shall send letters to the commissioner of transportation and the person denied service detailing the corrective measures necessary to qualify for service.*

Sec. 68. Minnesota Statutes 1980, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, (THE BOARD OF COSMETOLOGY EXAMINERS ESTABLISHED PURSUANT TO SECTION 155.04,) the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying and landscape architecture established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.01, the board of abstracters established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841.

Sec. 69. Minnesota Statutes 1980, Section 214.06, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health related licensing boards and all non-health related licensing boards (MAY) shall by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, *including the portion of the general support costs and statewide indirect costs of the department providing administrative support services to the board that is attributable to the board.* Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated costs of administer-

ing the examinations during the fiscal biennium. Fee adjustments authorized under this subdivision may be made without a public hearing when the total fees *estimated to be received during the biennium* will not exceed (THE AMOUNT OF THE DIRECT APPROPRIATION) 110 percent of the sum of all direct appropriations, transfers in, and salary supplements to the board for the biennium. All fees received shall be deposited with the state treasurer and credited to the general fund.

Sec. 70. Minnesota Statutes 1980, Section 216B.16, is amended by adding a subdivision to read:

*Subd. 1b. When a public utility proposes changes in rates that would increase rates paid by consumers more than \$500,000, the commission shall not approve the change until after requiring the office of administrative hearings to conduct a contested case hearing on, at a minimum, the appropriate rate base, expense and revenue levels for the test year, and the rate of return. If the formal parties to the contested case choose not to cross-examine the testimony presented, it shall be the duty of the commission and its staff to make inquiry of the witnesses presented to ensure that the testimony is well reasoned and constitutes substantial evidence. After a report of the examiner has been issued, the commission may proceed to take action on the proposed rates consistent with the provisions of this section. The commission shall not accept any stipulation that is not agreed to by all intervening parties.*

Sec. 71. Minnesota Statutes 1980, Section 216B.62, Subdivision 3, is amended to read:

*Subd. 3. The department and commission shall (ANNUALLY, WITHIN 90 DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, ASCERTAIN) quarterly, at least 30 days before the start of each quarter, estimate the total of of their expenditures (TO) in the performance of their duties relating to public utilities under (LAWS 1974, CHAPTER 429, AND SHALL DEDUCT THEREFROM ALL) sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 or section 72. The remainder shall be assessed by the commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during (SUCH) the calendar year from retail sales of gas or electric service within the state. The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the*

*amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed.*

Sec. 72. Minnesota Statutes 1980, Section 216B.62, is amended by adding a subdivision to read:

*Subd. 6. [ADMINISTRATIVE HEARING COSTS.] Any amounts billed to the commission or the department by the office of administrative hearings for public utility contested case hearings shall be assessed by the commission or the department against the public utility. The assessment shall be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been mailed to the public utility. Money received shall be credited to a special account and is appropriated to the commission or the department for payment to the office of administrative hearings.*

Sec. 73. Minnesota Statutes 1980, Section 237.075, is amended by adding a subdivision to read:

*Subd. 1b. When a telephone company proposes changes in rates that would increase rates paid by consumers more than \$500,000, the commission shall not approve the change until after requiring the office of administrative hearings to conduct a contested case hearing on, at a minimum, the appropriate rate base, expense and revenue levels for the test year, and the rate of return. If the formal parties to the contested case choose not to cross-examine the testimony presented, it shall be the duty of the commission and its staff to make inquiry of the witnesses presented to ensure that the testimony is well reasoned and constitutes substantial evidence. After a report of the examiner has been issued, the commission may proceed to take action on the proposed rates consistent with the provisions of this section. The commission shall not accept any stipulation that is not agreed to by all intervening parties.*

Sec. 74. Minnesota Statutes 1980, Section 237.295, Subdivision 2, is amended to read:

*Subd. 2. The department and commission shall (ANNUALLY, WITHIN 90 DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, ASCERTAIN) quarterly, at least 30 days before the start of each quarter, estimate the total of its expenditures (TO) in the performance of its duties relating to telephone companies, (AND SHALL DEDUCT THEREFROM ALL) other than amounts chargeable to telephone companies under subdivision 1 or section 75. The remainder shall be assessed by the department to the several telephone companies in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed*

to the several telephone companies, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the telephone companies, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross jurisdictional operating revenues during (SUCH) the calendar year. *The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed.*

Sec. 75. Minnesota Statutes 1980, Section 237.295, is amended by adding a subdivision to read:

*Subd. 5. [ADMINISTRATIVE HEARING COSTS.] Any amounts billed to the commission or the department by the office of administrative hearings for telephone contested case hearings shall be assessed by the commissioner or the department against the telephone company. The assessment shall be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been mailed to the telephone company. Money received shall be credited to a special account and is appropriated to the commissioner or the department for payment to the office of administrative hearings.*

Sec. 76. Minnesota Statutes 1980, Section 239.10, is amended to read:

239.10 [ANNUAL INSPECTION.]

(NO FEE, UNLESS SPECIALLY SCHEDULED BY) The department (,) shall (BE CHARGED) *charge a fee to the owner for the costs of the regular inspection of scales, weights, measures, and weighing or measuring devices. The cost of any other inspection shall be paid by the owner if the inspection is performed at his request (, AND) or if the inspection is made at the request of some other person (THE COST SHALL BE PAID BY THE OWNER IF) and the scale, weight, measure, or weighing or measuring device is found to be incorrect. The department may fix the fees and expenses for all regular inspections and special services. All moneys collected by the (DIVISION) department for its regular inspections, special services, fees, and penalties shall be paid into the state treasury (,) and credited to the state general fund.*

Sec. 77. Minnesota Statutes 1980, Section 239.52, is amended to read:

239.52 [WEIGHTS AND MEASURES FEES.]

The department of public service (IS DIRECTED TO) *shall adjust the schedule of fees for regular and special weights and*

measures inspections to (PROVIDE THAT EACH TYPE OF FEE CHARGED SHALL BE SUFFICIENT TO COVER THE COST OF THE SPECIAL INSPECTION, AND THAT THE AGGREGATE OF FEES COLLECTED SHALL BE SUFFICIENT TO PAY FOR ALL SALARIES AND OTHER EXPENSES CONNECTED WITH SPECIAL INSPECTIONS) *recover the amount of money appropriated for the weights and measures program, other than the cost of (1) checkweighing or the weighing of prepackaged goods to determine whether the content weight listed on the package is accurate, (2) testing for the quality of petroleum products, (3) inspections or investigations made as a result of a complaint received by the department, if the scale weight, measure, or weighing or measuring device is found to be correct, and (4) court appearances by department personnel on behalf of other governmental agencies.* The department of public service shall review and adjust its schedule of fees for *regular and special inspections* at the end of each six months and have all fees charged approved by the commissioner of (ADMINISTRATION) *finance* before they are adopted, so as to insure that the fees charged shall be sufficient to pay all the (SALARIES AND EXPENSES) *recoverable costs* connected with *regular and special inspections* during the fiscal year.

Sec. 78. Minnesota Statutes 1980, Section 270.051, Subdivision 2, is amended to read:

Subd. 2. The commissioner of revenue shall collect five percent of the gross receipts from admission to every *wrestling, boxing and sparring exhibition other than an amateur wrestling, boxing and sparring exhibition held within the state, and five percent of the gross receipts from the lease or sale of radio, motion picture and television rights therein.* All complimentary tickets for a *wrestling, boxing and sparring exhibition other than an amateur wrestling, boxing and sparring exhibition presented at any entrance gate shall likewise be assessed for the tax herein provided five percent of the value thereof.*

Each person issued a license in accordance with section 341.05, subdivision 2, shall also, within 24 hours after the termination of the telecast or subscription television program, pay to the commissioner five percent of the gross receipts from the sale of tickets of admission or money received from subscription for the showing or exhibiting of the telecast or program. If the *wrestling, boxing or sparring match, exhibition, or performance shown or exhibited is wholly amateur no payment is due.*

Sec. 79. Minnesota Statutes 1980, Section 297B.035, Subdivision 2, is amended to read:

Subd. 2. Motor vehicles which satisfy the definitions of subdivision 1, shall be taxed at a yearly rate of \$15 per (SET OF) dealer (PLATES) *plate.* This tax shall be paid when dealer plates are purchased and shall be deposited in the state treasury

and credited to the general fund. This tax shall be in lieu of any other state sales, excise, or use tax.

Sec. 80. Minnesota Statutes 1980, Section 326.241, Subdivision 3, is amended to read:

Subd. 3. [FEES AND FINANCES; DISPOSITION.] All license fees collected under the provisions of sections 326.241 to 326.248 are to be credited to the general fund. (THE UNEXPENDED BALANCE IN A SPECIAL FUND OF THE BOARD AS OF JULY 1, 1977, SHALL BE CREDITED TO THE GENERAL FUND.) The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity.

Sec. 81. Minnesota Statutes 1980, Section 326.244, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.]

(a) At or before commencement of any installation required to be inspected by the board, the electrical contractor, installer, special electrician, or owner making (SUCH) the installation shall submit to the board a request for inspection, in a form prescribed by the board, together with (A SUPERVISORY FEE OF 50 CENTS AND) the (INSPECTION) fees required for (SUCH) the installation.

(b) *The fees required are a handling fee and an inspection fee. The handling fee shall be set by the board in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the board in an amount sufficient to pay the actual costs of the inspection and the board's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 15.041 to 15.052.*

(c) *All handling fees shall be deposited in the general fund. All inspection fees collected pursuant to this section shall be deposited by the board in a special revenue bookkeeping account of the treasury and are appropriated to the board for the purpose of compensating contract inspectors for inspections performed, for transfer to the general fund of the portion of the fee representing inspection administration costs, and for making refunds.*

(d) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326.243, (HE) the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to (SUCH) the installation disconnected, and shall send a copy of (HIS) the order to the board.

If the installation of the noncomplying part (THEREOF IS SUCH AS TO) *will* seriously and proximately endanger human life and property, the order of the inspector, when approved by (HIS) *the inspector's* superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established (THEREIN) for condemnation or disconnection.

(e) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, and the electrical contractor, installer, or special electrician making the installation, and (SUCH) other persons as the board by rule or regulation may direct. An aggrieved party may appeal any (SUCH) condemnation or disconnection order by filing with the board a notice of appeal within ten days after ((A)) (1) service upon (HIM) *the aggrieved party* for the condemnation or disconnection order, if (SUCH) *this* service is required, or ((B)) (2) filing of the order with the board, whichever is later. (THEREUPON) The appeal shall proceed and the order of the inspector shall have (SUCH) *the* effect (NOT INCONSISTENT HEREWITH AS) the order, by its terms, and the rules (AND REGULATIONS) of the board (MAY PROVIDE) *provides*. The board shall adopt rules (OR REGULATIONS) providing procedures for the conduct of (SUCH) appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

#### Sec. 82. [TRANSFER OF FUNDS.]

*On the effective date of section 81, the commissioner of finance shall transfer from the appropriation to the board in Laws 1979, Chapter 333, Section 33, Subdivision 7, an amount equal to the liability of the board as of the date of transfer for inspection services to be performed. The transfer shall be made to the special revenue bookkeeping account provided in section 81.*

Sec. 83. Minnesota Statutes 1980, Section 340.11, Subdivision 14, is amended to read:

Subd. 14. [LICENSE FEES.] The license fees to be paid before the issuance of licenses shall be as provided in clauses (a), (b), (c), (d).

(a) Except as provided in clauses (b), (c), and (d), any manufacturer shall pay to the state annually a license fee of (\$5,000) \$7,500, and a fee of \$3,000 for each duplicate thereof.

(b) Any manufacturer of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$500.

(c) Except as provided in clauses (a), (b), (d), any wholesaler shall pay to the state annually a license fee of (\$5,000) \$7,500, and a fee of \$3,000 for each duplicate thereof.

(d) Any wholesaler of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of (\$500) \$750.

(e) The maximum license fee for an "off-sale" license in the cities of the first class shall be the sum of which, together with any occupation tax that may be imposed by a municipality issuing said "off-sale" license, will not exceed the sum of \$1,000 annually; in all cities of over 10,000 population, except cities of the first class, the maximum license fee for an "off-sale" license shall be \$200; in all cities with a population between 5,000 and 10,000 the maximum license fee shall be \$150; in all cities of 5,000 population or less, the maximum license fee shall be \$100. All such license fees for "off-sale" licenses shall be payable to the municipalities issuing the license. Where such licenses shall be issued for less than one year, a fee may be a pro rata share of the annual license fee.

Sec. 84. Minnesota Statutes 1980, Section 340.113, Subdivision 2, is amended to read:

Subd. 2. [LICENSE, APPLICATION, RENEWAL.] Such licenses shall be issued by the commissioner of public safety for the term of one year, and must be renewed annually. Application for such a license shall be made to the commissioner of public safety. The form of application shall contain an agreement on the part of the applicant that he will observe all of the laws of this state relating to the importation and sale of intoxicating liquor, and such other information and statements as the commissioner of public safety may require. Any person who has violated any of the laws of this state relating to intoxicating liquor shall not be entitled to such a license. The fee for each annual license shall be (\$150) \$300 which shall accompany the application for license.

Sec. 85. Minnesota Statutes 1980, Section 340.119, Subdivision 3, is amended to read:

Subd. 3. It is unlawful for any bottle club or for any business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing of intoxicating liquor without having first obtained a permit therefor. Such permit may be issued by the commissioner of public safety after approval by the governing body of the county or city, for a period of one year to expire on July 1, next following issuance of such license, upon the payment of (\$100) \$150 and must be renewed annually on July 1.

Application for such permit shall be made to the commissioner of public safety. There is hereby conferred upon the governing body of each county and city in the state the authority to impose, in addition to the fee provided by this subdivision, a local license fee not exceeding \$300 per year, which shall be payable to the county and city imposing the fee.

Sec. 86. Minnesota Statutes 1980, Section 340.402, is amended to read:

**340.402 [LICENSES, FEES.]**

No person shall engage in business as a brewer or wholesaler of intoxicating malt liquor nor shall any person, directly or indirectly, by any device, manufacture for sale or sell at wholesale any intoxicating malt liquor unless licensed to do so by the commissioner.

Application for license shall be made in writing, filed with the commissioner in the form prescribed by him and verified by the applicant or, if a corporation, by one of its officers having knowledge of the facts. At the time of filing an application the applicant shall file with the commissioner his bond and pay the license fee herein provided for.

The annual fees for license are: for a brewer, the sum of (\$1,000) \$1,250, for a wholesaler, the sum of (\$200) \$300, and a wholesaler's malt beverage duplicate license the sum of \$15.

A brewer holding a license to manufacture intoxicating malt liquor may sell his products at wholesale without another license.

Sec. 87. Minnesota Statutes 1980, Section 340.493, Subdivision 2, is amended to read:

Subd. 2. [LICENSES; APPLICATION, RENEWAL.] Such licenses shall be issued by the commissioner of public safety for one year and must be renewed annually. The application for such license shall contain an agreement on the part of the applicant that he will observe all laws of this state relating to the importation and taxation of such fermented malt beverages and such other information and statements as the commissioner requires. Any person who has violated any laws of this state relating to fermented malt beverages or intoxicating liquor is not entitled to such license. The fee for each annual license is (\$100) \$200 which shall accompany the application for license. If an examination of the financial responsibility of any such applicant for license indicates that a bond is necessary for the protection of the revenue, the commissioner may require the applicant to file a bond to be approved by the commissioner, payable to the state in an amount not less than \$1,000 and not

more than \$5,000 conditioned upon the payment of all excise taxes to become payable to the state.

Sec. 88. Minnesota Statutes 1980, Section 340.62, is amended to read:

**340.62 [CERTAIN LIQUOR REGISTERED.]**

No licensed manufacturer or wholesaler shall manufacture or import for sale within the state, any brand of intoxicating liquor such as distilled spirits and wine, or any distilled or vinous liquor designated as a specialty, wherein such liquor is ready for sale for beverage purposes without further processing, unless the label of such brand has been registered with and approved by the commissioner. The commissioner shall hereinafter establish a register for such brand labels, which labels shall be acceptable under the following conditions:

(1) No brand of intoxicating liquor as hereinbefore described shall be manufactured or imported for sale within the state after the passage of this act unless the brand label thereof has been submitted to and approved by the commissioner. The fee for such registration shall be (\$10) \$20 for each brand label.

(2) The same registration and fee shall be required for any brand of liquor as hereinbefore described which has been manufactured or imported for sale within this state and in which the brand label for such brand has been filed with the commissioner and wherein the sale of such brand has been discontinued within the state by the manufacturer or wholesaler for a period of two years.

(3) After the sale of any brand of intoxicating liquor as hereinbefore described has been discontinued within this state for a period of three years by the manufacturer or wholesaler distributing it, said brand and its brand label and any and all registrations thereof in this state shall thereafter be conclusively presumed to have been abandoned by said manufacturer or wholesaler.

(4) The terms "brand" and "brand label," when used herein, shall each be construed to mean and include trademarks and designs used in connection therewith.

(5) All money received by the commissioner under the provisions of this section shall be paid to the state treasurer and such money shall be credited to the general fund.

Sec. 89. Minnesota Statutes 1980, Section 341.01, is amended to read:

## 341.01 [CREATION.]

There is hereby created the board of *wrestling and boxing*, to consist of seven members, citizens of this state, two of whom shall be public members as defined by section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Sec. 90. Minnesota Statutes 1980, Section 341.02, is amended to read:

## 341.02 [LIMITATIONS.]

No member shall directly or indirectly promote any *wrestling*, boxing or sparring exhibition or directly or indirectly engage in the managing of any *wrestler or boxer* or be interested in any manner in any proceeds from any *wrestling or boxing match*.

Sec. 91. Minnesota Statutes 1980, Section 341.04, is amended to read:

## 341.04 [EXECUTIVE SECRETARY; PERSONNEL.]

The board of *wrestling and boxing* shall have power to appoint, and at its pleasure remove, an executive secretary and prescribe his powers and duties. The executive secretary shall be the executive secretary of the board, but shall not be a member of the board. The board may employ such other personnel as may be necessary in the performance of its duties.

Sec. 92. Minnesota Statutes 1980, Section 341.05, is amended to read:

## 341.05 [DUTIES.]

Subdivision 1. The board of *wrestling and boxing* shall have charge and supervision of all *professional wrestling exhibitions and boxing and sparring exhibitions* held in the state and have power:

(1) To promulgate rules governing the conduct of *professional wrestling exhibitions and boxing and sparring exhibitions* and the time and place thereof;

(2) To issue licenses to individuals or organizations desiring to promote or conduct *wrestling, boxing or sparring exhibi-*

tions, and to suspend or revoke the licenses at its pleasure; every application for a license shall designate the territory in which the individual or organization intends to operate, and the license granted shall entitle the licensee to conduct the exhibitions in that territory and in no other.

The commissioner of revenue shall collect five percent of the gross receipts from admission to every *wrestling*, boxing and sparring exhibition other than an amateur *wrestling*, boxing and sparring exhibition held within the state, and five percent of the gross receipts from the lease or sale of radio, motion picture and television rights therein.

All complimentary tickets for a *wrestling*, boxing and sparring exhibition other than an amateur *wrestling*, boxing and sparring exhibition presented at any entrance gate shall likewise be assessed for the tax herein provided five percent of the value thereof. All moneys so collected shall be paid into the state treasury.

Subd. 2. The board of *wrestling and* boxing shall issue a license to a person or organization holding, showing, or exhibiting a simultaneous telecast of any live, current, or spontaneous *wrestling*, boxing or sparring match, exhibition, or performance on a closed circuit telecast or subscription television program viewed within the state, whether originating in this state or elsewhere, and for which a charge is made. Each such person or organization shall apply for such a license in advance of each showing and shall within 24 hours after the termination of such showing furnish the commissioner of revenue a written report, duly verified by an authorized person, showing the number of tickets sold for such showing, the amount of the gross proceeds thereof, and such other matters as the commissioner of revenue may prescribe; and shall also, within 24 hours after the termination of such showing, pay to the commissioner of revenue five percent of the gross receipts from the sale of tickets of admission or moneys received from subscription for the showing or exhibiting of said *wrestling*, boxing or sparring match, exhibition, or performance. If the *wrestling*, boxing or sparring match, exhibition, or performance is wholly amateur no payment is due.

Whoever violates the provisions of this subdivision is guilty of a misdemeanor and may be punished therefor as provided by law. The penalty herein provided is in addition to any other penalty for violation of this subdivision as may be otherwise fixed in this chapter.

Sec. 93. Minnesota Statutes 1980, Section 341.07, is amended to read:

341.07 [LICENSES; RESTRICTIONS.]

Unless revoked by the board, licenses granted hereunder shall authorize the individuals or organizations receiving the

same to conduct *professional wrestling exhibitions* or boxing or sparring exhibitions in the community designated therein for the period of time designated therein, subject to the rules of the board and to restrictions as the board may in its discretion incorporate therein. Each license shall contain a statement that *wrestling, boxing or sparring exhibitions may be held on any Sunday and that no boxing or sparring match shall be of more than 15 rounds, of not to exceed three minutes each, and no professional wrestling match shall exceed one hour of continuous action.*

Sec. 94. Minnesota Statutes 1980, Section 341.08, is amended to read:

**341.08 [EXHIBITIONS; CONSENT REQUIRED.]**

The provisions of this chapter are applicable to cities of the first class, but no license shall be issued for the conducting of any *professional wrestling exhibitions* or boxing or sparring exhibitions within the limits of any municipality, except cities of the first class, unless the governing body thereof has first consented to the holding of *professional wrestling exhibitions* or boxing or sparring exhibitions therein; in the event that the license is for the conducting of *professional wrestling exhibitions* or boxing or sparring exhibitions in any county outside the limits of a municipality, such license shall not be issued until the board of county commissioners of the county and also the governing body of the town shall have authorized the holding of *professional wrestling exhibitions* or boxing or sparring exhibitions in such community, and each such license shall designate the particular community in such county where such exhibitions are held. Consent by the governing body of such municipality or by the county board or by the governing board of the town shall be evidenced by a certified copy of a resolution thereof filed with the board. The governing body may revoke the consent any time, and any licenses shall expire 30 days after resolution revoking consent has been filed with the board.

Sec. 95. Minnesota Statutes 1980, Section 341.09, is amended to read:

**341.09 [NUMBER OF LICENSES.]**

Subdivision 1. Except as provided in subdivisions 2 and 3, only one license for *professional wrestling exhibitions* and one license for *boxing and sparring exhibitions* shall be in force in any municipality or community at any time.

Subd. 2. In any municipality having more than 100,000 and less than 200,000 inhabitants, the board of *wrestling and boxing* may issue one license for amateur and one for professional boxing and sparring exhibitions, and one for *professional wrestling exhibitions*, but (BOTH) the licenses shall not be issued to the same person.

Subd. 3. In municipalities whose population exceeds 200,000 the board of *wrestling and boxing* may issue one franchise for *professional wrestling exhibitions and one franchise for boxing and sparring exhibitions* for every 200,000 population or fraction thereof.

Sec. 96. Minnesota Statutes 1980, Section 341.10, is amended to read:

#### 341.10 [LICENSE FEES.]

The board shall have authority to collect and require the payment of a license fee in an amount set by the board from the owners of franchises or licenses. The board shall require the payment of the fee at the time of the issuance of the license or franchise to the owner. The moneys so derived shall be collected by the board and paid to the state treasurer. The board shall have authority to license all *professional wrestlers and boxers, managers, seconds, referees and judges* and may require them to pay a license fee. All moneys collected by the board from such licenses shall be paid to the state treasurer.

Sec. 97. Minnesota Statutes 1980, Section 341.12, is amended to read:

#### 341.12 [BONDS.]

Before any license other than an amateur *wrestling or boxing* license shall be granted to any person, club, corporation, or organization to conduct, hold or give any *wrestling, boxing or sparring match, or exhibition*, such applicant therefor shall execute and file with the chairman of the commerce commission a bond in the sum of \$2,500 in cities of the first class and \$1,000 in other communities, to be approved, as to form and sufficiency of the sureties thereof, by the chairman of the commerce commission, conditioned for the payment of the five percent of the total gross receipts and license fees herein provided. Upon the filing and approval of such bond the chairman of the commerce commission shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the board with its application for such license; and no such license shall be issued until such certificate shall be so filed.

Sec. 98. Minnesota Statutes 1980, Section 341.13, is amended to read:

#### 341.13 [PENALTIES FOR NON-LICENSED EXHIBITIONS.]

Any person or persons who shall send or cause to be sent, published, or otherwise made known, any challenge to fight

what is commonly known as a prize fight, or engage in any public *professional wrestling exhibition or any* boxing or sparring match, exhibition, or contest, with or without gloves, for any prize, reward, or compensation, or at which any admission fee is charged directly or indirectly, or go into training preparatory for such fight, exhibition, or contest, or act as a trainer, aider, abetter, backer, umpire, second surgeon, assistant, or attendant at such fight, exhibition, or contest, or in any preparation for the same, and any owner or lessee of any grounds, buildings, or structure of any kind permitting the same to be used for such fight, exhibition, or contest, shall be deemed guilty of a misdemeanor; provided, that this section shall not apply to *wrestling*, boxing or sparring exhibitions held or to be held under license issued by the board of *wrestling and* boxing and in compliance with the rules issued by it.

Sec. 99. Minnesota Statutes 1980, Section 341.15, is amended to read:

**341.15 [FAILURE TO REPORT TO THE BOARD.]**

When any individual or organization shall fail to make a report of receipts of any contest at the time prescribed by the board of *wrestling and* boxing or to pay the fee herein provided, or when such report is unsatisfactory to the commissioner of finance, he may examine, or cause to be examined, the books and records of such individual or organization, and subpoena and examine, under oath, officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts for any contest and the amount due pursuant to the provisions of this chapter, which amount he may, upon and as the result of such examination, fix and determine. In case of default in the payment of any amount so ascertained to be due, together with the expense incurred in making such examination, for a period of 20 days after notice to such delinquent individual or organization of the amount at which the same may be fixed by the commissioner of finance, such delinquent shall, ipso facto, forfeit and be thereby disqualified from receiving any new license or any renewal of license and, in addition, forfeit to the state of Minnesota the sum of \$500, which may be recovered by the attorney general, in the name of the state, in the same manner as other penalties are by law recovered.

Sec. 100. Minnesota Statutes 1980, Section 360.021, Subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ESTABLISH.] The commissioner is authorized and empowered, on behalf of and in the name of this state, within the limitation of available appropriations, to acquire, by purchase, gift, devise, lease, condemnation proceedings, or otherwise, property, real or personal, for the purpose of establishing and constructing (AIRPORTS,) restricted landing areas (,) and other air navigation facilities (,)

and to acquire in like manner, own, control, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and police such (AIRPORTS,) restricted landing areas (,) and other air navigation facilities, either within or without this state; and to make, prior to any such acquisition, investigations, surveys, and plans (, TO). *He may maintain, equip, operate, regulate, and police airports, either within or without this state. He may (ERECT, INSTALL, CONSTRUCT, AND) maintain at such airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers. (AND TO) He may dispose of any such property, airport, restricted landing area, or any other air navigation facility, by sale, lease, or otherwise, in accordance with the laws of this state governing the disposition of other like property of the state. He may not acquire or take over any (AIRPORT,) restricted landing area, or other air navigation facility without the consent of the owner. He shall not acquire any additional state airports nor establish any additional state-owned airports. He may erect, equip, operate, and maintain on any airport buildings and equipment necessary and proper to (ESTABLISH,) maintain, and conduct such airport and air navigation facilities connected therewith. He shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. Notwithstanding the foregoing prohibition, the commissioner may continue to maintain the state owned airport at Pine Creek.*

Sec. 101. Minnesota Statutes 1980, Section 360.021, Subdivision 2, is amended to read:

Subd. 2. [AIRPORT PROTECTION PRIVILEGES.] Where necessary in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports and restricted landing areas acquired or operated under the provisions of sections 360.011 to 360.076, he is hereby granted authority to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas, and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports and restricted landing areas, and the safe and efficient operation thereof. He is also hereby authorized to acquire, in the same manner, the right of easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit

the right, power, or authority of the state or any municipality to zone property adjacent to any airport or restricted landing area pursuant to any law of this state. *The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.*

Sec. 102. Minnesota Statutes 1980, Section 360.305, is amended by adding a subdivision to read:

*Subd. 6. [ZONING REQUIRED.] The commissioner shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the governmental unit involved has or is establishing a zoning authority for that airport, and the authority has made a good faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.*

Sec. 103. Minnesota Statutes 1980, Section 360.305, is amended by adding a subdivision to read:

*Subd. 7. [REIMBURSEMENTS.] Reimbursements from municipalities for striping runways shall be deposited in the state airport fund.*

Sec. 104. Minnesota Statutes 1980, Section 388.14, is amended to read:

#### 388.14 [CONTINGENT FUND; EXPENSES.]

The county board may set apart yearly a sum, not exceeding (\$3,000) \$5,000, *except in counties containing cities of the first class, where the sum shall not exceed \$7,500*, as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, *making contributions to a statewide county attorney's organization*, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund.

Sec. 105. Minnesota Statutes 1980, Section 388.19, Subdivision 1, is amended to read:

Subdivision 1. [CREATION.] There is hereby created a county attorneys council hereinafter designated as the "council" to be composed of the county attorney from each of the 87 counties and the attorney general of the state of Minnesota. The members shall meet annually in November of each year and, commencing at the annual meeting in November 1973, shall elect a president, a president-elect, a secretary, and a treasurer, and such other officers and directors as the county attorneys council shall determine. Each of these officers shall hold office for a term of one year and until their successors are elected and qualified. The county attorneys council may adopt such rules as are necessary for the carrying out of its duties. A county attorney may designate in writing an assistant who may act in his stead in carrying out any function of the county attorneys council except serving as an officer. The county attorneys council may acquire and hold property, accept gifts, *grants, and contributions* and (EXPEND ANY SUCH SUMS SO RECEIVED. THE COUNTY ATTORNEYS COUNCIL) may charge fees *for services*, for seminars, workshops and publications it conducts and produces. *All receipts from these sources shall be deposited in one or more special accounts in the state treasury and are appropriated to the county attorneys council for carrying out the duties described in subdivision 4.*

Sec. 106. Minnesota Statutes 1980, Section 414.051, is amended to read:

414.051 [BOARD'S REVIEW OF TOWNSHIPS ACCORDING TO POPULATION.]

After each federal census the board (SHALL) *may* determine the townships which have a population in excess of 2,000 exclusive of any municipality or part of a municipality within the township and make recommendations which it deems necessary and reasonable to the board of any such township.

Sec. 107. Minnesota Statutes 1980, Section 462.16, is amended to read:

462.16 [POWER TO ENACT ORDINANCES FOR ENFORCEMENT OF RIGHTS GIVEN TO COUNCIL.]

The council shall have the power to enact ordinances for the enforcement of the rights which shall be acquired under sections 462.12 to 462.17, and to fix penalties for their violation, including a fine not exceeding \$100 or confinement in the city workhouse not exceeding 90 days. Violations of the ordinances may be prosecuted in the municipal court of the city. *Restricted residence districts created pursuant to sections 462.12 to 462.16 shall be subject to the provisions of section 541.023. In construing the scope and effect of a residence district restriction, equitable principles shall be utilized and the following shall be considered:*

*the historic pattern of enforcement or non-enforcement; changed circumstances; the length of time during which current uses have been allowed to exist; the actual impact of current land uses; and detrimental reliance.*

Sec. 108. Laws 1980, Chapter 534, Section 87, is amended to read:

Sec. 87. [EFFECTIVE DATE.]

This act is effective on July 1, (1981) *1983*.

Sec. 109. Laws 1980, Chapter 607, Article XIII, Section 2, Subdivision 3, is amended to read:

Subd. 3. The joint commission shall report its findings and recommendations to the legislature on or before January 1, (1982) *1984*. The report shall cover, but not be limited to, the issues of available corridors and rights-of-way, define necessary physical improvements, make potential ridership projections, and make recommendations for funding of capital and operating costs.

Sec. 110. Laws 1980, Chapter 607, Article XIII, Section 2, Subdivision 5, is amended to read:

Subd. 5. This section is repealed January 1, (1982) *1984*.

Sec. 111. [APPROVAL.]

*The implementation of sections 109 and 110 shall be the responsibility of the St. Cloud area planning organization with the assistance of the regional development commission for region 7W, the metropolitan council, and the commissioner of transportation.*

Sec. 112. [VARIANCES; TEMPORARY PROVISION.]

*If an application by a city for a variance under Minnesota Statutes, Section 162.13, Subdivision 2 proceeds to a contested case hearing, no financial commitment by the state made to a city either before or after the entry of the decision by the hearing examiner shall be reduced in any manner. This section applies to all variances granted on or after January 1, 1981 and before June 1, 1981.*

Sec. 113. [DIRECTION TO REVISOR.]

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "director of the office of consumer services" for the term "board of cosmetology" wherever that term appears.*

## Sec. 114. [REPEALER.]

*Minnesota Statutes 1980, Chapter 458B is repealed, effective the day after final enactment pursuant to Minnesota Statutes, Section 645.023, Subdivision 1. This section applies to the governmental units and agencies named in chapter 458B, including the city of St. Paul and the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.*

## Sec. 115. [REPEALER.]

*Minnesota Statutes 1980, Sections 155.01; 155.02; 155.03; 155.04; 155.05; 155.06; 155.08; 155.09; 155.11; 155.12; 155.13; 155.14; 155.15; 155.16; 155.17; 155.18; 155.19; 155.20; 155.205; 155.21; and 239.521, are repealed.*

## Sec. 116. [EFFECTIVE DATE.]

*Section 27 is effective the day following final enactment. Section 51 and sections 53 to 56 are effective retroactively to November 15, 1980."*

Delete the title and insert the following:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; providing for the regulation of professional wrestling; imposing a tax on the gross receipts from admission to professional wrestling exhibitions, and on the gross receipts from the lease or sale of radio, motion picture and television rights therein; providing penalties; amending Minnesota Statutes 1980, Sections 12.14; 15.0412, Subdivision 4; 16A.128; 37.17, by adding a subdivision; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.125, Subdivision 1; 161.242, Subdivision 4; 162.09, Subdivision 4; 168.013, Subdivisions 1c and 1e and by adding a subdivision; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 168.33, Subdivision 7; 169.09, Subdivision 7; 169.451; 169.79; 169.974, Subdivision 2; 171.13, by adding a subdivision; 171.36; 173.25; 174.255, by adding a subdivision; 214.01, Subdivision 3; 214.06, Subdivision 1; 216B.16 by adding a subdivision; 216B.62, Subdivision 3 and by adding a subdivision; 237.075 by adding a subdivision; 237.295, Subdivision 2 and by adding a subdivision; 239.10; 239.52; 270.051, Subdivision 2; 297B.035, Subdivision 2; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 341.01; 341.02; 341.04; 341.05; 341.07; 341.08; 341.09; 341.10; 341.12; 341.13; 341.15; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; 414.051; 462.16; Laws 1980, Chapter 534, Section 87; and Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5; proposing new law coded in Minnesota Statutes, Chapter 138; proposing new

law coded as Minnesota Statutes, Chapter 155A; repealing Minnesota Statutes 1980, Sections 155.01; 155.02; 155.03; 155.04; 155.05; 155.06; 155.08; 155.09; 155.11; 155.12; 155.13; 155.14; 155.15; 155.16; 155.17; 155.18; 155.19; 155.20; 155.205; 155.21; and 239.521."

We request adoption of this report and repassage of the bill.

House Conferees: GLEN H. ANDERSON, C. THOMAS OSTHOFF, JAMES P. METZEN, MERLYN O. VALAN and LYLE G. MEHRKENS.

Senate Conferees: MARION (MIKE) MENNING, CLARENCE M. PURFEERST, EARL W. RENNEKE, PETER P. STUMPF and GEORGE S. PILLSBURY.

Anderson, G., moved that the report of the Conference Committee on H. F. No. 1434 be adopted and that the bill be re-passed as amended by the Conference Committee.

Hoberg moved that the House refuse to adopt the Conference Committee report on H. F. No. 1434, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Anderson, G., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Anderson, G., moved that further proceedings of the roll call be dispensed with and that the Sargeant at Arms be in-

structed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Hoberg motion and the roll was called.

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

There were 49 yeas and 79 nays as follows :

Those who voted in the affirmative were :

Aasness	Forsythe	Kaley	Olsen	Searles
Ainley	Friedrich	Knickerbocker	Onnen	Sherman
Anderson, R.	Halberg	Kvam	Peterson, B.	Stowell
Blatz	Haukoos	Lemen	Redalen	Sviggum
Carlson, D.	Heap	Levi	Rees	Valento
Dean	Heinitz	Ludeman	Reif	Weaver
Den Ouden	Himle	McDonald	Rose	Welker
Eken	Hoberg	Nelsen, B.	Rothenberg	Wigley
Evans	Hokr	Niehaus	Schafer	Zubay
Fjoslien	Jennings	Nysether	Schreiber	

Those who voted in the negative were :

Anderson, B.	Erickson	Kostohryz	O'Connor	Sieben, M.
Anderson, G.	Esau	Laidig	Ogren	Simoneau
Anderson, I.	Ewald	Long	Osthoff	Skoglund
Battaglia	Greenfield	Luknic	Otis	Stadum
Begich	Gruenes	Mann	Peterson, D.	Staten
Berkelman	Hanson	Marsh	Piepho	Swanson
Brandl	Harens	McCarron	Pogemiller	Valan
Brinkman	Hauge	McEachern	Reding	Vanasek
Byrne	Hokanson	Mehrkens	Rice	Vellenga
Carlson, L.	Jacobs	Metzen	Rodriguez, C.	Voss
Clark, J.	Johnson, C.	Minne	Rodriguez, F.	Welch
Clawson	Johnson, D.	Munger	Samuelson	Wenzel
Dahlvang	Jude	Murphy	Sarna	Wieser
Dempsey	Kahn	Nelson, K.	Schoenfeld	Wynia
Elioff	Kalis	Norton	Shea	Spkr. Sieben, H.
Ellingson	Kelly	Novak	Sherwood	

The motion did not prevail.

The question recurred on the Anderson, G., motion that the report of the Conference Committee on H. F. No. 1434 be adopted and that the bill be re-passed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1434, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.-295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402;

340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 100 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kelly	Norton	Shea
Anderson, G.	Ewald	Knickerbocker	Novak	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	O'Connor	Simoneau
Battaglia	Greenfield	Laidig	Ogren	Skoglund
Begich	Gruenes	Lehto	Onnen	Stadum
Berkelman	Gustafson	Levi	Osthoff	Staten
Blatz	Halberg	Long	Otis	Stumpf
Brandl	Hanson	Luknie	Peterson, B.	Swanson
Byrne	Harens	Mann	Peterson, D.	Tomlinson
Carlson, D.	Hauge	Marsh	Piepho	Valan
Carlson, L.	Haukoos	McCarron	Pogemiller	Valento
Clark, J.	Heap	McEachern	Redalen	Vanasek
Clawson	Himle	Mehrkens	Reding	Vellenga
Dahlvang	Hokanson	Metzen	Reif	Voss
Dean	Jacobs	Minne	Rice	Weaver
Dempsey	Johnson, C.	Munger	Rodriguez, C.	Welch
Eken	Johnson, D.	Murphy	Rodriguez, F.	Wenzel
Elioff	Jude	Nelsen, B.	Samuelson	Wieser
Ellingson	Kahn	Nelson, K.	Sarna	Wynia
Erickson	Kalis	Niehaus	Schoenfeld	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Friedrich	Lemen	Rothenberg	Welker
Ainley	Heinitz	Ludeman	Schafer	Wigley
Anderson, R.	Hoberg	McDonald	Schreiber	Zubay
Brinkman	Hokr	Nysether	Searles	
Den Ouden	Jennings	Olsen	Sherman	
Esau	Kaley	Rees	Stowell	
Fjoslien	Kvam	Rose	Sviggum	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 396

A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

April 29, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 396, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: DAVID M. JENNINGS, GLEN H. ANDERSON and RICHARD J. KOSTOHRYZ.

Senate Conferees: ROBERT J. SCHMITZ, GLEN TAYLOR and FLORIAN CHMIELEWSKI.

Jennings moved that the report of the Conference Committee on H. F. No. 396 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 396, A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Carlson, L.	Elioff	Forsythe
Ainley	Berkelman	Clark, J.	Ellingson	Friedrich
Anderson, B.	Blatz	Clawson	Erickson	Greenfield
Anderson, G.	Brandl	Dahlvang	Esau	Gruenes
Anderson, I.	Brinkman	Dean	Evans	Gustafson
Anderson, R.	Byrne	Dempsey	Ewald	Halberg
Battaglia	Carlson, D.	Den Ouden	Fjoslien	Hanson

Harens	Kostohryz	Nelsen, B.	Rice	Tomlinson
Hauge	Kvam	Nelson, K.	Rodriguez, C.	Valan
Haukoos	Laidig	Niehaus	Rodriguez, F.	Valento
Heap	Lehto	Norton	Rose	Vanasek
Heinitz	Lemen	Novak	Rothenberg	Vellenga
Himle	Levi	Nysether	Sarna	Voss
Hoberg	Long	O'Connor	Schafer	Weaver
Hokanson	Ludeman	Ogren	Schoenfeld	Welch
Hokr	Luknic	Olsen	Schreiber	Welker
Jacobs	Mann	Onnen	Searles	Wenzel
Jennings	Marsh	Osthoff	Sherman	Wieser
Johnson, C.	McCarron	Otis	Simoneau	Wigley
Johnson, D.	McDonald	Peterson, B.	Skoglund	Wynia
Jude	McEachern	Piepho	Stadium	Zubay
Kahn	Mehrkens	Pogemiller	Staten	Spkr. Sieben, H.
Kaley	Metzen	Redalen	Stowell	
Kalis	Minne	Reding	Stumpf	
Kelly	Munger	Rees	Sviggum	
Knickerbocker	Murphy	Reif	Swanson	

The bill was repassed, as amended by Conference, and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Vanasek moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### MOTION FOR RECONSIDERATION

Weaver moved that the vote whereby S. F. No. 513, as amended, was not passed on Special Orders on Thursday, May 14, 1981, be now reconsidered. The motion prevailed.

S. F. No. 513, as amended, was reported to the House.

#### CALL OF THE HOUSE

On the motion of Peterson, B., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Heinitz	Lehto	Norton
Ainley	Elioff	Himle	Lemen	Novak
Anderson, B.	Ellingson	Hoberg	Levi	Nysether
Anderson, G.	Erickson	Hokanson	Long	O'Connor
Battaglia	Esau	Hokr	Ludeman	Ogren
Begich	Evans	Jacobs	Luknic	Olsen
Berkelman	Ewald	Jennings	Mann	Onnen
Blatz	Fjoslien	Johnson, C.	Marsh	Otis
Brandl	Forsythe	Johnson, D.	McCarron	Peterson, B.
Brinkman	Friedrich	Jude	McDonald	Piepho
Byrne	Greenfield	Kahn	McEachern	Pogemiller
Carlson, D.	Gruenes	Kaley	Mehrkens	Redalen
Carlson, L.	Gustafson	Kalis	Metzen	Reding
Clark, J.	Halberg	Kelly	Munger	Rees
Clawson	Hanson	Knickerbocker	Murphy	Reif
Dahlvang	Harens	Kostohryz	Nelsen, B.	Rodriguez, C.
Dempsey	Haukoos	Kvam	Nelson, K.	Rodriguez, F.
Den Ouden	Heap	Laidig	Niehaus	Rose

Rothenberg	Sherman	Sviggum	Voss	Wynia
Sarna	Sherwood	Swanson	Weaver	Zubay
Schafer	Sieben, M.	Tomlinson	Welch	Spkr. Sieben, H.
Schoenfeld	Skoglund	Valan	Welker	
Schreiber	Stadum	Valento	Wenzel	
Searles	Staten	Vanasek	Wieser	
Shea	Stowell	Vellenga	Wigley	

Peterson, B., 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.

Eken moved that the action whereby S. F. No. 513 was given its third reading, as amended, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Eken motion and the roll was called.

Carlson, D., moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Otis	Staten
Anderson, I.	Greenfield	Mann	Peterson, D.	Stumpf
Battaglia	Gustafson	McCarron	Pogemiller	Swanson
Begich	Hanson	McEachern	Reding	Tomlinson
Berkelman	Harens	Metzen	Rice	Vanasek
Brandl	Hauge	Minne	Rodriguez, C.	Vellenga
Byrne	Hokanson	Munger	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Murphy	Samuelson	Welch
Clark, J.	Johnson, C.	Nelson, K.	Sarna	Wenzel
Clark, K.	Jude	Norton	Schoenfeld	Wynia
Clawson	Kahn	Novak	Shea	Spkr. Sieben, H.
Dahlvang	Kalis	O'Connor	Sieben, M.	
Eken	Kelly	Ogren	Simoneau	
Elioff	Lehto	Osthoff	Skoglund	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Olsen	Stadum
Ainley	Fjoslien	Knickerbocker	Onnen	Stowell
Anderson, B.	Forsythe	Kvam	Peterson, B.	Sviggum
Anderson, R.	Friedrich	Laidig	Piepho	Valan
Blatz	Gruenes	Lemen	Redalen	Valento
Brinkman	Halberg	Levi	Rees	Weaver
Carlson, D.	Haukoos	Ludeman	Reif	Welker
Dean	Heap	Luknic	Rose	Wieser
Dempsey	Heinitz	Marsh	Rothenberg	Wigley
Den Ouden	Himle	McDonald	Schafer	Zubay
Drew	Hoberg	Mehrkens	Schreiber	
Erickson	Hokr	Nelsen, B.	Searles	
Esau	Jennings	Niehaus	Sherman	
Evans	Johnson, D.	Nysether	Sherwood	

The motion prevailed.

Vellenga moved to amend S. F. No. 513, as amended on Thursday, May 14, 1981, the unofficial engrossment, as follows:

Page 1, line 18, delete "1-1/2" and reinstate the stricken language

Page 1, line 20, before the semicolon insert "*up to an amount not exceeding \$200; a periodic rate of finance charge which does not exceed one and one half percent per month may be imposed on that portion of the average daily balance in excess of \$200 during each monthly billing cycle,*"

A roll call was requested and properly seconded.

Hanson moved that S. F. No. 513, as amended, be re-referred to the Committee on Financial Institutions and Insurance.

A roll call was requested and properly seconded.

The question was taken on the Hanson motion and the roll was called.

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

There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Mann	Otis	Swanson
Anderson, I.	Greenfield	McCarron	Peterson, D.	Tomlinson
Battaglia	Gustafson	McEachern	Pogemiller	Vanasek
Begich	Hanson	Metzen	Reding	Vellenga
Brandl	Harens	Minne	Rice	Voss
Byrne	Hokanson	Munger	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Murphy	Sarna	Wenzel
Clark, J.	Jude	Nelson, K.	Shea	Wynia
Clark, K.	Kahn	Norton	Sieben, M.	Spkr. Sieben, H.
Clawson	Kalis	Novak	Simoneau	
Dahlvang	Kelly	O'Connor	Skoglund	
Eken	Kostohryz	Ogren	Staten	
Elioff	Lehto	Osthoff	Stumpf	

Those who voted in the negative were:

Aasness	Dempsey	Gruenes	Jennings	Ludeman
Ainley	Den Ouden	Halberg	Johnson, C.	Luknic
Anderson, B.	Erickson	Hauge	Johnson, D.	Marsh
Anderson, R.	Esau	Haukoos	Kaley	McDonald
Berkelman	Evans	Heap	Knickerbocker	Mehrkens
Blatz	Ewald	Heinitz	Kvam	Nelsen, B.
Brinkman	Fjoslien	Himle	Laidig	Niehaus
Carlson, D.	Forsythe	Hoberg	Lemen	Nysether
Dean	Friedrich	Hokr	Levi	Olsen

Onnen	Reif	Schoenfeld	Stadum	Weaver
Peterson, B.	Rodriguez, C.	Schreiber	Stowell	Welker
Piepho	Rose	Searles	Sviggum	Wieser
Redalen	Rothenberg	Sherman	Valan	Wigley
Rees	Schafer	Sherwood	Valento	Zubay

The motion did not prevail.

The question recurred on the Vellenga amendment and the roll was called.

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

There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lehto	Osthoff	Staten
Anderson, I.	Greenfield	Long	Otis	Swanson
Battaglia	Gustafson	McCarron	Peterson, D.	Tomlinson
Begich	Hanson	McEachern	Pogemiller	Vanasek
Brandl	Harens	Metzen	Rice	Vellenga
Byrne	Hauge	Minne	Rodriguez, C.	Voss
Carlson, L.	Hokanson	Munger	Rodriguez, F.	Welch
Clark, J.	Jacobs	Murphy	Sarna	Wenzel
Clark, K.	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Clawson	Jude	Norton	Shea	Spkr. Sieben, H.
Dahlvang	Kahn	Novak	Sieben, M.	
Eken	Kelly	O'Connor	Simoneau	
Elioff	Kostohryz	Ogren	Skoglund	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Niehaus	Searles
Ainley	Fjoslien	Kalis	Nysether	Sherman
Anderson, B.	Forsythe	Knickerbocker	Olsen	Sherwood
Anderson, R.	Friedrich	Kvam	Onnen	Stadum
Berkelman	Gruenes	Laidig	Peterson, B.	Stowell
Blatz	Halberg	Lemen	Piepho	Stumpf
Brinkman	Haukoos	Levi	Redalen	Sviggum
Carlson, D.	Heap	Ludeman	Reding	Valan
Dean	Heinitz	Luknic	Rees	Valento
Dempsey	Himle	Mann	Reif	Weaver
Den Ouden	Hoberg	Marsh	Rose	Welker
Erickson	Hokr	McDonald	Rothenberg	Wieser
Esau	Jennings	Mehrkens	Schafer	Wigley
Evans	Johnson, D.	Nelsen, B.	Schreiber	Zubay

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

Skoglund moved to amend S. F. No. 513, as amended on Thursday, May 14, 1981, the unofficial engrossment, as follows:

In the Friedrich amendment

Page 1, after line 22, insert:

"(c) No finance charge in excess of one and one third percent per month shall be imposed on an open end and consumer credit account by any seller whose Minnesota annual gross sales exceeds 25 million dollars."

A roll call was requested and properly seconded.

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

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

There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Lehto	Osthoff	Skoglund
Anderson, I.	Ellingson	Long	Otis	Staten
Battaglia	Greenfield	Mann	Peterson, D.	Stumpf
Begich	Gustafson	McCarron	Pogemiller	Swanson
Berkelman	Hanson	McEachern	Reding	Tomlinson
Brandl	Harens	Metzen	Rice	Vanasek
Byrne	Hauge	Minne	Rodriguez, C.	Vellenga
Carlson, D.	Hokanson	Munger	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Murphy	Samuelson	Welch
Clark, J.	Johnson, C.	Nelson, K.	Sarna	Wenzel
Clark, K.	Jude	Norton	Schoenfeld	Wynia
Clawson	Kahn	Novak	Shea	Spkr. Sieben, H.
Dahlvang	Kelly	O'Connor	Sieben, M.	
Eken	Kostohryz	Ogren	Simoneau	

Those who voted in the negative were:

Aasness	Ewald	Johnson, D.	Niehaus	Searles
Ainley	Fjoslien	Kaley	Nysether	Sherman
Anderson, B.	Forsythe	Knickerbocker	Olsen	Sherwood
Anderson, R.	Friedrich	Kvam	Onnen	Stadum
Blatz	Gruenes	Laidig	Peterson, B.	Stowell
Brinkman	Halberg	Lemen	Piepho	Sviggum
Dean	Haukoos	Levi	Redalen	Valan
Dempsey	Heap	Ludeman	Rees	Valento
Den Ouden	Heinitz	Luknic	Reif	Weaver
Drew	Himle	Marsh	Rose	Welker
Erickson	Hoberg	McDonald	Rothenberg	Wieser
Esau	Hokr	Mehrkens	Schafer	Wigley
Evans	Jennings	Nelsen, B.	Schreiber	Zubay

The motion prevailed and the amendment was adopted.

Norton moved to amend S. F. No. 513, as amended on Thursday, May 14, 1981, the unofficial engrossment, as follows:

Page 2, after line 33, insert:

"Sec. 6. [SUNSET OF SECTION 4.]

*Section 4 is repealed effective June 30, 1982."*

A roll call was requested and properly seconded.

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

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

There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lehto	Ogren	Skoglund
Anderson, I.	Greenfield	Long	Osthoff	Staten
Battaglia	Gustafson	Mann	Otis	Stowell
Begich	Hanson	McCarron	Peterson, D.	Swanson
Blatz	Harens	McEachern	Pogemiller	Tomlinson
Brandl	Hokanson	Metzen	Reding	Vanasek
Byrne	Jacobs	Minne	Rice	Vellenga
Carlson, L.	Johnson, C.	Munger	Rodriguez, F.	Voss
Clark, J.	Jude	Murphy	Samuelson	Welch
Clawson	Kahn	Nelson, K.	Sarna	Wenzel
Dahlvang	Kelly	Norton	Schoenfeld	Wynia
Eken	Kostohryz	Novak	Sieben, M.	Spkr. Sieben, H.
Elioff	Laidig	O'Connor	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Kaley	Olsen	Sherwood
Ainley	Forsythe	Kalis	Onnen	Stadum
Anderson, B.	Friedrich	Knickerbocker	Peterson, B.	Stumpf
Anderson, R.	Gruenes	Kvam	Piepho	Sviggum
Berkelman	Halberg	Lemen	Redalen	Valan
Brinkman	Hauge	Levi	Rees	Valento
Carlson, D.	Haukoos	Ludeman	Reif	Weaver
Dean	Heap	Luknic	Rose	Welker
Dempsey	Heinitz	Marsh	Rothenberg	Wieser
Den Ouden	Himle	McDonald	Schafer	Wigley
Erickson	Hoberg	Mehrkens	Schreiber	Zubay
Esau	Hokr	Nelsen, B.	Searles	
Evans	Jennings	Niehaus	Shea	
Ewald	Johnson, D.	Nyseether	Sherman	

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

S. F. No. 513, A bill for an act relating to interest; clarifying the usury exemption on certain loans; increasing rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.01, Subdivision 2; 334.011, Subdivision 1; and 334.061.

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.

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

There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kaley	Nysether	Shea
Ainley	Forsythe	Kalis	Olsen	Sherman
Anderson, B.	Friedrich	Knickerbocker	Onnen	Sherwood
Anderson, R.	Gruenes	Kvam	Peterson, B.	Stadum
Berkelman	Halberg	Laidig	Piepho	Stowell
Brinkman	Hauge	Lehto	Redalen	Stumpf
Carlson, D.	Haukoos	Levi	Reding	Sviggum
Dean	Heap	Long	Rees	Valan
Dempsey	Heinitz	Ludeman	Reif	Valento
Den Ouden	Himle	Luknic	Rose	Vanasek
Drew	Hoberg	Marsh	Rothenberg	Welker
Erickson	Hokr	McDonald	Schafer	Wenzel
Esau	Jennings	Mehrkens	Schoenfeld	Wieser
Evans	Johnson, C.	Nelsen, B.	Schreiber	Wigley
Ewald	Johnson, D.	Niehaus	Searles	Zubay

Those who voted in the negative were:

Anderson, G.	Eken	Kostohryz	O'Connor	Simoneau
Anderson, I.	Elioff	Lemen	Ogren	Skoglund
Battaglia	Ellingson	Mann	Osthoff	Staten
Begich	Greenfield	McCarron	Otis	Swanson
Blatz	Gustafson	McEachern	Peterson, D.	Vellenga
Brandl	Hanson	Metzen	Pogemiller	Voss
Byrne	Harens	Minne	Rice	Weaver
Carlson, L.	Hokanson	Munger	Rodriguez, C.	Welch
Clark, J.	Jacobs	Murphy	Rodriguez, F.	Wynia
Clark, K.	Jude	Nelson, K.	Samuelson	Spkr. Sieben, H.
Clawson	Kahn	Norton	Sarna	
Dahlvang	Kelly	Novak	Sieben, M.	

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

#### CALL OF THE HOUSE LIFTED

Reif moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of S. F. No. 120, H. F. No. 546 and S. F. No. 132.

S. F. No. 120 was reported to the House.

The Speaker called Wynia to the Chair.

Ellingson moved to amend S. F. No. 120 as follows:

Page 6, line 23, after "301" insert "*and that was incorporated*"

Page 7, line 22, delete "JULY 1, 1983" and insert "JANUARY 1, 1984"

Page 7, line 23, delete "*June 30, 1983*" and insert "*December 31, 1983*"

Page 7, line 30, delete "JULY 1, 1983" and insert "JANUARY 1, 1984"

Page 7, lines 30 to 31, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Page 7, line 36, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Page 8, lines 2 and 9, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Page 9, line 4, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Page 9, line 5, delete "JULY 1, 1983" and insert "JANUARY 1, 1984"

Page 9, line 6, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Page 24, line 26, after the semicolon, insert "*and*"

Page 24, line 27, delete everything after "*animals*" and insert a period

Page 24, delete lines 28 to 34

Re-number the subdivisions in sequence

Page 37, line 8, delete everything after the period

Page 37, delete lines 9 to 12

Page 37, line 13, delete everything before the period and insert "*The good faith determinations of the committee are binding upon the corporation and its directors, officers, and shareholders*"

Page 65, delete lines 23 to 36

Page 66, delete lines 1 to 7

Page 66, line 8, delete "corporation" and insert "(b) A shareholder, beneficial owner, or a holder of a voting trust certificate has a right, upon written demand, to examine and copy, in person or by a legal representative, other corporate records at any reasonable time only if the shareholder, beneficial owner, or holder of a voting trust certificate demonstrates a proper purpose for the examination"

Page 74, after line 12, insert:

"Subd. 3. [BANKING AUTHORITY NOT GRANTED.] This section does not grant any authority to act as a bank or to carry on the business of banking."

Page 97, after line 13, insert:

"Subd. 2. [MANDATORY BUY-OUT.] In a case under subdivision 1, clause (b), involving a corporation having 25 or fewer shareholders, upon motion of a corporation, or of a shareholder or beneficial owner of shares of the corporation, a court of competent jurisdiction may order the sale by a plaintiff or a defendant of all shares of the corporation held by the plaintiff or defendant to either the corporation or the moving shareholders, whichever is specified in the motion, if the court determines in its discretion that an order would be fair and equitable to all parties under all of the circumstances of the case.

The purchase price of any shares so sold shall be the fair value of the shares as of the date of the commencement of the action or as of another date found equitable by the court.

Within five days after the entry of the order, the corporation shall provide each selling shareholder or beneficial owner with the information it is required to provide under section 81, subdivision 5, paragraph (a).

If the parties are unable to agree on fair value within 40 days of entry of the order, the court shall determine the fair value of the shares under the provisions of section 81, subdivision 6, and may allow interest or costs as provided in section 81, subdivisions 1 and 8.

The purchase price shall be paid in one or more installments as agreed on by the parties, or, if no agreement can be reached, as ordered by the court. Upon entry of an order for the sale of shares under this subdivision and provided that the corporation or the moving shareholders post a bond in adequate amount with sufficient sureties or otherwise satisfy the court that the full

*purchase price of the shares, plus such additional costs, expenses, and fees as may be awarded, will be paid when due and payable, the selling shareholders shall no longer have any rights or status as shareholders, officers, or directors, except the right to receive the fair value of their shares plus such other amounts as might be awarded."*

Renumber the subdivisions in sequence

Page 103, line 33, delete "ANNUAL REPORT" and insert "CORPORATE REGISTRATION"

Page 120, after line 9, insert: "*Additional approved complement —.5*"

Page 120, line 13, delete "*July 1, 1983*" and insert "*January 1, 1984*"

Amend the title as follows:

Page 1, line 3, after "corporations;" insert "providing penalties;"

The motion prevailed and the amendment was adopted.

S. F. No. 120, A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 290.61; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; 333.055, Subdivision 4; 333.19, Subdivision 1; 367.42, Subdivision 1; 462.601; and 462.605; proposing new law coded in Minnesota Statutes, Chapters 300, 302A, and 316; repealing Minnesota Statutes 1980, Sections 300.082 and 301.01 to 301.67.

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 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Eken	Gustafson	Jennings
Anderson, B.	Carlson, D.	Elioff	Halberg	Johnson, C.
Anderson, G.	Carlson, L.	Ellingson	Hanson	Johnson, D.
Anderson, I.	Clark, J.	Erickson	Hauge	Jude
Battaglia	Clawson	Esau	Haukoos	Kahn
Begich	Dahlvang	Evans	Heap	Kaley
Berkelman	Dean	Fjoslien	Himle	Kalis
Blatz	Dempsey	Forsythe	Hoberg	Kelly
Brandl	Den Ouden	Greenfield	Hokanson	Knickerbocker
Brinkman	Drew	Gruenes	Jacobs	Kostohryz

Kvam	Murphy	Piepho	Schreiber	Vellenga
Laidig	Nelsen, B.	Pogemiller	Shea	Voss
Lehto	Nelson, K.	Redalen	Sherman	Weaver
Lemen	Niehaus	Reding	Sherwood	Welch
Long	Norton	Rees	Sieben, M.	Welker
Luknic	Novak	Reif	Simoneau	Wenzel
Mann	Nysether	Rice	Skoglund	Wieser
Marsh	O'Connor	Rodriguez, C.	Stadum	Wigley
McCarron	Ogren	Rodriguez, F.	Staten	Wynia
McDonald	Olsen	Rose	Stowell	Zubay
McEachern	Onnen	Rothenberg	Sviggum	Spkr. Sieben, H.
Mehrkens	Osthoff	Samuelson	Swanson	
Metzen	Otis	Sarna	Valan	
Minne	Peterson, B.	Schafer	Valento	
Munger	Peterson, D.	Schoenfeld	Vanasek	

Those who voted in the negative were:

Ainley            Anderson, R.

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

H. F. No. 546 was reported to the House.

Rees moved to amend H. F. No. 546, as follows:

Page 2, line 33, delete "(1)" and insert "(a)"

Page 2, line 35, delete "(2)" and insert "(b)"

Page 2, line 36, delete "(3)" and insert "(c)"

Page 3, line 1, delete "(4)" and insert "(d)"

Page 3, line 7, delete "(1)" and insert "(a)"

Page 3, line 9, delete "(2)" and insert "(b)"

Page 3, line 12, delete "(3)" and insert "(c)"

Page 3, line 14, delete "(4)" and insert "(d)"

Page 3, line 18, delete "(5)" and insert "(e)"

Page 5, line 29, delete "(1)(a)" and insert "(a)(1)"

Page 6, line 19, delete "(b)" and insert "(2)"

Page 6, line 24, delete "(2)" and insert "(b)"

Page 7, line 10, delete "(1)" and insert "(a)"

Page 7, line 21, delete "(2)" and insert "(b)"

Page 7, line 25, delete "(3)" and insert "(c)"

Page 7, line 29, delete "(4)" and insert "(d)"

Page 10, line 26, delete "provided in" and insert "required by"

The motion prevailed and the amendment was adopted.

H. F. No. 546, A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1980, Sections 60A.03, Subdivision 6; and 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 60A.

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 115 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Esau	Jennings	Nelsen, B.	Schafer	Welker
Gustafson	Ludeman	Nysether	Valento	Wieser

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

S. F. No. 132, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivision 1; 354A.24; 354A.32; 354A.39; and 354A.41.

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

The bill was passed and its title agreed to.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, I., requested immediate consideration of H. F. Nos. 315, 1210 and 1357.

H. F. No. 315, A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

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 95 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kostohryz	Olsen	Sherman
Anderson, B.	Evans	Kvam	Onnen	Sherwood
Anderson, G.	Greenfield	Lehto	Osthoff	Sieben, M.
Anderson, I.	Gruenes	Lemen	Otis	Simoneau
Anderson, R.	Gustafson	Levi	Peterson, B.	Skoglund
Battaglia	Hanson	Long	Peterson, D.	Staten
Begich	Hauge	Mann	Piepho	Swanson
Berkelman	Heap	Marsh	Pogemiller	Valan
Blatz	Heinitz	McEachern	Redalen	Valento
Brandl	Himle	Mehrkens	Reding	Vanasek
Brinkman	Hokanson	Metzen	Rees	Vellenga
Carlson, L.	Hokr	Minne	Reif	Voss
Clark, J.	Jacobs	Munger	Rice	Weaver
Clawson	Johnson, C.	Murphy	Rodriguez, C.	Welch
Dahlvang	Jude	Nelson, K.	Rodriguez, F.	Wenzel
Dean	Kahn	Norton	Rothenberg	Wieser
Dempsey	Kaley	Novak	Sarna	Wynia
Eken	Kalis	O'Connor	Searles	Zubay
Elioff	Kelly	Ogren	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Friedrich	Laidig	Rose	Welker
Den Ouden	Halberg	Ludeman	Schafer	Wigley
Drew	Haukoos	McDonald	Schoenfeld	
Erickson	Jennings	Nelsen, B.	Schreiber	
Esau	Johnson, D.	Niehaus	Stadum	
Fjoslien	Knickerbocker	Nysether	Stowell	

The bill was passed and its title agreed to.

H. F. No. 1210, A bill for an act relating to taxation; providing that an electing small business corporation for federal income tax purposes shall be an electing small business corporation for Minnesota income tax purposes; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.974; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.971; 290.972; and 290.975.

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	Byrne	Eken	Gruenes	Hokr
Anderson, B.	Carlson, D.	Elioff	Gustafson	Jacobs
Anderson, G.	Carlson, L.	Ellingson	Halberg	Jennings
Anderson, I.	Clark, J.	Erickson	Hanson	Johnson, C.
Battaglia	Clawson	Esau	Hauge	Johnson, D.
Begich	Dahlvang	Evans	Haukoos	Jude
Berkelman	Dean	Fjoslien	Heap	Kahn
Blatz	Dempsey	Forsythe	Himle	Kaley
Brandl	Den Ouden	Friedrich	Hoberg	Kalis
Brinkman	Drew	Greenfield	Hokanson	Kelly

Knickerbocker	Minne	Peterson, B.	Schafer	Vanasek
Kostohryz	Munger	Peterson, D.	Schoenfeld	Vellenga
Kvam	Murphy	Piepho	Schreiber	Voss
Laidig	Nelsen, B.	Pogemiller	Sherman	Weaver
Lehto	Nelson, K.	Redalen	Sherwood	Welch
Lemen	Niehaus	Reding	Sieben, M.	Welker
Long	Norton	Rees	Simoneau	Wenzel
Luknic	Novak	Reif	Skoglund	Wieser
Mann	Nysether	Rice	Stadum	Wigley
Marsh	O'Connor	Rodriguez, C.	Staten	Wynia
McCarron	Ogren	Rodriguez, F.	Stowell	Zubay
McDonald	Olsen	Rose	Sviggum	Spkr. Sieben, H.
McEachern	Onnen	Rothenberg	Swanson	
Mehrkens	Osthoff	Samuelson	Valan	
Metzen	Otis	Sarna	Valento	

The bill was passed and its title agreed to.

H. F. No. 1357, A bill for an act relating to the Mountain Iron joint recreation board; regulating its tax levy.

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 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Den Ouden	Jennings	Ludeman	Niehaus	Welker
Erickson				

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 S. F. No. 315.

S. F. No. 315 was reported to the House.

Osthoff moved to amend S. F. No. 315 as follows:

Delete everything after the enacting clause and insert:

“Section 1. [ADVISORY TASK FORCE ON EPILEPSY.]

*Subdivision 1. [CREATION.] There is created in the legislative branch an advisory task force to study and report on the status of programs, services, and facilities for epileptic persons in Minnesota.*

*Subd. 2. [MEMBERSHIP.] The task force shall consist of three members of the house of representatives appointed by the speaker; three members of the senate appointed by the subcommittee on committees of the senate rules and administration committee; one member appointed by the council for the handicapped; and eight citizens appointed by the governor. The commissioners of education, health, public welfare, economic security, and insurance, or their designees shall act as ex-officio members. The persons appointed by the governor shall have an interest in the problems of epileptics and shall include representatives of medicine, law, education, organized labor, business, and social services organizations. At least five persons appointed by the governor shall have epilepsy or be the parent of a person with epilepsy. Members shall serve until the expiration date of this section or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office, and the filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059, Subdivisions 3 and 4. The task force may hold meetings and hearings to accomplish its purposes and shall select from among its members a chairperson and any other appropriate officers.*

*Subd. 3. [DUTIES.] The task force shall study all matters related to persons with epilepsy in Minnesota, including their needs for private and public facilities and services, the nature of laws and rules related to them, and the availability of adequate public and private epilepsy prevention and control programs. The task force shall analyze the findings and recommendations of the national commission for the control of epilepsy and its consequences and shall report to the governor and the legislature by January 15, 1983, with specific findings and recommendations for implementing the ideas of the national report that are ap-*

*licable to this state. The task force may also include findings and recommendations unrelated to the national report if they are related to encouraging the development of coordinated public and private programs, services, and facilities for persons with epilepsy.*

*Subd. 4. [SPACE; SERVICES.] The legislative coordinating commission shall supply the task force with staff support, office space and administrative services. Staff and administrative support for the commission shall be provided by existing legislative service offices. The task force shall have the right to call upon and receive from state departments, agencies, and institutions any technical advice and service which is reasonably necessary to fulfill the purposes of the task force, subject to the restrictions of the data privacy act.*

*Subd. 5. [ACCEPTANCE OF GIFTS.] When any person, corporation, the United States government or any other entity offers funds to the task force by way of gift, grant or loan, for the purpose of assisting the task force to carry out its duties, the task force may accept the offer by majority vote and, upon acceptance, the chairperson shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

## Sec. 2. [REPEALER.]

*Section 1 is repealed June 30, 1983.*

## Sec. 3. [APPROPRIATION.]

*There is appropriated from the general fund to the legislative coordinating commission the sum of \$16,500 to pay expenses incurred by the task force. This appropriation is available until June 30, 1983."*

The motion prevailed and the amendment was adopted.

Kahn and Osthoff moved to amend S. F. No. 315, as amended, as follows:

Page 3, after line 13, add:

*"Upon the receipt of matching funds an additional sum of up to \$25,000 shall be appropriated from the general fund to pay expenses incurred by the task force. This appropriation is available until June 30, 1983."*

The motion prevailed and the amendment was adopted.

S. F. No. 315, A bill for an act relating to health; establishing a state advisory task force on epilepsy; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Den Ouden	Jennings	Samuelson	Swiggum
Ainley	Esau	Ludeman	Schafer	Welker

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

### SPECIAL ORDERS

S. F. No. 17 was reported to the House.

Wynia moved to amend S. F. No. 17 as follows:

Page 3, line 15, after "*family*" insert "*living in the same household*"

The motion prevailed and the amendment was adopted.

S. F. No. 17, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential

communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kelly

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

H. F. No. 18 was reported to the House.

There being no objection H. F. No. 18 was continued one day.

S. F. No. 1126 was reported to the House.

Berkelman moved to amend S. F. No. 1126 as follows:

Page 2, line 10, delete "required under" and insert "of a qualified plan as prescribed by"

Page 2, line 10, before the comma insert "and the option of a number three qualified plan, a number two qualified plan, a

number one qualified plan as provided by section 62E.06, subdivisions 1 to 3"

Page 2, line 13, after the period insert "A policy providing reduced benefits at a reduced premium rate may be accepted by the former spouse in lieu of the optional coverage otherwise required by this subdivision. The individual policy shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the former spouse's original age at entry, and shall apply equally to all similar policies issued by the insurer."

The motion prevailed and the amendment was adopted.

S. F. No. 1126, A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses and children after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21, Subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1980, Section 62A.21, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Valan  
Valento  
Vanasek

Vellenga  
Voss  
Weaver

Welch  
Welker  
Wenzel

Wieser  
Wynia  
Zubay

Spkr. Sieben, H.

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

S. F. No. 830 was reported to the House.

Ellingson moved to amend S. F. No. 830, as follows:

Delete everything after the enacting clause and insert:

Section 1. Minnesota Statutes 1980, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. (a) All wearing apparel, one watch, (HOUSEHOLD FURNITURE,) utensils, (HOUSEHOLD APPLIANCES, PHONOGRAPHS, RADIO AND TELEVISION RECEIVERS,) and foodstuffs of the debtor and his family (,); and (b) household furniture, household appliances, phonographs, radio and television receivers of the debtor and his family, not exceeding (\$3,000) \$6,000 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests. Except for a pawnbroker's possessory lien, a nonpurchase money security interest in the property exempt under this subdivision is void.

Provided however, if a debtor has property of the type which would qualify for the exemption under *clause (b)* of this subdivision, of a value in excess of (\$3,000) \$6,000, an itemized list of the exempt property, together with the value of each item listed, shall be attached to the security agreement at the time a security interest is taken, and a creditor may take a nonpurchase money security interest in the excess over (\$3,000) \$6,000 by requiring the debtor to select his exemption in writing at the time the loan is made."

The motion prevailed and the amendment was adopted.

Ellingson moved to amend S. F. No. 830, as amended, as follows:

Page 1, lines 15 and 22, delete "\$6,000" and reinstate "\$3,000"

Page 2, line 1, reinstate "\$3,000"

Page 2, line 2, delete "\$6,000"

The motion prevailed and the amendment was adopted.

S. F. No. 830, 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 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 94 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kelly	Ogren	Sieben, M.
Anderson, G.	Erickson	Knickerbocker	Olsen	Simoneau
Anderson, I.	Ewald	Kostohryz	Onnen	Skoglund
Battaglia	Fjoslien	Laidig	Osthoff	Staten
Begich	Forsythe	Lehto	Otis	Stowell
Berkelman	Greenfield	Lemen	Peterson, B.	Stumpf
Blatz	Halberg	Long	Peterson, D.	Swanson
Brandl	Hanson	Luknic	Pogemiller	Tomlinson
Byrne	Harens	Mann	Reding	Vanasek
Carlson, D.	Hauge	Marsh	Rees	Vellenga
Carlson, L.	Heinitz	McCarron	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Welch
Clawson	Hokanson	Munger	Rothenberg	Wenzel
Dahlvang	Jacobs	Murphy	Samuelson	Wigley
Dean	Johnson, C.	Nelson, K.	Sarna	Wynia
Dempsey	Jude	Norton	Searles	Zubay
Eken	Kahn	Novak	Shea	Spkr. Sieben, H.
Elioff	Kaley	O'Connor	Sherman	

Those who voted in the negative were:

Aasness	Esau	Kalis	Nysether	Stadum
Ainley	Evans	Ludeman	Piepho	Sviggum
Anderson, R.	Friedrich	McDonald	Redalen	Valento
Brinkman	Gruenes	Mehrkens	Reif	Welker
Den Ouden	Haukoos	Nelsen, B.	Schafer	Wieser
Drew	Jennings	Niehaus	Schoenfeld	

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

S. F. No. 74, A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ludeman

The bill was passed and its title agreed to.

S. F. No. 915 was reported to the House.

Valento moved to amend S. F. No. 915 as follows:

Page 2, after line 31, insert a new section to read:

“Sec. 4. [REPEALER.]

*Laws 1978, Chapter 743, Section 12 is repealed.”*

Amend the title as follows:

Page 1, line 5, after the period insert “repealing Laws 1978, Chapter 743, Section 12”

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 915, A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota

Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 470 was reported to the House.

Ellingson moved that S. F. No. 470 be temporarily laid over. The motion prevailed.

S. F. No. 1005 was reported to the House.

Kaley moved to amend S. F. No. 1005 as follows:

Page 2, line 36, after "available" insert "on a 24 hour basis"

The motion prevailed and the amendment was adopted.

S. F. No. 1005, A bill for an act relating to local housing programs; authorizing certain combined multifamily housing and health care facility developments; providing an exemption from the limits on aggregate amount of bonds that may be issued;

amending Minnesota Statutes 1980, Section 462C.05, Subdivision 1, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

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

S. F. No. 674, A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, I.	Battaglia	Berkelman
Ainley	Anderson, G.	Anderson, R.	Begich	Blatz

Brinkman	Hauge	Lemen	Otis	Sieben, M.
Byrne	Haukoos	Levi	Peterson, B.	Simoneau
Carlson, D.	Heap	Long	Peterson, D.	Skoglund
Carlson, L.	Heinitz	Ludeman	Piepho	Stadum
Clawson	Himle	Luknic	Pogemiller	Staten
Dean	Hoberg	Mann	Redalen	Stowell
Dempsey	Hokanson	Marsh	Rees	Stumpf
Den Ouden	Hokr	McCarron	Reif	Sviggum
Drew	Jacobs	McDonald	Rice	Swanson
Elioff	Jennings	McEachern	Rodriguez, C.	Tomlinson
Ellingson	Johnson, C.	Metzen	Rodriguez, F.	Valan
Erickson	Johnson, D.	Minne	Rose	Valento
Esau	Jude	Munger	Rothenberg	Vanasek
Evans	Kahn	Nelsen, B.	Samuelson	Vellenga
Fjoslien	Kaley	Norton	Sarna	Voss
Forsythe	Kalis	Novak	Schafer	Weaver
Friedrich	Kelly	Nysether	Schoenfeld	Welch
Greenfield	Knickerbocker	O'Connor	Schreiber	Welker
Gruenes	Kostohryz	Ogren	Searles	Wenzel
Gustafson	Kvam	Olsen	Shea	Wigley
Halberg	Laidig	Onnen	Sherman	Wynia
Hanson	Lehto	Osthoff	Sherwood	Zubay

The bill was passed and its title agreed to.

S. F. No. 533 was reported to the House.

Harens offered an amendment to S. F. No. 533.

#### POINT OF ORDER

Vanasek raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 533, A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with more than 2,500 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

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 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Carlson, D.	Dean	Ellingson
Ainley	Begich	Carlson, L.	Dempsey	Erickson
Anderson, B.	Berkelman	Clark, J.	Den Ouden	Esau
Anderson, G.	Blatz	Clark, K.	Drew	Evans
Anderson, I.	Brinkman	Clawson	Eken	Ewald
Anderson, R.	Byrne	Dahlvang	Elioff	Fjoslien

Forsythe	Johnson, D.	Metzen	Reding	Stowell
Friedrich	Jude	Minne	Rees	Stumpf
Greenfield	Kalis	Munger	Reif	Sviggum
Gruenes	Kelly	Murphy	Rice	Swanson
Gustafson	Knickerbocker	Nelsen, B.	Rodriguez, F.	Tomlinson
Halberg	Kostohryz	Niehaus	Rose	Valan
Hanson	Kvam	Norton	Rothenberg	Valento
Harens	Laidig	Novak	Sarna	Vanasek
Hauge	Lehto	Nysether	Schafer	Weaver
Haukoos	Lemen	O'Connor	Schoenfeld	Welch
Heap	Levi	Ogren	Schreiber	Welker
Heinitz	Long	Olsen	Searles	Wenzel
Himle	Ludeman	Onnen	Shea	Wieser
Hoberg	Luknic	Osthoff	Sherman	Wigley
Hokanson	Mann	Otis	Sherwood	Zubay
Hokr	Marsh	Peterson, B.	Sieben, M.	Spkr. Sieben, H.
Jacobs	McDonald	Peterson, D.	Simoneau	
Jennings	McEachern	Piepho	Skoglund	
Johnson, C.	Mehrkens	Redalen	Stadum	

Those who voted in the negative were:

Kahn            McCarron        Pogemiller

The bill was passed and its title agreed to.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

#### REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations 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:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 144A.51, is amended by adding a subdivision to read:

*Subd. 7. "Home health agency" means any agency certified pursuant to Public Law 89-97, Titles XVIII and XIX.*

Sec. 2. Minnesota Statutes 1980, Section 144A.52, Subdivision 3, is amended to read:

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, *home health agencies*, and the state commissioner of health.

Sec. 3. Minnesota Statutes 1980, Section 144A.53, is amended to read:

144A.53 [DIRECTOR; POWERS AND DUTIES.]

Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to chapter 15, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers, *home health agencies*, or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the state commissioner of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider, *home health agency*, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, *a home health agency*, or a health facility which he deems necessary for the discharge of his responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to section 144.653 or any other law which provides for the issuance of correction orders to health care facilities;

(g) Recommend the certification or decertification of health facilities *and home health agencies* pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, *home health agencies*, and health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, *a home health agency*, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider, *the home health agency*, and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider, *a home health agency*, or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider, *a home health agency*, or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within

the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency, a *home health agency*, or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of public welfare, an appropriate prosecuting authority, or any other appropriate agency.

Sec. 4. Minnesota Statutes 1980, Section 144A.54, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the state commissioner of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider, a *home health agency*, or a health facility, the director shall consult with that agency, health care provider, *home health agency*, or facility. When publishing an opinion adverse to an administrative agency, a health care provider, a *home health agency*, or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider, *home health agency*, or health facility in defense or explanation of the action.

Sec. 5. Minnesota Statutes 1980, Section 145.913, is amended by adding a subdivision to read:

*Subd. 1a. [MULTI-COUNTY BOARDS.] A county that elects to implement the provisions of the community health services act by organizing a multi-county board of health jointly with another county or counties under the provisions of section 471.59 may reserve and assign to a single county board of health organized under the provisions of subdivision 1, any powers and duties previously assigned by law to boards of health pursuant to section 145.01, and sections 145.47 to 145.55, any powers and duties previously assigned by law to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125, and any discretionary authority of a board of health as provided in section 145.914.*

Sec. 6. Minnesota Statutes 1980, Section 145.914, Subdivision 2, is amended to read:

Subd. 2. [POWERS.] In addition to any other powers assigned to a board of health by sections 145.911 to 145.921, the board of health for a county shall possess all the powers and duties now assigned by law to local boards of health pursuant to section 145.01, and to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125, provided however that this subdivision shall not supersede or otherwise change the powers and duties of any city or township eligible for the subsidy under the provisions of section 145.917, or of any city of the first or second class with an existing program of community health services located within a county with a population of 300,000 or more persons until the city council of said city shall take action to allow the county to preempt the powers and duties of said city. Not later than 365 days after the approval of the community health services plan by the state commissioner of health, any (COUNTY OR CITY BOARD, COMMITTEE OR COMMISSION HAVING AUTHORITIES OR DUTIES IN ANY AREA DESIGNATED IN SECTIONS 145.911 TO 145.921 OTHER THAN THE BOARD OF HEALTH DESIGNATED AND ACTING PURSUANT TO SECTION 145.911 TO 145.921) township, city, or county board of health organized under the provisions of section 145.01 and any public health nursing committee organized under the provisions of sections 145.08 to 145.125, shall cease (ITS) operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee, or commission; provided, however, that any city or township eligible for the subsidy under the provisions of section 145.917, and any city of the first or second class with an existing program of community health services located in a county with a population of 300,000 or more persons may continue operations and the payment of per diem and reimbursement of expenses.

Sec. 7. Minnesota Statutes 1980, Section 145.915, is amended by adding a subdivision to read:

*Subd. 3. (a) A county board of any county having a board of health organized under sections 145.911 to 145.922 may by ordinance adopt and enforce minimum standards and regulations relating to home health services within the county in order to promote the development and delivery of an appropriate range of quality home health services.*

*(b) Local ordinances relating to home health services shall be for the following purposes:*

*(i) Assuring that quality home health services are available; and,*

*(ii) Assuring that available home health services are provided at reasonable public cost.*

*(c) Local ordinances relating to home health services shall be submitted by a county board to the commissioner of health for review and approval. The local ordinance shall not become effective without the approval of the commissioner.*

Sec. 8. Minnesota Statutes 1980, Section 145.918, is amended by adding a subdivision to read:

*Subd. 3. The commissioner of health shall, 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:*

*(a) Coordinate the development of home health services and ensure the availability of a range of quality home health services at reasonable public cost;*

*(b) Require providers of publicly funded home health services to disclose information necessary to assess the quality and public cost of home health services on forms provided by the commissioner of health. Using that information, the commissioner shall periodically prepare a report which shall be public information; and*

*(c) Develop a model home health ordinance to assist boards of health and county boards in development of local home health ordinances. All proposed local home health ordinances shall be submitted to the commissioner of health. Within 60 days of receipt the commissioner of health shall review and approve or disapprove all proposed local home health ordinances. The commissioner shall approve variances from the model ordinance when the board of health demonstrates that local circumstances require modifications to assure quality home health services in the community at a reasonable public cost but shall not approve local ordinances that:*

*(i) conflict with state or federal law,*

*(ii) fail to protect the health or safety of patients, or*

*(iii) fail to ensure disclosure of information on quality and public costs.*

Sec. 9. Minnesota Statutes 1980, Section 145.919, is amended to read:

**145.919 [COMMUNITY HEALTH SERVICES ADVISORY COMMITTEE.]**

An advisory committee is established to advise, consult with, and make recommendations to the state commissioner of health

on matters relating to the development, maintenance, funding and evaluation of community health services. Each board of health meeting the eligibility requirements of section 145.917 may appoint a (MEMBER) *person* to serve on the committee. The terms shall be two years and no member shall serve more than three consecutive terms. Continuity of membership shall be assured by having an approximately equal number of terms expire each year. Members may receive a per diem and shall be reimbursed for travel and other necessary expenses while engaged in their official duties. The committee shall meet at least quarterly and special meetings may be called by the chairman or a majority of the members.

Sec. 10. Minnesota Statutes 1980, Section 145.95, Subdivision 5, is amended to read:

Subd. 5. This section expires July 1, (1981) 1983.

Sec. 11. [APPROPRIATION.]

*Subdivision 1. [COMMUNITY HEALTH SERVICES.] The sum of \$500,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1983, for the purposes of funding community health services. Payment for each county shall be based upon the formula in effect in fiscal year 1981, using the most recent factors. No county, city, group of cities or group of counties shall receive less than the amount received in 1981. This appropriation shall be prorated if the amount is insufficient.*

*Subd. 2. [HOME HEALTH GRANTS.] The sum of \$500,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1983, for the purpose of funding special grants for home based services for elderly and adult physically impaired persons in accordance with the provisions of Minnesota Statutes 1980, Section 145.95. The commissioner shall require the recipient of a special grant for home based services for elderly and adult physically impaired persons to provide 25 percent of the cost of the services.*

Sec. 12. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to health; providing for home health services through the community health services act; 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; and 145.95, Subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 802 was read for the second time.

## SPECIAL ORDERS, Continued

S. F. No. 470 which was temporarily laid over earlier today was again reported to the House.

Ellingson moved to amend S. F. No. 470 as follows:

Page 1, delete lines 22 to 30

Page 2, delete lines 1 to 3

Renumber the sections in sequence

Page 2, line 7, strike ": (a)"

Page 2, line 9, strike "; or"

Page 2, strike lines 10 to 14

Page 2, line 16, strike "The"

Page 2, strike lines 17 to 22

Page 7, delete lines 11 to 19

Page 7, line 27, reinstate "and" and delete "*and land acquisition*"

Page 7, line 28, delete the first "*information*"

Page 8, line 8, after "is" insert "*selected to be*"

Page 9, line 21, delete "*to be*"

Page 9, after line 25, insert:

"(d) *To the extent that the release of program data would reveal the identity of an informant or adversely affect the integrity of the fund, financial records of a program which pays rewards to informants shall be protected nonpublic data in the case*

*of data not on individuals or confidential data in the case of data on individuals.*

Page 10, line 17, delete everything after "persons"

Page 10, delete lines 18, and 19, and line 20 before the period

Page 10, line 22, to 23, delete "2, clause (a)" and insert "2a"

Page 11, line 12, delete "NOT ON INDIVIDUALS"

Page 11, line 24, after "5d" insert "*in the case of data not on individuals and confidential pursuant to section 15.162, subdivision 2a in the case of data on individuals*"

Page 11, delete lines 34 to 36

Page 12, delete lines 1 to 36

Page 13, delete lines 1 to 36

Page 14, delete lines 1 to 3

Renumber the sections in sequence

Page 15, after line 29, insert:

*"Subd. 7. [COURT REVIEW.] Any person may petition the district court located in the county where medical examiner data is being maintained to authorize disclosure of private or confidential medical examiner data. The petitioner shall notify the medical examiner or coroner. The court may notify other interested persons and require their presence at a hearing. A hearing may be held immediately if the parties agree, and in any event shall be held as soon as practicable. After examining the data in camera, the court may order disclosure of the data if it determines that disclosure would be in the public interest.*

*Subd. 8. [ACCESS TO PRIVATE DATA.] The data made private by this section shall be accessible to the legal representative of the decedent's estate or to the decedent's surviving spouse or next of kin or their legal representative. If there is no surviving spouse or next of kin the private data shall be public."*

Page 15, delete lines 30 to 36

Page 16, delete lines 1 to 13

Renumber the sections in sequence

Page 16, line 24, after "is" insert "not"

Page 17, line 36, delete "*the individual may become*" and insert "*an individual seeks information about becoming*"

Page 18, delete lines 15 to 36

Page 19, delete lines 1 to 6

Renumber the sections in sequence

Page 19, line 32, after "*data*" insert "*on individual patients*"

Page 19, line 33, after "*diseases*" insert "*, except that the data may be made public to diminish a threat to the public health*"

Page 21, line 13, after "*data*" insert "*on individuals*"

Page 22, line 4, after "*grievance*" insert "*or interest*"

Page 22, line 10, delete "PUBLIC ATTORNEY'S" and insert "ATTORNEY GENERAL"

Page 22, delete lines 11 to 13

Page 22, line 14, delete "2" and insert "1"

Page 22, line 15, delete "*a public attorney*" and insert "*the attorney general*"

Page 22, line 32, delete "*a public attorney*" and insert "*the attorney general*"

Page 22, line 35, delete "*public attorney's*" and insert "*attorney general's*"

Page 23, after line 4, insert:

"Sec. 36. [LAW ENFORCEMENT DATA.]

*Subdivision 1. [APPLICATION.] This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol and the securities and real estate division of the department of commerce.*

*Subd. 2. [ARREST DATA.] The following data created or collected by law enforcement agencies which documents any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of his liberty shall be public at all times in the originating agency:*

- (a) *Time, date and place of the action;*
- (b) *Any resistance encountered by the agency;*
- (c) *Any pursuit engaged in by the agency;*
- (d) *Whether any weapons were used by the agency or other individual;*
- (e) *The charge, arrest or search warrants, or other legal basis for the action;*
- (f) *The identities of the agencies, units within the agencies and individual persons taking the action;*
- (g) *Whether and where the individual is being held in custody or is being incarcerated by the agency;*
- (h) *The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;*
- (i) *The date, time and legal basis for any release from custody or incarceration;*
- (j) *The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of his liberty;*
- (k) *Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;*
- (l) *The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 9; and*
- (m) *Response or incident report number.*

**Subd. 3. [REQUEST FOR SERVICE DATA.]** *The following data created or collected by law enforcement agencies which documents requests by the public for law enforcement services shall be public government data:*

- (a) *The nature of the request or the activity complained of;*
- (b) *The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 9;*
- (c) *The time and date of the request or complaint; and*

(d) *The response initiated and the response or incident report number.*

*Subd. 4. [RESPONSE OR INCIDENT DATA.] The following data created or collected by law enforcement agencies which documents the agency's response to a request for service or which describes actions taken by the agency on its own initiative shall be public government data:*

(a) *Date, time and place of the action;*

(b) *Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 9;*

(c) *Any resistance encountered by the agency;*

(d) *Any pursuit engaged in by the agency;*

(e) *Whether any weapons were used by the agency or other individuals;*

(f) *A brief factual reconstruction of events associated with the action;*

(g) *Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 9;*

(h) *Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 9;*

(i) *The name and location of the health care facility to which victims or casualties were taken; and*

(j) *Response or incident report number.*

*Subd. 5. [DATA COLLECTION.] Except for the data defined in subdivisions 2, 3 and 4, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or civil wrong is confidential while the investigation is active. Inactive investigative data is public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 9. Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private data, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of any of the following events:*

(a) A decision by the agency or appropriate prosecutorial authority not to pursue the case;

(b) Expiration of the time to bring a charge or file a complaint under the applicable statute of limitations; or

(c) Exhaustion of or expiration of all rights of appeal by an individual convicted on the basis of the investigative data.

Any investigative data presented as evidence in court shall be public. Data determined to be inactive under clause (a) of this subdivision may become active if the agency or appropriate prosecutorial authority decides to renew the investigation.

During the time when an investigation is active, any person may bring an action in the district court located in the county where the data is being maintained to authorize disclosure of investigative data. The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action. In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data. The data in dispute shall be examined by the court in camera.

**Subd. 6. [WITHHOLDING PUBLIC DATA.]** A law enforcement agency may temporarily withhold response or incident data from public access if the agency reasonably believes that public access would be likely to endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence. In such instances, the agency shall, upon the request of any person, provide a statement which explains the necessity for its action. Any person may apply to a district court for an order requiring the agency to release the data being withheld. If the court determines that the agency's action is not reasonable, it shall order the release of the data and may award costs and attorney's fees to the person who sought the order. The data in dispute shall be examined by the court in camera.

**Subd. 7. [PUBLIC BENEFIT DATA.]** Any law enforcement agency may make any data classified as confidential pursuant to subdivision 5 accessible to any person, agency or the public if the agency determines that the access will aid the law enforcement process, promote public safety or dispel widespread rumor or unrest.

**Subd. 8. [PUBLIC ACCESS.]** When data is classified as public under this section, a law enforcement agency shall not be required to make the actual physical data available to the public if it is not administratively feasible to segregate the public data from the confidential. However, the agency must make the information described as public data available to the public in a

*reasonable manner. When investigative data becomes inactive, as described in subdivision 5, the actual physical data associated with that investigation, including the public data, shall be available for public access.*

*Subd. 9. [PROTECTION OF IDENTITIES.] A law enforcement agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:*

*(a) When access to the data would reveal the identity of an undercover law enforcement officer;*

*(b) When access to the data would reveal the identity of a victim of criminal sexual conduct;*

*(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant; or*

*(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests that his identity not be revealed, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual.*

*Subd. 10. [DATA RETENTION.] Nothing in this section shall require law enforcement agencies to create, collect or maintain data which is not required to be created, collected or maintained by any other applicable rule or statute."*

Renumber the sections in sequence

Page 23, after line 9, insert:

Sec. 38. [AUTHORITY DATA.]

*Data maintained by the civic center authority of the city of St. Paul 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 or of the authority, shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c. Provided that the subject of the data or the chief executive officer of the authority must certify that the data qualifies as non-public or private under this section, and the governing body of the authority must approve the classification. Data classified as private or non-public by this section may be disclosed pursuant*

*to section 15.163, pursuant to a valid court order, or with the authorization of the subject of the data.*

**Sec. 39. [EXTENSION OF CERTAIN TEMPORARY CLASSIFICATIONS.]**

*Court services data, criminal history data, and corrections and detention data classified by temporary classifications granted prior to January 1, 1981, pursuant to Minnesota Statutes, Section 15.1642, shall retain their temporary classification until July 1, 1982."*

Renumber the sections in sequence

Page 23, after line 16, insert:

"Sec. 41. [REPEALER.]

*Minnesota Statutes 1980, Section 15.162, Subdivision 1a is repealed."*

Renumber the sections in sequence

Page 23, line 18, delete "43" and insert "41"

Amend the title as follows:

Page 1, line 15, before the period, insert "; repealing Minnesota Statutes 1980, Section 15.162, Subdivision 1a"

Anderson, G., moved to amend the Ellingson amendment to S. F. No. 470, as follows:

In the Ellingson amendment, page 2, line 28, delete "If there is no"

Page 2, delete lines 29 and 30

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

Hokanson moved to amend the Ellingson amendment, as amended, to S. F. No. 470 as follows:

Page 8, line 23, after the period insert "This section shall terminate and cease to have force and effect on July 31, 1982."

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

Olsen moved to amend the Ellingson amendment, as amended, to S. F. No. 470, as follows:

Reinstate the language deleted by the Anderson, G., amendment on lines 28, 29 and 30 and on line 29 after "*in*" insert "*and the person dies in a health care facility*"

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

Swanson moved to amend the Ellingson amendment, as amended, to S. F. No. 470, as follows:

Page 8, delete section 38, as amended

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

The question recurred on the Ellingson amendment, as amended by the Anderson, G.; Hokanson and Swanson amendments.

The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 470, A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; making certain changes in laws relating to the collection and dissemination of data; amending Minnesota Statutes 1980, Sections 15.1611, Subdivision 2; 15.162, Subdivisions 1a, 2a, 5a, 5b, 5c, and 8; 15.163, Subdivision 4; 15.1642, Subdivision 2a; 15.165, Subdivision 3; 15.1672; 15.1673; 15.1692, Subdivision 3, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1695, Subdivision 1; 15.1698, Subdivision 1; and 15.1699; providing for the recodification of Minnesota Statutes, Sections 15.1611 to 15.1699.

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	Brandl	Dempsey	Ewald	Hauge
Anderson, B.	Brinkman	Den Ouden	Fjoslien	Haukoos
Anderson, G.	Byrne	Drew	Forsythe	Heap
Anderson, I.	Carlson, D.	Eken	Friedrich	Heimitz
Anderson, R.	Carlson, L.	Elioff	Greenfield	Himle
Battaglia	Clark, J.	Ellingson	Gruenes	Hokanson
Begich	Clawson	Erickson	Gustafson	Hokr
Berkelman	Dahlvang	Esau	Halberg	Jacobs
Blatz	Dean	Evans	Hanson	Jennings

Johnson, C.	Marsh	Olsen	Sarna	Valan
Johnson, D.	McCarron	Onnen	Schafer	Valento
Jude	McEachern	Osthoff	Schoenfeld	Vanasek
Kahn	Mehrkens	Otis	Schreiber	Vellenga
Kalis	Metzen	Peterson, B.	Searles	Voss
Kelly	Minne	Peterson, D.	Shea	Weaver
Knickerbocker	Munger	Piepho	Sherman	Welch
Kostohryz	Murphy	Pogemiller	Sherwood	Welker
Kvam	Nelsen, B.	Redalen	Sieben, M.	Wenzel
Laidig	Nelson, K.	Reding	Simoneau	Wieser
Lehto	Niehaus	Rees	Skoglund	Wigley
Lemen	Norton	Reif	Stowell	Wynia
Levi	Novak	Rice	Stumpf	Spkr. Sieben, H.
Long	Nysether	Rodriguez, F.	Sviggum	
Luknic	O'Connor	Rose	Swanson	
Mann	Ogren	Samuelson	Tomlinson	

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

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1446

A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 246.151; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 13; 256D.05, Subdivision 3, and by adding a subdivision; 256D.06, Subdivision 1, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.11, Subdivisions 1, 8 and 9, and by adding a subdivision; 260.311, Subdivision 5; 393.07, Subdivision 10; 401.04; and 401.12; proposing new law coded in Minnesota Statutes, Chapters 144; 245; 256D and 257; repealing Minnesota Statutes, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

May 15, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1446, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1446 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [WELFARE, CORRECTIONS, HEALTH; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1982, or June 30, 1983, respectively.

#### SUMMARY BY FUND

	1982	1983	TOTAL
General .....	\$774,431,500	\$780,626,900	\$1,555,058,400
Trk. Hwy. ....	\$ 308,100	\$ 313,800	\$ 621,900

#### APPROPRIATIONS Available for the Year Ending June 30,

	1982	1983
	\$	\$

#### Sec. 2. COMMISSIONER OF PUBLIC WELFARE

Subdivision 1. Total Department Appropriation .....	656,349,200	667,036,500
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The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.

The amounts shown in the program totals are reduced by \$3,324,300 the first year and \$3,956,700 the second year.

Positions and administrative money may be transferred within the department of public welfare as deemed neces-

	1982	1983
	\$	\$

sary by the commissioner, upon the advance approval of the commissioner of finance, but no transfer may be made to the executive office.

Subd. 2. Welfare Management . . . .	15,275,200	15,324,300
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The amounts that may be expended from this appropriation for each activity are as follows:

#### Special County Aids

1982	1983
\$3,158,900	\$3,158,900

Reimbursements for general relief—Indians and the Red Lake Band of Chippewa Indians shall be prorated if the appropriation made in this subdivision is insufficient to provide full reimbursement.

#### Administrative Support

\$12,116,300	\$12,165,400
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Estimated federal money to be deposited in the general fund that is earned by the various accounts of the department of public welfare is detailed on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance. If federal money anticipated is less than shown on the official worksheets, the commissioner of finance shall reduce the amount available from the specific appropriation by a like amount. The reductions shall be noted in the budget document submitted to the 73rd legislature in addition to an estimate of similar federal money anticipated for the 1983-1985 biennium.

If the block grant proposed for federal money becomes law, the commis-

	1982	1983
	\$	\$

sioner of public welfare shall not distribute any of those moneys until he develops a plan and submits that plan pursuant to Minnesota Statutes, Section 3.30.

Subd. 3. Social Services .....	60,939,000	61,348,000
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The amounts that may be expended from this appropriation for each activity are as follows:

Community Social Services Act

\$43,077,700	\$43,398,000
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Effective January 1, 1983, the commissioner of public welfare shall include the remainder of the appropriations for the cost of care for mentally retarded, cost of care for emotionally disturbed, sharing life in the community, and mentally ill deinstitutionalization in the community social services act. The commissioner may transfer money between the fiscal years of the biennium for the purposes of funding the formula.

Notwithstanding the provisions of Minnesota Statutes, Chapter 256E, a county board may delegate to a county welfare board established pursuant to Minnesota Statutes, Chapter 393, authority to provide, or approve contracts for the purchase of, the kinds of community social services that were provided or contracted for by the county welfare boards prior to the enactment of Laws 1979, Chapter 324. Designation of the method for providing citizen participation in the planning process, final approval of the community social services plan and the distribution of community social services money shall be the responsibility of the county board.

Day Care

\$974,900	\$974,900
-----------	-----------

	1982	1983
	\$	\$
Cost of Care—		
Emotionally Disturbed		
\$2,464,500	\$2,464,500	
Cost of Care—		
Mentally Retarded		
\$6,265,600	\$6,265,600	
Children under State Guardianship		
\$1,092,300	\$1,092,300	

State funds which would have been expended through the Aid to Families with Dependent Children-Foster Care or Children under State Guardianship accounts may be transferred to the subsidized adoption account, for those children entering the subsidized adoption program, if it can be shown on a case by case review basis that total state dollars will be reduced.

**Aging, Blind, and Deaf Services**

\$5,894,600      \$5,977,900

**Social Services Support**

\$1,169,400      \$1,174,800

Subd. 4. Income Maintenance . . . . . 436,604,300 448,163,600

The amounts that may be expended from this appropriation for each activity are as follows:

**Aid to Families with Dependent Children, Medical Assistance, Minnesota Supplemental Assistance**

\$375,270,700      \$385,395,900

	1982	1983
	\$	\$

The commissioner of public welfare shall provide supplementary grants, not to exceed \$150,000 per year, for aid to families with dependent children and shall include the following costs in determining the amount of the supplementary grants: major home repairs, repair of major home appliances, utility recaps, supplementary dietary needs not covered by medical assistance, and replacement of essential household furnishings and essential major appliances.

Medical assistance may include personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide the services, when the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

In determining the amount of the aid to families with dependent children and general assistance grants, the commissioner of public welfare shall effect a seven percent increase on July 1, 1981 and a seven percent increase on July 1, 1982, unless federal statute or regulation require otherwise.

The moneys received under the state and local fiscal assistance act, known as general revenue sharing, shall be deposited in the medical assistance account and the state appropriation shall be reduced by a like amount.

The monthly payment for attendant care shall be adjusted to \$1,000 per month effective July 1, 1981, and shall be adjusted annually by the same percentage granted to other providers.

Upon executive order of the governor pursuant to section 15.0593, there is created a governor's advisory task force to explore means of providing publicly funded health services within the limits of funds authorized in the biennial bud-

	1982	1983
	\$	\$

get for fiscal years 1982 and 1983. The task force chairperson and members shall be appointed by the governor. Insofar as possible, cooperation of the appropriate federal agencies shall be obtained. Existing staff resources of the department of public welfare shall provide support to the task force.

The task force shall conduct a study of publicly funded health care programs and make specific recommendations to the governor regarding changes which are needed to limit expenditures to the amount authorized by the biennial budget for fiscal years 1982 and 1983. The report and subsequent recommendations of the governor shall be submitted to the legislature no later than January 15, 1982.

Before calculating any repayment due to the commissioner for rates effected for the biennium ending June 30, 1983, the commissioner shall allow the provider to reallocate costs for patient care allowed pursuant to Department of Public Welfare Rules 49 and 52. Expenditures for investment allowances, interest, depreciation, leases, and top management compensation shall not exceed the amount specified by the commissioner in the rate determination. Adjustments shall be made within the percentage limit set in this act.

General Assistance and General  
Assistance Medical Care

\$49,385,200	\$50,554,900
--------------	--------------

Income Maintenance Support

\$11,948,400	\$12,212,800
--------------	--------------

If the appropriation for aid to families with dependent children, medical assistance, Minnesota supplemental assistance, general assistance and general

1982

1983

\$

\$

assistance medical care is insufficient for either year, the appropriation for the other year shall be available by direction of the governor after consulting with the legislative advisory commission.

Subd. 5. Mental Health ..... 146,855,000 146,157,300

The commissioner of public welfare may fill up to 120 human services technician positions in the state hospitals in addition to the approved complement specified in this subdivision for the purpose of alleviating recruitment delays in direct patient care, as salary savings become available to fund the positions.

The commissioner of public welfare shall not reduce the number of human services technician positions in the state hospital system.

As the hospital population decreases, the supportive staff complement shall be reduced in direct proportion.

The amounts that may be expended from this appropriation for each activity are as follows:

**Program Offices**

**Mentally Ill**

\$5,117,000      \$7,836,800

**Mentally Retarded**

\$1,733,400      \$2,512,700

The commissioner of public welfare may fund up to 200 families for the mentally retarded family subsidy program.

This appropriation contains \$12,000 each year for the brain-injured persons

	1982	1983
	\$	\$

program. The commissioner of public welfare shall contract with an approved vendor to pay the costs of services provided to brain-injured persons. The commissioner shall contract with a neurosurgeon who is independent of the approved vendor to evaluate, initially and on or about March 1, 1982, each person for whom services are provided under this appropriation to ascertain the person's current stage of neurological development and prognosis for improvement. The neurosurgeon shall send a written report of each evaluation to the commissioner. For the purposes of this appropriation, "approved vendor" means the Institutes for the Achievement of Human Potential.

#### Chemically Dependent

\$1,922,500	\$1,929,600
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Any federal money received in excess of the estimates shown in the 1981 budget document shall reduce the state appropriation available by a like dollar amount, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

#### State Hospitals

##### Approved Complement—

By June 30, 1983—5485

##### Current Expense

\$14,449,000	\$15,450,300
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##### Salaries

\$107,955,500	\$104,662,100
---------------	---------------

##### Repairs and Betterments

\$1,400,100	
-------------	--

	1982	1983
	\$	\$
Special Equipment		
\$521,700		

Notwithstanding the provisions of Minnesota Statutes 1980, Sections 246.50 to 246.53, the commissioner of public welfare shall determine what part of the cost of care for state hospital treatment a patient or his relatives are able to pay. In no case, shall a patient or his relatives, unless they reside outside the state, be ordered to pay more than ten percent of the cost of care.

By July 1, 1981, the chemical dependency and surgical units at Rochester state hospital shall be closed. The remaining units at Rochester state hospital shall be closed no later than June 30, 1982. Best efforts shall be made by the department of administration to sell the buildings and adjoining land within one year from the date of closure, after the commissioner of public welfare has certified to the commissioner of administration pursuant to provisions of Minnesota Statutes, Section 94.09, Subdivision 2, that the state hospital campus is no longer needed by the department of public welfare. Notwithstanding any other law to the contrary, a portion or all of the buildings and the adjacent lands can be sold to anyone.

Prior to the closure date for each unit, the commissioner of public welfare shall arrange for the orderly transfer of all affected patients. The commissioner shall, to the extent possible, provide at least 60 days notice of transfer and allow patients and their parents, spouse or guardian, and the appropriate county agency input regarding the institution or community placement to which the patient is to be transferred.

Effective immediately, the commissioner of employee relations shall monitor the orderly reassignment of affected

	1982	1983
	\$	\$

employees of the state hospital pursuant to authority vested in him by Minnesota Statutes, Section 246.60. The commissioners of public welfare and employee relations shall provide training or other assistance as necessary for employees to aid in this transition. Direct care positions shall be transferred to other state hospitals in the same proportion as patients are transferred. Early retirement shall be encouraged where possible, with full protection for retirement benefits. Notwithstanding any other law an employee who waives his right to transfer to a hospital other than Rochester state hospital or other state employment shall be entitled to severance pay in the amount equal to five percent of the employee's base salary or wage, not to exceed \$500, multiplied by the number of years of state service, but in no case shall the total amount exceed \$5,000.

Quarterly progress reports must be submitted by the commissioner of public welfare to the legislative advisory commission and must include information with respect to the following:

- (a) Employee negotiations;
- (b) Community placement of affected patients;
- (c) Admissions figures; and
- (d) Any other activities affecting closure.

Any savings in excess of the \$7,000,000 projected to result from the closure of the hospital may be directed by the commissioner of public welfare into funding for community facilities for mentally ill, chemically dependent, and mentally retarded persons.

Nursing Homes

	1982	1983
	\$	\$
Approved Complement—		
By June 30, 1983—617		
Current Expense		
\$1,710,700	\$1,888,200	
Salaries		
\$11,238,300	\$11,298,000	
Repairs and Betterments		
\$146,500		
Special Equipment		
\$68,300		
Mental Health Support		
\$592,000	\$579,600	

Any unexpended balance remaining in the first year for special equipment and repairs and betterments does not cancel but is available for the second year of the biennium.

The information for the budgets for the nursing homes and hospitals shall be submitted to the 1983 legislature on an individual institution basis.

Positions and administrative money may be transferred between the various activities within each subdivision in this section.

Work activity centers in state hospitals shall make available up to 25 percent of their capacity for community referrals. The community referrals will be funded by the division of vocational rehabilitation, will provide sheltered work and work activity, and will be

	1982	1983
	\$	\$

certified under Minnesota Statutes,  
Chapter 129A.

### Sec. 3. COMMISSIONER OF ECONOMIC SECURITY

Total Department Appropriation . . . .	27,145,600	23,535,100
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The amounts that may be expended from this appropriation for each program are as follows:

The amounts shown in the program totals are reduced by \$300,300 the first year and \$312,000 the second year.

#### Job Service

\$3,924,100	\$3,924,100
-------------	-------------

The appropriation in job service for the summer youth program is available immediately to provide the same level of program for each summer of the biennium as was provided during the summer of 1980. If the appropriation for either year is insufficient, the appropriation from the other year is available for it.

#### Vocational Rehabilitation Services

\$11,764,300	\$12,819,500
--------------	--------------

Money received from workers' compensation carriers for services provided by the division of vocational rehabilitation for the benefit of injured workers shall be deposited in the accounts of the division of vocational rehabilitation and reported in the same ratio to state and federal money expended. If the deposits of the state's share exceed the amount shown on worksheets of the conferees of the senate and house of representatives, the commissioner of finance shall reduce the amounts available from the general appropriation for the division of vocational rehabilitation by the amount of the excess. The federal share

	1982	1983
	\$	\$

of these recoupments shall be deposited as required by federal law, regulation, and guideline.

The commissioner of economic security may expend money received from school districts, governmental subdivisions, mental health authorities, and private nonprofit organizations for the purpose of conducting joint or cooperative vocational rehabilitation programs, and this money is appropriated for these purposes.

Any federal money received in excess of the estimates shown in the 1981 budget document shall reduce the state appropriation available by a like dollar amount, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

#### Training and Community Services

\$11,757,500	\$ 7,103,500
--------------	--------------

Local delivery agencies for the weatherization program shall use a minimum of \$25,000 for administrative expenses. However, no more than 7.5 percent of the total state allocation shall be expended for administration of the weatherization program. The department shall provide supplemental administrative funds to compensate for administrative expense associated with the weatherization of rental property. Unexpended administrative funds, and all other state weatherization funds, may be used for labor, materials or repair of equipment, as necessary.

If federal funds are not made available for the Weatherization program, the appropriation for this program in the second year shall be available in the first year. This program is sunsetted when this appropriation expires.

1982

1983

\$

\$

Money appropriated for community action agencies shall be allocated annually under either clause (a) or (b), whichever is more advantageous to the agency.

If the appropriation is insufficient to fully fund each agency, the insufficiency shall be prorated annually among the agencies.

(a) In proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state; or

(b) If the appropriation of funds for community action agencies shall be equal to or more than that available in fiscal years 1979 and 1980, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. "Hold-harmless" is the amount of funding received by a community action program under the Economic Opportunity Grant Program in the previous fiscal year.

"Poverty level population" means the number of people whose household income is below the poverty line established by the United States Department of Commerce, Bureau of the Census.

The appropriation for the displaced homemaker program includes funds for the purpose of making grants to programs to provide employment and support services to displaced homemakers.

This appropriation contains \$3,050,000 in fiscal year 1982 for fuel assistance, but it is not available unless it is required to match federal fuel assistance money. Any unexpended balance remaining in the first year from the \$3,050,000 shall not cancel, but shall be available for the second year.

	1982	1983
	\$	\$

#### Sec. 4. COMMISSIONER OF CORRECTIONS

Subdivision 1. Total Department Appropriation .....	64,165,500	63,736,500
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The amounts that may be expended from the appropriation for each program and activity are more specifically described in the following subdivisions of this section.

The amounts shown in the program totals are reduced by \$754,800 the first year and \$854,200 the second year.

Positions and administrative money may be transferred within the department of corrections as deemed necessary by the commissioner, upon the advance approval of the commissioner of finance.

Subd. 2. Management Services ...	3,750,300	3,766,200
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The amounts that may be expended from this appropriation for each activity are as follows:

##### Subsidy Programs

\$ 1,920,100	\$ 2,064,800
--------------	--------------

No new positions eligible for county probation reimbursement under this activity shall be added by any county without the written approval of the commissioner of corrections.

When new positions are approved, the commissioner shall include the cost of those positions in calculating each county's share.

On or before July 1 of each even numbered year, each county or group of counties shall submit to the commissioner of corrections an estimate of

	1982	1983
	\$	\$

the cost for county probation reimbursement. Reimbursement shall be made on the basis of the estimate submitted or the actual expenditure, whichever is less.

## Support

\$1,830,200	\$1,701,400
-------------	-------------

The Minnesota Corrections Board is abolished effective June 30, 1982.

\$100,000 is available for fiscal year 1983 to the commissioner of corrections to perform the responsibilities formerly assigned to the Minnesota Corrections Board.

Subd. 3. Policy and Planning	1,278,600	1,246,100
Subd. 4. Community Services	17,969,800	18,763,100

The amounts that may be expended from this appropriation for each activity are as follows:

## Support

\$4,110,600	\$4,218,800
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## Community Corrections Act

\$11,339,500	\$12,176,000
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In the Arrowhead region, no less than \$50,000 of the community corrections act subsidy shall be provided annually to the restitution program for women offenders by the counties participating in the act. These subsidy moneys shall be prorated among the participating counties on the basis of need or use as determined by the rules of the commissioner.

In Ramsey and Hennepin counties, no less than \$72,000 of the community cor-

	1982	1983
\$		\$

rections act subsidy shall be provided annually to Genesis II. These subsidy moneys shall be prorated among Hennepin and Ramsey counties on the basis of need or use as determined by the rules of the commissioner.

Notwithstanding the provisions of Minnesota Statutes, Chapter 401, no county or group of counties participating in the community corrections act shall be charged any per diem costs of confinement for adults sentenced to the commissioner of corrections for crimes committed on or after January 1, 1981.

#### Victim Services

\$2,519,700	\$2,368,300
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The battered women task force is continued to June 30, 1983.

The commissioner of corrections may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of any facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire and safety and to provide security.

Subd. 5. Correctional Institutions .....	41,921,600	40,815,300
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#### Current Expense

\$8,216,300	\$8,367,400
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#### Salaries

\$28,549,700	\$29,027,400
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#### Special Equipment

\$593,000	\$182,400
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	1982	1983
	\$	\$
Repairs and Betterments		
	\$537,700	\$577,500

#### Industry

\$1,500,000

Any unexpended balances in special equipment, repairs and betterments, and industry remaining in the first year does not cancel but is available for the second year of the biennium.

The industries equipment purchased for Oak Park Heights Correctional Facility may be used in Stillwater Correctional Facility. The commissioner of corrections may transfer between facilities for this purpose. The commissioner of corrections is directed to phase down the farm machinery industry and redirect the industry program into light industry operations, and \$1,500,000 of this appropriation is available for that purpose. It is the intention of the legislature that lay-offs are to be avoided during this transition period.

The commissioner of corrections is authorized to enter into an agreement with the appropriate Wisconsin officials for services for Wisconsin corrections purposes. The contract shall be designed to prevent Minnesota from sustaining an operating cost loss. The governor shall submit the plan and contract to the appropriate chairpersons of the house and senate money committees prior to contract execution. Money received from Wisconsin pursuant to the contract is appropriated to the commissioner of corrections for the above purpose.

#### Health Care

	\$2,187,500	\$2,301,500
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	1982	1983
	\$	\$
Education		
	\$337,400	\$359,100

The commissioner of corrections is directed to open the Minnesota correctional facility—Oak Park Heights, by February 1, 1982. Forty new positions are provided, and \$300,000 is appropriated, for fiscal year 1982, and \$800,000 for the positions for fiscal year 1983. The commissioner may transfer the departmental personnel and available fiscal resources necessary to open the Oak Park Heights facility. \$500,000 for purchase of medical and security supplies and equipment is appropriated to be available November 1, 1981.

Up to \$400,000 is available from the state institutions contingent account for supply and equipment items overlooked in the budget.

Supplies and equipment such as bedding, inmate clothing and other personal items are to be transferred from other institutions.

#### Sec. 5. SENTENCING GUIDELINES COMMISSION

Salaries, Supplies and Expense . . . . .	191,000	119,600
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#### Sec. 6. CORRECTIONS OMBUDSMAN

Salaries, Supplies and Expense . . . . .	229,900	232,500
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#### Sec. 7. COMMISSIONER OF HEALTH

Total Department Appropriation . . . . .	24,076,700	24,390,400
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The amounts that may be expended from this appropriation for each program are as follows:

	1982	1983
	\$	\$

The amounts shown in the program totals are reduced by \$256,900 the first year and \$270,200 the second year.

Positions and administrative money may be transferred within the department of health as deemed necessary by the commissioner, upon the advance approval of the commissioner of finance.

#### Preventive and Personal Health Services

\$8,240,300	\$8,465,700
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Of the above appropriation, up to \$25,000 shall be used to eliminate the threat to public health from arsenic contamination in an underground disposal site that has resulted in an incident of human poisoning within the last ten years. Such appropriation does not constitute acceptance of any liability on the part of the state.

Any unexpended balance appropriated by Laws 1979, Chapter 336, Section 7 in the program of preventive and personal health services for the purpose of wells, soil and chemical analysis, does not cancel, but is available until June 30, 1982.

Notwithstanding any law to the contrary, the fee the commissioner of health charges for medical laboratory services may increase up to \$3.

#### Health Systems Quality Assurance

\$1,864,200	\$1,888,600
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Of this appropriation \$308,100 for fiscal year 1982 and \$313,800 for fiscal year 1983 are appropriated from the trunk highway fund for emergency medical services activities.

	1982	1983
	\$	\$

Notwithstanding the provisions of Minnesota Statutes, Sections 144A.10 and 144.653, the commissioner of health shall conduct inspections and reinspections of health facilities with a frequency and in a manner calculated to produce the greatest benefit to residents within the limits of the resources available to the commissioner. In performing this function, the commissioner may devote proportionately more resources to the inspection of those facilities in which conditions present the most serious concerns with respect to resident health, treatment, comfort, safety and well-being.

These conditions include but are not limited to: change in ownership; frequent change in administration in excess of normal turnover rates; complaints about care, safety, or rights; where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; and, where persons involved in ownership or administration of the facility have been indicted for alleged criminal activity. Any facility that has none of the above conditions or any other condition established by the commissioner that poses a risk to resident care, safety, or rights shall be inspected once every two years.

The commissioner of health shall require a fee of \$500 prior to undertaking a study of a human service occupation under the authority of Minnesota Statutes, Section 214.13. The fee shall be imposed on an applicant group at the time the application is filed with the commissioner. The fee shall be deposited to the general fund and if the application is accepted it is not refundable.

#### Health Support Services

\$14,229,100	\$14,306,300
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	1982	1983
	\$	\$

For the purposes of the community health services act, the commissioner of finance may authorize the transfer of money to the community health services activity from the other programs in this section.

The payments for the community health services act for each county shall be based upon the formula in effect in fiscal year 1981, using the most recent factors. No county, city, group of cities or group of counties shall receive less than the amount received in 1981; however, this appropriation shall be prorated if the amount is insufficient.

If the appropriation for community health services or services to children with handicaps is insufficient for either year, the appropriation for the other year shall be available by direction of the governor after consulting with the legislative advisory commission.

#### Sec. 8. HEALTH RELATED BOARDS

Subdivision 1. Board of Chiropractic Examiners .....	51,800	53,300
Subd. 2. Board of Dentistry .....	220,600	228,800
Subd. 3. Board of Medical Examiners .....	325,500	338,700
Subd. 4. Board of Nursing .....	685,600	704,800
Subd. 5. Board of Examiners for Nursing Home Administrators .....	89,200	91,800

Notwithstanding the provision of Minnesota Statutes, Section 144A.04, Subdivision 5, for the biennium ending June 30, 1983, a nonproprietary retirement home having less than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home having less than 150 licensed nursing home beds

	1982	1983
	\$	\$
which is located within 25 miles of the retirement home.		
Subd. 6. Board of Optometry .....	40,200	42,200
Subd. 7. Board of Pharmacy .....	266,200	271,500
Subd. 8. Board of Podiatry .....	5,600	5,600
Subd. 9. Board of Psychology .....	89,100	94,400
Subd. 10. Board of Veterinary Medicine .....	57,900	59,000

Subd. 11. The commissioner of finance shall not permit the allotment, encumbrance, or expenditure of any money appropriated in this section in excess of the anticipated biennial revenues.

Neither this provision nor Minnesota Statutes, Section 214.06 shall apply to transfers from the general contingent account; provided the amount transferred does not exceed the amount of surplus revenue accumulated during the previous five years.

Sec. 9. CONTINGENT FOR  
STATE INSTITUTIONS ..... 750,000

This appropriation shall be used for emergency purposes and for the purchase of food, clothing, drugs, utilities, and fuel for any of the institutions for which an appropriation is made in this act. No expenditure shall be made from this appropriation without the direction of the governor after consultation with the legislative advisory commission.

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The allowance for food may be adjusted annually according to the United

	1982	1983
	\$	\$

States department of labor, bureau of labor statistics publication wholesale price index, upon the approval of the governor. Adjustments shall be based on the June, 1981, wholesale food price index, but the adjustment shall be prorated if the wholesale food price index adjustment would require money in excess of this appropriation.

#### Sec. 10. [RECEIPTS.]

*For the biennium ending June 30, 1983, all funds, sums of money, or other resources provided or to be received as shown in the biennial budget document or in working papers of the two appropriations committees, including all receipts, collections, legislative allocations, transfers, and other income and receipts properly belonging to and to be used for financing activities, programs, and other projects other than the institutions now or hereafter under the supervision and jurisdiction of the commissioner of public welfare not otherwise specifically designated as income or credits to other state departments or funds by law, shall be accredited to and become a part of the appropriations provided for in section 2, subdivisions 2, 3, and 4. Receipts in excess of those shown in the biennial budget are not available without the approval of the governor, after consultation with the legislative advisory commission.*

#### Sec. 11. [PROVISIONS.]

*For the biennium ending June 30, 1983, money appropriated under this act for the purchase of provisions within the item "current expense" shall be used solely for that purpose. The amounts appropriated for provisions are shown on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the offices of the commissioner of finance. Any money so provided and not used for purchase of provisions shall be cancelled into the fund from which appropriated, except that money so provided and not used for the purchase of provisions because of population decreases may be transferred and used for the purchase of medical and hospital supplies with the approval of the governor after consultation with the legislative advisory commission.*

#### Sec. 12. [TRANSFERS.]

*Subdivision 1. For the biennium ending June 30, 1983, the commissioner of public welfare, the commissioner of corrections, the commissioner of economic security and the commissioner of health shall not transfer any money to or from personal services,*

*or claims and grants, as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, except for those transfers that have the written approval of the governor, who shall consult with the legislative advisory commission.*

*Subd. 2. For the biennium ending June 30, 1983, the commissioners of public welfare, corrections, and health by direction of the governor after consulting with the legislative advisory commission may transfer unobligated appropriation balances and positions among all programs.*

### Sec. 13. [APPROVED COMPLEMENT.]

*For the biennium ending June 30, 1983, the approved complements indicated in this act are fulltime equivalent positions and apply only to positions paid for with money appropriated by this act.*

*Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the additional personnel until he has consulted with the legislative advisory commission. Any requests for increases in the approved complement shall be forwarded to the appropriate committees on finance of the legislature not less than 30 days prior to the legislative advisory commission meeting.*

### Sec. 14. [RULE PROMULGATION.]

*For the biennium ending June 30, 1983, the commissioner of public welfare, the commissioner of economic security, the commissioner of corrections, the commissioner of health and the various health-related boards shall not promulgate nor implement any rules which will increase state expenditures by more than \$50,000 during the biennium without the review by, and approval of the governor, after consultation with the legislative advisory committee.*

### Sec. 15. [144.0742] [CONTRACTS FOR PROVISION OF PUBLIC HEALTH SERVICES.]

*The commissioner of health is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed public health services by the department. The contracts shall specify the services to be provided and the amount and method of reimbursement therefor. Funds generated in a contractual agreement made pursuant to this section are appropriated to the department for purposes of providing the services specified in the contracts. All such contractual*

*agreements shall be processed in accordance with the provisions of Minnesota Statutes, Section 16.098.*

Sec. 16. Minnesota Statutes 1980, Section 241.021, is amended by adding subdivisions to read:

*Subd. 4. [HEALTH CARE.] The commissioner of corrections shall provide professional health care to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul-Ramsey Hospital. All reimbursements for these health care services shall be deposited in the general fund.*

*Subd. 5. [SALES TO DEPARTMENT OF ADMINISTRATION.] July 1 of each year and quarterly thereafter, the commissioner of corrections shall notify the commissioner of administration of the articles, supplies, and services available from industrial activities conducted at state correctional institutions, and the commissioner of administration shall purchase from the state correctional institutions those articles, supplies, and services needed by state departments and agencies, unless the commissioner of corrections certifies that the correctional institutions cannot provide them at a price within five percent of the fair market price for comparable level of quality and within a reasonable delivery time. In determining the fair market price the commissioner of administration shall use competitive bidding or consider open market bid prices in previous years for similar products and services, plus inflationary increases.*

Sec. 17. Minnesota Statutes 1980, Section 241.13, is amended to read:

**241.13 [CONTINGENT (FUNDS) ACCOUNT; DAMAGE DEPOSITS; CORRECTIONAL INSTITUTIONS.]**

*Subdivision 1. [CONTINGENT (FUNDS) ACCOUNT.] The commissioner of corrections may permit a contingent (FUND) account to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such (FUND) account shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant upon the state treasurer to secure the contingent (FUND) account for each institution.*

*Subd. 2. [DAMAGE DEPOSITS.] The commissioner of corrections shall collect a damage deposit from all staff who reside in housing on the grounds of the Thistledeew Corrections Camp at Togo, Minnesota and deposit the moneys in a savings account in a bank at interest. Withdrawals therefrom may be made to defray the cost of any damage to the residence caused by the tenant or to return the deposit to the tenant with accrued interest if the residence is vacated without damage. The commissioner shall keep accurate records in the name of each tenant so that the interest may be credited to the proper account.*

Sec. 18. Minnesota Statutes 1980, Section 241.69, Subdivision 4, is amended to read:

*Subd. 4. [COMMITMENT.] If the examining physician or psychologist finds the person to be mentally ill and in need of long term care in a hospital, or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the psychiatric unit, the chief executive officer of the institution or other person in charge shall initiate proceedings for judicial commitment as provided in section 253A.07. Upon the recommendation of the physician or psychologist and upon completion of the hearing and consideration of the record, the court may commit the person to the psychiatric unit established in subdivision 1 or to another hospital. A person confined in a state correctional institution for adults who has been adjudicated to be mentally ill and in need of treatment may be committed to the commissioner of corrections and placed in the psychiatric unit established in subdivision 1.*

Sec. 19. [245.74] [EQUALIZATION AID TO COUNTIES; OTHER AIDS.]

*Subdivision 1. [FORMULA.] The commissioner of public welfare shall pay equalization aid to counties based upon the appropriation and a formula that includes four factors: recipient rate, per capita income, per capita taxable value, and per capita expenditures for welfare.*

*Subd. 2. [EXPENDITURES FOR WELFARE.] (a) For the purposes of equalization aid, "expenditures for welfare" include all forms of public assistance and the administrative costs thereof, to-wit: medical assistance, aid to families with dependent children, Minnesota supplemental aid, payments to the commissioner of public welfare for care and treatment of patients in state institutions, medical relief, hospital charges, maintenance of children not under state guardianship, general assistance, and all administrative costs except university hospitals care, care of children under state guardianships, and poor burials.*

*(b) Salary expenditures for computation of equalization aid shall not be included in county expenditures for welfare or for*

*purposes of computing county per capita expenditures for welfare.*

*Subd. 3. [PAYMENT.] Initial payments for equalization aid to counties shall be made on or before October 1 each fiscal year. Final payments shall be made before January 1 of the following fiscal year.*

*Subd. 4. [TRANSFERS.] The commissioner shall not pay equalization aid to a county if it has transferred any money available for welfare purposes to any other county funds, except that where money is otherwise unavailable, a county may transfer money to the general revenue fund of the county for payment of rent of office space for the county welfare board. The county shall make the transfer only with the approval of the governor after consultation with the legislative advisory commission. Transfer of money to pay rent shall not be considered an expenditure for welfare for purposes of equalization aid reimbursement. Any federal money received in lieu of taxes because of federal grants shall be available for welfare purposes.*

*Subd. 5. [LIMIT.] A county shall not receive from state money paid for equalization aid an amount in excess of 75 percent of its expenditures for welfare as defined in subdivision 2.*

Sec. 20. Minnesota Statutes 1980, Section 245.765, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of public welfare, to the extent that state and federal money is available therefor, shall reimburse any county for all welfare costs expended by the county to any Indian who is an enrolled member of the Red Lake Band of Chippewa Indians and resides upon the Red Lake Indian Reservation. The commissioner may advance payments to a county on an estimated basis subject to audit and adjustment at the end of each state fiscal year. *Reimbursements shall be prorated if the state appropriation for this purpose is insufficient to provide full reimbursement.*

Sec. 21. Minnesota Statutes 1980, Section 246.151, is amended to read:

**246.151 [COMPENSATION PAID TO PATIENT.]**

*Subdivision 1. [COMPENSATION.] Notwithstanding any law to the contrary, the commissioner of public welfare is authorized to provide for the payment to patients or residents of state institutions under his management and control of such pecuniary compensation as he may deem proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner and the*

chief executive officer, but in no case less than 25 percent of the minimum wage established pursuant to section 177.24.

*Subd. 2. [IMPREST CASH FUND.] The commissioner of public welfare may establish an imprest cash fund at each of the state operated residential facilities to be utilized for payment to residents participating in on-campus work programs.*

Sec. 22. Minnesota Statutes 1980, Section 256B.15, is amended to read:

256B.15 [CLAIMS AGAINST ESTATES.]

If a person receives any medical assistance hereunder, on his death, if he is single, or on the death of (SUCH) *the* person and his surviving spouse, if he is married, and only at a time when he has no surviving child who is under 21 or is blind or totally disabled, the total amount paid for medical assistance rendered for (SUCH) *the* person, after age 65, without interest, shall be filed as a claim against the estate of (SUCH) *the* person in the court having jurisdiction to probate the estate. (SUCH) *The* claim shall be considered an expense of last illness for the purpose of Minnesota Statutes 1965, Section 525.44. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. *Counties may retain one half of the non-federal share of medical assistance collections from estates that are directly attributable to county effort.*

Sec. 23. [256D.42] [SUPPLEMENTAL AID; ADJUSTMENTS.]

*Subdivision 1. [PERSONAL NEEDS ALLOWANCE.] Recipients of Minnesota supplemental aid living in nonmedical congregate care or foster care shall receive the same personal needs allowance as recipients of medical assistance residing in intermediate care facilities.*

*Subd. 2. [COST OF LIVING.] The commissioner of public welfare shall adjust the benefits payable to the aged, blind and disabled recipients pursuant to sections 256D.36 and 256D.37 who do not reside in congregate care or foster care facilities in an amount equivalent to the cost of living adjustments in the federal supplemental security income program.*

Sec. 24. Minnesota Statutes 1980, Section 393.07, Subdivision 10, is amended to read:

Subd. 10. [FEDERAL FOOD STAMP PROGRAM.] The county welfare board shall establish and administer the food

stamp program pursuant to rules of the commissioner of public welfare and federal regulations. *The county welfare board shall participate in a food stamp quality control system subject to the supervision of the commissioner of public welfare and pursuant to federal regulations.*

Any person who commits any of the following acts is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2), and (5):

(a) Obtains or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or intentional concealment of a material fact, food stamps to which he is not entitled or in an amount greater than that to which he is entitled; or

(b) Presents or causes to be presented, coupons for payment or redemption knowing them to have been received, transferred or used in a manner contrary to existing state or federal law; or

(c) Wilfully uses or transfers food stamp coupons or authorization to purchase cards in any manner contrary to existing state or federal law.

The amount of food stamps incorrectly issued shall be the difference between the amount of food stamps actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts. The amount of any food stamps determined to have been incorrectly issued, used, transferred or presented shall, unless otherwise determined by the county welfare board in order to prevent undue hardship, be recoverable from the recipient, or user, or his estate by the county as a debt due the county.

Sec. 25. Minnesota Statutes 1980, Section 401.04, is amended to read:

**401.04 [ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.]**

Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01

to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

State employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

*State officers and employees displaced by a county's participation in the community corrections act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.*

Sec. 26. Minnesota Statutes 1980, Section 401.12, is amended to read:

**401.12 [CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.]**

Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. *If in any biennium the subsidy is increased by an inflationary adjustment which results in the county receiving more actual subsidy than it did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.*

**ARTICLE II**

**INCOME MAINTENANCE PROGRAMS, REDUCTIONS  
AND COST CONTROLS**

**Section 1. [ALLOWABLE INCREASE IN COST PER SERVICE UNIT.]**

*For the biennium ending June 30, 1983, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year.*

**Sec. 2. [LIMITATIONS ON FEES.]**

*Subdivision 1. All payments for vendors of medical care under medical assistance and general assistance medical care shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year 1978 for physician services, dental care, vision care, podiatric services, chiropractic care, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services.*

**Subd. 2. [GENERAL ASSISTANCE MEDICAL CARE.]**

*(a) Notwithstanding the provisions of Minnesota Statutes, Sections 256D.01 to 256D.21 and 261.23, or any other law to the contrary, for the biennium ending June 30, 1983, state aid shall be paid to local agencies or counties for 90 percent of general assistance medical care paid by the local agency or county on behalf of persons eligible for general assistance or persons meeting the income and resource criteria established in the program for aid to families with dependent children. Nothing in this provision shall be construed to modify the spenddown required in appropriate cases for general assistance medical care. Reimbursement for medical care provided under Minnesota Statutes, Sections 256D.01 to 256D.21 or 261.23 shall be limited to the following categories of service only: inpatient hospital care, outpatient hospital care, prescription drugs, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for medications prescribed for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.*

*(b) At the option of the county board and with the approval of the commissioner of public welfare, reimbursement for inpatient hospital care, outpatient hospital care, and prescription drugs may be limited to designated medical care providers.*

*(c) The commissioner of public welfare may reduce payments provided under Minnesota Statutes, Sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. Reductions below the cost per service unit allowable under medical assistance pursuant to chapter 256B shall be permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care may be reduced no more than 35 percent; and payments for the remaining general assistance medical care services allow-*

able under this provision may be reduced no more than 25 per cent.

(d) *If the commissioner or county refuses to pay all or part of the charge for a health service, they shall not be liable for the unpaid portion of the charge. Any county may, from its own resources, provide medical payments for which state payments are not made.*

### Sec. 3. [LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.]

*The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed hospital or certified nursing home to 10 days unless need for extended care is certified by the attending physician.*

Sec. 4. Minnesota Statutes 1980, Section 16.851, is amended by adding a subdivision to read :

*Subd. 3. Nothing in the state building code shall require that each door entering a sleeping room from a corridor in a nursing home with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.*

Sec. 5. Minnesota Statutes 1980, Section 144A.08, is amended by adding a subdivision to read :

*Subd. 1a. [CORRIDOR DOORS.] Nothing in the rules of the commissioner of health shall require that each door entering a sleeping room from a corridor in a nursing home with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.*

Sec. 6. Minnesota Statutes 1980, Section 145.913, is amended by adding a subdivision to read :

*Subd. 1a. [MULTI-COUNTY BOARDS.] A county that elects to implement the provisions of the community health services act by organizing a multi-county board of health jointly with another county or counties under the provisions of section 471.59 may reserve and assign to a single county board of health organized under the provisions of section 145.913, subdivision 1, any powers and duties previously assigned by law to boards of health pursuant to section 145.01, and sections 145.47 to 145.55, any powers and duties previously assigned by law to public health nursing and home health services agencies*

*pursuant to sections 145.08 to 145.125, and any discretionary authority of a board of health as provided in section 145.914.*

Sec. 7. Minnesota Statutes 1980, Section 145.914, Subdivision 2, is amended to read:

Subd. 2. [POWERS.] In addition to any other powers assigned to a board of health by sections 145.911 to 145.921, the board of health for a county or city eligible for a subsidy under section 145.917 shall possess all the powers and duties now assigned by law to local boards of health pursuant to section 145.01, and to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125, provided however that this subdivision shall not supersede or otherwise change the powers and duties of any city or township eligible for the subsidy under the provisions of section 145.917, or of any city of the first or second class with an existing program of community health services located within a county with a population of 300,000 or more persons until the city council of said city shall take action to allow the county to preempt the powers and duties of said city. Not later than 365 days after the approval of the community health services plan by the state commissioner of health, any (COUNTY OR CITY BOARD, COMMITTEE OR COMMISSION HAVING AUTHORITIES OR DUTIES IN ANY AREA DESIGNATED IN SECTIONS 145.911 to 145.921 OTHER THAN THE BOARD OF HEALTH DESIGNATED AND ACTING PURSUANT TO SECTIONS 145.911 to 145.921) township, city, or county board of health organized under the provisions of section 145.01 and any public health nursing committee organized under the provisions of sections 145.08 to 145.125, shall cease (ITS) operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee, or commission; provided, however, that any city or township eligible for the subsidy under the provisions of section 145.917, and any city of the first or second class with an existing program of community health services located in a county with a population of 300,000 or more persons may continue operations and the payment of per diem and reimbursement of expenses.

Sec. 8. [145.97] [HILL-BURTON PROGRAM; RULES.]

*The commissioner of health may promulgate temporary rules under section 15.0412, subdivision 5 to implement and enforce the provisions of 42 United States Code, Sections 291c(e), 291e(b)(3), 300s(3), 300s-1(b)(1)(K), or 300s-6, and the provisions of regulations promulgated by the United States secretary of health and human services pursuant to 42 United States Code, Sections 291c(e) or 300s(3), known as the Hill-Burton program. The commissioner shall maintain records on the number and nature of complaints received and any actions taken to implement or enforce the Hill-Burton laws and rules.*

Sec. 9. [241.70] [PROGRAMS FOR WOMEN OFFENDERS.]

*Subdivision 1. [TYPE OF PROGRAMS.] Adult women charged with or convicted of crimes shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes. Programs for women offenders shall be based upon the special needs of women offenders.*

*Subd. 2. [MODEL PROGRAMS.] Within the limits of money appropriated, the commissioner of corrections shall provide model programs for women offenders which respond to statewide needs and geographical areas and shall award grants for the programs. Listed in the order of importance, the programs shall:*

*(a) Respond in a rehabilitative way to the type of offenses women offenders generally commit;*

*(b) Respond to the problems of women offenders with dependent children;*

*(c) Respond to the importance of developing independent living skills;*

*(d) Assist women offenders to overcome their own extreme degree of dependency;*

*(e) Prepare to offer technical assistance and training toward the implementation of other similar programs when requested by local communities.*

*Subd. 3. [COUNTY PLANS.] Counties shall annually submit a plan to the commissioner of corrections for approval which provides for services to women offenders in their area and which incorporates criteria for model programs established by the commissioner. Counties may agree to cooperate in preparing a joint plan and may submit and administer their plan jointly.*

**Sec. 10. [241.71] [CREATION OF ADVISORY TASK FORCE.]**

*Within 60 days after the effective date of sections 9 to 12, the commissioner of corrections shall appoint an advisory task force on the woman offender in corrections. The task force shall have at least ten but no more than 20 members and shall reflect a statewide geographical representation. The provisions of Minnesota Statutes, Section 15.059, Subdivision 6, shall govern the terms, expenses, and removal of members of the advisory task force.*

**Sec. 11. [241.72] [PROGRAM FUNDING.]**

*Subdivision 1. [GRANTS IN AID.] To assist those counties that have existing programs for the woman offender, and to*

*encourage counties to develop and implement programs, the commissioner of corrections, from funds appropriated for the purposes of sections 9 to 12, shall make grants in aid not to exceed 40 percent of the costs of the programs in those counties electing to participate in the grant program established by sections 9 to 12.*

*Subd. 2. [APPLICATIONS.] To qualify for the grants in aid provided under this section, those counties with existing programs and those counties that want to participate shall, by resolution of the county board, request that they be allowed to participate and submit a plan in accordance with the provisions of section 9, subdivision 3, and the rules of the commissioner.*

*Subd. 3. [MULTI-COUNTY PROGRAMS; LOCAL MATCHING FUNDS.] Where several counties combine to provide one or more of the programs under sections 9 to 12, the 60 percent local matching funds shall be borne proportionately by the participating counties on the basis of need or use as determined by the rules of the commissioner.*

**Sec. 12. [241.73] [DUTIES OF COMMISSIONER.]**

*The commissioner of corrections shall:*

- (a) Review all county plans for model programs for women offenders;*
- (b) Choose model programs and award grants for programs;*
- (c) Appoint the members of the advisory task force created under section 10 and provide staff and other administrative services to the advisory task force;*
- (d) Consult with the state advisory task force on the woman offender in corrections before making a choice of the programs eligible for funding;*
- (e) Monitor the delivery of services sought under this act; and*
- (f) Establish by rule a method of determining the amount of contribution to be made by each county where two or more counties combine to provide one or more programs under sections 9 to 12.*

Sec. 13. Minnesota Statutes 1980, Section 245.0313, is amended to read:

**245.0313 [AID TO THE DISABLED; MENTALLY RETARDED.]**

Notwithstanding any provision of law to the contrary, the cost of care not met by federal funds for any mentally retarded patient eligible for the medical assistance program or the supplemental security income for the aged, blind and disabled program in institutions under the control of the commissioner of public welfare shall be paid (FOR FROM STATE FUNDS) by the state and county in the same proportion as provided in section 256B.19 for division of costs.

**Sec. 14. [245.73] [GRANTS FOR RESIDENTIAL SERVICES FOR ADULT MENTALLY ILL PERSONS.]**

*Subdivision 1. [COMMISSIONER'S DUTY.] The commissioner shall establish a statewide program to assist counties in ensuring provision of services to adult mentally ill persons. The commissioner shall make grants to county boards to provide community based services to mentally ill persons through facilities licensed under sections 245.781 to 245.813.*

*Subd. 2. [APPLICATION; CRITERIA.] County boards may submit an application and budget for use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. The commissioner shall give first priority to residential facilities for adult mentally ill persons operating as of July 1, 1980, to meet licensing requirements of the commissioner pursuant to sections 245.781 to 245.813. Funds shall not be used to supplant or reduce local, state, or federal expenditure levels supporting existing resources unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program. State funds received by a county pursuant to this section shall be used only for direct service costs. Both direct service and other costs, including but not limited to renovation, construction or rent of buildings, purchase or lease of vehicles or equipment as required for licensure as a facility for adult mentally ill persons under sections 245.781 to 245.812, may be paid out of the matching funds required under subdivision 3 of this section. Neither the state funds nor the matching funds shall be used for room and board costs.*

*Subd. 3. [FORMULA.] Grants made pursuant to this section shall finance 75 percent of the county's costs of expanding or providing services for adult mentally ill persons in residential facilities as provided in subdivision 2.*

*Subd. 4. [RULES; REPORTS.] The commissioner shall promulgate a temporary and permanent rule to govern grant applications, approval of applications, allocation of grants, and maintenance of service and financial records by grant recipients. The commissioner shall require collection of data for compliance, monitoring and evaluation purposes and shall require periodic reports to demonstrate the effectiveness of the services in helping adult mentally ill persons remain and function in their own*

*communities. The commissioner shall report to the legislature no later than December 31 of each even-numbered year as to the effectiveness of this program and recommendations regarding continued funding.*

Sec. 15. Minnesota Statutes 1980, Section 245.802, is amended by adding a subdivision to read:

*Subd. 3. A residential facility that is federally certified as an intermediate care facility serving adult mentally ill persons on the effective date of this section shall not be denied a program license on the basis of any rule that requires physical plant specifications regarding the alteration of a certain number of beds and a certain number or size of living areas per treatment unit which would require the facility to alter its total number of beds.*

Sec. 16. Minnesota Statutes 1980, Section 245.812, is amended by adding a subdivision to read:

*Subd. 7. Residential facilities for adult mentally ill persons established on or before July 1, 1980, are exempt from the requirements of this section until July 1, 1984. The commissioner shall develop a mechanism for ensuring full compliance with this section by residential facilities for adult mentally ill persons by July 1, 1984.*

Sec. 17. Minnesota Statutes 1980, Section 246.54, is amended to read:

**246.54 [LIABILITY OF COUNTY; REIMBURSEMENT.]**

The patient's county shall pay (ANNUALLY) to the state of Minnesota (\$10 FOR EACH MONTH OR PORTION THEREOF THE PATIENT SPENDS AT A STATE HOSPITAL. ANY PORTION OF SAID AMOUNT ACTUALLY RECEIVED BY THE STATE OF MINNESOTA FROM THE PATIENT AND HIS RELATIVES SHALL BE CREDITED TO SAID COUNTY) a portion of the cost of care provided in a state hospital to a patient legally settled in that county. A county's payment shall be made from the county's own sources of revenue and payments shall be paid as follows: payments to the state from the county shall equal ten percent of the per capita rate, as determined by the commissioner, for each day, or the portion thereof, that the patient spends at a state hospital. If payments received by the state under sections 246.50 to 246.53 exceed 90 percent of the per capita rate, the county shall be responsible for paying the state only the remaining amount. The county shall not be entitled to reimbursement (THEREFOR) from the patient, (HIS) the patient's estate, or (HIS) from the patient's relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947.

Sec. 18. Minnesota Statutes 1980, Section 254A.03, is amended by adding a subdivision to read:

*Subd. 3. The commissioner of public welfare shall establish criteria to be used in determining the appropriate level of chemical dependency care, whether outpatient, inpatient or short-term treatment programs, for each recipient of public assistance seeking treatment for alcohol or other drug dependency and abuse problems. The criteria shall address, at least, the family relationship, past treatment history, medical or physical problems, arrest record, and employment situation.*

Sec. 19. Minnesota Statutes 1980, Section 256.73, Subdivision 2, is amended to read:

**Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.]** Except as provided in clause (3), the ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Real property other than the homestead, except as described in clause (3). *For the purposes of this section "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land; or*

(2) Personal property of a reasonable market value in excess of (\$600) \$400 for a one child recipient or (\$1,000) \$600 for more than one child recipient, exclusive of personal property used as the home, one automobile, insurance carried by a parent which does not exceed a cash surrender value of \$500, clothing and necessary household furniture and equipment, the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved by the county agency in accordance with the rules of the commissioner of public welfare, and such property that produces a net income applicable to the family's needs.

(3) Real estate not used as a home which produces net income applicable to the family's needs (OR), which the family is making a continuing effort to sell at a fair and reasonable price, or the sale of which would net an insignificant amount of income applicable to the families or would cause undue hardship, as determined by the commissioner, shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal

of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

Sec. 20. Minnesota Statutes 1980, Section 256.76, Subdivision 1, is amended to read:

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. *The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to section 256.871 within a reasonable period of time.* It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

Sec. 21. Minnesota Statutes 1980, Section 256.87, is amended to read:

**256.87 [CONTRIBUTION BY PARENTS; AMENDMENTS; REPEALS.]**

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] (IF) At any time during the continuance of (ANY) assistance to a child granted under sections 256.72 to 256.87 (THE STATE AGENCY OR COUNTY AGENCY FINDS THAT ANY PARENT OF ANY CHILD RECEIVING ASSISTANCE IS REASONABLY ABLE TO CONTRIBUTE TO THE NECESSARY CARE AND SUPPORT OF THE RECIPIENT WITHOUT UNDUE HARDSHIP TO HIMSELF OR HIS IMMEDIATE FAMILY AND THE PERSON SO ABLE TO CONTRIBUTE TO THE CARE AND SUPPORT OF THE RECIPIENT FAILS OR REFUSES TO CONTRIBUTE ACCORDING TO HIS ABILITY TO THE CARE AND SUPPORT OF THE RECIPIENT, THEN, AFTER NOTICE TO THE PERSON, THERE SHALL EXIST A CAUSE OF AC-

TION AGAINST THIS PERSON) *a parent of a child is liable for the amount of assistance furnished (UNDER SECTIONS 256.72 TO 256.87 SUBSEQUENT TO THE NOTICE, OR ANY PART THEREOF AS THE PERSON) during the two years immediately preceding the commencement of the action which the parent is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against (THIS PERSON) the parent for the recovery of the amount of assistance granted (AFTER THE NOTICE, AS HEREINBEFORE PROVIDED), together with the costs and disbursements of the action.*

*Subd. 1a. [CONTINUING CONTRIBUTIONS.] In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing contributions by a (PERSON) parent found able to reimburse the county or state agency. The order shall be effective only for the period of time during which the recipient receives public assistance from the county or state agency. An order for continuing contributions is reinstated without further hearing upon notice to the parent by the county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance, the amount required to be paid, and the conditions under which income withholding can occur. In any order modifying the amount of support or maintenance, the court may, if appropriate, make the modification retroactive to the date of automatic reinstatement.*

*Subd. 2. [NOT TO BE VESTED RIGHT.] All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed (AND). No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.*

Sec. 22. Minneota Statutes 1980, Section 256.872, is amended to read:

**256.872. [PERSONS OBLIGATED TO PAY FOR SUPPORT OF SPOUSE OR DEPENDENT CHILD, ORDER TO EMPLOYER TO WITHHOLD.]**

*Subdivision 1. [WITHHOLDING ORDER.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, has been determined and ordered by a court of this state, the public agency responsible for child support enforcement may (PETITION) move and the district or county court (FOR) shall grant an order providing for the withholding of the*

amount of child support or maintenance as determined by court order, from the (WAGES) income, regardless of source of the person obligated to pay (SAID) the support or maintenance. (THIS ORDER MAY BE GRANTED UPON A SHOWING TO THE COURT THAT SAID REQUIRED PAYMENTS OF SUPPORT ARE NOT LIKELY TO BE MADE TO THE PERSONS ENTITLED THERETO WHEN DUE.) "Income" means any form of periodic payments to an individual, including, but not limited to, wages, salary, income as an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payment.

*Subd. 2. [CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:*

*(a) The public agency responsible for child support enforcement determines that the obligor is at least 30 days in arrears;*

*(b) The agency serves written notice of its determination on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;*

*(c) Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and*

*(d) The agency serves a copy of its determination of delinquency and a copy of the court's withholding order on the payor of funds.*

*Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.*

**Sec. 23. Minnesota Statutes 1980, Section 256.873, is amended to read:**

**256.873. [(EMPLOYER'S) PAYOR'S DUTY; REMITTANCE OF AMOUNT WITHHELD.]**

*The court's order for withholding is binding on the payor of funds upon service of a copy of the agency's determination of delinquency and a copy of the court's order on the payor of funds.*

The support or maintenance money shall be withheld by the (EMPLOYER) payor of funds of (SAID) the person obligated to pay the support (AND) or maintenance. The amount withheld shall be remitted monthly or more frequently to the public agency responsible for child support enforcement. Any amount (SO) received in excess of the amount of public assistance expended (FOR SAID CHILD) shall be (FURTHER) remitted to the person entitled (THERETO) to it. No employer may discharge, suspend or otherwise penalize (ANY) an employee (BY REASON OF THE FACT THAT) because the employer must withhold (THE) support or maintenance money.

Sec. 24. Minnesota Statutes 1980, Section 256.875, is amended to read:

256.875 [INCLUSION IN DIVORCE DECREE.]

Nothing in sections 256.872 to 256.878 shall be construed to prevent the (PETITION) motion for withholding to be presented, and the order for withholding of support to be included in a final order or decree of (DIVORCE) dissolution or legal separation or in a judgment or order determining parentage.

Sec. 25. Minnesota Statutes 1980, Section 256.877, is amended to read:

256.877 [MODIFICATION OR TERMINATION OF ORDER.]

When it (SHALL APPEAR) appears that the circumstances of the parties have changed to an extent affecting the operation of this order, or it appears that the order is no longer needed or desirable, any interested party may (PETITION) move the court having granted (SAID) the order for an order modifying or terminating (THE SAME) it.

Sec. 26. Minnesota Statutes 1980, Section 256B.02, Subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services.

(2) Skilled nursing home services and services of intermediate care facilities. Payment shall be made only for days on which the eligible individual is in the nursing home or facility.

(3) Physicians' services.

- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.

(7) **(PHYSICAL THERAPY AND RELATED SERVICES)** *No payments shall be made pursuant to this chapter directly to physical therapists, occupational therapists, speech pathologists and audiologists. Prescribed restorative therapy and specialized maintenance therapy which must be provided by physical therapists, occupational therapists, speech pathologists and audiologists in a nursing home, boarding care home or supervised living facility shall be included in the per diem rate of the facility. Specialized maintenance therapy which must be provided by a therapist shall not include ambulation, passive range of motion, transfer and activities of daily living, and teaching and follow-up which are considered nursing care services. Payments to medicare-certified rehabilitation agencies shall be limited to payments for physician services and prescribed restorative therapy provided by physical therapists, occupational therapists, speech pathologists and audiologists.*

(8) Dental services, excluding cast metal restorations.

(9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. *The commissioner shall prescribe a drug formulary. Payments for prescribed drugs shall be limited as follows, unless prior authorization for exceptions is received from the commissioner: (a) One prescription per maintenance drug per month; and (b) Three prescriptions per month per recipient. "Drug formulary" means the list of drugs approved by the commissioner upon the advice of the drug formulary committee that are reimbursable under the state medical assistance program. Promulgation and publication of the formulary shall be exempt from the requirements of chapter 15. The formulary shall not include: (a) Drugs lacking FDA approval for safety and efficacy; (b) Over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under age 7; (c) Nutritional products; (d) Anorectics; and (e) Drugs for which medical value has not been established. The drug formulary committee shall review all drugs and advise the commissioner as to their inclusion or exclusion from the drug formulary. The formulary committee shall be comprised of one representative each of: the university of Minnesota's school of dentistry, school of medicine and college of pharmacy; the Minnesota medical association; the Minnesota state pharmaceutical association; the department of health, and the department of public welfare. The commissioner or his agent shall serve as secretary to the committee.*

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

(16) Any other medical or remedial care licensed and recognized under state law *unless otherwise prohibited by law*.

Sec. 27. Minnesota Statutes 1980, Section 256B.03, is amended to read:

256B.03 [PAYMENTS TO VENDORS.]

*Subdivision 1. [GENERAL LIMIT.] All payments for medical assistance hereunder must be made to the vendor.*

*Subd. 2. [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.] Notwithstanding the provisions of sections 256B.42 to 256B.48 and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for the first rate year beginning during the biennium ending June 30, 1983, shall not exceed by more than eight percent the final rate allowed to the facility for the preceding rate year.*

*Notwithstanding provisions of Minnesota Statutes, Section 256B.45, Subdivision 1, the commissioner shall not increase the percentage for investment allowances.*

Sec. 28. Minnesota Statutes 1980, Section 256B.06, Subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relative responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. *For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land.*

Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or *unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship*; and

(8) Who (, IF SINGLE,) *individually* does not (HAVE) own more than \$2,000 in cash or liquid assets, (PLUS \$150 FOR EACH ADDITIONAL LEGAL DEPENDENT OR, IF MARRIED, WHOSE CASH OR LIQUID ASSETS DO NOT EXCEED \$10,000,) or *if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$4,000 in cash or liquid assets, plus \$200 for each additional legal dependent, except that the value of the following shall not be included:*

(a) the homestead, and (b) one (AUTOMOBILE) motor vehicle licensed pursuant to Minnesota Statutes, Chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, Subdivision 1e (SHALL BE DISREGARDED); and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members ((MAN) husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, *unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver.* In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed

nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 29. Minnesota Statutes 1980, Section 256B.091, is amended by adding a subdivision to read:

*Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within 90 days of admission to a nursing home; and (3) who need services that are not available at that time in the county through other public assistance.*

*Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 8, clause (e)(2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide docu-*

*mentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.*

*The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the non-federal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. The state expenditures for this section shall not exceed \$1,800,000 for the biennium ending June 30, 1983. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. Total payment of the costs of providing care under this subdivision shall not exceed 75 percent of the per diem payment for which each individual served would have been eligible if the individual had been admitted to a nursing home. The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.*

*The commissioner shall promulgate temporary rules in accordance with section 15.0412, subdivision 5, to establish required documentation and reporting of care delivered.*

Sec. 30. Minnesota Statutes 1980, Section 256B.17, is amended to read:

256B.17 [TRANSFERS OF PROPERTY.]

(ANY PERSON WHO HAS TRANSFERRED ANY REAL OR PERSONAL PROPERTY WITHIN THREE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR MEDICAL ASSISTANCE HEREUNDER OR WHO TRANSFERS ANY SUCH PROPERTY WHILE RECEIVING MEDICAL ASSISTANCE HEREUNDER WITHOUT RECEIVING A REASONABLE CONSIDERATION THEREFOR SHALL BE PRESUMED TO HAVE DONE SO IN ORDER TO BECOME OR REMAIN ELIGIBLE FOR MEDICAL ASSISTANCE HEREUNDER OR TO HAVE DEPRIVED HIMSELF OR HIS SPOUSE OF A RESOURCE THAT MIGHT OTHERWISE HAVE BEEN USED TO MEET HIS OR THEIR CURRENT NEEDS. SUCH PERSON SHALL HAVE THE BURDEN OF OVERCOMING SUCH PRESUMPTION TO THE SATISFACTION OF THE COUNTY AGENCY.)

*Subdivision 1. [TRANSFERS FOR LESS THAN MARKET VALUE.] In determining the resources of an individual and an eligible spouse, there shall be included any resource or interest therein which was given away or sold for less than fair market value within the 24 months preceding application for medical assistance or during the period of eligibility.*

*Subd. 2 [PRESUMPTION OF PURPOSE.] Any transaction described in subdivision 1 shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.*

*Subd. 3. [RESOURCE VALUE.] For purposes of subdivision 1, the value of the resource or interest shall be the fair market value at the time it was sold or given away, less the amount of compensation received.*

*Subd. 4. [PERIOD OF INELIGIBILITY.] In any case where the uncompensated value of transferred resources exceeds \$12,000, the commissioner shall require a period of ineligibility which exceeds 24 months, provided that the period of ineligibility bears a reasonable relationship to the excess uncompensated value of the transferred asset.*

Sec. 31. Minnesota Statutes 1980, Section 256D.01, Subdivision 1, is amended to read:

Subdivision 1. The objectives of sections 256D.01 to 256D.21 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; and to provide an integrated public assistance program for (ALL) those persons in the state (WITHOUT ADEQUATE INCOME OR RESOURCES TO MAINTAIN A SUBSISTENCE REASONABLY COMPATIBLE WITH DECENCY AND HEALTH) meeting the eligibility criteria contained in this chapter.

It is hereby declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law and who meet the eligibility requirements of sections 256D.01 to 256D.21 shall be entitled to receive such grants of general assistance (AND SUCH SERVICES), within the time limits set forth in this chapter as may be necessary to maintain a subsistence reasonably compatible with decency and health. The furnishing of such assistance and services is a matter of public concern and a necessity in promoting the public health and welfare.

A principal objective in providing general assistance (AND SERVICES) shall be to (AID THOSE PERSONS WHO CAN BE HELPED TO BECOME SELF-SUPPORTING OR TO AT-

TAIN SELF-CARE) *provide for persons ineligible for federal programs who are unable to provide for themselves. To achieve (THIS) these aims, the commissioner shall establish minimum standards of assistance for general assistance. The minimum standard for cash payments to recipients shall be: as to shelter and utilities, 100 percent of the actual need or state standards therefor, subject to the maximum established for shelter in the aid to the blind, aid to the disabled, and old age assistance programs in December, 1973; and as to other budgetary items, 50 percent, of those established for said items in the aid to the blind, aid to the disabled, and old age assistance programs in December, 1973. The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. In order to maximize the use of federal funds, the commissioner shall promulgate regulations, to the extent permitted by federal law for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available. The commissioner shall provide by regulation for the eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. (THE STRENGTHENING AND PRESERVATION OF THE FAMILY UNIT SHALL BE A PRINCIPAL CONSIDERATION IN THE ADMINISTRATION OF SECTIONS 256D.01 TO 256D.21 AND ALL GENERAL ASSISTANCE POLICIES SHALL BE FORMULATED AND ADMINISTERED SO AS TO FURTHER THIS OBJECTIVE.)*

Sec. 32. Minnesota Statutes 1980, Section 256D.02, Subdivision 4, is amended to read:

Subd. 4. "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States. It shall include cash payments for goods, shelter, fuel, food, clothing, light, necessary household supplies, and personal need items. General assistance shall not include payments for foster care, child welfare services, or other social services. Vendor payments may be made only as provided for in (SECTIONS) *section 256D.09 (AND 256D.11).*

Sec. 33. Minnesota Statutes 1980, Section 256D.02, Subdivision 8, is amended to read:

Subd. 8. "Income" means (EARNED AND UNEARNED INCOME REDUCED BY) *any form of income, including remuneration for services performed as an employee and net earnings from self-employment, reduced by the amount attributable to employment expenses as defined by the commissioner. The*

amount attributable to employment expenses shall include amounts paid or withheld for federal and state personal income taxes and federal social security taxes.

*"Income" includes any payments received as an annuity, retirement, or disability benefit, including veteran's or workers' compensation; old age, survivors, and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, supplementary security income, or other assistance program; rents, dividends, interest and royalties; and support and maintenance payments except that such payments may not be considered as available to meet the needs of any person other than the person for whose benefit they are received, unless that person is under a legal duty to support another family member. Goods and services provided in lieu of cash payment shall be excluded from the definition of income.*

Sec. 34. Minnesota Statutes 1980, Section 256D.03, Subdivision 2, is amended to read:

Subd. 2. After December 31, (1979) 1980, (AND BEFORE JANUARY 1, 1981,) state aid shall be paid to local agencies (FOR 60 PERCENT AND, AFTER DECEMBER 31, 1980,) for 75 percent of all general assistance grants up to the standards of section 256D.01, subdivision 1, and according to procedures established by the commissioner. Any local agency may, from its own resources, make payments of general assistance: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or, (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 2, but for whom the aid would further the purposes established in the general assistance program in accordance with rules promulgated by the commissioner pursuant to the administrative procedure act.

Sec. 35. Minnesota Statutes 1980, Section 256D.04, is amended to read:

#### 256D.04 [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be

furnished immediately to all local agencies and other interested persons; in promulgating rules, the provisions of sections 15.041 to 15.052, shall apply;

(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services; *and*

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public (;).

((8) REPORT AT LEAST ANNUALLY TO THE GOVERNOR AND LEGISLATURE THE COST OF LIVING IN THE VARIOUS COUNTIES AND METROPOLITAN AREAS AS RELATED TO THE STANDARDS OF ASSISTANCE AND THE AMOUNTS EXPENDED FOR ASSISTANCE, AND MAKE THIS INFORMATION AVAILABLE TO THE PUBLIC; AND)

((9) ISSUE EMERGENCY RULES NECESSARY TO IMPLEMENT THE WORK EQUITY PROGRAM AND PROMULGATE ALL RULES PURSUANT TO CHAPTER 15 NECESSARY TO CARRY OUT THE PROGRAM SO THAT ITS DEMONSTRATIONAL PROJECT MAY BE ADMINISTERED UNIFORMLY THROUGHOUT PARTICIPATING COUNTIES. RULES SHALL BE FURNISHED IMMEDIATELY TO ALL LOCAL AGENCIES AND OTHER INTERESTED PERSONS.)

Sec. 36. Minnesota Statutes 1980, Section 256D.05, Subdivision 1, is amended to read:

Subdivision 1. [STANDARDS.] Each person or family whose income and resources are less than the standard of assistance established by the commissioner, *and who is not*

*eligible for the federally aided assistance programs of emergency assistance or aid to families with dependent children, or any successor to those programs, shall be eligible for and entitled to general assistance ( ; PROVIDED THAT NO INDIVIDUAL SHALL BE ELIGIBLE FOR GENERAL ASSISTANCE IF HE IS ELIGIBLE FOR ANY OF THE FOLLOWING FEDERALLY AIDED ASSISTANCE PROGRAMS: EMERGENCY ASSISTANCE, AID TO FAMILIES WITH DEPENDENT CHILDREN, OR ANY SUCCESSOR TO THE ABOVE) if the person or family is:*

*(a) A person suffering from an illness, injury, or incapacity which is both medically certified and prevents the individual from engaging in suitable employment, if a plan for rehabilitation approved by the local agency through its director or designated representative is being followed when the situation is certified as temporary;*

*(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness or incapacity of another member of the household;*

*(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;*

*(d) A person who resides in a shelter facility described in subdivision 3;*

*(e) A person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40. In determining eligibility of the person for general assistance, income received as a stipend shall be disregarded as provided in section 4.40;*

*(f) A person who is unable to secure suitable employment due to inability to communicate in the English language, and who, if assigned to a language skills program by the local agency, is participating in that program;*

*(g) A person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally ill; or*

*(h) A person who is unable to secure suitable employment due to a lack of marketable skills as determined by the local agency, and who, if assigned to a vocational counseling, vocational rehabilitation, or work training program by the local agency, is participating in that program. Eligibility for general assistance under clause (h) of this paragraph is limited to five weeks per calendar year.*

Sec. 37. Minnesota Statutes 1980, Section 256D.06, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, a grant of general assistance shall be made to an eligible individual or family for an emergency need, as defined in rules promulgated by the commissioner, where the (APPLICANT OR) recipient requests temporary assistance not exceeding 30 days if an emergency situation appears to exist and the individual is ineligible for the (FEDERALLY AIDED) program of emergency assistance *under aid to families with dependent children and is not a recipient of aid to families with dependent children at the time of application hereunder.* If (AN APPLICANT OR) a recipient relates facts to the local agency which may be sufficient to constitute an emergency situation, the local agency shall advise the (APPLICANT OR) recipient of the procedure for applying for assistance pursuant to this subdivision.

Sec. 38. Minnesota Statutes 1980, Section 256D.06, is amended by adding subdivisions to read:

*Subd. 4. When a general assistance grant is used to pay a negotiated rate for a recipient living in a licensed or certified facility, the rate payable hereunder to that facility shall be no more than that paid by an individual not receiving general assistance.*

*Subd. 5. [INTERIM ASSISTANCE.] Any applicant, other wise eligible for general assistance and possibly eligible for maintenance benefits from any other source shall be obligated to (a) make application for those benefits within 30 days of the general assistance application; and (b) execute an interim assistance authorization agreement on a form as directed by the commissioner. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which general assistance was also being received, the recipient shall be required to reimburse the local agency for the interim assistance paid. Reimbursement shall not exceed the amount of general assistance paid during the time period to which the other maintenance benefits apply and shall not exceed the state standard applicable to that time period. This provision shall not require repayment of per diem payments made to shelters for battered women pursuant to section 256D.05, subdivision 3.*

Sec. 39. Minnesota Statutes 1980, Section 256D.14, is amended to read:

#### 256D.14 [VIOLATIONS.]

Whoever obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, *or by the intentional withholding or concealment*

of a material fact, or by impersonation, or other fraudulent device:

- (1) Assistance to which he is not entitled; or
- (2) Assistance greater than that to which he is reasonably entitled;

Shall be considered to have violated section 256.98, and shall be subject to *both* the criminal and civil penalties provided therein.

Sec. 40. [257.021] [DUTY OF STEPPARENT TO SUPPORT STEPCHILD.]

*Subdivision 1. [IN GENERAL.] Notwithstanding section 257.02, a stepparent shall be legally obligated to support a stepchild living in the same household to the same extent that a natural or adoptive parent is required to support a child, unless, in a particular case, a court of competent jurisdiction determines that undue hardship would result because the stepparent is bound by court order to support children of a previous union. The natural or adoptive parent shall retain the primary support obligation.*

*Subd. 2. [MARRIAGE TERMINATION.] Termination of marriage between the stepparent and the stepchild's natural or adoptive parent shall terminate the support obligation described in subdivision 1.*

*Subd. 3. [SUPPORT ENFORCEMENT.] A stepparent may recover support for a stepchild from the natural or adoptive parent under the same conditions as any other obligee.*

*Subd. 4. [DEFINITIONS.] "Stepparent" means a person ceremonially married to a child's natural or adoptive parent who is not the child's natural or adoptive parent, or a person who is living with a natural or adoptive parent as a common law spouse, whose common law marriage was entered into in a state which recognizes the validity of common law marriages.*

*"Stepchild" means a child with a stepparent.*

*Subd. 5. [LIMITATIONS.] This section shall not be construed to affect custody determinations or any parental duty other than the duty to support the stepchild.*

Sec. 41. Minnesota Statutes 1980, Section 357.021, Subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, *except that in an action for marriage dissolution, a fee of \$35.*

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 42. Minnesota Statutes 1980, Section 357.021, is amended by adding a subdivision to read:

*Subd. 2a. Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.*

Sec. 43. Minnesota Statutes 1980, Section 517.08, Subdivision 1b, is amended to read:

Subd. 1b. The clerk shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$15) \$30 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 44. Minnesota Statutes 1980, Section 517.08, is amended by adding a subdivision to read:

*Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established under section 4.40. The state treasurer shall identify and report to the commissioner*

of finance all amounts deposited in the general fund under this section.

Sec. 45. Minnesota Statutes 1980, Section 518.54, is amended by adding subdivisions to read:

*Subd. 6. [INCOME.] "Income" means any form of periodic payment to an individual including, but not limited to, wages, salaries, payments to an independent contractor, workers' compensation, unemployment compensation, annuity, military and naval retirement, pension and disability payments.*

*Subd. 7. [OBLIGEE.] "Obligee" means a person to whom payments for maintenance or support are owed.*

*Subd. 8. [OBLIGOR.] "Obligor" means a person obligated to pay maintenance or support.*

*Subd. 9. [PUBLIC AUTHORITY.] "Public authority" means the public authority responsible for child support enforcement.*

Sec. 46. Minnesota Statutes 1980, Section 518.551, is amended to read:

**518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.]**

*Subdivision 1. [ORDER.] A court having jurisdiction over proceedings for dissolution (OR), legal separation or determination of parentage shall direct that all payments ordered for maintenance and support shall be made to the (AGENCY RESPONSIBLE FOR THE WELFARE PAYMENTS, WHEN IT APPEARS THAT THE PARTY WHO IS TO RECEIVE THE MAINTENANCE AND SUPPORT PAYMENTS WILL RECEIVE) public authority so long as the obligee is receiving or has applied for public assistance. Amounts received by the (AGENCY) public authority greater than the amount granted to the (PARTY RECEIVING PUBLIC ASSISTANCE) obligee shall be remitted to (THAT PARTY) the obligee.*

*Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.*

*Subd. 2. [NOTICE OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make maintenance or support payments, and that no withholding shall be made until the following conditions are met:*

(a) *The public authority determines that the obligor is at least 30 days in arrears;*

(b) *The public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;*

(c) *Within the 15 day period, the obligor has failed either to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and*

(d) *The public authority serves a copy of its determination of arrearage and a copy of the court's withholding order on the payor of funds.*

*Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.*

*Subd. 4. [ORDER BECOMES BINDING.] The order is binding on the employer, trustee or other payor of funds upon service upon him of a copy of the determination of arrearage and a copy of the court withholding order.*

*Subd. 5. [NOTICE TO PUBLIC AUTHORITY.] The petitioner shall notify the (AGENCY RESPONSIBLE FOR THE WELFARE PAYMENTS) public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families of dependent children or applies for (SUCH AID) it subsequent to the commencement of the proceeding. After receipt of the notice, the (AGENCY) public authority shall recommend to the court the support that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.*

*Subd. 6. [FAILURE OF NOTICE.] If the court (FINDS) in a dissolution (OR), legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the (AGENCY RESPONSIBLE FOR THE WELFARE PAYMENTS) public authority, the court shall order that notification be made and shall not issue its order for judgment and decree until the (AGENCY) public authority has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and in which the (AGENCY) public authority determines that the judgment is not proper and adequate for the care and support of the child or*

children, it may (PETITION) *move* the court for a redetermination of the support payments ordered.

Sec. 47. Minnesota Statutes 1980, Section 518.611, is amended to read:

518.611 [ASSIGNMENTS.]

*Subdivision 1. [ORDER TO WITHHOLD INCOME.] (IF THE PERSON OBLIGATED TO PAY SUPPORT OR MAINTENANCE FAILS TO MAKE A REQUIRED PAYMENT, AND IS GIVEN A REASONABLE OPPORTUNITY BY THE COURT TO ALLEGE HARDSHIP OR THAT THE PAYMENT HAS BEEN MADE, THE OTHER PARTY) The obligee or the public authority (RESPONSIBLE FOR SUPPORT ENFORCEMENT) may (, AFTER 30 DAYS,) at any time move the court to order, and the court (, UNLESS HARDSHIP IS SHOWN,) shall order the employer (OR), trustee or other payor of funds to withhold from the obligor's (PERIODIC EARNINGS OR TRUST) income, regardless of source, an amount equal to the court's order for support or maintenance.*

*Subd. 2. [NOTICE TO OBLIGOR OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:*

*(a) The obligee or the public authority determines that the obligor is at least 30 days in arrears;*

*(b) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;*

*(c) Within the 15 day period, the obligor has either failed to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and*

*(d) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds.*

*(e) The obligee shall also serve on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services.*

*Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made by withholding.*

*Subd. 4. [EFFECT OF ORDER.] The (ASSIGNMENT) order is binding on the employer, trustee, or other payor of the funds upon service upon him of notice that it has been made. The payor shall withhold from the (EARNINGS OR TRUST) income payable to the (PERSON OBLIGATED TO PAY SUPPORT OR MAINTENANCE) obligor the amount specified in the (ASSIGNMENT) order and shall monthly or more frequently remit the amounts withheld (TO THE OTHER PARTY OR, IN THE CASE OF A PUBLIC ASSISTANCE RECIPIENT,) to the public (AGENCY RESPONSIBLE FOR SUPPORT ENFORCEMENT) authority. Amounts received by the public authority (RESPONSIBLE FOR SUPPORT ENFORCEMENT) which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.*

Sec. 48. Minnesota Statutes 1980, Section 518.64, Subdivision 1, is amended to read:

Subdivision 1. After an order for maintenance or support money, temporary or permanent, or for the appointment of trustees to receive property awarded as maintenance or support money, the court may from time to time, on petition of either of the parties or on petition of the public authority responsible for support enforcement (WHERE THE PARTY ENTITLED TO SUPPORT OR MAINTENANCE RECEIVES OR HAS APPLIED FOR PUBLIC ASSISTANCE), modify the order respecting the amount of maintenance or support money, and the payment of it, and also respecting the appropriation and payment of the principal and income of property held in trust, and may make an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Sec. 49. Minnesota Statutes 1980, Section 518.64, is amended by adding a subdivision to read:

*Subd. 5. [FORM.] The department of public welfare shall prepare and make available to courts and obligors a form to be submitted by the obligor in support of a motion for a modification of an order pursuant to this section or section 256.87. The rule-making provisions of chapter 15 shall not apply to the preparation of the form.*

Sec. 50. [609.101] [SURCHARGE ON FINES, ASSESSMENTS.]

*When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments.*

*The court shall collect and forward the amount of the assessment or surcharge to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 241.51 to 241.66, under chapter 256D, and chapter 299B. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.*

**Sec. 51. [INSTRUCTIONS TO REVISOR.]**

*In accordance with section 648.36, in the next edition of Minnesota Statutes the revisor of statutes shall change the headnote of section 4.40 from "displaced worker programs" to "displaced homemaker programs".*

**Sec. 52. [REPEALER.]**

*Minnesota Statutes 1980, Sections 256.87, Subdivision 3; 256D.02, Subdivisions 9 and 10; and 256D.11, are repealed.*

**Sec. 53. [EFFECTIVE DATE.]**

*Section 30 of this article is effective with respect to applications for benefits made the day after final enactment and thereafter.*

**Sec. 54. [SUNSET PROVISION.]**

*Sections 26, 27, 31 and 36 are repealed effective June 30, 1983."*

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 16.851, by adding a subdivision; 144A.08, by adding a subdivision; 145.913, by adding a subdivision; 145.914, Subdivision 2; 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 245.802, by adding a subdivision; 245.812, by adding a subdivision; 246.151; 246.54; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256.87; 256.872; 256.873; 256.875; 256.877; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivision 2; 256D.04; 256D.05, Subdivision 1; 256D.06, Subdivision 2, and by adding subdivisions; 256D.14; 357.021, Subdivision 2, and by adding a subdivision; 393.07, Subdivision 10; 401.04; 401.12; 517.08, Subdivision 1b, and by adding a subdivision; 518.54, by adding subdivisions; 518.551; 518.611; 518.64, Subdivision 1 and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 144; 145; 241; 245; 256D; 257 and 609; repealing Minnesota Statutes 1980, Sections 256.87, Subdivision 3; 256D.02, Subdivisions 9 and 10; and 256D.11."

We request adoption of this report and repassage of the bill.

House Conferees: DON SAMUELSON, SHIRLEY A. HOKANSON, JAMES I. RICE, BOB ANDERSON and MARY M. FORSYTHE.

Senate Conferees: GERRY SIKORSKI, ALLAN H. SPEAR, SAM G. SOLON and ROBERT J. TENNESSEN.

Zubay moved that the House refuse to adopt the Conference Committee report on H. F. No. 1446, that the bill be returned to the Conference Committee, that the House Conference Committee be instructed to delay the July 1, 1981, closing of the chemical dependency and surgical units at the Rochester State Hospital, and that the House Conference Committee be further instructed to require an interim study by the Department of Health and Welfare to determine which state hospital is the most appropriate to close and to set forth a plan to accomplish the task.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Vanasek and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Vanasek moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Zubay motion and the roll was called.

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

There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Laidig	Peterson, B.	Stowell
Ainley	Halberg	Lemen	Piepho	Sviggum
Blatz	Haukoos	Levi	Redalen	Valan
Carlson, D.	Heap	Ludeman	Rees	Valento
Dean	Heinitz	Luknic	Reif	Voss
Dempsey	Himle	Marsh	Rothenberg	Weaver
Den Ouden	Hoberg	McDonald	Schafer	Welker
Drew	Hokr	Mehrkens	Schreiber	Wieser
Erickson	Jennings	Nelsen, B.	Searles	Wigley
Esau	Johnson, D.	Niehaus	Shea	Zubay
Ewald	Kaley	Nysether	Sherman	
Fjoslien	Knickerbocker	Olsen	Sherwood	
Friedrich	Kvam	Onnen	Stadum	

Those who voted in the negative were:

Anderson, B.	Brandl	Clawson	Greenfield	Jacobs
Anderson, G.	Brinkman	Dahlvang	Gustafson	Johnson, C.
Anderson, I.	Byrne	Eken	Hanson	Jude
Battaglia	Carlson, L.	Elioff	Harens	Kahn
Begich	Clark, J.	Ellingson	Hauge	Kalis
Berkelman	Clark, K.	Evans	Hokanson	Kelly

Kostohryz	Munger	Otis	Samuelson	Tomlinson
Lehto	Murphy	Peterson, D.	Sarna	Vanasek
Long	Nelson, K.	Pogemiller	Schoenfeld	Vellenga
Mann	Norton	Reding	Sieben, M.	Welch
McCarron	Novak	Rice	Skoglund	Wenzel
McEachern	O'Connor	Rodriguez, C.	Staten	Wynia
Metzen	Ogren	Rodriguez, F.	Stumpf	Spkr. Sieben, H.
Minne	Osthoff	Rose	Swanson	

The motion did not prevail.

Samuelson moved that the report of the Conference Committee on H. F. No. 1446 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Wynia to the Chair.

H. F. No. 1446, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 246.151; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 13; 256D.05, Subdivision 3, and by adding a subdivision; 256D.06, Subdivision 1, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.11, Subdivisions 1, 8 and 9, and by adding a subdivision; 260.311, Subdivision 5; 393.07, Subdivision 10; 401.04; and 401.12; proposing new law coded in Minnesota Statutes, Chapters 144; 245; 256D and 257; repealing Minnesota Statutes, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

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

There were 93 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Berkelman	Brinkman	Carlson, L.
Anderson, G.	Battaglia	Blatz	Byrne	Clark, J.
Anderson, I.	Begich	Brandl	Carlson, D.	Clark, K.

Clawson	Haukoos	Luknic	Onnen	Sieben, M.
Dahlvang	Himle	Mann	Osthoff	Simoneau
Drew	Hoberg	McCarron	Otis	Skoglund
Eken	Hokanson	McDonald	Peterson, D.	Stumpf
Elioff	Jacobs	McEachern	Pogemiller	Swanson
Ellingson	Johnson, C.	Metzen	Reding	Tomlinson
Erickson	Johnson, D.	Minne	Rees	Valan
Evans	Jude	Munger	Reif	Vanasek
Ewald	Kahn	Murphy	Rice	Vellenga
Forsythe	Kalis	Nelsen, B.	Rodriguez, C.	Weaver
Greenfield	Kelly	Nelson, K.	Rodriguez, F.	Welch
Gustafson	Kostohryz	Niehaus	Rose	Wenzel
Halberg	Laidig	Norton	Samuelson	Wynia
Hanson	Lehto	Novak	Sarna	Spkr. Sieben, H.
Harens	Levi	O'Connor	Schoenfeld	
Hauge	Long	Ogren	Schreiber	

Those who voted in the negative were:

Aasness	Heap	Ludeman	Rothenberg	Sviggum
Ainley	Heinitz	Marsh	Schafer	Valento
Dempsey	Hokr	Mehrkens	Searles	Voss
Den Ouden	Jennings	Nysether	Shea	Welker
Esau	Kaley	Olsen	Sherman	Wieser
Fjoslien	Knickerbocker	Peterson, B.	Sherwood	Wigley
Friedrich	Kvam	Piepho	Stadum	Zubay
Gruenes	Lemen	Redalen	Stowell	

The bill was repassed, as amended by Conference, and its title agreed to.

Brinkman was excused at 11:25 p.m.

#### CONFERENCE COMMITTEE REPORT ON 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, Subdivi-

sions 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.

May 15, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 70, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 70 be amended as follows:

Delete everything after the enacting clause and insert:

## "ARTICLE I

## FOUNDATION AID

Section 1. Minnesota Statutes 1980, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. [SPECIAL INSTRUCTION.] No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. If a resident handicapped pupil attends a nonpublic school located within his district of residence, the district shall provide necessary transportation for that pupil within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident handicapped pupil attends a nonpublic school located in a district contiguous to his district of residence and if no agreement exists pursuant to section (124.212) 26, subdivision (9A) 1, clause (c) or (d) of *this article*, for the provision of special instruction and services on a shared time basis to that pupil by the district of attendance, the district of residence shall provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility where the special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school shall pay the cost of transportation provided outside the district boundary.

Sec. 2. Minnesota Statutes 1980, Section 121.904, Subdivision 7, is amended to read:

Subd. 7. Summer school aids *and the proceeds of the summer school levy for any summer school session* shall be recognized as revenues and recorded as receivables in proportion to the total number of summer school days in each fiscal year in which (A) *the summer school session occurs*; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section 124.20.

Sec. 3. Minnesota Statutes 1980, Section 122.531, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] *For purposes of this section, the terms defined in section 124.01, sections 20 to 24 of this article, and section 275.125 shall have the meanings ascribed to them in those sections.*

Subd. 1a. [INVOLUNTARY DISSOLUTION REFERENDUM LEVIES.] As of the effective date of the involuntary

dissolution of a district and its attachment to one or more existing districts pursuant to sections 122.32, or 122.41 to 122.52, the authorization for any referendum levy previously approved by the voters of the dissolved district in that district pursuant to section 275.125, subdivision (2a, CLAUSE (4)) 2d, or its predecessor or successor provisions, is cancelled. The authorization for any referendum levy previously approved by the voters of a district to which all or part of the dissolved district is attached shall not be affected by the attachment and shall apply to the entire area of the district as enlarged by the attachment.

Sec. 4. Minnesota Statutes 1980, Section 122.531, Subdivision 2, is amended to read:

Subd. 2. [CONSOLIDATION AND VOLUNTARY DISSOLUTION: REFERENDUM LEVIES.] As of the effective date of a consolidation pursuant to section 122.23 or the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision (2A, CLAUSE (4)) 2d, or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the newly created district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a newly created or enlarged district, the board of the newly created or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the newly created or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire newly created or enlarged district in an election pursuant to section 275.125, subdivision (2A, CLAUSE (4)) 2d, or its successor referendum provision.

Sec. 5. Minnesota Statutes 1980, Section 122.531, Subdivision 3a, is amended to read:

Subd. 3a. [GRANDFATHER LEVY AND AID.] (1) *The amounts specified in this subdivision shall be used for purposes of computing the grandfather levy limitation under section 275.125, subdivision 6b, and the (FOUNDATION) grandfather aid under section (124.212) 22 of this article, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more existing districts (, THE AMOUNTS SPECIFIED IN THIS SUBDIVISION SHALL BE USED IN LIEU OF THE AMOUNTS SPECIFIED IN THE DESIGNATED CLAUSES OF SECTION 275.125, SUBDIVISION 6B AND SECTION 124.212).*

(2) (IN LIEU OF THE AMOUNT SPECIFIED IN SECTION 275.125, SUBDIVISION 6B, CLAUSE (2), PART (B), SUBPART (I); SECTION 124.212, SUBDIVISION 7C, CLAUSE (3), PART (A); AND SECTION 124.212, SUBDIVISION 7D, CLAUSE (3), PART (A), SUBPART (I), THERE SHALL BE USED) *The grandfather guarantee of the newly created or enlarged district shall equal the sum of the amounts derived by performing the following multiplication for each component district:*

(a) the (PRODUCT IN SECTION 275.125, SUBDIVISION 6B, CLAUSE (1), PART (B), COMPUTED) *grandfather guarantee* for the component district, times

(b) the quotient obtained by dividing the number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2),) from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective, by the (TOTAL) *entire* number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2),) enrolled in the component district in the year preceding the year when the consolidation or dissolution and attachment becomes effective.

(3) (IN LIEU OF THE QUOTIENT USED IN THE COMPUTATION IN SECTION 275.125, SUBDIVISION 6B, CLAUSE (2), PART (B), SUBPART (II), AND IN SECTION 124.212, SUBDIVISION 7D, CLAUSE (3), PART (A), SUBPART (II), THERE SHALL BE USED) *The grandfather allowance of the newly created or enlarged district shall equal the quotient obtained by dividing:*

(a) the (SUM DERIVED IN CLAUSE (2) OF THIS SUBDIVISION) *grandfather guarantee of the newly created or enlarged district*, by

(b) the sum of the amounts derived by performing the following computation for each component district:

(i) the number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2)) in the component district in 1979-1980, times

(ii) the quotient derived for that component district in clause (2), part (b) of this subdivision.

Sec. 6. Minnesota Statutes 1980, Section 122.531, Subdivision 5, is amended to read:

Subd. 5. [REPLACEMENT LEVY AND AID.] ((1)) For purposes of computing the *replacement* levy limitation under

section 275.125, subdivision 6c, and replacement aid under section 23 of this article, the replacement entitlement of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, (THERE) shall (BE USED IN LIEU OF THE AMOUNT SPECIFIED IN SECTION 275.125, SUBDIVISION 6C, CLAUSE (1), PART (A)(I)(A),) equal the quotient obtained by dividing:

((A)) (1) the sum of the amounts derived by performing the following multiplication for each component district:

((I)) (a) the (QUOTIENT IN SECTION 275.125, SUBDIVISION 6C, CLAUSE (1), PART (A)(I)(A), COMPUTED FOR THE COMPONENT DISTRICT FOR PURPOSES OF 1979 PAYABLE 1980 LEVY LIMITATIONS) replacement entitlement of the component district, times

((II)) (b) the number of actual and AFDC pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5),) from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

((B)) (2) the total number of actual and AFDC pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5),) in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective.

((2) FOR PURPOSES OF COMPUTING THE DISTRICT'S FOUNDATION AID PURSUANT TO SECTION 124.212, IN LIEU OF THE AMOUNT DERIVED IN SECTION 124.212, SUBDIVISION 7C, CLAUSE (4), PART (A), THERE SHALL BE USED THE SUM DERIVED IN CLAUSE (1), PART (A) OF THIS SUBDIVISION.)

Sec. 7. Minnesota Statutes 1980, Section 122.531, Subdivision 6, is amended to read:

Subd. 6. [AID DEDUCTIONS.] (1) For purposes of (COMPUTING FOUNDATION AID UNDER SECTION 124.212, SUBDIVISION 7C, CLAUSES (3) AND (4), OR SECTION 124.212, SUBDIVISION 7D, CLAUSES (3) AND (4),) determining deductions from basic foundation, grandfather, replacement, and discretionary aid pursuant to section 27, subdivision 1, of this article, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, in the year when the consolidation or dissolution and attachment becomes effective, there shall be used in lieu of the ratio of the district's actual levy to its permitted levy in (1979 PAYABLE 1980 OR

1980 PAYABLE 1981, AS) *the* applicable (, PURSUANT TO SECTION 275.125, SUBDIVISIONS 6B OR 6C, AS APPLICABLE) *year*, the quotient obtained by dividing:

(a) the sum of the products derived for each component district by multiplying the component district's actual levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district; by

(b) the sum of the products derived for each component district by multiplying the component district's permitted levy in the applicable year pursuant to the applicable subdivision, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district.

Sec. 8. Minnesota Statutes 1980, Section 124.11, Subdivision 4, is amended to read:

Subd. 4. Estimated elementary and secondary foundation aids shall be paid out on the basis of the latest available information. (EXCEPT AS PROVIDED IN SECTION 124.212, ESTIMATED ELEMENTARY AND SECONDARY FOUNDATION AIDS SHALL BE COMPUTED ON THE BASIS OF ALL PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1.) An October enrollment count shall be obtained from all school districts. Adjustment for final elementary and secondary pupil unit figures shall be made in the final foundation aid distribution in October of the following school year.

Sec. 9. Minnesota Statutes 1980, Section 124.01, Subdivision 1, is amended to read:

Subdivision 1. For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in (THIS SECTION) *section 17 and sections 20 to 24 of this article* have the meanings attributed to them in (THIS SECTION) *those sections*.

Sec. 10. Minnesota Statutes 1980, Section 124.11, Subdivision 1, is amended to read:

Subdivision 1. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program (AND EXCEPT AS PROVIDED IN SUBDIVISION 5,) *for fiscal years through 1982*, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each of the months

other than October from August through May based upon information available and the final distribution shall be made in October of the following school year.

Sec. 11. Minnesota Statutes 1980, Section 124.11, is amended by adding a subdivision to read:

*Subd. 1a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, based upon information available, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each month from August through April, except October, and five percent shall be paid in May. The final distribution shall be made in October of the following fiscal year.*

Sec. 12. Minnesota Statutes 1980, Section 124.11, Subdivision 5, is amended to read:

Subd. 5. Each year, based on current year tax data reported in the abstracts of tax lists, the commissioner of revenue shall determine the distribution to each school district of the amount of revenue lost as a result of the reduction in property taxes provided in section 273.132. On or before July 15 of each year, the commissioner of revenue shall certify the amounts so determined to the department of education. The department of education shall pay each school district its distribution as part of the foundation aid payment to each district in accordance with the payment dates in subdivision 1 or section 11 of this article, as applicable.

Sec. 13. Minnesota Statutes 1980, Section 124.17, Subdivision 1, is amended to read:

Subdivision 1. [PUPIL UNITS.] Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

((4) TO MEET THE PROBLEMS OF EDUCATIONAL OVERBURDEN CAUSED BY BROKEN HOMES, POVERTY AND LOW INCOME, EACH PUPIL IN CLAUSES (1) AND (2) FROM FAMILIES RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN OR ITS SUCCESSOR PROGRAM WHO IS ENROLLED IN THE SCHOOL DISTRICT ON OCTOBER 1 SHALL BE COUNTED AS AN ADDITIONAL FIVE-TENTHS PUPIL UNIT. BY MARCH 1 OF EACH YEAR THE DEPARTMENT OF PUBLIC WELFARE SHALL CERTIFY TO THE DEPARTMENT OF EDUCATION, AND TO EACH SCHOOL DISTRICT TO THE EXTENT THE INFORMATION PERTAINS TO IT, THAT INFORMATION CONCERNING CHILDREN FROM FAMILIES WITH DEPENDENT CHILDREN WHO WERE ENROLLED IN THE SCHOOL DISTRICT ON THE PRECEDING OCTOBER 1 WHICH IS NECESSARY TO CALCULATE PUPIL UNITS. ADDITIONAL AIDS TO A DISTRICT FOR SUCH PUPILS MAY BE DISTRIBUTED ON A DELAYED BASIS UNTIL THE DEPARTMENT OF EDUCATION PUBLICLY CERTIFIES THAT THE INFORMATION NEEDED FOR PAYING SUCH AIDS IS AVAILABLE ON SUCH A TIMELY BASIS THAT SUCH AIDS MAY BE PAID CONCURRENTLY WITH OTHER FOUNDATION AIDS.)

((5) IN EVERY DISTRICT WHERE THE NUMBER OF PUPILS FROM FAMILIES RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN OR ITS SUCCESSOR PROGRAM EXCEEDS FIVE PERCENT OF THE TOTAL ACTUAL PUPIL UNITS IN THE DISTRICT FOR THE SAME YEAR, AS COMPUTED IN CLAUSES (1) AND (2), EACH SUCH PUPIL SHALL BE COUNTED AS AN ADDITIONAL ONE-TENTH OF A PUPIL UNIT FOR EACH PERCENT OF CONCENTRATION OVER FIVE PERCENT OF SUCH PUPILS IN THE DISTRICT. THE PERCENT OF CONCENTRATION SHALL BE ROUNDED DOWN TO THE NEAREST WHOLE PERCENT FOR PURPOSES OF THIS CLAUSE, PROVIDED THAT IN DISTRICTS WHERE THE PERCENT OF CONCENTRATION IS LESS THAN SIX, NO ADDITIONAL PUPIL UNITS SHALL BE COUNTED UNDER THIS CLAUSE FOR PUPILS FROM FAMILIES RECEIVING AID TO DEPENDENT CHILDREN OR ITS SUCCESSOR PROGRAM AND PROVIDED FURTHER THAT NO SUCH PUPIL SHALL BE COUNTED AS MORE THAN ONE AND ONE-TENTH ADDITIONAL PUPIL UNITS PURSUANT TO CLAUSES (4) AND (5). SUCH WEIGHTING SHALL BE IN ADDITION TO THE WEIGHTING PROVIDED IN CLAUSES (1), (2) AND (4). SCHOOL DISTRICTS ARE ENCOURAGED

TO ALLOCATE A MAJOR PORTION OF THE AIDS THAT THEY RECEIVE ON ACCOUNT OF CLAUSES (4) AND (5) TO PRIMARY GRADE PROGRAMS AND SERVICES, PARTICULARLY TO PROGRAMS AND SERVICES THAT INVOLVE PARTICIPATION OF PARENTS.)

((6)) (Expired)

((7)) (Expired)

((8) ONLY PUPIL UNITS IN CLAUSES (1) AND (2) SHALL BE USED IN COMPUTING ADJUSTED MAINTENANCE COST PER PUPIL UNIT.)

Sec. 14. Minnesota Statutes 1980, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped pre-kindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused (; PROVIDED THAT ANY). *However, a pupil, regardless of age, who has been absent from school for 15 consecutive school days during the regular school year or for five consecutive school days during summer school or inter-session classes of flexible school year programs without receiving instruction in the home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this section shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days (SAID) the schools are in session.*

Sec. 15. Minnesota Statutes 1980, Section 124.17, Subdivision 2c, is amended to read:

Subd. 2c. Notwithstanding (THE PROVISIONS OF) subdivision 2, in (ANY CASE WHERE) *cases when school is in session but pupils are prevented from attending for more than 15 consecutive school days during the regular school year or five consecutive school days during summer school or inter-session classes of flexible school year programs, because of epidemic, calamity, weather, fuel shortage, or other justifiable cause, the state board, upon application, may allow the district to continue to count these pupils in average daily membership. A lawful employees' strike is not a justifiable cause for purposes of this subdivision.*

Sec. 16. Minnesota Statutes 1980, Section 124.17, is amended by adding a subdivision to read:

*Subd. 2d. [SUMMER SCHOOL.] In summer school or inter-session classes of flexible school year programs, membership for pupils shall mean the number of full-time equivalent pupils in the program. This number shall equal the sum for all pupils of the number of classroom hours in the programs for which each pupil is enrolled divided by 1050. Membership in summer school or inter-session classes of flexible school year programs shall not include a handicapped pupil whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment.*

Sec. 17. Minnesota Statutes 1980, Section 124.20, is amended to read:

**124.20 [EDUCATION; STATE AIDS; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.]**

*Subdivision 1. [PROGRAMS.] Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid (AT A PROPORTIONATE RATE FOR FOUNDATION AIDS PAID FOR THE PRECEDING REGULAR SCHOOL YEAR; PROVIDED THAT NO DISTRICT SHALL RECEIVE AID FOR PROGRAMS UNDER THIS SECTION IN AN AMOUNT GREATER THAN ITS ACTUAL EXPENDITURES FOR THESE PROGRAMS; PROVIDED FURTHER, THAT FOR PURPOSES OF COMPUTING SUMMER SCHOOL FOUNDATION AID THROUGH 1980, A DISTRICT'S FOUNDATION AID FOR THE REGULAR SCHOOL YEAR SHALL BE REDUCED BY THE AMOUNT OF THE AGRICULTURAL TAX CREDIT INCLUDED IN THAT FOUNDATION AID; PROVIDED FURTHER, THAT FOR PURPOSES OF COMPUTING SUMMER SCHOOL FOUNDATION AID STARTING IN 1981, FOUNDATION AID FOR THE REGULAR SCHOOL YEAR SHALL BE REDUCED BY AMOUNTS OF FOUNDATION AID COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSES (2), (3), (4) AND (5), AND SECTION 124.212, SUBDIVISION 7D, CLAUSES (2), (3), (4) AND (5), OR THEIR SUCCESSOR PROVISIONS) under the provisions of this section.*

*Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for summer school and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.*

(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and inter-session classes

of flexible school year programs computed under the provisions of section 124.17.

(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 21 of this article for the preceding regular school year.

(3) For summer programs in 1982, "summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times 89 percent of the foundation aid formula allowance as defined in section 21 of this article for the preceding regular school year.

(4) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.

Subd. 3. [SUMMER SCHOOL AID.] Each year a district shall receive summer school aid equal to the difference between

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy pursuant to section 34 of this article certified in the calendar year when the summer school program is offered; times

(b) the district's summer school revenue allowance; and

(2) the levy certified by the district pursuant to section 34 of this article in the calendar year when the summer school program is offered.

Sec. 18. Minnesota Statutes 1980, Section 124.212, Subdivision 1, is amended to read:

Subdivision 1. [COMPONENTS.] (THE) Foundation aid (PROGRAM) for each school (DISTRICTS) district for each school (YEARS 1979-1980 AND 1980-1981 SHALL BE GOVERNED BY THE TERMS AND PROVISIONS OF THIS SECTION.) year shall equal the sum of the following:

(a) Basic foundation aid;

(b) Grandfather aid;

(c) Replacement aid;

(d) Discretionary aid;

(e) State school agricultural tax credit aid;

- (f) *Minimum aid; and*
- (g) *Foundation aid for shared time pupils.*

Sec. 19. Minnesota Statutes 1980, Section 124.212, is amended by adding a subdivision to read:

*Subd. 11b. In determining adjusted assessed valuation, property which qualifies for the reimbursement specified in section 273.139, subdivision 1, shall be treated as if it were classified as 3b or 3c in the case of homestead property, or as 3d in the case of nonhomestead property.*

Sec. 20. [124.2121.] [FOUNDATION AID DEFINITIONS.]

*Subdivision 1. [ADJUSTED MAINTENANCE COST.] "Adjusted maintenance cost" means the state and local current expense for pupils in elementary and secondary schools, exclusive of transportation, veterans training program, community services, and after reduction for receipts from the sale of authorized items sold to the individual pupil by the school such as lunches, items of personal use, or other items specifically authorized by law or under the procedures set forth in sections 120.71 to 120.76, and after reduction for receipts from extracurricular activities when the school board has assumed direction and control of these activities.*

*Subd. 2. [ADJUSTED ASSESSED VALUATION.] "Adjusted assessed valuation" or "EARC valuation" means the assessed valuation of the taxable property notwithstanding the provisions of section 275.49 of the school district as adjusted by the equalization aid review committee. The adjusted assessed valuation for any given calendar year shall be used to compute levy limitations for levies certified in the succeeding calendar year and aid for the school year beginning in the second succeeding calendar year.*

*Subd. 3. [PUPIL UNITS.] (a) "Actual pupil units" means pupil units identified in section 124.17, subdivision 1, clauses (1) and (2).*

*(b) "AFDC pupil units" means 98.5 percent of the pupil units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) in the 1980-1981 school year.*

*(c) "Total pupil units" means actual pupil units plus AFDC pupil units.*

*(d) "Declining enrollment pupil units" means pupil units identified in Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clause (6).*

(e) "Growing enrollment pupil units" means pupil units identified in Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clause (7).

**Subd. 4. [EQUALIZING FACTOR.]** "Equalizing factor" means a number equal to the minimum EARC valuation per actual and AFDC pupil unit which disqualifies a district from earning any basic foundation aid. The equalizing factor for each school year and for levies for use in that school year equals the ratio, rounded to the nearest dollar, of the foundation aid formula allowance for that school year to the basic maintenance mill rate for that school year.

**Subd. 5. [LEVY USE.]** A levy "for use in a particular school year," "attributable to a particular school year," or "recognized as revenue in a particular school year," means the levy certified in the calendar year ending in the school year preceding that particular school year, and payable in the calendar year in which that school year begins.

**Sec. 21. [124.2122.] [BASIC FOUNDATION AID.]**

**Subdivision 1. [FORMULA ALLOWANCE.]** "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. The formula allowance shall be \$1,318 for 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year. The formula allowance shall be \$1,400 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year.

**Subd. 2. [BASIC MAINTENANCE MILL RATE.]** "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. The basic maintenance mill rate shall be .021 for the 1980 payable 1981 levy and for foundation aid for the 1981-1982 school year. The basic maintenance mill rate shall be .023 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year.

**Subd. 3. [BASIC FOUNDATION REVENUE.]** A district's basic foundation revenue for each school year shall equal the formula allowance times its total pupil units for that school year.

**Subd. 4. [BASIC FOUNDATION AID.]** A district's basic foundation aid for each school year shall equal its basic foundation revenue for that school year, minus the basic maintenance mill rate times the applicable adjusted assessed valuation of the district.

Sec. 22. [124.2123.] [GRANDFATHER FOUNDATION AID.] *Subdivision 1. [GRANDFATHER GUARANTEE AND ALLOWANCE.] (a) A district's "basic grandfather amount" shall equal the amount per pupil unit which the district was permitted to levy in 1978 pursuant to Minnesota Statutes 1978, Section 275.125, Subdivisions 6 and 7.*

*(b) A district's "grandfather guarantee" shall equal its basic grandfather amount times its 1979-1980 actual, declining enrollment and growing enrollment pupil units.*

*(c) A district's "grandfather allowance" shall equal its grandfather guarantee divided by its 1979-1980 actual pupil units.*

*(d) A district's "grandfather levy limitation" means its levy limitation computed pursuant to section 275.125, subdivision 6b.*

*Subd. 2. [GRANDFATHER REVENUE.] A district's grandfather revenue for any school year shall equal the greater of (a) its grandfather guarantee, or (b) its grandfather allowance times its actual pupil units for the preceding school year.*

*Subd. 3. [GRANDFATHER AID.] A district's grandfather aid for any school year shall equal its grandfather revenue for that school year minus its grandfather levy limitation for the levy for use in that school year.*

Sec. 23. [124.2124.] [REPLACEMENT FOUNDATION AID.]

*Subdivision 1. [REPLACEMENT COMPONENTS.] (a) A district's "fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for the 1980-1981 school year if declining or growing enrollment pupil units had been used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 2b or 2c.*

*(b) A district's "sparsity replacement component" shall equal the amount of additional aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, Section 124.224 had been effective for 1980-1981.*

*(c) A district's "basic replacement entitlement" shall equal the sum of its fluctuating enrollment replacement component and its sparsity replacement component, divided by its total pupil units in 1980-1981.*

(d) "Replacement inflator" for any school year means the ratio of the foundation aid formula allowance for that school year to \$1,265. For the 1981-1982 school year, however, the replacement inflator shall equal 107 percent.

(e) A district's "replacement allowance" for each school year shall equal its basic replacement entitlement times the replacement inflator for that school year.

(f) A district's "replacement levy limitation" means its levy limitation computed pursuant to section 275.125, subdivision 6c.

Subd. 2. [REPLACEMENT REVENUE.] A district's replacement revenue for any school year shall equal its replacement allowance for that school year times its total pupil units for that school year.

Subd. 3. [REPLACEMENT AID.] A district's replacement aid for any school year shall equal its replacement revenue for that school year minus its replacement levy limitation for the levy for use in that school year.

#### Sec. 24. [124.2125.] [DISCRETIONARY AID.]

Subdivision 1. [DISCRETIONARY ALLOWANCE; DEFINITION.] "Discretionary allowance" means the amount of revenue per pupil unit used to compute discretionary aid for a particular school year and the discretionary levy for use in that school year. The discretionary allowance shall equal the formula allowance for the school year times the ratio of the discretionary mill rate to the basic maintenance mill rate for levies for use in that school year, rounded to the nearest cent. The discretionary allowance for 1981-1982, however, shall equal \$64.48.

Subd. 2. [DISCRETIONARY MILL RATE.] "Discretionary mill rate" means the mill rate used to compute the discretionary levy, the discretionary allowance, and discretionary aid for use in a particular school year. The discretionary mill rate shall equal .001 for 1981-1982 aid. For the 1981 payable 1982 levy and 1982-1983 aid, and for the levy and aid for succeeding years, the discretionary mill rate shall equal .00225 in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3).

Subd. 3. [DISCRETIONARY REVENUE.] A district's discretionary revenue for each school year shall equal its discretionary allowance for that school year times its total pupil units for the preceding school year.

Subd. 4. [DISCRETIONARY AID.] A district's discretionary aid for each school year shall equal its discretionary reve-

*nue for that year, minus the discretionary mill rate times the applicable adjusted assessed valuation of the district.*

Sec. 25. [124.2126.] [MINIMUM AID.] *Subdivision 1. [QUALIFICATION.] A district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall qualify for minimum aid.*

*Subd. 2. [GUARANTEE.] A qualifying district's "minimum guarantee" for each school year shall equal \$800 times its total pupil units for that school year, minus its basic foundation aid for that school year.*

*Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each year shall equal its minimum guarantee for that school year, minus the sum of:*

*(1) The amount of the district's state school agricultural tax credit aid for that school year;*

*(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;*

*(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135; and*

*(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6.*

Sec. 26. [124.2127.] [SHARED TIME PUPILS.]

*Subdivision 1. [DEFINITION; FOUNDATION AID.] Shared time pupils are defined as those pupils who attend public school programs for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a nonpublic school.*

*(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.*

*(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise*

*entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.*

*(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.*

*(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance and, upon agreement, the district of attendance may bill the resident district for any unreimbursed education costs, but not for unreimbursed transportation costs. The agreement may, however, provide for the resident district to pay the cost of any of the particular transportation categories specified in section 124.225, subdivision 1, and in this case, aid for those categories shall be paid to the district of residence rather than to the district of attendance.*

*(e) Minutes of enrollment in a public school during which a nonpublic school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.*

*Subd. 2. [LOCATION OF SERVICES.] Public school programs may be provided to shared time pupils only at a public school building; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided at a neutral site as defined in section 123.932, and diagnostic and health services required pursuant to section 120.17 may also be provided at a nonpublic school building. As used in this subdivision, "diagnostic services" means speech, hearing, vision, psychological, medical and dental diagnostic services and "health services" means physician, nursing or optometric services provided to pupils in the field of physical and mental health.*

**Sec. 27. [124.2128.] [DEDUCTIONS FROM FOUNDATION AID.]**

*Subdivision 1. [UNDERLEVIES.] A district's basic foundation, grandfather, replacement or discretionary aid, as applicable, for any school year when the actual amount of the corresponding*

levy for use in that year is less than the permitted amount, shall be reduced by a percentage equal to the difference between the actual amount and the permitted amount, divided by the permitted amount. This provision shall apply to basic foundation aid only for a school year when the actual amount of the basic maintenance levy for use in that year is less than 95 percent of the permitted amount.

Subd. 2. [PERMANENT SCHOOL FUND.] *The amount of money received by a school district as income from the permanent school fund for any year, shall be deducted from the foundation aid earned by the district for the same year or from aid earned from other state sources.*

Subd. 3. [MINIMUM.] *In no event shall the amount payable to any district from state sources for any one year be reduced below the amount payable as apportionment of the school endowment fund pursuant to sections 124.08 to 124.10.*

Subd. 4. [COUNTY APPORTIONMENT DEDUCTION.]  
(1) *The amount of money apportioned to a school district for each school year pursuant to section 124.10, subdivision 2, which exceeds the amount apportioned to that district pursuant to section 124.10, subdivision 2 for the 1976-1977 school year, shall be deducted from the foundation aid earned by that district for the same year.*

(2) *In addition to the deduction in clause (1), five-sixths of the amount apportioned pursuant to section 124.10, subdivision 2, shall be deducted from foundation aid for the 1981-1982 school year, but this deduction shall not exceed five-sixths of the amount apportioned for the 1976-1977 school year.*

(3) *In the 1982-1983 school year and each school year thereafter, the entire amount of money apportioned to a school district for that year pursuant to section 124.10, subdivision 2, shall be deducted from the foundation aid earned by that district for the same year.*

Subd. 5. [TACONITE DEDUCTIONS.] (1) *Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district.*

(2) *For districts which received payments under sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties or recognized revenue pursuant to section 477A.15; the foundation aid shall be reduced in the October adjustment payment by the difference between the dollar amount*

of the payments received pursuant to those sections, or revenue recognized pursuant to section 477A.15 in the fiscal year to which the October adjustment is attributable and the amount which was calculated, pursuant to section 275.125, subdivision 9, as a reduction of the levy attributable to the fiscal year to which the October adjustment is attributable. If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this negative amount in the following manner: there shall be withheld from each monthly scheduled foundation aid payment due the district in such fiscal year, 15 percent of the total negative amount, until the total negative amount has been withheld. The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.

**Subd. 6. [DISCRETIONARY AID FUND BALANCE REDUCTION.]** A district's discretionary aid for any school year shall be reduced by the amount specified in section 38 of this article.

**Sec. 28. [124.2129.] [FOUNDATION AID; RESIDENT AND NONRESIDENT DISTRICTS.]**

**Subdivision 1. [AID TO DISTRICT OF RESIDENCE.]** Foundation aids shall be paid to the district of residence unless otherwise specifically provided by law.

**Subd. 2. [DISTRICT WITHOUT SCHOOLS.]** Any district not maintaining classified elementary or secondary schools shall pay the tuition required in order to enable resident pupils to attend school in another district when necessary, and shall receive foundation aid pursuant to this section on the same basis as other districts. The aid shall be computed as if the pupils were enrolled in the district of residence.

**Subd. 3. [NOTIFICATION OF RESIDENT DISTRICT.]** Any school district educating children who are residents of another school district shall notify the district of residence within 60 days of the date the child is determined by the district to be a nonresident, but not later than October 1 following the end of the school year in which the child is educated. If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it shall not be liable to that district for any tuition billing received after October 1 of the next school year.

**Subd. 4. [STATE AGENCY AND COURT PLACEMENTS.]** If a state agency or a court of the state desires to place a child in a school district which is not the child's district of residence, that agency or court shall, prior to placement, allow the district

*of residence an opportunity to participate in the placement decision and notify the district of residence, the district of attendance and the commissioner of education of the placement decision. When a state agency or court determines that an immediate emergency placement is necessary and that time does not permit district participation in the placement decision or notice to the districts and the commissioner of education of the placement decision prior to the placement, the agency or court may make the decision and placement without that participation or prior notice. The agency or court shall notify the district of residence, the district of attendance and the commissioner of education of an emergency placement within 15 days of the placement.*

Sec. 29. Minnesota Statutes 1980, Section 124.213, is amended to read:

**124.213 [STATE SCHOOL AGRICULTURAL CREDIT.]**

*Subdivision 1. [TAX REDUCTIONS.] The county auditor shall reduce the tax for school purposes on all property receiving the homestead credit pursuant to section 273.13, subdivision 6, by an amount equal to the tax levy that would be produced by applying a rate of 17 mills on the property. The county auditor shall reduce the tax for school purposes on all other agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, by an amount that would be produced by applying a rate of ten mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner of revenue shall review such certifications to determine their accuracy. He may make such changes in the certification as he may deem necessary or return a certification to the county auditor for corrections.*

**(IN 1977, PAYMENT SHALL BE MADE ACCORDING TO THE PROCEDURE PROVIDED IN SECTION 273.13, SUBDIVISION 15A, FOR THE PURPOSE OF REPLACING REVENUE LOST AS A RESULT OF THE REDUCTION OF PROPERTY TAXES PROVIDED IN THIS SECTION. IN 1978, PAYMENT SHALL BE MADE PURSUANT TO SECTIONS 124.212, SUBDIVISION 7B AND 124.11, FOR THE PURPOSE OF REPLACING REVENUE LOST AS A RESULT OF THE REDUCTION IN PROPERTY TAXES PROVIDED IN THIS SECTION. THERE IS APPROPRIATED FROM THE GENERAL FUND IN THE STATE TREASURY TO THE COMMISSIONER OF REVENUE THE AMOUNT NECESSARY TO MAKE THESE PAYMENTS IN FISCAL YEAR 1978.)**

*Subd. 2. [STATE AID.] A school district's state school agricultural tax credit aid for each school year shall equal the amount by which property taxes certified in the district for collection in the calendar year ending in that school year are reduced pursuant to subdivision 1.*

*Subd. 3. [APPROPRIATION.] There is appropriated from the general fund in the state treasury to the department of education the amount necessary to make these payments in fiscal year 1979 and thereafter.*

**Sec. 30. Minnesota Statutes 1980, Section 124.214, Subdivision 2, is amended to read:**

**Subd. 2. [ABATEMENTS.]** Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and whenever the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon such changed valuations, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The amount of the abatement adjustment shall be the product of (1) the net revenue loss as certified by the county auditor, times (2) the ratio of the sum of the amounts of the district's levy limitations in the preceding October pursuant to section 275.125, subdivision 2a (, CLAUSE (1) OR (2)), and subdivisions 5, 6c, and 7a to the total amount of the district's maximum levy limitation in the preceding October pursuant to section 275.125. For purposes of this computation, the district's levy limitation pursuant to section 275.125, subdivision 5, shall not include the amounts authorized to be levied for bus purchases or because of extraordinary traffic hazards. The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received.

**Sec. 31. Minnesota Statutes 1980, Section 275.125, Subdivision 1, is amended to read:**

**Subdivision 1. [DEFINITIONS.]** Except as may otherwise be provided in this section, the words and phrases defined in sections 124.01 (AND), 124.212, section 17 of this article and sections 20 to 24 of this article when used in this section shall have the meanings ascribed to them in those sections.

**Sec. 32. Minnesota Statutes 1980, Section 275.125, Subdivision 2a, is amended to read:**

Subd. 2a. [BASIC MAINTENANCE LEVY.] (1) (IN 1979) *Each year, a school district may levy for all general and special school purposes, an amount (EQUAL TO) not to exceed the amount raised by (23 MILLS) the basic maintenance mill rate times the (1978) adjusted assessed valuation of the district for the preceding year.*

(2) (IN 1980, A SCHOOL DISTRICT MAY LEVY FOR ALL GENERAL AND SPECIAL SCHOOL PURPOSES, AN AMOUNT EQUAL TO THE AMOUNT RAISED BY 21 MILLS TIMES THE 1979 ADJUSTED ASSESSED VALUATION OF THE DISTRICT.)

((3) FOR ANY DISTRICT LEVYING LESS THAN 95 PERCENT OF THE MAXIMUM LEVY ALLOWABLE IN CLAUSES (1) AND (2), THE FOUNDATION AID TO THE DISTRICT FOR THE SCHOOL YEAR WHEN THE LEVY IS RECOGNIZED AS REVENUE, CALCULATED PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSES (1) AND (6); OR SECTION 124.212, SUBDIVISION 7D, CLAUSES (1) AND (6); OR THEIR SUCCESSOR PROVISIONS, AS APPLICABLE, SHALL BE REDUCED TO AN AMOUNT EQUAL TO THE RATIO BETWEEN THE ACTUAL LEVY AND THE MAXIMUM LEVY ALLOWABLE UNDER CLAUSES (1) AND (2) TIMES THE FOUNDATION AID CALCULATED PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSES (1) AND (6); OR SECTION 124.212, SUBDIVISION 7D, CLAUSES (1) AND (6); OR THEIR SUCCESSOR PROVISIONS, AS APPLICABLE, TO WHICH THE DISTRICT IS OTHERWISE ENTITLED FOR THAT YEAR. FOR PURPOSES OF COMPUTATIONS PURSUANT TO THIS CLAUSE, THE MAXIMUM LEVY ALLOWABLE AND THE ACTUAL LEVY UNDER CLAUSES (1) AND (2) SHALL BE INCREASED BY ANY REDUCTION OF THIS LEVY WHICH IS REQUIRED BY SECTION 275.125, SUBDIVISION 9 OR ANY OTHER LAW.) *For purposes of this subdivision, the term "basic maintenance mill rate" shall have the meaning given it in section 21 of this article.*

((4) (A)) Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by (CLAUSES (1) OR (2)) *subdivision 2a* may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the refer-

endum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum.

((B)) (2) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (A) (1) of this (CLAUSE) *subdivision* may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. (THE AMOUNT) A *levy* approved by the voters of the district pursuant to clause (A) (1) of this (CLAUSE) *subdivision* must be (LEVIED) *made* at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

((C)) (3) A petition authorized by clauses (A) (1) or ((B) OF THIS CLAUSE) (2) shall be effective if signed by a number of qualified voters in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

((D)) (4) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

((E)) (5) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 33. Minnesota Statutes 1980, Section 275.125, Subdivision 2c, is amended to read:

Subd. (2C) 2e. [BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.] (1) (BEGINNING IN 1979,) In any year when the amount of the maximum levy limitation under subdivision 2a (, CLAUSE (1) OR (2),) for any district (WITH FEWER THAN 950 PUPIL UNITS UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2)), exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of *actual and AFDC* pupil units for that district (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5),) for that school year, the levy limitation for that district under subdivision 2a (, CLAUSE (1) OR (2),) shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Stat-

utes 1978, Section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 2a (, CLAUSE (1) or (2)):

(a) the product of the district's foundation aid formula allowance (UNDER SECTION 124.212) for the school year in which the levy is recognized as revenue, times the estimated number of *actual and AFDC* pupil units for that district (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5),) for that school year, less

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section (124.212) 27, subdivision (5A) 4 of *this article* in the school year in which the levy is recognized as revenue.

(2) A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, (CLAUSE (1) OR (2),) for purposes of statutory cross-reference.

Sec. 34. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2f. [SUMMER SCHOOL LEVY.] A district may levy for summer school programs an amount equal to the following product:*

(1) *The district's summer school revenue allowance as defined in section 124.20 for the calendar year when the levy is certified, times*

(2) *the lesser of*

(a) *one or*

(b) *the ratio of*

(i) *the quotient derived by dividing the adjusted assessed valuation of the district in the third preceding year, by the number of actual and AFDC pupil units in the district in the preceding regular school year, to*

(ii) *the equalizing factor for the preceding regular school year.*

Sec. 35. Minnesota Statutes 1980, Section 275.125, Subdivision 6b, is amended to read:

Subd. 6b. [GRANDFATHER LEVY.] (1) (IN 1979 ANY DISTRICT WHICH QUALIFIED IN 1978 FOR AN EXCESS LEVY UNDER MINNESOTA STATUTES 1978, SECTION 275.125, SUBDIVISION 6 OR 7, MAY LEVY AN AMOUNT EQUAL TO THE PRODUCT OBTAINED BY MULTIPLYING)

((A) THE LESSER OF)

((I) ONE OR)

((II) THE RATIO OF THE DISTRICT'S 1978 ADJUSTED ASSESSED VALUATION PER PUPIL UNIT IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE DISTRICT IN 1979-1980, TO THE STATE AVERAGE 1978 ADJUSTED ASSESSED VALUATION PER PUPIL UNIT IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE STATE IN 1979-1980, TIMES)

((B) THE PRODUCT OBTAINED BY MULTIPLYING)

((I) THE AMOUNT PER PUPIL UNIT WHICH THE DISTRICT WAS PERMITTED TO LEVY IN 1978 UNDER MINNESOTA STATUTES 1978, SECTION 275.125, SUBDIVISIONS 6 AND 7, TIMES)

((II) THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (6), AND (7), IN THE DISTRICT IN 1979-1980.) *For purposes of this subdivision, the terms "grandfather guarantee" and "grandfather allowance" shall have the meanings given them in section 22 of this article.*

(2) (IN 1980 AND) Each year (THEREAFTER), any district which qualified in 1979 for an excess levy under (CLAUSE (1)) *this subdivision*, shall be allowed to levy an amount equal to the product obtained by multiplying

(a) the lesser of

(i) one or

(ii) the ratio of the district's adjusted assessed valuation in the preceding year per *actual and AFDC* pupil unit (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5),) in the school year when the levy is certified, to the state average adjusted assessed valuation in the preceding year per *actual and AFDC* pupil unit (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5),) in the school year when the levy is certified, times

(b) the greater of

(i) (THE AMOUNT DERIVED IN CLAUSE (1), PART (B)) *the district's grandfather guarantee*, or

(ii) the product obtained by multiplying

(A) the number of *actual* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2)) in the district in the school year when the levy is certified, times

(THE QUOTIENT OBTAINED BY DIVIDING THE AMOUNT DERIVED IN CLAUSE (1), PART (B), BY THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), IN THE DISTRICT IN 1979-1980) (B) *the district's grandfather allowance*.

(3) *For purposes of computing levy limitations pursuant to this subdivision and the matching grandfather aid, the department shall use and shall not be required to subsequently adjust the state average adjusted assessed valuation per pupil unit determined as of September 1 before the levy is certified.*

Sec. 36. Minnesota Statutes 1980, Section 275.125, Subdivision 6c, is amended to read:

Subd. 6c. [REPLACEMENT LEVY.] (1) (IN 1979 ANY DISTRICT MAY LEVY AN AMOUNT EQUAL TO THE LESSER OF)

((A) THE PRODUCT OBTAINED BY MULTIPLYING)

((I) THE RATIO OF)

((A) THE QUOTIENT OBTAINED BY DIVIDING THE SUM OF THE ADDITIONAL AMOUNTS OF AID THE DISTRICT WOULD RECEIVE IF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7) WERE USED IN ADDITION TO THE PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE COMPUTATION PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSE (1), AND IF SECTION 124.224 WERE EFFECTIVE IN THE 1980-1981 SCHOOL YEAR, BY THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE DISTRICT IN 1980-1981, TO)

((B) \$55,500, TIMES)

((II) THE DISTRICT'S 1978 ADJUSTED ASSESSED VALUATION, OR)

((B) THE ADDITIONAL AMOUNTS OF AID THE DISTRICT WOULD RECEIVE IF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7) WERE USED IN ADDITION TO THE PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE COMPUTATION PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSE (1), AND IF SECTION 124.224 WERE EFFECTIVE IN THE 1980-1981 SCHOOL YEAR.) *For purposes of this subdivision, the term "replacement revenue" shall have the meaning given it in section 23 of this article.*

(2) (IN 1980 AND) Each year (THEREAFTER), any district which qualified for a levy under (CLAUSE (1)) *this subdivision in 1979* may levy an amount equal to

(a) the product obtained by multiplying

(i) the (RATIO OF THE FOUNDATION AID FORMULA ALLOWANCE) *district's replacement revenue* for the school year to which the levy is attributable (PURSUANT TO SECTION 121.904, SUBDIVISION 4, TO \$1,265), times

((II) THE RATIO OF THE AMOUNT DERIVED IN CLAUSE (1), PART (A) (I) (A), TO THE EQUALIZING FACTOR FOR THE SCHOOL YEAR TO WHICH THE LEVY IS ATTRIBUTABLE, TIMES)

((III)) (ii) *the lesser of*

(A) *one or*

(B) *the ratio of the district's adjusted assessed valuation for the preceding year (, OR)*

((B) THE PRODUCT OBTAINED BY MULTIPLYING)

((I) THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5) IN THE DISTRICT IN THE SCHOOL YEAR TO WHICH THE LEVY IS ATTRIBUTABLE PURSUANT TO SECTION 121.904, SUBDIVISION 4, TIMES)

((II) THE RATIO OF THE FOUNDATION AID FORMULA ALLOWANCE FOR THE YEAR TO WHICH THE LEVY IS ATTRIBUTABLE PURSUANT TO SECTION 121.904, SUBDIVISION 4, TO \$1,265, TIMES)

((III) THE AMOUNT DERIVED IN CLAUSE (1), PART (A) (I) (A).) *per actual and AFDC pupil unit in the school*

*year to which the levy is attributable, to the equalizing factor for the school year to which the levy is attributable.*

Sec. 37. Minnesota Statutes 1980, Section 275.125, Subdivision 7a, is amended to read:

Subd. 7a. [DISCRETIONARY LEVY.] (1) (IN 1980 EACH DISTRICT WHICH LEVIES THE MAXIMUM PERMISSIBLE AMOUNT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) AND SUBDIVISION 6B, MAY LEVY AN ADDITIONAL AMOUNT WHICH SHALL NOT EXCEED THE LESSER OF (A) AN AMOUNT EQUAL TO ONE MILL TIMES THE DISTRICT'S 1979 ADJUSTED ASSESSED VALUATION OR (B) THE PRODUCT OBTAINED BY MULTIPLYING \$64.48 TIMES THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5), IN THE DISTRICT IN THE 1980-1981 SCHOOL YEAR.) *For purposes of this subdivision, the terms "discretionary allowance" and "discretionary mill rate" shall have the meanings given them in section 24 of this article.*

(2) In 1981 and each year thereafter, (EACH) a district which levies the maximum permissible amount pursuant to subdivision 2a (, CLAUSE (1) OR (2)) and subdivision 6b may levy an additional amount which shall not exceed the lesser of (a) an amount equal to (1-1/2 MILLS) *the discretionary mill rate* times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying ((I) 1-1/2 TIMES (II) THE RATIO OF THE EQUALIZING FACTOR TO 1,000) *the applicable discretionary allowance* times ((III) the (NUMBER OF) *actual and AFDC* pupil units (IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5),) in the district in the school year when the levy is certified.

(3) *In 1981 and each year thereafter, a district which levies the maximum permissible amount pursuant to subdivision 2a and subdivision 6b, and where the net unappropriated balance in all operating funds as of the preceding June 30 is less than \$165 per actual and AFDC pupil unit in the district in the school year when the levy is certified, may levy an amount which shall not exceed the lesser of (a) one mill times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying the applicable discretionary allowance times the total number of pupil units in the district in the school year when the levy is certified, without holding a public hearing or conducting a referendum pursuant to clause (5).*

(4) *The board is not required to hold a public hearing or conduct a referendum on the levy authorized by this subdivision in any year when it levies pursuant to clause (3) or when the board proposes to levy an amount not to exceed an amount equal*

to the preceding year's adjusted assessed valuation times the largest number of EARC mills previously levied by the district pursuant to this subdivision.

(5)(a) *Except as provided in clause (3), the provisions of clause (5) shall apply to the levy authorization in this subdivision in any year when the board either proposes to levy pursuant to this subdivision for the first time or proposes to increase the number of mills which it levies against its adjusted assessed valuation pursuant to this subdivision to a number of mills greater than the largest number of mills previously levied against its adjusted assessed valuation pursuant to this subdivision.*

(b) **By (THE JULY 1 BEFORE A DISTRICT CERTIFIES ANY LEVY PURSUANT TO THIS SUBDIVISION IN 1980, IN ANY EVEN NUMBERED YEAR THEREAFTER, OR IN ANY ODD-NUMBERED YEAR THEREAFTER WHEN THE DISTRICT HAS NOT CERTIFIED A LEVY PURSUANT TO THIS SUBDIVISION IN THE PRECEDING YEAR) July 15 in any year when clause (5) applies, the board of the district shall hold a public hearing on the need for the proposed levy (PURSUANT TO THIS SUBDIVISION) or increase. At least three weeks published notice of the hearing in 10 point type or 5.0 agate type, (ON 12 POINT BODY,) with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy or increase in dollars, in EARC mills and in auditor's mills (,) and the estimated net unappropriated fund balance in the district's operating funds as of the June 30 before the levy or increase is certified (, AND THE TAX IMPACT OF THE PROPOSED LEVY ON HOMESTEADS WITH MARKET VALUES OF \$30,000 AND \$50,000).**

(c) *At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years (AND), the estimated net unappropriated fund balances in all district funds as of the June 30 before the levy or increase is certified, and the estimated amount in dollars, in EARC mills and in auditor's mills of any reduction of the proposed levy which may be required by section 38 of this article. At the hearing, (AND) the board shall also hear all parties requesting to give testimony for and against the proposed levy or increase. Upon receipt of a petition within (20) 30 days after the hearing (OF THE GREATER OF (A) 50 VOTERS, OR (B) 15 PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN THE DISTRICT AT THE MOST RECENT REGULAR SCHOOL BOARD ELECTION), the board shall call a referendum on (A REDUCTION OF) the proposed levy or increase. (THE PETITION SHALL STATE THE NUMBER OF MILLS ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION BY WHICH IT PROPOSES TO REDUCE THE PROPOSED LEVY. NO PETITION OR REFERENDUM SHALL PROVIDE*

FOR A REDUCTION OF A PROPOSED LEVY PURSUANT TO THIS SUBDIVISION TO A RATE LESS THAN ONE HALF MILL ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION BELOW THE RATE LEVIED BY THE DISTRICT PURSUANT TO THIS SUBDIVISION IN THE PRECEDING YEAR.) *A petition shall be effective if signed by a number of qualified voters in the district equal to the greater of 50 voters or 15 percent of the number of voters who voted in the district at the most recent regular school board election.*

(d) The referendum shall be held on a date set by the school board, but no later than the (AUGUST 20) *September 20* before the levy is certified. (THE QUESTION ON THE BALLOT SHALL STATE THE MAXIMUM AMOUNT OF THE PROPOSED LEVY, THE AMOUNT OF THE PROPOSED REDUCTION OF THE LEVY AND THE AMOUNT OF THE LEVY IF THE REDUCTION IS APPROVED, IN MILLS ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION AND IN DOLLARS IN THE FIRST YEAR OF THE PROPOSED LEVY.)

*The ballot shall state substantially the following, as appropriate:*

The board of \_\_\_\_\_ School District No. \_\_\_\_\_ has proposed (a discretionary levy in a maximum amount of \_\_\_\_\_ EARC mills which would raise) (to increase a discretionary levy from \_\_\_\_\_ EARC mills to \_\_\_\_\_ EARC mills. This increase would provide an additional) \$ \_\_\_\_\_ in the first year levied.

— Yes      Shall the (increase in the) discretionary levy proposed by the Board of \_\_\_\_\_ School  
 — No      District No. \_\_\_\_\_ be approved?

(e) *The approval of a majority of those voting on the question is required to pass the referendum.*

(f) *If a petition is not received or if the proposed levy or increase is approved at a referendum, the district may levy the amount provided by the number of mills proposed by the school board, in the year when the hearing or referendum is held and in succeeding years. If a proposed first time levy is not approved, except as provided in clause (3), the district may not levy pursuant to this subdivision in the year when the referendum is held and shall be required to comply with the provisions of clause (5) before levying pursuant to this subdivision in a subsequent year. If a proposed increase is not approved, the district may levy an amount not to exceed the amount provided by the (MILLAGE PROPOSED BY THE SCHOOL BOARD, REDUCED BY ANY REDUCTION IN MILLAGE APPROVED AT A REFERENDUM PURSUANT TO THIS CLAUSE) largest number of EARC mills previously levied by the district pursuant to this sub-*

*division, applied to the preceding year's adjusted assessed valuation (UNTIL THE NEXT EVEN-NUMBERED YEAR. THE DISTRICT IS NOT REQUIRED TO HOLD A PUBLIC HEARING OR CALL A REFERENDUM ON A LEVY PURSUANT TO THIS SUBDIVISION IN ANY ODD-NUMBERED YEAR WHICH SUCCEEDS A YEAR IN WHICH A LEVY IS CERTIFIED PURSUANT TO THIS SUBDIVISION).*

Sec. 38. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 7c. [DISCRETIONARY LEVY FUND BALANCE PROVISION.] Beginning with the 1981 levy, for a district where the net unappropriated operating fund balance as of the June 30 before the levy is certified exceeds \$500 per actual and AFDC pupil unit in the year when the levy is certified, the discretionary levy limitation shall be reduced by the amount of the excess times the lesser of one or the ratio of the district's EARC valuation for the preceding year per actual and AFDC pupil unit in the school year when the levy is certified, to the equalizing factor. Beginning with the 1982-1983 school year, the discretionary aid for the year when that levy is used shall be reduced by any amount of the excess which is not subtracted from the levy.*

Sec. 39. Minnesota Statutes 1980, Section 275.125, Subdivision 9, is amended to read:

Subd. 9. [LEVY REDUCTIONS; TACONITE.] (1) (DISTRICTS WHICH RECEIVE PAYMENTS WHICH RESULT IN DEDUCTIONS FROM FOUNDATION AID PURSUANT TO SECTION 124.212, SUBDIVISION 8A, CLAUSE (1), SHALL REDUCE THE PERMISSIBLE LEVIES AUTHORIZED BY SUBDIVISIONS 3 TO 14 BY THAT PORTION OF THE PREVIOUS YEAR'S PAYMENT NOT DEDUCTED FROM FOUNDATION AID ON ACCOUNT OF THE PAYMENT. THE LEVY REDUCTIONS SHALL BE MADE IN THE PROPORTIONS THAT EACH PERMISSIBLE LEVY BEARS TO THE SUM OF THE PERMISSIBLE LEVIES.) Reductions in levies pursuant to (THIS CLAUSE,) subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 477A.15; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, or recognized revenue pursuant to section 477A.15; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections *or revenue recognized pursuant to section 477A.15* in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections *or revenue recognized pursuant to section 477A.15* in the previous fiscal year less the product of the same dollar amount of payments *or revenue* times the ratio of the maximum levy allowed the district under subdivision 2a, to the total levy allowed the district under this section in the year in which the levy is certified.

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, (CLAUSE (1) OR (2),) to an amount less than the amount raised by a levy of ten mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision (2a, CLAUSE (4)) *2d* shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 7a shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by subdivision 11a, and the community service levy authorized by subdivision 8, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to subdivision 11a and for community services pursuant to subdivision 8. The reduction of the capital expenditure levy and the community services levy shall be computed on the basis of the amount so ascertained.

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section (124.212) 27, subdivision (8A) 5, clause (2), of *this article* and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amount on the designated date: on or before March 15 of each year, 100 percent of the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section (124.212) 27, subdivision (8A) 5, of *this article* which is in excess of the foundation aid earned for that fiscal year. The commissioner of finance shall deposit any

amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 40. Minnesota Statutes 1980, Section 275.125, Subdivision 9a, is amended to read:

Subd. 9a. [STATUTORY OPERATING DEBT LEVY.] (1) In 1978 and each year thereafter in which so required by this subdivision, a district shall make an additional levy to eliminate its statutory operating debt, determined as of June 30, 1977 and certified and adjusted by the commissioner. This levy shall not be made in more than 20 successive years and each year before it is made, it must be approved by the commissioner and the approval shall specify its amount. This levy shall in each year be an amount which is equal to the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee; provided that in the last year in which the district is required to make this levy, it shall levy an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. When the cumulative levies made pursuant to this subdivision equal an amount equal to the statutory operating debt of the district, the levy shall be discontinued.

(2) The district shall establish a special account in the general fund which shall be designated "appropriated fund balance reserve account for purposes of reducing statutory operating debt" on its books and records. This account shall reflect the levy authorized pursuant to this subdivision. The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which is required to levy pursuant to this subdivision shall certify the maximum levy allowable under subdivision 2a (, CLAUSE (1) or (2)) in that same year.

(4) Each district shall make permanent fund balance transfers so that the total statutory operating debt of the district is reflected in the general fund as of June 30, 1977.

Sec. 41. Minnesota Statutes 1980, Section 275.125, Subdivision 19, is amended to read:

Subd. 19. [LEVY REDUCTION; MINIMUM AID.] (BEGINNING WITH THE 1979 PAYABLE 1980 LEVY,) Any district which it is estimated will receive an amount of minimum foundation aid pursuant to section (124.212, SUBDIVISION 7C, CLAUSE (6)) 25 of this article or its successor pro-

vision in the year to which the levy is attributable, shall reduce its levy limitation pursuant to subdivision 2a (, CLAUSE (1) OR (2),) by the amount of minimum foundation aid which it is estimated that the district will receive in the year to which the levy is attributable.

Sec. 42. Minnesota Statutes 1980, Section 275.125, Subdivision 20, is amended to read :

Subd. 20. [ESTIMATES.] The computation of levy limitations pursuant to (SUBDIVISIONS 2B, 2C, 6C AND 19) *this section* shall be based on estimates where necessary. If as a result of using estimates for these computations the amount of any levy is different from the amount which could actually have been levied if actual data had been available, levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this subdivision shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.

Sec. 43. Minnesota Statutes 1980, Section 298.23, Subdivision 1, is amended to read :

Subdivision 1. The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows :

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton *plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:*

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part ((C)) (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 (**THE 23 CENTS, LESS ANY AMOUNT DISTRIBUTED UNDER PART (C), SHALL BE DISTRIBUTED**) in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. For purposes of distributions pursuant to this part, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision (2A, **CLAUSE (4) 2d**).

(c) *On July 15, 1982 and on July 15 in subsequent years, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 275.125, subdivision 2d, is authorized by referendum, according to the following formula. Each district shall receive the product of:*

(i) *\$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times*

(ii) *the lesser of:*

(A) *one, or*

(B) *the ratio of the amount certified pursuant to section 275.125, subdivision 2d, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.*

*If the total amount provided by clause (3)(c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3)(c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124.212 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection fund as provided in section 298.28, subdivision 1, clause 10.*

(C) (d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which

the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distribution in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection fund created in section 298.292 as follows: In 1978, 1979, 1980, 1981, and 1982, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund; in 1983 and thereafter, one-half to each fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4) (c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school dis-

trict and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 44. [DULUTH AIR BASE CLOSING; AID.]

*Subdivision 1. [DETERMINING PUPIL UNIT REDUCTION.] In the 1981-1982 school year, Independent School Districts No. 700, No. 704, and No. 709 shall determine the reduction in number of pupil units from the 1980-1981 school year because of the closing of the Duluth air base.*

*Subd. 2. [1981-1982 ADJUSTMENT.] In the 1981-1982 school year, Independent School Districts No. 700, No. 704, and No. 709 shall receive 50 percent of the foundation aid lost because of the reduction in pupil units pursuant to subdivision 1.*

Sec. 45. [LEVY ADJUSTMENTS.]

*In 1981, the maximum levy limitation under Minnesota Statutes, Section 275.125, Subdivision 2a or 2e, as applicable, for each district shall be reduced by any difference between the amount of the basic maintenance levy certified by the district in 1980 and the amount of the 1980 basic maintenance levy limitation which would have been computed for the district using a formula allowance of \$1,318.*

Sec. 46. [USE OF RESTORATION FUNDS.]

*Moneys paid to a school district pursuant to Session Laws 1981, Chapter 1, may be deposited in the school district's general fund and may be used for any expenditure for which general fund moneys may be used, notwithstanding any provision in the law restricting the use of moneys to the specific purpose for which the moneys were appropriated.*

**Sec. 47. [EVALUATION OF GRANDFATHER AND REPLACEMENT LEVY.]**

*The state department of education shall study and evaluate the effects of the grandfather and replacement levy limitations and grandfather and replacement aid and report the findings of this study to the education committees of the legislature before February 15, 1982. The reports shall include recent data on patterns of revenue, expenditures, unit costs, and fund balances of school districts.*

**Sec. 48. [INSTRUCTIONS TO REVISOR.]**

*In accordance with section 648.34, in the next edition of Minnesota Statutes, the revisor of statutes shall transfer Minnesota Statutes, Section 124.212, Subdivisions 10 to 18, including any 1981 amendments to these subdivisions, into a new section coded as [124.2131.] with a headnote entitled [EQUALIZATION AID REVIEW COMMITTEE.], and shall alter the references to those subdivisions in the statutes so as to conform to the transfer.*

**Sec. 49. [REPEALER.]**

*Minnesota Statutes 1980, Sections 122.531, Subdivision 7; 124.01, Subdivisions 2, 3, and 4; 124.212, Subdivisions 2, 4, 5, 5a, 6c, 7c, 7d, 8a, 9, 9a, 9b, 20, 20a, and 21; and 275.125, Subdivisions 2b and 7b, are repealed.*

**Sec. 50. [APPROPRIATION.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:*

*\$724,700,000 . . . . 1982,*

*\$614,000,000 . . . . 1983.*

*The appropriation for 1982 includes \$68,500,000 for aid for fiscal year 1981 payable in fiscal year 1982, and \$656,200,000 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$65,200,000 for aid for fiscal year 1982 payable in fiscal year 1983, and \$548,800,000 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [SUMMER SCHOOL.] For state aid for summer school there is appropriated:*

*\$11,470,400 . . . . 1982,*

*\$11,930,400 . . . . 1983.*

*The appropriation for 1982 is for 1981 summer school programs.*

*The appropriation for 1983 is for 1982 summer school programs.*

*If the appropriation amounts for this purpose are insufficient, the aid shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this subdivision for this purpose.*

*Subd. 4 [CANCELLATION.] Any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

#### **Sec. 51. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 2, 14, 15, 16, 17, and 37 of this article are effective the day following final enactment.*

*Subd. 2. Section 43 of this article is effective for taxes payable in 1982 for iron ore concentrate produced in any year beginning after December 31, 1980.*

## **ARTICLE II**

### **TRANSPORTATION AID**

**Section 1. Minnesota Statutes 1980, Section 123.39, Subdivision 1, is amended to read:**

**Subdivision 1. [GENERAL PROVISIONS.]** The board may provide for the free transportation of pupils to and from school, and to schools (,) in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year, as it may deem advisable, and subject to its rules. Every driver

shall possess all the qualifications required by the rules of the state board of education. In any (SPECIAL OR INDEPENDENT) school district, the board shall arrange for the attendance of all pupils living two miles or more from the school (,) through suitable provision for transportation or (FOR) through the boarding and rooming of (SUCH) the pupils (AS) who may be more economically and conveniently provided for by (SUCH) that means. When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The district (IS AUTHORIZED TO) may provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by (SUCH) that means or who attend school in a building rented or leased by a district within the confines of an adjacent district.

Sec. 2. Minnesota Statutes 1980, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] Transportation or board of resident *elementary* pupils who reside one mile or more from the public schools which they could attend (, OR); transportation or board of resident *secondary* pupils who reside two miles or more from the public schools which they could attend; transportation to, from, or between the schools (THEY) the resident pupils attend pursuant to a program approved by the commissioner of education (, OR); transportation of resident *elementary* pupils who reside one mile or more from a (PRIVATE) nonpublic school actually attended (,); transportation of resident *secondary* pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.-76 to 123.79 (WITH RESPECT TO PRIVATE SCHOOL PUPILS);

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils *from home or from school* (DURING THE SCHOOL DAY) to other buildings, *including hospitals and treatment centers where special instruction or services required by section 120.17 are provided*, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that the pupil reside at least one mile from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING: NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a state board approved summer school program;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school

pupils who are provided pupil support services pursuant to section 123.935.

Sec. 3. Minnesota Statutes 1980, Section 124.225, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) (BEGINNING WITH THE 1980-1981 SCHOOL YEAR,) "Region" means development region as defined in section 462.-384, subdivision 5, except that for purposes of this section, development regions 1 and 2 are one region, development regions 4 and 5 are one region, development regions 6E and 6W are one region, and development regions 7E and 7W are one region.

(c) "Total authorized cost" or "total authorized expenditure" means the sum of:

(i) all expenditures for transportation for which aid is authorized in section 124.223, plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

(d) "Total authorized predicted cost" means the total authorized cost predicted by a multiple regression formula determined by the department of education.

((E) FOR THE 1979-1980 SCHOOL YEAR, "REGULAR AND SUMMER SCHOOL AUTHORIZED FTE'S TRANSPORTED" MEANS FULL TIME EQUIVALENT PUPILS TRANSPORTED UNDER SECTION 124.223, CLAUSE (1), DURING THE REGULAR SCHOOL YEAR AND IN CONJUNCTION WITH A STATE BOARD APPROVED SUMMER SCHOOL PROGRAM.)

((F)) (e) "Transportation category" means a category of transportation service provided to pupils. Each category includes

transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:

(i) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(ii) Secondary vocational center transportation is transportation services provided under section 124.223, clause (3);

(iii) Handicapped transportation is transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(iv) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(v) Between schools transportation is transportation services between schools provided under section 124.223, clause (1);

(vi) Shared time regular transportation is transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(vii) Shared time special education transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6);

(viii) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

(ix) Cooperative academic and vocational transportation is transportation services provided under section 124.223, clause (9);

(x) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

((G)) (f) "Pupil weighting factor" means the ratio of the actual regional average cost per FTE in a particular transportation category to the actual regional average cost per FTE in the regular transportation category.

((H)) (g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(1) (h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

Sec. 4. Minnesota Statutes 1980, Section 124.225, Subdivision 1a, is amended to read:

Subd. 1a. [WEIGHTING FACTORS.] For (THE 1980-1981) *each* school year (AND THEREAFTER), in computing transportation aid, the department of education shall establish the pupil weighting factors for each transportation category for each region using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a region had no experience during the second prior school year.

Sec. 5. Minnesota Statutes 1980, Section 124.225, Subdivision 3, is amended to read:

Subd. 3. [FORMULA.] For (THE 1980-1981) *each* school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A multiple regression formula shall be determined through stepwise multiple regression analysis for each region by the department of education, using the terms specified in subdivision 4a, to maximize the amount of variance accounted for between the total actual authorized cost per weighted FTE for the (1978-1979) *second preceding* school year and the total authorized predicted cost per weighted FTE for the (1978-1979) *second preceding* school year. The formula determined for each region shall be used to determine a total authorized predicted cost per weighted FTE for the (1978-1979) *second preceding* school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 6 and 7a.

Sec. 6. Minnesota Statutes 1980, Section 124.225, Subdivision 4a, is amended to read:

Subd. 4a. [FORMULA TERMS.] To predict the total authorized cost per weighted FTE for each district (BEGINNING IN THE 1980-1981 SCHOOL YEAR) *pursuant to subdivision 3*, each regional multiple regression formula shall use the following terms and their squares for each district in the region:

- (1) The area of the district measured in square miles;

- (2) The district's average daily membership;
- (3) The total number of authorized FTE's transported by the district;
- (4) The total number of authorized FTE's transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;
- (5) The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (6) The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (7) The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (8) The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (9) The number of authorized FTE's per square mile transported by the district in the regular transportation category;
- (10) The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;
- (11) The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;
- (12) An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;
- (13) The percentage of the district's square mile area which is classified by the state planning agency as water-covered or marshland;

(14) The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the state planning agency;

(15) The percentage of the district's square mile area which is classified by the state planning agency as having a slope of land exceeding six percent;

(16) The number of authorized FTE's transported to non-public schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category (.);

(17) *The percentage of the district's square mile area which is classified by the state planning agency as extractive.*

Sec. 7. Minnesota Statutes 1980, Section 124.225, Subdivision 6, is amended to read:

Subd. 6. [INFLATION FACTORS.] *The total authorized predicted cost per weighted FTE determined for a district under subdivision 3 for 1979-1980 shall be increased by 28 percent. The total authorized predicted cost per weighted FTE determined for a district under subdivision 3 for (1978-1979) 1980-1981 shall be increased by (29) 25 percent.*

Sec. 8. Minnesota Statutes 1980, Section 124.225, Subdivision 7a, is amended to read:

Subd. 7a. [SOFTENING FORMULA.] (1) Each district's adjusted total authorized predicted cost per weighted FTE determined for (THE 1980-1981) *each* school year (AND EACH YEAR THEREAFTER) according to subdivision 6 shall be compared to the total actual expenditure per weighted FTE for authorized transportation for that district for that year to determine the district's aid entitlement per weighted FTE for that year.

(2) If the adjusted total authorized predicted cost per weighted FTE is greater than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted predicted cost per weighted FTE minus 20 percent of the first \$10 of difference between the adjusted total authorized predicted cost per weighted FTE and the actual expenditure per weighted FTE; minus 40 percent of the next \$10; 60 percent of the next \$10; minus 75 percent of the difference which exceeds \$30.

(3) If the adjusted total authorized predicted cost per weighted FTE is less than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted total authorized predicted cost per weighted FTE plus 20 percent of the first \$10 of difference between the adjusted predicted cost per weighted FTE and the actual expenditure per weighted FTE; plus 40 percent of the next \$10; plus 60 percent of the next \$10; plus 75 percent of the difference which exceeds \$30.

Sec. 9. Minnesota Statutes 1980, Section 124.225, Subdivision 8a, is amended to read:

Subd. 8a. [AID COMPUTATION.] A district's aid pursuant to this section for (THE 1980-1981 SCHOOL YEAR AND) each *school* year (THEREAFTER) shall equal the district's aid entitlement per weighted FTE determined according to subdivision 7a times the total number of authorized weighted FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.

Sec. 10. Minnesota Statutes 1980, Section 124.225, Subdivision 8b, is amended to read:

Subd. 8b. [EXCESS HANDICAPPED AID.] (a) In addition to the amount authorized in subdivision 8a, for (THE 1980-1981) *each* school year, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where:

(1) the average daily membership in that year is 2,500 or fewer pupils,

(2) the total actual authorized expenditures exceed the aid entitlement, and

(3) the actual authorized expenditure per weighted FTE in the handicapped and board and lodging categories exceeds 140 percent of the aid entitlement per weighted handicapped and board and lodging FTE.

(b) This aid shall equal 80 percent of the difference between:

(1) the *district's* actual authorized (EXPENDITURE PER WEIGHTED) *expenditure for transporting* handicapped and board and lodging (FTE) *FTE's* and

(2) 140 percent of the *district's* aid entitlement (PER WEIGHTED) *for transportation of* handicapped and board and lodging (FTE) *FTE's*.

(3) For purposes of the computation of aid pursuant to this subdivision, the amounts of the actual authorized expenditure and the aid entitlement shall exclude amounts attributable to depreciation. Aid pursuant to this subdivision shall not exceed the difference between the district's total actual authorized expenditures and its total aid entitlement.

Sec. 11. Minnesota Statutes 1980, Section 124.225, Subdivision 9, is amended to read:

Subd. 9. [DISTRICT REPORTS.] Each district shall report to the department before July 1 of each year an estimate for the next school year of the total number of FTE's transported by transportation category and an estimate of the district's total actual authorized transportation expenditure by transportation category. The district's aid shall be determined for purposes of the first three transportation aid payments for the school year using these estimates. (BEFORE AUGUST 15, 1980, EACH DISTRICT SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION FOR THE 1979-1980 SCHOOL YEAR WHICH THE DEPARTMENT DETERMINES IS NECESSARY TO COMPUTE THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER FTE FOR PURPOSES OF THE COMPUTATION IN SUBDIVISION 7 AND THE DISTRICT'S ACTUAL TOTAL NUMBER OF FTE'S TRANSPORTED FOR PURPOSES OF THE AID COMPUTATION IN SUBDIVISION 8.) Before August 15 (, 1981, AND) each (AUGUST 15 THEREAFTER) *year*, each district shall provide the department with the information for the preceding school year which the department determines is necessary to compute the district's actual authorized expenditure per weighted FTE for purposes of the computation in subdivision 7a and the district's actual total number of weighted FTE's transported for purposes of the aid computation in subdivision 8a. The district's final transportation aid payment for the school year shall be based on these computations.

Sec. 12. Minnesota Statutes 1980, Section 124.225, Subdivision 11, is amended to read:

Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, *for fiscal years through 1982*, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Sec. 13. Minnesota Statutes 1980, Section 124.225, is amended by adding a subdivision to read:

*Subd. 11a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, the state shall pay each school district its estimated school transportation aid entitlement for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.*

**Sec. 14. [REPEALER.]** *Minnesota Statutes 1980, Section 124.225, Subdivisions 2, 4, 5, 7 and 8, are repealed.*

**Sec. 15. [APPROPRIATIONS.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:*

*\$121,096,032 . . . . . 1982,*

*\$126,068,514 . . . . . 1983.*

*(a) (1) The appropriation for 1982 includes \$10,553,000 for aid for fiscal year 1981 payable in fiscal year 1982 and \$110,193,032 for aid for fiscal year 1982 payable in fiscal year 1982.*

*(2) The appropriation for 1983 includes \$12,243,448 for aid for fiscal year 1982 payable in fiscal year 1983 and \$113,475,066 for aid for fiscal year 1983 payable in fiscal year 1983.*

*(b) (1) The appropriation for fiscal year 1982 includes an amount not to exceed \$350,000, payable in fiscal year 1982, for excess handicapped aid for fiscal year 1981, pursuant to Minnesota Statutes 1980, Section 124.225, Subdivision 8b.*

*(2) The appropriation for fiscal year 1983 includes an amount not to exceed \$350,000, payable in fiscal year 1983, for excess handicapped aid for fiscal year 1982, pursuant to Minnesota Statutes 1980, Section 124.225, Subdivision 8b.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for any*

*purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts. The state shall not be obligated for any amounts in excess of the total appropriations in this section.*

**Sec. 16. [EFFECTIVE DATE.]**

*The amendment in section 2, clause (1), of this article is effective August 15, 1981.*

**ARTICLE III**

**SPECIAL EDUCATION**

Section 1. Minnesota Statutes 1980, Section 120.03, is amended by adding a subdivision to read:

*Subd. 5. A child with a short-term or temporary physical or emotional illness or disability, as determined by the standards of the state board, is not a handicapped child.*

Sec. 2. Minnesota Statutes 1980, Section 120.17, Subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) a proposed placement of their child in, transfer from or to, or denial of placement in a special education program; or (3) the proposed provision, addition, denial or removal of special education services for their child;

(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian; provided the refusal of a parent or guardian to provide this consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program; (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child; or (5) the proposed denial or removal of special education services for their child. *At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.*

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45 day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

(1) be in writing;

(2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for the decision;

(3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;

(4) state the amount and source of any additional district expenditure necessary to implement the decision; and

(5) be based on the standards set forth in subdivision 3a and the rules of the state board.

(f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The commissioner shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 15. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.

The final decision shall:

(1) be in writing;

(2) include findings and conclusions; and

(3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located. The scope of judicial review shall be as provided in chapter 15.

(h) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

(i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

((J) THIS SUBDIVISION SHALL EXPIRE ON JUNE 30, 1981. THE DEPARTMENT OF EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE JANUARY 1, 1981, ON THE IMPACT OF THE AMENDMENTS MADE IN THIS SUBDIVISION BY LAWS 1979, CHAPTER 334 AND ON THE ADVISABILITY OF AMENDING THIS SUBDIVISION TO READ AS IT READS IN MINNESOTA STATUTES 1978.)

Sec. 3. Minnesota Statutes 1980, Section 120.17, Subdivision 4, is amended to read:

Subd. 4. [SPECIAL INSTRUCTIONS FOR NON-RESIDENT CHILDREN.] When a school district provides instruction and services outside the district of residence, board and lodging, and any tuition to be paid, shall be paid by the district of residence. (TRANSPORTATION COSTS SHALL BE PAID BY THE DISTRICT PROVIDING THE TRANSPORTATION, AND THE STATE SHALL REIMBURSE THE DISTRICT WITHIN THE LIMITS PROVIDED BY LAW.) The tuition rate to be charged for any handicapped child shall be the actual cost of providing special instruction and services to the child including a proportionate amount for capital outlay and debt service but not including any amount for transportation, minus the amount of special aid for handicapped children received on behalf of that child. If the boards involved do not agree upon the tuition rate, either board may apply to the commissioner to fix the rate. The commissioner shall then set a date for a hearing, giving each board at least ten days' notice, and after the hearing the commissioner shall make his order fixing the tuition rate, which shall be binding on both school districts.

*When a district provides instruction and services in a day program outside the district of residence, the district of residence shall be responsible for providing transportation. When a district provides instruction and services requiring board and lodging or placement in a residential program outside the district of residence, the nonresident district in which the child is placed shall be responsible for providing transportation. Transportation costs shall be paid by the district responsible for providing transportation and the state shall pay transportation aid to that district.*

For the purposes (HEREIN) of this section, any school district may enter into an agreement, upon (SUCH) terms and conditions (AS MAY BE) which are mutually agreed upon, to provide special instruction and services for handicapped children. In that event, one of the participating units may employ and contract

with necessary qualified personnel to offer services in the several districts (, AND). Each participating unit shall reimburse the employing unit a proportionate amount of the actual cost of providing the special instruction and services, less the amount of state special education aid, which shall be claimed in full by the employing district.

Sec. 4. Minnesota Statutes 1980, Section 120.17, Subdivision 5a, is amended to read:

Subd. 5a. [SUMMER PROGRAMS.] (EVERY) A district may provide summer programs for handicapped children living within the district (, INCLUDING) and nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for (ALL STATE AID FOR THE SUMMER PROGRAM, INCLUDING) special (STATE) education aid (PURSUANT TO SECTION 124.32, FOUNDATION AID AND TRANSPORTATION AID) for the summer program. For the purposes of computing (FOUNDATION AID FOR THESE PROGRAMS, ALL) the summer school revenue allowance as provided in Article I, Section 17, pupils enrolled in these programs shall be (CONSTRUED TO BE RESIDENTS OF) counted by the district of residence and not by the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children, including the cost of board and lodging, may be billed to the district of the child's residence and shall be paid by the resident district. Transportation costs shall be paid by the district responsible for providing transportation pursuant to subdivision 6 or 7 and transportation aid shall be paid to that district.

Sec. 5. Minnesota Statutes 1980, Section 120.17, Subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of (SUCH) a child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) When a child is temporarily placed for care and treatment in a day program located in another district and the child

*continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.*

*((B)) (c) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing (THE INSTRUCTION SHALL MAINTAIN) transportation and an appropriate educational program for (SUCH A) the child and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.*

*((C)) (d) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim foundation aid for the child as provided by law. (SPECIAL) Transportation costs shall be paid by the district responsible for providing the transportation and the state shall (REIMBURSE THE) pay transportation aid to that district (FOR SUCH COSTS WITHIN THE LIMITS PROVIDED BY LAW).*

Sec. 6. Minnesota Statutes 1980, Section 120.17, Subdivision 7, is amended to read:

Subd. 7. [PLACEMENT IN STATE INSTITUTION; RESPONSIBILITY.] Responsibility for special instruction and services for a handicapped child placed in a state institution on a temporary basis shall be determined in the following manner:

(a) The legal residence of such child shall be the school district in which his parent resides, if living, or his guardian;

(b) When the educational needs of such child can be met through the institutional program, the costs for such instruction shall be paid by the department to which the institution is assigned;

(c) When it is determined that such child can benefit from public school enrollment, provision for such instruction shall be made in the following manner:

(1) Determination of eligibility for special instruction and services shall be made by the commissioner of education and the commissioner of the department responsible for the institution;

(2) The school district where the institution is located shall (PROVIDE) *be responsible for providing transportation and an appropriate educational program for the child and shall make a tuition charge to the child's district of residence for the actual cost of providing the program;*

(3) The district of the child's residence shall pay the tuition and other program costs (INCLUDING THE UNREIMBURSED) *excluding transportation costs and may claim foundation aid for the child. (SPECIAL) Transportation (SHALL BE PROVIDED BY THE DISTRICT PROVIDING THE EDUCATION PROGRAM) costs shall be paid by the district where the institution is located and the state shall (REIMBURSE SUCH) pay transportation aid to that district (WITHIN THE LIMITS PROVIDED BY LAW).*

Sec. 7. Minnesota Statutes 1980, Section 120.17, is amended by adding a subdivision to read:

*Subd. 11. [TRANSPORTATION AID AGREEMENTS.] Notwithstanding the provisions of subdivisions 4, 5a, and 6, when a child receives special instruction and services in a day program outside the resident district, the resident district and the nonresident district where the child is placed may enter into an agreement providing for the nonresident district to pay the cost of any particular transportation categories specified in section 124.225, subdivision 1, and claim transportation aid for those categories. In this case, the nonresident district may not obtain any payment from the resident district for the categories covered by the agreement.*

Sec. 8. [120.172] [LEGISLATIVE COMMITMENT TO CONCILIATION.]

*Subdivision 1. [POLICY STATEMENT.] The legislature finds that conciliation conferences pursuant to section 120.17 serve better than formal hearings to promote communications between parents and school staff and to reach prompt, shared decisions about educational programs for handicapped children. Further the legislature urges the United States department of education and the United States office of civil rights to acknowledge that the conciliation conference process violates no federal statute or regulation.*

*Subd. 2. [STATE PLAN.] The state board of education shall not adopt any provision in the state plan for special education which reduces the opportunities for parents and school districts to resolve their differences through conciliation.*

*Subd. 3. [REPORT.] The Minnesota commissioner of education shall report to the education committees of the legislature before January 1, 1983, on the effect of the procedures required in section 120.17, Subdivision 3b, and on any changes in federal statutes or regulations which would contribute to greater flexibility in the procedures for decisions about educational programs for handicapped children.*

**Sec. 9. [121.201] [HEARING IMPAIRED EDUCATIONAL SUPPORT SERVICES.]**

*Subdivision 1. [RESPONSIBILITY OF BOARD.] The state board of education shall coordinate and may pay for support services for hearing impaired persons to assure access to educational opportunities. Services may be provided to adult students who are hearing impaired and (a) have been denied access to educational opportunities because of the lack of support services or (b) are presently enrolled or (c) are contemplating enrollment in an educational program and would benefit from support services. The state board shall also be responsible for conducting inservice training for public and private agencies regarding the needs of hearing impaired persons in the adult education system.*

*Subd. 2. [SUPPORT SERVICES.] The state board may pay school districts or public or private community agencies for the following support services:*

*(a) Interpreter services to provide translation for an individual or a group of students; or*

*(b) Notetaker services to convert spoken language to written language when the student must maintain visual contact with other persons such as an interpreter or instructor.*

*Subd. 3. [PROGRAMS INCLUDED.] Support services may be provided for:*

*(a) Local school district adult education programs;*

*(b) Adult vocational school programs; and*

*(c) Avocational education programs sponsored by public or private community agencies.*

**Sec. 10. [124.273] [LIMITED ENGLISH PROFICIENCY PROGRAMS AID.]**

*Subdivision 1. [TEACHERS SALARIES.] (a) For the 1981-1982 school year, the department shall pay a school district 70 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English*

proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay 70 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

(b) Beginning in the 1982-1983 school year, and each year thereafter, the department shall pay a school district 65 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay 65 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

Subd. 2. [PROHIBITION.] (a) For the 1981-1982 school year, the department of education shall not pay a school district an amount exceeding 70 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.

(b) Beginning in the 1982-1983 school year, and each year thereafter, the department of education shall not pay a school district an amount exceeding 65 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.

Subd. 3. [PARTICIPATION OF NONPUBLIC SCHOOL PUPILS.] In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section shall offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision shall be provided at a public school or a neutral site as defined in section 123.932, subdivision 9. Nonpublic school pupils served by a district's educational program for pupils of limited English proficiency shall be counted for average daily membership pursuant to Article I, Section 26 of this act.

Subd. 4. [APPLICATION DATES.] (a) A district wishing to receive aid pursuant to this section shall submit an application by October 15, February 15, and June 15 of each year. Aid paid pursuant to this section shall be based on the number of pupils of limited English proficiency enrolled in the district at the time the district submits its first application or the number of additional such pupils enrolled at the time subsequent applications are submitted.

(b) All applications shall be submitted to the department in the manner prescribed by the commissioner. Each application shall include (1) the number of pupils or additional pupils enrolled who meet the criteria in section 126.262, subdivision 2; (2) the number, dates of hire, full time equivalency, and salaries of essential licensed personnel or additional essential licensed personnel employed in the district's educational program for pupils of limited English proficiency who meet the criteria in section 126.262, subdivision 3; and (3) any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section and may share essential instructional personnel employed in educational programs for pupils of limited English proficiency.

**Subd. 5. [NOTIFICATION; AID PAYMENTS.]** The department shall inform each applicant district of the amount of aid it will receive pursuant to this section within a month after the application deadline, and the department shall pay the aid within 15 days after notifying the district that it will receive aid. Beginning with the 1982-1983 school year, 85 percent of the aid shall be paid within 15 days after the aid notification and the remaining aid to each district shall be paid on or before October 31 of the following school year.

**Subd. 6. [RECORDS; AUDIT.]** A district which applies for aid pursuant to this section shall maintain records which support the information contained in all of its applications. The commissioner of education may audit these records upon request. A district which receives aid pursuant to this section shall keep such additional records in the manner prescribed by the commissioner to ensure that an educational program for pupils of limited English proficiency is implemented and operated in accordance with sections 126.261 to 126.269.

**Subd. 7. [MONEY FROM OTHER SOURCES.]** A school district providing a program for pupils of limited English proficiency shall be eligible to receive moneys for these programs from other government agencies and from private sources when these moneys are available.

**Sec. 11. Minnesota Statutes 1980, Section 124.32, Subdivision 1, is amended to read:**

**Subdivision 1. (a)** For the 1981-1982 and 1982-1983 school years, the state shall pay to any district for the employment in its educational program for handicapped children (THE GREATER OF:)

((1) (A) 69 PERCENT OF THE SALARY OF ESSENTIAL PERSONNEL, BUT THIS AMOUNT SHALL NOT EXCEED \$12,000 FOR THE NORMAL SCHOOL YEAR FOR EACH FULL TIME PERSON EMPLOYED, OR A PRO RATA

AMOUNT FOR A PART TIME PERSON OR A PERSON EMPLOYED FOR A LIMITED TIME, WHETHER THE ESSENTIAL PERSONNEL ARE EMPLOYED BY A DISTRICT ALONE OR JOINTLY WITH ANOTHER DISTRICT; PLUS)

((B) FIVE PERCENT OF THE SALARIES OF ESSENTIAL PERSONNEL EMPLOYED IN ITS EDUCATIONAL PROGRAM FOR HANDICAPPED CHILDREN, FOR THE PURPOSE OF RECOGNIZING ADDITIONAL SUPPORT COSTS OF EDUCATIONAL PROGRAMS FOR HANDICAPPED CHILDREN; OR)

((2) 70) 65 percent of the salary of essential personnel for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

((3) A DISTRICT SHALL RECEIVE AID PURSUANT TO ONLY ONE CLAUSE OF CLAUSES (1) AND (2) FOR A SCHOOL YEAR.)

*(b) Beginning in the 1983-1984 school year and in each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children 70 percent of the salary of essential personnel for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.*

Sec. 12. Minnesota Statutes 1980, Section 124.32, Subdivision 1a, is amended to read:

Subd. 1a. [FOUNDATION AID FORMULA ALLOWANCE.] For purposes of this section, (THE) "foundation aid formula allowance" (PER PUPIL UNIT) shall (BE \$1,182 FOR THE 1979-1980 SCHOOL YEAR, AND \$1,265 FOR THE 1980-1981 SCHOOL YEAR) *have the meaning attributed to it in Article I, Section 21, Subdivision 1 of this act, and "summer school revenue allowance" shall have the meaning attributed to it in Article I, Section 17 of this act.* For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Sec. 13. Minnesota Statutes 1980, Section 124.32, Subdivision 1b, is amended to read:

Subd. 1b. [CONTRACT SERVICES.] (1) For special instruction or training and services provided for any pupil

pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.

(2) For special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the (FOUNDATION AID RECEIVED BY) *summer school revenue allowance* of the district (FOR) *attributable to that pupil* (PURSUANT TO SECTION 124.20, OR A PRO RATA PORTION OF THAT FOUNDATION AID FOR A PUPIL WHO RECEIVES SERVICES BY SUCH A CONTRACT ON LESS THAN A FULL TIME SUMMER SCHOOL BASIS. THIS CLAUSE SHALL BE EFFECTIVE FOR THE 1977 SUMMER SCHOOL AND THEREAFTER).

Sec. 14. Minnesota Statutes 1980, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay *aid* to the resident district *under the provisions of this subdivision. For the regular school year, the aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance (IN THE RESIDENT DISTRICT), for each handicapped child placed in a residential facility. For summer school programs, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child.* No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 15. Minnesota Statutes 1980, Section 124.32, Subdivision 6, is amended to read:

Subd. 6. [FULL STATE PAYMENT.] The state shall pay each district the actual cost incurred in providing instruction and services for a handicapped child whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment. This section does not apply for a child placed in a foster home or a foster group home.

Upon following (SUCH) *the* procedure (AS REQUESTED) *specified* by the commissioner of education (A), *the* district (PROVIDING INSTRUCTION AND SERVICES FOR SUCH HANDICAPPED CHILD) may bill the state the actual cost incurred in providing (SAID) *the* services including transportation costs and a proportionate amount of capital outlay and debt service, minus the amount of the foundation aid formula allowance for the child and the special education aid, transportation aid, and any other aid earned in behalf of (SUCH) *the* child (, SUCH ACTION PURSUANT TO LIMITS). *The limit set forth in subdivision 4 shall apply to aid paid pursuant to this subdivision.*

*To the extent possible, the commissioner shall obtain reimbursement from another state for the cost of serving any child whose parent or guardian resides in that state. The commissioner may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasury and placed in the general fund.*

Sec. 16. Minnesota Statutes 1980, Section 124.32, Subdivision 9, is amended to read:

Subd. 9. Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, *for school years through 1981-1982*, the state shall pay to each school district 30 percent of its estimated special education aid for the school year on or before each of the following dates: September 30, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following year.

Sec. 17. Minnesota Statutes 1980, Section 124.32, is amended by adding a subdivision to read:

*Subd. 9a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in school year 1982-1983, the state shall pay each school district its estimated special education aid for the school year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following school year.*

Sec. 18. Minnesota Statutes 1980, Section 126.262, Subdivision 8, is amended to read:

Subd. 8. "Educational program for *pupils of limited English (PROFICIENT STUDENTS) proficiency*" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.

Sec. 19. Minnesota Statutes 1980, Section 126.54, Subdivision 1, is amended to read:

Subdivision 1. [GRANTS; PROCEDURES.] For fiscal (YEAR 1981) *years 1982 and 1983*, the state board of education shall make grants to no fewer than six school year (PILOT) American Indian language and culture education programs. At least three (PILOT) programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of (PILOT) American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by non-sectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 20. [REPEALER.]

*Minnesota Statutes 1980, Sections 120.17, Subdivision 3c; 126.263; 126.268, Subdivision 1; and 126.52, Subdivision 12, are repealed.*

Sec. 21. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [SPECIAL EDUCATION AID.] For special education aid, there is appropriated:*

\$95,602,130 . . . . . 1982,

\$98,719,770 . . . . . 1983.

*The appropriation for 1982 includes \$8,670,700 for aid for fiscal year 1981 payable in fiscal year 1982, and \$86,931,430 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$9,659,050 for aid for fiscal year 1982 payable in fiscal year 1983 and \$89,060,720 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:*

\$4,500,000 . . . . . 1982,

\$4,887,000 . . . . . 1983.

*Subd. 4. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:*

\$578,000 . . . . . 1982,

\$630,600 . . . . . 1983.

*Subd. 5. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency there is appropriated:*

\$3,025,200 . . . . . 1982,

\$3,354,880 . . . . . 1983.

*Subd. 6. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:*

\$525,000 . . . . . 1982,

\$446,250 . . . . . 1983.

*The appropriation for 1982 is 100 percent of grant aid for fiscal year 1982, payable in fiscal year 1982.*

*The appropriation for 1983 is 85 percent of grant aid for fiscal year 1983, payable in fiscal year 1983.*

**Subd. 7. [HEARING IMPAIRED SUPPORT SERVICES AID.]** *For payment of support services for hearing impaired persons pursuant to section 9 of this article, there is appropriated:*

\$30,000 . . . . . 1982,

\$40,000 . . . . . 1983.

**Subd. 8. [CANCELLATION.]** *Any unexpended balances remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

**Subd. 9. [PRORATION.]** *If the appropriation amount in subdivisions 2, 3, 4, or 5 of this section attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

**Sec. 22. [EFFECTIVE DATE.]**

*Sections 2, 4, 8, 13, and 14 of this article are effective the day following final enactment.*

**ARTICLE IV**

**COMMUNITY AND ADULT EDUCATION**

**Section 1.** Minnesota Statutes 1980, Section 124.26, Subdivision 1, is amended to read:

**Subdivision 1.** For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. The state shall pay these aids on a current funding basis. The portion of such compensation from state appropriation shall be 90 percent of the compensation paid each teacher for his services in such programs up to \$8,000 per year based on the costs in that current year. All classes shall be tuition free when taught by teachers subsidized under this section and there shall be no charge for registration, materials and supplies (, OR G.E.D.

TESTS). Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Sec. 2. Minnesota Statutes 1980, Section 124.26, Subdivision 4, is amended to read:

Subd. 4. [PAYMENT SCHEDULE THROUGH 1982.] *For fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated adult education aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution (TO EACH DISTRICT) shall be made (ON OR BEFORE) by October 31 of the following fiscal year.*

Sec. 3. Minnesota Statutes 1980, Section 124.26, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT SCHEDULE.] *Starting in fiscal year 1983, the state shall pay to each school district its estimated adult education aid entitlement according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.*

Sec. 4. Minnesota Statutes 1980, Section 124.26, is amended by adding a subdivision to read:

Subd. 6. [APPLICATIONS; PRORATION.] *By August 1 of each fiscal year, the commissioner shall approve or disapprove all applications for funding for that year pursuant to subdivision 1 that were received by the preceding June 1, and shall notify the applicant districts of the decision. In any fiscal year when the total amount requested by districts for approved programs exceeds the amount appropriated, the commissioner shall, to the extent possible, fully fund the programs which were approved by August 1, and shall prorate any remaining funds among programs which are approved after August 1.*

Sec. 5. Minnesota Statutes 1980, Section 124.271, Subdivision 2, is amended to read:

Subd. 2. (IN FISCAL YEAR 1981 AND EACH YEAR THEREAFTER,) *In fiscal years 1982 and 1983 the state shall pay the greater of (75) 65 cents per capita or (\$7,000) \$6,100 to each school district which is operating a community education program in compliance with the rules promulgated by the*

state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year.

Sec. 6. Minnesota Statutes 1980, Section 124.271, is amended by adding a subdivision to read:

*Subd. 2a. Beginning in fiscal year 1984, each district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied pursuant to section 275.125, subdivision 8, shall receive in state aid the greater of the following:*

*(a) \$5 per capita minus the amount raised by .9 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year; or*

*(b) 75 cents per capita; or*

*(c) \$7,000.*

*However the amount of aid shall not exceed the amount certified pursuant to section 275.125, subdivision 8. For purposes of computing the aid limitation pursuant to this subdivision, the amount certified pursuant to section 275.125, subdivision 8, shall not reflect reductions pursuant to section 275.125, subdivision 9.*

Sec. 7. Minnesota Statutes 1980, Section 124.271, Subdivision 4, is amended to read:

*Subd. 4. Each district providing community education programs pursuant to sections 121.85 to 121.88 shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these community education programs. All funds received pursuant to this section and to the levy authorized in section 275.125, subdivision 8, shall be utilized solely for the purposes of community education programs. These funds may be used to reimburse G.E.D. testing centers for each battery of G.E.D. tests or each individual test administered by that center.*

Sec. 8. Minnesota Statutes 1980, Section 124.271, Subdivision 5, is amended to read:

*Subd. 5. [PAYMENT SCHEDULE THROUGH 1982.] All community education (PROGRAMS) program aid shall be distributed by the state aids (, STATISTICS AND RESEARCH) section of the (STATE) department of education. For fiscal*

years through 1982 aid shall be distributed prior to November 1 each year.

Sec. 9. Minnesota Statutes 1980, Section 124.271, is amended by adding a subdivision to read:

*Subd. 6. [PAYMENT SCHEDULE.] Starting in fiscal year 1983, the state shall pay to each school district 85 percent of its community education program aid for the current fiscal year by November 1. The final aid distribution to each district shall be made by November 1 of the following fiscal year.*

Sec. 10. Minnesota Statutes 1980, Section 275.125, Subdivision 8, is amended to read:

Subd. 8. (1) *In 1981 a district which has established a community education advisory council pursuant to section 121.88, may levy an amount of money raised by the greater of (A) (\$2.50) \$3.40 per capita, or (B) 110 percent of the amount certified pursuant to this subdivision in (1976) 1980. These levies shall be used for community services including nonvocational adult programs, recreation and leisure time activity programs, and programs contemplated by sections 121.85 to 121.88. For purposes of computing the levy limitation pursuant to this subdivision, the amount certified pursuant to this subdivision in (1976) 1980 shall not reflect reductions pursuant to subdivision 9.*

(2) *Except as provided in clauses (3) and (4), in 1982, and each year thereafter, a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .9 mill times the most recent adjusted assessed valuation of the district, but no more than \$5 times the population of the district. This amount shall be reduced to \$4.25 per capita for districts which will qualify for aid in fiscal year 1984 equal to 75 cents per capita pursuant to section 124.271, subdivision 2a, clause (b).*

(3) *Districts which received total revenue in fiscal year 1983 from community education aid and levy in excess of \$5 times the population of the district, may levy the amount of the fiscal year 1983 revenue less \$5 times the population of the district in addition to the amount in clause (2).*

(4) *Districts which will qualify for aid pursuant to section 124.271, subdivision 2a, clause (c) may levy the amount of their fiscal year 1983 revenue from community education aid and levy minus \$7,000.*

**((2)) (5) A school district (SHALL BE AUTHORIZED TO MAKE A)** *may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the*

governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to (MAKE A) levy pursuant to this subdivision.

(3) (6) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 11. [REPEALER.]

*Minnesota Statutes 1980, Sections 124.26, Subdivision 3, and 124.271, Subdivision 1a, are repealed.*

Sec. 12. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26, there is appropriated:*

\$1,128,200 . . . . . 1982,

\$1,242,400 . . . . . 1983.

*The amount appropriated for fiscal year 1982 includes \$97,800 for aid for fiscal year 1981 payable in fiscal year 1982, and \$1,030,400 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The amount appropriated for fiscal year 1983 includes \$114,500 for aid for fiscal year 1982 payable in fiscal year 1983, and \$1,127,900 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid, there is appropriated:*

\$3,530,000 . . . . . 1982,

\$3,200,000 . . . . . 1983.

*Subd. 4. [CANCELLATION AND PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the*

*second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

## ARTICLE V

### VOCATIONAL AID

Section 1. Minnesota Statutes 1980, Section 121.902, is amended by adding a subdivision to read:

*Subd. 1a. By July 1, 1982, the council shall recommend to the state board uniform property accounting and reporting standards for area vocational-technical institutes. The state board shall adopt and maintain uniform property accounting and reporting standards for area vocational-technical institutes to account and report individual property records for fixed assets. These standards shall include provisions for date of acquisition, historical cost, depreciated value, expected useful life, and replacement cost.*

Sec. 2. Minnesota Statutes 1980, Section 121.931, Subdivision 6, is amended to read:

Subd. 6. [DATA STANDARDS.] The state board shall adopt rules containing standards for financial, *property*, student and (PAYROLL/PERSONNEL) *personnel/payroll* data and any other data included in ESV-IS. For financial data, the uniform financial accounting and reporting standards adopted pursuant to section 121.902, *subdivision 1*, shall satisfy the requirement of this subdivision. *For property data, the uniform property accounting and reporting standards adopted pursuant to section 1 of this article shall satisfy the requirement of this subdivision.* The state board shall consider the recommendations of the advisory task forces on uniform data standards for student reporting and (PAYROLL/PERSONNEL) *personnel/payroll* reporting and the ESV computer council in adopting the standards for student data and (PAYROLL/PERSONNEL) *personnel/payroll* data. The state board shall ensure that the standards for different types of data are consistent with each other, and for this purpose shall consider the recommendations of the advisory task forces on uniform data standards for student reporting and personnel/payroll reporting, the advisory council on uniform financial accounting and reporting standards, and the ESV computer council. The data standards for each type of data shall include:

- (a) A standard set of naming conventions for data elements ;

(b) A standard set of data element definitions; and

(c) A standard transaction processing methodology which uses the defined data elements, specifies mathematical computations on those data elements and specifies output formats.

The state board, with the advice and assistance of the ESV computer council, shall monitor and enforce compliance with the data standards.

Sec. 3. Minnesota Statutes 1980, Section 121.934, Subdivision 7, is amended to read:

Subd. 7. [ADVISORY DUTIES.] (a) Pursuant to section 121.931, the ESV computer council shall advise and assist the state board in:

(1) the development of the long range plan and the systems architecture plan;

(2) the development of applications software for ESV-IS and SDE-IS;

(3) the approval of the creation and alteration of regional management information centers;

(4) the approval of the use by districts of alternative management information systems;

(5) the statewide applicability of alternative management information systems proposed by districts; and

(6) the approval of annual and biennial plans and budgets of regional management information centers; and

(7) the monitoring and enforcement of compliance with data standards.

(b) The council shall also review the data standards recommended by the council on uniform financial accounting and reporting standards and the advisory task forces on uniform standards for student reporting and personnel/payroll reporting and make recommendations to the state board concerning:

(1) the consistency of the standards for finance, *property*, student and personnel/payroll data with one another;

(2) the implications of the standards for implementation of ESV-IS and SDE-IS; and

(3) the consistency of the standards with the systems architecture plan and the long-range plan.

(c) Pursuant to section 121.932, the council shall advise the department in the development and operation of SDE-IS.

Sec. 4. Minnesota Statutes 1980, Section 121.935, Subdivision 2, is amended to read:

Subd. 2. [DUTIES.] Every regional management information center shall:

(a) Assist its affiliated districts in complying with the reporting requirements of the annual data acquisition calendar and the rules of the state board of education;

(b) Respond within 15 calendar days to requests from the department for information based on the data elements in the data element dictionary;

(c) Operate financial management information systems consistent with the uniform financial accounting and reporting standards for Minnesota school districts adopted by the state board pursuant to sections 121.90 to (121.92) *121.917*;

(d) Make available to districts the opportunity to participate fully in all the subsystems of ESV-IS;

(e) Before July 1, 1981, develop a plan for the provision of services during a system failure or a disaster;

(f) (BEGINNING IN 1981,) Comply with the requirement in section 121.908, subdivision 2, on behalf of districts affiliated with it; *and*

(g) *Operate fixed assets property management information systems consistent with the uniform property accounting and reporting standards for Minnesota area vocational-technical institutes adopted by the state board pursuant to section 1 of this article.*

Sec. 5. Minnesota Statutes 1980, Section 121.935, subdivision 6, is amended to read:

Subd. 6. [FEES.] Regional management information centers may charge fees to affiliated districts. A district which submits financial transactions to the center in summary form pursuant to section 121.936, subdivision 1, or which uses an approved alternative (FINANCIAL) management information system pursuant to section 121.936, subdivisions 2 to 4, may apply to the commissioner to set the fee if the district and the

center cannot agree on a fee. The commissioner shall issue an order setting the fee, which shall be binding on both the center and the district.

Sec. 6. Minnesota Statutes 1980, Section 121.936, is amended by adding a subdivision to read:

*Subd. 1a. [MANDATORY AVTI PARTICIPATION.] (a) By July 1, 1983, every area vocational-technical institute shall perform property accounting and reporting operations on a fixed assets property management accounting and reporting system utilizing fixed assets categories defined in accordance with the uniform property accounting and reporting standards adopted by the state board pursuant to section 1 of this article.*

*(b) Every area vocational-technical institute shall use the ESV-IS fixed assets property subsystem through the regional management information center to perform property accounting and reporting operations required by clause (a), and to provide data to the center pursuant to the data acquisition calendar.*

Sec. 7. Minnesota Statutes 1980, Section 121.936, Subdivision 2, is amended to read:

**Subd. 2. [ALTERNATIVE (FINANCIAL) MANAGEMENT INFORMATION SYSTEMS.]** After July 1, 1980, a district may be exempted from the requirement in subdivision 1, clause (b) (2), if it receives the approval of the state board to use an alternative financial management information system. A district permitted before July 1, 1980, to submit its financial transactions in summary form to a regional management information center pursuant to subdivision 1 may continue to submit transactions in the approved form without obtaining the approval of the state board pursuant to this subdivision. *A district may be exempted from the requirement in section 6, clause (b) of this article if it receives the approval of the state board to use an alternative fixed assets property management information system.* Any district desiring to use an alternative management information system shall submit a detailed proposal to the state board, the ESV computer council and the regional management information center with which it is affiliated. The detailed proposal shall include a statement of all costs to the district, regional management information center or state for software development or operational services needed to provide data to the regional management information center pursuant to the data acquisition calendar.

Sec. 8. Minnesota Statutes 1980, Section 121.936, Subdivision 3, is amended to read:

**Subd. 3. [ALTERNATIVE (FINANCIAL) MANAGEMENT INFORMATION SYSTEMS; EVALUATION.]** The regional

management information center shall evaluate the district proposal according to the approval criteria in section 121.937, subdivision 1. The regional management information center shall submit its evaluation of the district proposal to the state board and the ESV computer council for their consideration in evaluating the proposal.

The ESV computer council shall evaluate the district proposal (FOR COST EFFECTIVENESS AND CONFORMANCE TO THE SYSTEMS ARCHITECTURE PLAN, THE LONG RANGE PLAN, AND THE UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTIONS 121.90 TO 121.92) according to the approval criteria in section 121.937, subdivision 1, clauses (a), (b), and (d). Upon completion of the evaluation, the ESV computer council shall recommend to the state board that it (a) approve the proposal, (b) disapprove the proposal, or (c) approve the proposal if it is modified by the district in ways which are specified by the council.

Sec. 9. Minnesota Statutes 1980, Section 121.937, Subdivision 1, is amended to read:

Subdivision 1. The criteria adopted by the state board for approval of the creation of a regional management information center, the transfer of a school district's affiliation from one regional management information center to another, and the approval of an alternative management information system shall include:

(a) The provisions of the plans adopted by the state board pursuant to section 121.931, subdivisions 3 and 4;

(b) The cost effectiveness of the proposed center, transfer or alternative;

(c) The effect of the proposed center, transfer or alternative on existing regional management information centers; and

(d) Whichever of the following is applicable:

(i) The ability of a proposed center to comply with section 121.935, or the effect of a transfer on a center's ability to comply with section 121.935, or

(ii) The ability of a proposed alternative *financial* management information system to comply with section 121.936, subdivision 1, clauses (a) and (b) (1), or

(iii) The ability of a proposed alternative *fixed assets property* management information system to comply with section

121.936, subdivision 1, clause (b) (1), and section 6, clause (a) of this article.

Sec. 10. Minnesota Statutes 1980, Section 121.938, subdivision 2, is amended to read:

Subd. 2. Each task force shall report to the legislature, by (JANUARY 1) *September 1, 1981*, recommendations for broad policy standards for school district reporting of student data or (PAYROLL/PERSONNEL) *personnel/payroll* data. Each task force shall recommend to the ESV computer council and the state board specific data standards for student data or personnel/payroll data. These data standards shall be consistent with the uniform financial accounting and reporting standards *and the uniform property accounting and reporting standards* adopted by the state board pursuant to sections 121.90 to (121.92) 121.917.

Sec. 11. Minnesota Statutes 1980, Section 124.11, Subdivision 2a, is amended to read:

Subd. 2a. (a) *Through the 1981-1982 school year*, ninety percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month (BEGINNING IN JULY 1980). (A FINAL PAYMENT OF THE REMAINDER OF THE POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID FOR EACH FISCAL YEAR SHALL BE MADE TO EACH DISTRICT IN SEPTEMBER OF THE FOLLOWING FISCAL YEAR. THE SEPTEMBER 1980 PAYMENT SHALL BE ADJUSTED TO REFLECT ANY DEFICIT OR EXCESS IN POST-SECONDARY VOCATIONAL FOUNDATION AID RECEIVED BY A DISTRICT IN FISCAL YEAR 1980. THE SEPTEMBER 1981 FINAL PAYMENT AND THE SEPTEMBER FINAL PAYMENT IN EACH YEAR THEREAFTER SHALL BE ADJUSTED TO REFLECT THE ACTUAL AVERAGE DAILY MEMBERSHIP FOR THE PREVIOUS FISCAL YEAR. BEGINNING WITH THE 1980-1981 SCHOOL YEAR, 90 PERCENT OF) The estimated (POST-SECONDARY VOCATIONAL INSTRUCTIONAL) aid *payments* shall be paid on the basis of the department of education's estimates of the current year's average daily membership adjusted *for the latest available information* in (SEPTEMBER, DECEMBER, MARCH AND JUNE) *November, February and May* (TO REFLECT ANY INCREASES OR DECREASES IN ENROLLMENT). *The ten percent final payment, adjusted to reflect the actual average daily membership, shall be made to each district in September of the following fiscal year.*

(b) *Beginning in the 1982-1983 school year, eighty-five percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month. The estimated aid payments shall be*

*paid on the basis of the department of education's estimates of the current year's average daily membership adjusted for the latest available information in November, February and May. The 15 percent final payment, adjusted to reflect the actual average daily membership, shall be made to each district in September of the following fiscal year.*

Sec. 12. Minnesota Statutes 1980, Section 124.11, Subdivision 2b, is amended to read:

Subd. 2b. (a) *Through the 1981-1982 school year, post-secondary vocational supply aid and support services aid shall be paid to districts in equal installments on or before August 1, November 1, February 1, and May 1 of each year. Eighty percent of post-secondary vocational (CAPITAL EXPENDITURE) equipment aid and repair and betterment aid shall be paid to districts on or before August 1 of each year. The remaining 20 percent of post-secondary vocational (CAPITAL EXPENDITURE) equipment aid and repair and betterment aid shall be paid to districts on or before May 1 of each year.*

(b) *Beginning in the 1982-1983 school year, the state shall pay to districts 25 percent of post-secondary vocational supply aid and support services aid by August 1, 20 percent by November 1, 20 percent by February 1, and 20 percent by May 1 of each school year. Eighty-five percent of post-secondary vocational equipment aid and repair and betterment aid shall be paid to districts by August 1 of each year. The 15 percent final aid distribution shall be paid to districts by October 31 of the following school year.*

Sec. 13. Minnesota Statutes 1980, Section 124.11, Subdivision 2c, is amended to read:

Subd. 2c. *Additional post-secondary vocational supply aid, support services aid (AND CAPITAL EXPENDITURE), equipment aid, and repair and betterment aid may be distributed on or before May 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year pursuant to section 124.561, subdivision 3a.*

Sec. 14. Minnesota Statutes 1980, Section 124.561, Subdivision 2a, is amended to read:

Subd. 2a. [BUDGETS; ALLOCATIONS.] *Before (JANUARY 1, 1980 AND) January 1 of each year (THEREAFTER), each post-secondary vocational technical school shall submit to the state board for vocational education budgets for supplies, support services, (AND CAPITAL EXPENDITURES) equipment, and repair and betterment for the following fiscal year as prescribed in sections 124.5622, 124.5623, (AND) 124.5624, and section 30 of this article. The state board for vocational education shall authorize the allocations of post-secondary vocational*

supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid* for each district prior to June 1 of each year after a consolidated public hearing held pursuant to subdivision 3a. No district shall increase its operating deficit for post-secondary vocational education during any fiscal year. The state board for vocational education shall promulgate rules which establish the criteria for allocations of post-secondary vocational supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid*. (BY OCTOBER 15, 1979,) The commissioner, in cooperation with the department of finance, shall establish standards by which post-secondary vocational-technical schools shall submit separate financial requests for post-secondary vocational supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid*.

Sec. 15. Minnesota Statutes 1980, Section 124.561 is amended by adding a subdivision to read:

*Subd. 2b. [COMPONENT ACTIVITIES.] For the purposes of post-secondary vocational aid allocations "component activities" shall include: regular instruction; related instruction; special needs instruction; research; instructional administration; media/library; pupil personnel services; health services; director's office; institutional services; fixed costs; work study; physical plant; and repair and betterment.*

Sec. 16. Minnesota Statutes 1980, Section 124.561, Subdivision 3a, is amended to read:

*Subd. 3a. [HEARING.] The consolidated public hearing held by the state board pursuant to subdivision 2a shall take place with at least six board members present and shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. (IN 1980 AND) Each year (THEREAFTER) the state board shall authorize the allocations of post-secondary vocational supply aid, support services aid (AND CAPITAL EXPENDITURE), *equipment aid, and repair and betterment aid* for the following fiscal year at this hearing. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed allocations of aids to the education committees of the legislature and to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided*

that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the final proposed allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed allocations. The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action allocating aids. Any district which is adversely affected by the final proposed allocations of aids may demand and shall be given an opportunity to be heard in support of modification of the proposed allocations of aids at the meeting at which the state board takes final action allocating aids; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 17. Minnesota Statutes 1980, Section 124.561, is amended by adding a subdivision to read:

*Subd. 5. [DISTRIBUTION OF MONEYS.] All moneys, whether state, federal, or from other sources, which may be made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be apportioned by the state board for vocational education to the various school districts in accordance with law and shall be distributed by the state aids section of the state department of education. State board approval shall not be required for the adjustment of average daily membership, pursuant to section 124.11, subdivision 2a.*

Sec. 18. Minnesota Statutes 1980, Section 124.561, is amended by adding a subdivision to read:

*Subd. 6. [ACCOUNTING.] Each district providing post-secondary vocational-technical education programs shall establish and maintain, in accordance with section 121.908, separate revenue, expenditure, asset and liability accounts related to these post-secondary vocational-technical education programs within funds separate from all other district funds. All post-secondary vocational aids and all tuition authorized by section 124.565 shall be utilized solely for the purposes of post-secondary vocational-technical education programs.*

Sec. 19. Minnesota Statutes 1980, Section 124.5621, Subdivision 2, is amended to read:

*Subd. 2. "Post-secondary vocational instructional aid" means state funds exclusive of post-secondary vocational (CAPITAL EXPENDITURE) equipment aid, repair and betterment aid, supply aid, support services aid and debt service aid paid by the state board for vocational education to local school districts for instructional programs. Post-secondary vocational instructional*

aid shall be utilized solely for the purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.

Sec. 20. Minnesota Statutes 1980, Section 124.5621, Subdivision 5, is amended to read:

Subd. 5. [INSTRUCTIONAL PROGRAM.] "Instructional program" means a post-secondary vocational-technical occupational program as classified with a six-digit number by the (FEDERAL OFFICE) *United States department* of education, excluding special needs programs and related instruction.

Sec. 21. Minnesota Statutes 1980, Section 124.5621, Subdivision 6, is amended to read:

Subd. 6. [INSTRUCTIONAL PROGRAM COSTS.] "Instructional program costs" means the actual expenditures in the base year for an instructional program at an AVTI. These actual expenditures shall be computed as follows:

- (1) instructional salaries; plus
- (2) instructional employee fringe benefits, excluding teachers' retirement and teachers' social security; plus
- (3) expenditures for instructional staff travel for instructional and professional development purposes; plus
- (4) expenditures for purchased services for instructional purposes; plus
- (5) *instructional* expenditures for student activities; plus
- (6) other instructional expenditures detailed according to the uniform financial accounting and reporting system, not including any expenditures for supplies and equipment; minus
- (7) other instructional revenues detailed according to the uniform financial accounting and reporting system, including student activity fees but not including any revenues from the sale of supplies and equipment.

These actual expenditures shall not include any expenditures or revenues which are included in the AVTI's budgets for post-secondary vocational supply aid, support services aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid.*

Sec. 22. Minnesota Statutes 1980, Section 124.5621, Subdivision 12, is amended to read:

Subd. 12. [INSTRUCTIONAL AID FORMULA.] In (THE 1981 FISCAL YEAR AND) each fiscal year (THEREAFTER), each district which operates an AVTI shall receive post-secondary vocational instructional aid computed according to the following formula:

(a) The instructional program allowance for that AVTI in the base year, multiplied by

(b) The AVTI staff compensation weighting for that AVTI, multiplied by

(c) (117) 119 percent, multiplied by

(d) The student growth or decline factor for the AVTI.

Sec. 23. Minnesota Statutes 1980, Section 124.5622, Subdivision 3, is amended to read:

Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.] "Post-secondary vocational supply aid" means state funds, exclusive of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid, repair and betterment aid, instructional aid, support services aid and debt service aid*, apportioned by the state board for vocational education to local districts for the costs of (RENTS AND LEASES,):

(a) supplies and materials (, AND);

(b) supplies for resale (,); *and*

(c) *rents and leases, excluding those of buildings for school purposes, computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment*, for all instructional programs and support services including related instruction and special needs programs. Post-secondary vocational supply aid shall be utilized solely for the purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.

Sec. 24. Minnesota Statutes 1980, Section 124.5622, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; SUPPLY AID ALLOCATION.] Each AVTI shall submit a budget (BEFORE JANUARY 1, 1980 AND) before January 1 of each year (THEREAFTER) detailing estimated costs for the following fiscal year *in each applicable component activity of the AVTI's operations* for each of the following expenditure categories: rents and leases, supplies and materials, and supplies for resale, for all instructional programs and support services including related instruction and

special needs programs. Each budget shall also include anticipated revenues from the sales of supplies and services. A budget submitted pursuant to this section shall not include any expenditures or revenues which are included in the computation of the AVTI's budgets for post-secondary vocational support services aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid*. The department of education shall recommend an allocation of supply aid *in each component activity* for each of the expenditure categories and a total allocation of supply aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department for the distribution of supply aid, authorize an allocation of supply aid for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category through the consolidated public hearing process prescribed in section 124.561, subdivision 3a.

Sec. 25. Minnesota Statutes 1980, Section 124.5622, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before (AUGUST 1, 1980, AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the supply aid allocation to each AVTI. This report shall include recommended aid allocations *in each component activity* for each expenditure category and an explanation comparing the amount of the authorized aid allocation to the budget submitted for each AVTI. This report shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 26. Minnesota Statutes 1980, Section 124.5623, Subdivision 3, is amended to read:

Subd. 3. "Post-secondary vocational support (SERVICE) services aid" means state and federal funds, exclusive of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid, repair and betterment aid, supply aid, instructional aid and debt service aid*, apportioned by the state board for vocational education to local school districts for the costs of support services, including related instruction and special needs programs, enumerated in subdivision 4. Post-secondary vocational support services aid shall be utilized solely for the purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.

Sec. 27. Minnesota Statutes 1980, Section 124.5623, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; SUPPORT SERVICES ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1980, AND BEFORE) January 1 of each year (THEREAFTER) detailing the estimated costs for the following fiscal year (FOR ALL SUPPORT SERVICES, INCLUDING RE-

LATED INSTRUCTION AND SPECIAL NEEDS PROGRAMS. THESE COSTS SHALL INCLUDE) *in each applicable component activity of the AVTI's operations for each of the following expenditure categories: expenditures for support services personnel salaries, travel and fringe benefits, excluding teachers' retirement and teachers' social security; expenditures for other purchased services; and other support (SERVICE) services expenditures, for all support services, including related instruction and special needs programs.* Each budget shall also include all other anticipated support (SERVICE) services revenues. A budget submitted pursuant to this section shall not include any expenditures for or revenue from the sale of supplies and equipment. A budget submitted pursuant to this section shall not include any expenditures or revenues which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational supply aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid.* The department of education shall recommend an allocation of support services aid *in each component activity* for each of the expenditure categories and a total allocation of support services aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of support services aid for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. No aid shall be allocated for any special vocational systemwide support service project or program, excluding regional special needs programs. The estimated amount of each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds 15 percent of the AVTI's operating expenditures, as defined by the uniform financial accounting and reporting system, for the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. *The estimated amount of each AVTI's tuition revenues for the year in which the aid is paid may be taken into account by the state board in making these allocations.*

Sec. 28. Minnesota Statutes 1980, Section 124.5623, Subdivision 5, is amended to read:

Subd. 5. Before (AUGUST 1, 1980 AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the support services aid allocation to each AVTI. This report shall include the recommended aid allocation *in each component activity* for each support services expenditure category and an explanation comparing the amount of the authorized aid allocation to the budget submitted for each AVTI. The fund balances *and estimated tuition revenues* used by the state board in determining the support services aid allocations shall be included. This report shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 29. Minnesota Statutes 1980, Section 124.5624, is amended to read:

124.5624 [POST-SECONDARY VOCATIONAL (CAPITAL EXPENDITURE) *EQUIPMENT AID.*]

Subdivision 1. For the purposes of this section, the words, terms and phrases defined in subdivisions 2 and 3 have the meanings ascribed to them.

Subd. 2. "AVTI" means a post-secondary area vocational-technical institute.

Subd. 3. "Post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid*" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid (AND), debt service aid, and *repair and betterment aid* apportioned by the state board for vocational education to local school districts for the purpose of (IMPROVING OR REPAIRING SCHOOL SITES OR EQUIPPING, RE-EQUIPPING, REPAIRING OR IMPROVING BUILDINGS AND PERMANENT ATTACHED FIXTURES,)

(a) *acquisition or purchase of equipment or machinery;*

(b) *betterment as defined in section 475.51 of equipment or machinery; and*

(c) *paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment,*

as necessary for the conduct of post-secondary vocational-technical training. Post-secondary vocational (CAPITAL EXPENDITURE) *repair and betterment aid* shall be utilized solely for the purposes enumerated in this section.

Subd. 4. [BUDGETS; *EQUIPMENT AID ALLOCATION.*] Each AVTI shall submit a budget before January 1, (1980) 1982, and before January 1 of each year thereafter detailing estimated costs for the following fiscal year (FOR EQUIPMENT AND OTHER CAPITAL EXPENDITURES) *in each applicable component activity of the AVTI's operations for each of the following expenditure categories: acquisition of equipment or machinery, betterment of equipment or machinery and rents and leases,* for all instructional programs and support services, including special needs programs and related instruction. Each budget shall also include anticipated revenues from the sale of equipment and other capital goods. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary voca-

tional support services aid (OR), supply aid, or repair and betterment aid. The department of education shall recommend an allocation of (CAPITAL EXPENDITURE) *equipment aid in each applicable component activity of the AVTI's operations* for each of the expenditure categories and a total allocation of (CAPITAL EXPENDITURE) *equipment aid* for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of (CAPITAL EXPENDITURE) *equipment aid* for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. (THE AMOUNT OF EACH AVTI'S ESTIMATED NET POSITIVE UNAPPROPRIATED CAPITAL EXPENDITURE FUND BALANCE, AS OF JUNE 30 OF THE FISCAL YEAR DURING WHICH ALLOCATIONS ARE MADE, SHALL BE TAKEN INTO ACCOUNT BY THE STATE BOARD IN MAKING THESE ALLOCATIONS.)

Subd. 5. [APPROVAL.] All (CAPITAL) *equipment* expenditures for AVTI's in excess of \$4,000 shall receive prior approval by the commissioner. This approval shall be sought and given separately from the budget hearing and aid allocation process.

Subd. 6. [REPORT.] Before August 1, (1980) 1982, and before August 1 of each subsequent year, the commissioner shall issue a report on the (CAPITAL EXPENDITURE) *equipment* aid allocation to each AVTI. This report shall include recommended aid allocations *in each component activity* for each (CAPITAL) expenditure category and an explanation comparing the amount of the authorized (CAPITAL EXPENDITURE) *equipment* aid allocation to the budget submitted for each AVTI. (THE FUND BALANCES USED BY THE STATE BOARD IN DETERMINING THE CAPITAL EXPENDITURE AID ALLOCATION SHALL BE INCLUDED.)

Before (AUGUST 1, 1980) *October 1, 1984*, and before (AUGUST 1) *October 1* of each subsequent year, the commissioner shall (ALSO) report (ON THE EQUIPMENT INVENTORY OF EACH AVTI, INCLUDING ORIGINAL COST, CURRENT VALUE AND ESTIMATED REMAINING USEFUL LIFE) *a five year projection of the replacement needs of fixed assets property for each of the AVTI's.*

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 30. [124.5627] [POST-SECONDARY VOCATIONAL REPAIR AND BETTERMENT AID.]

*Subdivision 1. For the purposes of this section, the words, terms and phrases defined in subdivisions 2 and 3 have the meanings ascribed to them.*

*Subd. 2. "AVTI" means a post-secondary area vocational-technical institute.*

*Subd. 3. [REPAIR AND BETTERMENT AID.] (a) [DEFINITION.] "Post-secondary vocational repair and betterment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and equipment aid, apportioned by the state board for vocational education to local school districts for the purpose of reconstruction, improvement, remodeling and repair of the existing AVTI buildings and grounds, and renting or leasing buildings for school purposes, as necessary for the conduct of post-secondary vocational-technical training.*

*(b) [PROHIBITION.] Post-secondary vocational repair and betterment aid shall be utilized solely for the purposes enumerated in this section. The use of post-secondary vocational repair and betterment aid shall be governed by the provisions of section 121.21, subdivision 4a. Post-secondary vocational repair and betterment aid shall not be utilized for the acquisition or betterment of equipment or machinery.*

*Subd. 4. [BUDGETS; AID ALLOCATION.] Each AVTI shall submit a budget before January 1, 1982 and before January 1 of each subsequent year detailing estimated costs for the following fiscal year for rents and leases and for each repair and betterment project proposed by the AVTI. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or equipment aid. The department of education shall recommend an allocation of repair and betterment aid for rents and leases and for each project proposed by the AVTI as well as a total allocation of repair and betterment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of repair and betterment aid for each AVTI, and detail recommended levels of spending for rents and leases and for each project proposed by the AVTI, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. The amount of each AVTI's estimated net positive unappropriated capital fund balance, as of June 30 of the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. The allocation of post-secondary vocational repair and betterment aid by the state board shall not constitute approval of a project by the state board for the purposes of section 121.21, subdivision 4a.*

*Subd. 5. [REPORT.] Before August 1, 1982 and before August 1 of each subsequent year, the commissioner shall issue a report on the repair and betterment aid allocation to each AVTI. This report shall include recommended aid allocations for rents and leases and for each repair and betterment project proposed by an AVTI and an explanation comparing the amount of the authorized repair and betterment aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the repair and betterment aid allocation shall be included.*

*These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.*

Sec. 31. Minnesota Statutes 1980, Section 124.565, Subdivision 3, is amended to read:

*Subd. 3. Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil shall be (\$128) the amount per quarter set by the state board for vocational education for each quarter the pupil is enrolled. The state board for vocational education shall be exempt from the rulemaking requirements of chapter 15 for setting tuition charges. A full refund shall be provided to a student who withdraws on or before the 15th day of the quarter. No refund shall be provided for withdrawal after the 15th day of the quarter.*

Sec. 32. Minnesota Statutes 1980, Section 124.565, Subdivision 4, is amended to read:

*Subd. 4. Unless covered by a higher education reciprocity agreement relating to nonresident tuition, entered into by the Minnesota higher education coordinating board and approved by the state board for vocational education, tuition at a post-secondary vocational-technical school for a pupil who is not a resident of Minnesota shall be (\$320) the amount per quarter (FOR EACH QUARTER THE PUPIL IS ENROLLED) set by the state board for vocational education. The state board for vocational education shall be exempt from the rulemaking requirements of chapter 15 for setting tuition charges. A full refund shall be provided to a student who withdraws on or before the 15th day of the quarter. No refund shall be provided for withdrawal after the 15th day of the quarter.*

Sec. 33. Minnesota Statutes 1980, Section 124.565, Subdivision 6, is amended to read:

*Subd. 6. [LENGTH OF QUARTER.] For purposes of (THE) tuition charges (ESTABLISHED IN THIS SECTION), a quarter shall consist of 60 school days. The state board for vo-*

cational education shall adopt rules providing for proportionate tuition charges for quarters which are shorter or longer than 60 days, for part time and extended day enrollment, and for programs which begin or end during a quarter. The state board shall adopt rules providing for tuition charges based on approved program lengths for programs offered on an individualized basis.

Sec. 34. Minnesota Statutes 1980, Section 124.565, Subdivision 7, is amended to read:

Subd. 7. [VETERAN'S EXEMPTION.] A veteran who is a Minnesota resident shall be exempt from the tuition required by subdivision 3 until the veteran has completed the lesser of (a) (360) 440 post-secondary vocational-technical school days, or the equivalent as determined by the state board for vocational education, or (b) one post-secondary vocational-technical school program (WHICH THE VETERAN BEGAN AFTER JULY 1, 1980).

"Veteran" for the purpose of this subdivision means a person who (ENTERED) *served in the active military service in any branch of the armed forces of the United States after July 1, 1961 and before July 1, 1978, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.* (THIS SUBDIVISION SHALL NOT APPLY TO A VETERAN WHOSE TUITION IS PAID FOR BY ANY FEDERAL OR STATE AGENCY.)

Sec. 35. Minnesota Statutes 1980, Section 124.572, Subdivision 3, is amended to read:

Subd. 3. This aid shall be paid only for services rendered or for travel costs incurred in adult vocational education programs approved for funding by the (STATE DEPARTMENT) commissioner of education (AND). *Rules shall be adopted by the state board providing criteria to be applied by the commissioner in approving programs for funding pursuant to this section including: economic impact of the program, legislative mandate for the program, employment opportunities in the occupational area, and proven contribution of the program. All programs shall be operated in accordance with rules promulgated by the state board. These rules shall provide minimum student-staff ratios required for an adult vocational education program to qualify for this aid. Rules relating to adult vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference.*

Sec. 36. Minnesota Statutes 1980, Section 124.572, is amended by adding a subdivision to read:

*Subd. 3a. In any fiscal year when moneys requested for programs approved for funding are more than the amount appropriated, the commissioner of education shall, to the extent possible, continue full funding for programs which are approved by July 1 for aid for even numbered years or by the preceding March 1 for aid for odd numbered years. The commissioner shall prorate any remaining moneys among programs which are approved for funding after these dates.*

Sec. 37. Minnesota Statutes 1980, Section 124.572, Subdivision 8, is amended to read:

**Subd. 8. [PAYMENT SCHEDULE THROUGH 1982.]** *Through the 1981-1982 school year, the state shall pay to each school district 30 percent of its estimated adult vocational education aid for the school year on or before the following dates: August 31, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.*

Sec. 38. Minnesota Statutes 1980, Section 124.572, is amended by adding a subdivision to read:

**Subd. 8a. [PAYMENT SCHEDULE.]** *Beginning in the 1982-1983 school year, the state shall pay to each school district its estimated adult vocational education aid in the following manner: 30 percent by August 31, 30 percent by December 31, and 25 percent by March 31. The final aid distribution shall be made by October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids section of the department of education.*

Sec. 39. Minnesota Statutes 1980, Section 124.573, Subdivision 2, is amended to read:

**Subd. 2.** *In the (1978-1979) 1981-1982 school year and each year thereafter, the state shall pay to any district or cooperative center (50) 45 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay (50 PERCENT OF THE COSTS OF NECESSARY EQUIPMENT FOR THESE PROGRAMS, 50) 45 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers, (AND 50) 45 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes, and 45 percent of the costs of necessary equipment for these programs. No secondary vocational equipment aid shall be paid beginning with the 1982-1983 school year. The commissioner may withhold all or any portion of this*

aid for a secondary vocational education program which receives funds from any other source, and in no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.

Sec. 40. Minnesota Statutes 1980, Section 124.573, Subdivision 3a, is amended to read:

Subd. 3a. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services. (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER,) The state shall pay each district or cooperative center 40 percent of the amount of a contract entered into pursuant to this subdivision. The state board shall promulgate rules relating to program approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 4, the district or cooperative center contracting for these services shall be construed to be providing the services. For the purposes of subdivision 5, aid for these contracts shall be distributed on the same basis as aids for salaries and travel.

Sec. 41. Minnesota Statutes 1980, Section 124.573, Subdivision 5, is amended to read:

Subd. 5. [PAYMENT SCHEDULE THROUGH 1982.] *Through the 1981-1982 school year, the state shall pay to each school district and center 30 percent of its estimated secondary vocational education aid for salaries and travel for the school year on or before the following dates: August 31, December 31 and March 31. The state shall pay 90 percent of a district's estimated secondary vocational education aid for equipment for the school year on or before August 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids (, STATISTICS, AND RESEARCH) section of the state department of education.*

Sec. 42. Minnesota Statutes 1980, Section 124.573, is amended by adding a subdivision to read:

*Subd. 5a. [PAYMENT SCHEDULE.] Beginning in the 1982-1983 school year, the state shall pay to each school district and cooperative center its estimated secondary vocational education aid for salaries and travel in the following manner: 30 percent by August 31, 30 percent by December 31, and 25 percent by March 31. The final aid distribution shall be made*

*by October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids section of the department of education.*

Sec. 43. Minnesota Statutes 1980, Section 124.574, Subdivision 2, is amended to read:

Subd. 2. (a) (IN THE 1979-1980) *For the 1981-1982 and 1982-1983 school (YEAR) years (AND THEREAFTER),* the state shall pay to any district or cooperative center (70) 65 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.

(b) *Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district or cooperative center 70 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.*

Sec. 44. Minnesota Statutes 1980, Section 124.574, Subdivision 4, is amended to read:

Subd. 4. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education programs for handicapped children. The formula for payment of aids for these contracts (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER) shall be that provided in section 124.32, subdivision 1b. The state board shall promulgate rules relating to approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 6, the district or cooperative center contracting for these services shall be construed to be providing these services. For the purposes of subdivision 8, aid for these contracts shall be distributed on the same basis as aids for salaries, supplies and travel.

Sec. 45. Minnesota Statutes 1980, Section 124.574, Subdivision 8, is amended to read:

Subd. 8. All aid pursuant to this section shall be distributed at the same times and in the same manner as provided in section 124.573, (SUBDIVISION) *subdivisions 5 and 5a.* Aid for supplies shall be distributed at the *same* time as aid for salaries and travel.

Sec. 46. [INSTRUCTIONS TO REVISOR OF STATUTES.]

*In accordance with Minnesota Statutes 1980, Section 648.36, in the next edition of Minnesota Statutes, the revisor of statutes shall retitle the headnote of section 124.562 to read "[POST-SECONDARY VOCATIONAL MEMBERSHIP.]".*

**Sec. 47. [REPEALER.]**

*Minnesota Statutes 1980, Sections 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.566; 124.571; and 275.125, Subdivision 14, are repealed.*

**Sec. 48. [APPROPRIATIONS.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID.]** *For post-secondary vocational instructional aid there is appropriated:*

\$53,348,600 . . . . . 1982,

\$54,759,400 . . . . . 1983.

*The appropriation for 1982 includes \$4,877,300 for aid for fiscal year 1981 payable in fiscal year 1982, and \$48,471,300 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$5,385,700 for aid for fiscal year 1982 payable in fiscal year 1983 and \$49,373,700 for aid for fiscal year 1983 payable in fiscal year 1983.*

**Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.]** *For post-secondary vocational supply aid there is appropriated:*

\$15,307,500 . . . . . 1982,

\$14,828,250 . . . . . 1983.

**Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.]** *(a) For post-secondary vocational support services aid there is appropriated:*

\$16,967,110 . . . . . 1982,

\$15,191,140 . . . . . 1983.

*The appropriation for 1982 is based on the assumption that the state will spend for this purpose an amount at least equal*

to \$6,251,400 in fiscal year 1982 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended. The appropriation for 1982 includes \$2,848,000 to be allocated by the state board for special needs instruction.

The appropriation for 1983 is based on the assumption that the state will spend for this purpose an amount at least equal to \$6,251,400 in fiscal year 1983 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended. The appropriation for 1983 includes \$2,629,050 to be allocated by the state board for special needs instruction.

(b) For post-secondary support services aid to pay for implementation of the fixed assets property management accounting and reporting system there is appropriated:

\$140,000 . . . . . 1982.

Any amount remaining from this appropriation at the end of fiscal year 1982 shall not cancel and shall be available in the second year of the biennium.

The amounts appropriated in this subdivision shall not be used for any special vocational systemwide support service program or project.

Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.] For post-secondary vocational equipment aid there is appropriated:

\$9,830,000 . . . . . 1982,

\$9,120,500 . . . . . 1983.

This appropriation is based on the assumption that the state will spend for the purposes for which post-secondary vocational equipment aid is paid an amount equal to \$500,000 in each fiscal year of the biennium ending June 30, 1983 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

Subd. 6. [POST-SECONDARY VOCATIONAL REPAIR AND BETTERMENT AID.] For post-secondary vocational repair and betterment aid there is appropriated:

\$1,400,000 . . . . . 1982,

\$1,190,000 . . . . . 1983.

*Subd. 7. [APPROPRIATION FOR CONTINGENCY FUND.] For the post-secondary vocational contingency fund there is appropriated:*

\$250,000 . . . . . 1982.

*Any amount remaining from this appropriation at the end of fiscal year 1982 shall not cancel and shall be available in the second year of the biennium.*

*Subd. 8. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.] For post-secondary vocational debt service aid there is appropriated:*

\$7,731,000 . . . . . 1982,

\$7,600,100 . . . . . 1983.

*Subd. 9. [ADULT VOCATIONAL EDUCATION AID.] For adult vocational education aid there is appropriated:*

\$6,851,900 . . . . . 1982,

\$7,102,000 . . . . . 1983.

*The appropriation for 1982 includes \$707,600 for aid for fiscal year 1981 payable in fiscal year 1982 of which not to exceed \$20,000 is for necessary travel and of which not to exceed \$20,000 is for small business management programs. This amount also includes \$6,144,300 for aid for fiscal year 1982 payable in fiscal year 1982 of which not to exceed \$193,000 is for necessary travel.*

*The appropriation for 1983 includes \$682,700 for aid for fiscal year 1982 payable in fiscal year 1983 of which not to exceed \$22,000 is for necessary travel. This amount also includes \$6,419,300 for aid for fiscal year 1983 payable in fiscal year 1983 of which not to exceed \$212,500 is for necessary travel.*

*None of the amounts appropriated in this subdivision shall be used for any special vocational systemwide support service program or project.*

*Subd. 10. [ENERGY MANAGEMENT FOR BUILDING OPERATORS.] For the establishment of adult vocational programs in energy management for building operators, there is appropriated:*

\$50,000 . . . . . 1982,

\$50,000 . . . . . 1983.

*This aid shall be paid in accordance with section 124.572. The entire amount of the appropriation for 1982 is for aid for fiscal year 1982. The appropriation for 1983 includes \$5,550 for aid for fiscal year 1982 payable in fiscal year 1983, and \$44,450 for aid for fiscal year 1983 payable in fiscal year 1983. The department of education may apply for moneys from other sources to fund programs in energy management for building operators.*

**Subd. 11. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.]** *For veteran farmer cooperative training programs there is appropriated:*

\$675,100 ..... 1982,

\$588,900 ..... 1983.

**Subd. 12. [SECONDARY VOCATIONAL EDUCATION AID.]** *For secondary vocational education aid pursuant to section 124.573 there is appropriated:*

\$21,979,340 ..... 1982,

\$20,165,060 ..... 1983.

*The appropriation for 1982 includes \$2,287,700 for aid for fiscal year 1981 payable in fiscal year 1982 of which not to exceed \$181,600 is for equipment. This amount also includes \$19,691,640 for aid for fiscal year 1982 payable in fiscal year 1982 of which not to exceed \$1,547,100 is for equipment.*

*The appropriation for 1983 includes \$2,187,960 for aid for fiscal year 1982 payable in fiscal year 1983, of which not to exceed \$171,900 is for equipment. This amount also includes \$17,977,100 for aid for fiscal year 1983 payable in fiscal year 1983.*

*None of the amounts appropriated in this subdivision shall be used for any special vocational systemwide support service program or project.*

**Subd. 13. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.]** *For secondary vocational programs for handicapped children pursuant to section 124.574, subdivision 2, there is appropriated:*

\$2,303,000 ..... 1982,

\$2,360,310 ..... 1983.

*The appropriation for 1982 includes \$226,900 for aid for fiscal year 1981 payable in fiscal year 1982. This amount also includes \$2,076,100 for aid for fiscal year 1982 payable in fiscal year*

1982. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$300,000 in fiscal year 1982 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriation for 1983 includes \$230,750 for aid for fiscal year 1982 payable in fiscal year 1983. This amount also includes \$2,129,560 for aid for fiscal year 1983 payable in fiscal year 1983. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$300,000 in fiscal year 1983 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

Subd. 14. [CANCELLATION; PRORATION.] Except as provided in subdivision 4, clause (b), and subdivision 7, any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amounts attributable to either year for any purpose indicated are insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

#### Sec. 49. [EFFECTIVE DATES.]

Subdivision 1. Sections 14, 15, 16, 21, 23, 24, 26, 27, 29, 30, 35, and 36 of this article shall be effective the day following final enactment.

Subd. 2. Repair and betterment aid pursuant to section 30 of this article shall be paid to AVTI's starting in fiscal year 1982.

### ARTICLE VI

#### OTHER AIDS AND LEVIES

##### Section 1. [3.9251] [PROGRAMS FOR HANDICAPPED ADULTS.]

Programs funded by the council on quality education may include programs designed to benefit handicapped adults.

Sec. 2. Minnesota Statutes 1980, Section 3.9278, Subdivision 1, is amended to read:

Subdivision 1. As used in (LAWS 1979, CHAPTER 334, ARTICLE 7) sections 3.9276 to 3.9279, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1980, Section 3.9279, Subdivision 8, is amended to read:

Subd. 8. [ADVISORY TASK FORCE ON EARLY CHILDHOOD AND FAMILY EDUCATION.] The council on quality education shall appoint an advisory task force on early childhood and family education programs. The advisory task force shall be composed of parents of young children and persons knowledgeable in the fields of health, education and welfare. A majority of the task force shall be parents of young children. The advisory task force shall advise the council in the administration of the early childhood and family education programs. The terms, compensation and removal of members shall be governed by the provisions of section 15.059, subdivision 6. The task force shall expire June 30, (1981) 1983.

Sec. 4. Minnesota Statutes 1980, Section 3.9279, Subdivision 10, is amended to read:

Subd. 10. [VOLUNTARY PARTICIPATION.] Participation by parents and children in early childhood and family education programs shall be voluntary and shall not preclude participation in other state or local programs. *To the extent possible, each school district providing early childhood and family education programs shall seek the participation of minority and economically disadvantaged persons in the same proportion as these groups are represented in the area served by the program. Upon request, the school district shall report on the success of these efforts to the council on quality education.* No school district shall discriminate in providing early childhood and family education programs on the basis of race, religion, sex or ethnic background, and no programs shall be used in whole or in part for religious worship or instruction.

Sec. 5. Minnesota Statutes 1980, Section 3.9279, Subdivision 12, is amended to read:

Subd. 12. [NEGOTIATED GRANTS.] For the (1979-1980) 1981-1982 and (1980-1981) 1982-1983 school years the council on quality education may fund up to 36 early childhood and family education programs according to the negotiated grants procedure in sections 3.924 to 3.927.

Sec. 6. [3.9290] [CITATION.]

*Sections 6 to 12 of this article may be cited as the "Minnesota Improved Learning and Principal-Teacher, Counselor-Teacher, and Career Teacher Act".*

Sec. 7. [3.9291] [PURPOSE.]

*The legislature recognizes the unique and lifelong learning process of all human beings. The legislature is committed to the goal of maximizing the individual growth potential of all students through the secondary schools. The purposes of sections 6 to 12 of this article are:*

*(a) To offer improved learning programs which emphasize basic and applied learning skills and the liberal arts;*

*(b) To recognize and utilize the unique skills that teachers, students, family, and the community have in both the teaching process and the learning process; and*

*(c) To provide an opportunity for maximum use of principals and teachers.*

**Sec. 8. [3.9292] [PROGRAM SELECTION.]**

*Subdivision 1. [AUTHORIZATION.] A school district or group of districts that wish to receive moneys for improved learning programs may apply to the state board of education for approval. Programs may be approved for one portion of a school population, an entire school attendance area, several attendance areas, an entire school district, or a group of school districts.*

*Subd. 2. [APPLICATIONS.] The state board shall prescribe the form and manner of application for the program. The council on quality education may review and advise the state board on applications made for improved learning programs. Beginning in 1982, and each year thereafter, applications shall be submitted to the state board by January 15. If a district wishes to receive aid for the principal-teacher, career teacher or counselor-teacher component of an improved learning program, an application for state aid must be submitted to the state board by January 15. Estimates of salaries and fringe benefits for the next school year and for the additional time beyond the regular contract period for staff to be employed shall be itemized on the application for aid. The board shall notify all applicants of aid approved or denied by March 15 of each year. The board shall approve or deny applications in the order that they are received.*

*Subd. 3. [WAIVERS.] The state board may waive school district compliance with its rules which would prevent implementation of an improved learning program which receives approval from the state board. However, individuals participating in the principal-teacher, counselor-teacher, or career teacher program shall maintain their seniority date in the district and all rights under the applicable collective bargaining agreement.*

*Subd. 4. [ADDITIONAL FUNDING.] A school district providing an improved learning program may receive funds for*

*the program from private sources and governmental agencies, including state or federal funds.*

*Subd. 5. [REPORT.] The department shall submit a report to the legislature by February 1, 1983, and by February 1 each year thereafter. This report shall include the number and description of programs approved, implementation status of programs approved, waivers granted, and evaluation of programs approved.*

**Sec. 9. [3.9293] [ADVISORY COUNCIL.]**

*The school board of a district providing an improved learning program shall appoint an advisory council. Council members shall be selected from the school attendance area in which programs are provided. Members of the council may include students, teachers, principals, administrators and community members. A majority of the members shall be parents with children participating in the local program. The local advisory council shall advise the school board in the development, coordination, supervision, and review of the improved learning program. The council shall meet at least two times each year with any established community education advisory council in the district. Members of the council may be members of the community education advisory council. The council shall report to the school board.*

**Sec. 10. [3.9294] [PROGRAM CRITERIA.]**

*Subdivision 1. [MANDATORY COMPONENTS.] A plan for an improved learning program shall include:*

*(a) Curricula, instructional strategy and use of materials responsive to the individual educational needs and learning styles of each pupil to enable students to make continuous progress and learn at a rate appropriate to their abilities;*

*(b) A plan to develop student abilities for both learner and teacher in basic skills and applied learning skills and, when appropriate, arts, humanities, physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics, and career education;*

*(c) Plans to make use of community resources and communications media to pursue improved learning opportunities for pupils;*

*(d) A staff development program for teachers and other school personnel, such as that found in sections 11 and 12 of this article;*

*(e) A plan to improve the learning environment, including use of the community in general, to enhance the learning process;*

(f) *A plan for annual and ongoing evaluation of program goals and objectives; and*

(g) *A plan to involve parents in planning an improved learning program for their children.*

*Subd. 2. [OPTIONAL COMPONENTS.] A plan for an improved learning program may include:*

(a) *A principal-teacher and career teacher program as defined in section 11 of this article;*

(b) *A counselor-teacher program as defined in section 12 of this article;*

(c) *Cooperative efforts with other agencies involved with human services or child development and development of alternative community based learning experiences;*

(d) *Apprenticeship post-secondary education components for students who are able to accelerate or programs for students with special abilities and interests who are given advanced learning opportunities within existing programs;*

(e) *Use of volunteers in the learning program;*

(f) *Flexible attendance schedules for students;*

(g) *Adult education component;*

(h) *Early childhood and family education component;*

(i) *Variable student/faculty ratios for special education students to provide for special programming;*

(j) *Inclusion of nonpublic students participating in an improved learning program as part of the ratio in the principal-teacher and career teacher component;*

(k) *Application of educational research findings;*

(l) *Summer learning experiences for students as recommended by the principal-teacher and career teacher;*

(m) *Use of educational assistants, teacher aides or para-professionals as part of the improved learning program;*

(n) *Establishment of alternative criteria for high school graduation; and*

(o) *Variable age and class size groupings of students.*

**Sec. 11. [3.9295] [PRINCIPAL-TEACHER AND CAREER TEACHER COMPONENT.]**

*Subdivision 1. [STATUS.] An improved learning program may include a principal-teacher and career teacher component. The principal-teacher and career teacher shall not be the exclusive teacher for students assigned to him or her but shall serve the function of developing and implementing a student's overall learning program. The principal-teacher and career teacher may be responsible for regular classroom assignments as well as learning programs for other students assigned to him or her.*

*Subd. 2. [QUALIFICATIONS.] (a) An individual employed as a principal-teacher must be licensed as a principal by the state board of education and shall be considered a principal as defined in section 179.63, subdivision 14, for purposes of the Public Employment Labor Relations Act.*

*(b) An individual employed as a career teacher must be licensed as a teacher by the state board of teaching and shall be considered a teacher as defined in section 179.63, subdivision 13, for purposes of the Public Employment Labor Relations Act.*

*Subd. 3. [STAFF/STUDENT RATIO.] (a) Except as provided in clause (b), one principal-teacher or career teacher shall be assigned for every 125 students. For each special education student included in the assignment, the 1:125 ratio shall be reduced by one.*

*(b) One principal-teacher shall be assigned for every 50 students when the principal-teacher is also the principal of the school.*

*Subd. 4. [SELECTION; RENEWAL.] (a) The school board shall establish procedures for teachers and principals to apply for the position of principal-teacher and career teacher. The authority for selection of principal-teachers and career teachers shall be vested in the board and no individual shall have a right to employment as a principal-teacher or career teacher based on seniority or order of employment in the district.*

*(b) Employment of the principal-teacher and career teacher shall be on a 12 month basis with vacation time negotiated individually with the board. The annual contract of a principal-teacher or career teacher may not be renewed, as the board shall see fit; provided, however, the board shall give any such teacher whose contract as a principal-teacher or career teacher it declines to renew for the following year written notice to that effect before April 15. If the board fails to renew the contract of a principal-teacher or career teacher, that individual shall be reinstated to another position in the district if eligible pursuant to section 125.12 or 125.17.*

*Subd. 5. [DUTIES.] The principal-teacher and career teacher shall be responsible for:*

*(a) The overall education and learning plan of students assigned to him or her. This plan shall be designed by the principal-teacher and career teacher with the student, parents, and other faculty, and shall seek to maximize the learning potential and maturation level of each pupil;*

*(b) Measuring the proficiency of the students assigned to him or her and assisting other staff in identifying pupil needs and making appropriate educational and subject groupings;*

*(c) When part of the district's plan, taking responsibility for the parent and early childhood education of students assigned to him or her;*

*(d) Designing and being responsible for program components which meet special learning needs of high potential and talented students; and*

*(e) Coordinating the ongoing, year-to-year learning program for students assigned to him or her.*

**Sec. 12. [3.9296] [COUNSELOR-TEACHER COMPONENT.]**

*Subdivision 1. [STATUS.] An improved learning program may include a counselor-teacher component. The counselor-teacher shall not be the exclusive teacher with respect to the learning process of students assigned to him or her.*

*Subd. 2. [QUALIFICATIONS.] An individual employed as a counselor-teacher must be licensed as a counselor by the state board of education and shall be considered a teacher as defined in section 179.63, subdivision 13, for purposes of the Public Employment Labor Relations Act.*

*Subd. 3. [STAFF/STUDENT RATIO.] One counselor-teacher shall be assigned for every 125 students. For each special education student included in the assignment, the 1:125 ratio shall be reduced by one.*

*Subd. 4. [SELECTION; RENEWAL.] The annual contract of a counselor-teacher may not be renewed, as the board shall see fit; provided, however, the board shall give any such counselor whose contract for the counselor-teacher it declines to renew for the following year written notice to that effect before April 15. If the board fails to renew the contract of a counselor-teacher, that individual shall be reinstated to another position in the district if eligible pursuant to section 125.12 or 125.17.*

*Subd. 5. [DUTIES.] The counselor-teacher shall be responsible for providing guidance and counseling services to students assigned to him or her. This includes working with individual students, groups of students and families.*

**Sec. 13. Minnesota Statutes 1980, Section 123.36, Subdivision 13, is amended to read:**

**Subd. 13. [PROCEEDS OF SALE OR EXCHANGE.]** Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount sufficient to meet when due that percentage of the principal and interest payments for (ALL) outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.

(2) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to Chapter 299F; or

(d) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b) and (c) shall be deducted from the levy limitation computed for the levy authorized in section 33 of this article in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application

*of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.*

*(4) Any (REMAINING) proceeds of the sale or exchange remaining in (THESE) districts (OF THE SALE OR EXCHANGE) with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.*

**(2) NOTWITHSTANDING CLAUSE (1) A DISTRICT WITH OUTSTANDING BONDS WHICH SELLS A BUILDING OR PROPERTY IN ORDER TO PURCHASE A REPLACEMENT, MAY APPLY TO THE COMMISSIONER TO PLACE PROCEEDS OF THE SALE IN ITS CAPITAL EXPENDITURE FUND IN AN AMOUNT NECESSARY TO PURCHASE THE REPLACEMENT; PROVIDED THE DISTRICT PLACES AN AMOUNT IN ITS DEBT RETIREMENT FUND SUFFICIENT TO MEET WHEN DUE THE PRINCIPAL AND INTEREST PAYMENTS FOR ALL OUTSTANDING BONDS ON THE PARTICULAR BUILDING OR PROPERTY WHICH IS SOLD.)**

*(5) Notwithstanding clauses (2) and (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.*

*(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time he prescribes on the disposition of the proceeds of the sale or exchange.*

Sec. 14. Minnesota Statutes 1980, Section 123.702, Subdivision 1, is amended to read:

Subdivision 1. [SCREENING PROGRAM.] Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten. This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. No school board may make this screening examination a mandatory prerequisite to enroll a student.

*Subd. 1a.* [COMPONENTS.] The screening programs shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, (DENTAL ASSESSMENTS,) the review of health history and immunization status (, LABORATORY TESTS) and nutritional and physical assessments. *The school board may also provide additional components, including laboratory tests or dental assessments, in the screening program.* All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component. No screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled screening clinic.

Sec. 15. Minnesota Statutes 1980, Section 123.703, Subdivision 3, is amended to read:

*Subd. 3.* [REPORT.] The state board of education, in cooperation with the state commissioner of health, shall report to the legislature by February 1 (, 1980,) *of each year* on the results of the screening programs in accomplishing the purposes specified in section 123.701. The report shall include information on the rates of children's participation in screening programs, on districts' costs for implementing the various components of the screening program, and on any exemptions granted from screening requirements because of financial infeasibility.

Sec. 16. Minnesota Statutes 1980, Section 123.705, is amended to read:

123.705 [STATE AID.]

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed (\$25) \$28 per child screened in fiscal year (1980) 1982 and (\$27) \$29 per child screened in fiscal year (1981) 1983. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 17. Minnesota Statutes 1980, Section 123.937, is amended to read:

123.937 [(APPROPRIATION) LIMIT ON DISTRICT OBLIGATIONS.]

(THERE IS APPROPRIATED ANNUALLY TO THE DEPARTMENT OF EDUCATION FROM THE GENERAL FUND OF THE STATE TREASURY THE SUM OF \$3,250,000 FOR THE PURPOSES OF SECTIONS 123.931 TO 123.937.) If (THIS) *the amount appropriated for purposes of sections 123.931 to 123.937 for any year is not sufficient to make the payments required pursuant to sections 123.931 to 123.937 for that year, (THE AMOUNT NECESSARY TO MAKE THESE PAYMENTS IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF EDUCATION. THE AMOUNTS APPROPRIATED PURSUANT TO THIS SECTION FOR THE YEAR ENDING JUNE 30, 1980 SHALL NOT CANCEL BUT SHALL BE AVAILABLE FOR THE SECOND YEAR OF THE BIENNIUM) then no school district or intermediary service area is required to expend an amount pursuant to sections 123.931 to 123.937 for that year which exceeds the amount of the payments it receives pursuant to sections 123.931 to 123.937 for that year.*

Sec. 18. Minnesota Statutes 1980, Section 124.245, Subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] ((A) IN THE 1980-1981 SCHOOL YEAR, THE STATE SHALL PAY A SCHOOL DISTRICT THE DIFFERENCE BY WHICH AN AMOUNT EQUAL TO \$80 PER PUPIL UNIT IN THAT SCHOOL YEAR OR, IN DISTRICTS WHERE THE ACTUAL NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), HAS INCREASED FROM THE PRIOR YEAR, \$85 PER PUPIL UNIT IN THAT SCHOOL YEAR, EXCEEDS THE AMOUNT RAISED BY TEN MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE DISTRICT FOR THE PRECEDING YEAR. IN ORDER TO QUALIFY FOR AID PURSUANT TO THIS SECTION IN THE 1980-1981 SCHOOL YEAR, A DISTRICT MUST HAVE LEVIED THE FULL TEN EARC MILLS FOR USE FOR CAPITAL EXPENDITURES IN THAT YEAR PURSUANT TO SECTION 275.125, SUBDIVISION 11A.)

((B)) (a) In the 1981-1982 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this (SECTION) *subdivision* in any school year, a district must have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

(b) *In the 1982-1983 school year and each year thereafter, the aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).*

(c) *If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year starting in 1982-1983 and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds \$90 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.*

Sec. 19. Minnesota Statutes 1980, Section 124.245, is amended by adding a subdivision to read:

*Subd. 1a. [SPECIAL PURPOSE COMPUTATION.] In the 1982-1983 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 33 of this article for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 33 of this article may be used.*

Sec. 20. Minnesota Statutes 1980, Section 124.245, Subdivision 2, is amended to read:

*Subd. 2. [PUPIL UNITS.] As used in this section, (PUPIL UNITS SHALL INCLUDE ONLY THOSE UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), (5), (6) AND (7). BEGINNING IN THE 1980-1981 SCHOOL YEAR,) pupil units shall include (ONLY) those units identified in section 124.17, subdivision 1, clauses (1) (,) and (2), ((4) AND (5); PROVIDED THAT NOTWITHSTANDING THE EXPIRATION OF MINNESOTA STATUTES, 1979 SUPPLEMENT, SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7), PUPIL UNITS IDENTIFIED IN THOSE CLAUSES SHALL ALSO BE INCLUDED FOR PURPOSES OF THE COMPUTATION OF CAPITAL EXPENDITURE AID FOR THE 1980-1981 SCHOOL YEAR) and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.*

Sec. 21. Minnesota Statutes 1980, Section 124.245, is amended by adding a subdivision to read:

*Subd. 4. [PAYMENT SCHEDULE.] Starting in 1982-1983, eighty-five percent of a district's capital expenditure equalization aid for each school year shall be distributed prior to November 1 of that school year. The final aid distribution to each district shall be made prior to November 1 of the following school year.*

**Sec. 22. [124.246] [CHEMICAL USE PROGRAMS.]**

*Subdivision 1. [ELIGIBILITY AND PURPOSE.] Each school board which adopts a comprehensive policy and procedures to minimize chemical use problems among all pupils in the district, and which submits them to the department of education, shall be eligible for state aid for the following purposes:*

- (a) inservice training for public and nonpublic school staff,*
- (b) prevention programs, including curriculum materials,*
- (c) community and parent awareness programs,*
- (d) problem identification programs,*
- (e) referral programs, and*
- (f) aftercare support programs.*

*The programs shall be for pupils in public elementary, secondary and area vocational-technical schools and nonpublic elementary and secondary schools, and their parents, teachers and staff.*

*Subd. 2. [AID.] An eligible district shall receive \$1 for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,000.*

*Subd. 3. [APPLICATIONS.] A district that is eligible for aid shall apply to the commissioner of education by October 1 of each school year on the form supplied by the commissioner.*

*Subd. 4. [ASSISTANCE TO DISTRICTS.] The department of education shall:*

- (a) provide technical assistance to districts for maintenance and evaluation of prevention programs, for aftercare support*

*programs and for improved relationships with community agencies,*

*(b) provide inservice programs emphasizing identified needs of the districts, and*

*(c) collect information from districts about prevention, awareness, identification, referral, and aftercare support programs.*

*Subd. 5. [PAYMENT SCHEDULE.] For the 1981-1982 school year, the state shall pay to each school district 100 percent of its chemical use program aid by November 1 of that school year. Beginning in the 1982-1983 school year, and each year thereafter, the state shall pay to each school district 85 percent of its chemical use program aid by November 1 of that school year. The final aid distribution to the district shall be made by November 1 of the following school year.*

*Sec. 23. Minnesota Statutes 1980, Section 124.247, Subdivision 3, is amended to read:*

*Subd. 3. [AID.] A district which establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to (\$30) \$16.25, in the 1981-1982 school year, and \$17.50 in the 1982-1983 school year, times the number of gifted and talented students in the district. No more than (2-1/2) 5 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the moneys received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.*

*Sec. 24. [124.251] [STATE AID; IMPROVED LEARNING PROGRAMS.]*

*A district which establishes, pursuant to sections 6 to 12 of this article, a principal-teacher, counselor-teacher or career teacher component of an improved learning program approved by the state board of education, shall receive state aid for the purpose of this program in an amount equal to the salary and fringe benefits for the number of days each principal-teacher, counselor-teacher or career teacher works beyond the regular contract period. The daily rate paid shall be the contract rate including fringe benefits earned by the principal-teacher, counselor-teacher or career teacher during the year in which the application is submitted. The state board shall not approve applications or pay aids in excess of the state appropriation for this program. In addition, the board shall make an effort to distribute aid as equally as possible between rural, suburban and urban districts. In addition to other aids or moneys, a school district may*

*use summer school foundation revenue to fund an improved learning program.*

Sec. 25. Minnesota Statutes 1980, Section 124.562 is amended by adding a subdivision to read:

*Subd. 2a. [CHEMICAL TREATMENT PROGRAMS.] If a pupil is absent from school for the purpose of participating in a chemical abuse treatment program licensed by the state of Minnesota, he may request the school to keep him on the roll in the educational program in which he is enrolled. Upon the pupil's request the school shall keep him on the roll for the educational program in which he is enrolled and that pupil shall be counted in average daily membership, pursuant to section 124.562, subdivision 2, during the period in which he is participating in a treatment program; provided he shall be counted for a period not to exceed 30 consecutive school days. When this pupil returns to school, the school may count additional hours for membership, not to exceed the number of hours for which he was counted while participating in the treatment program or the number of hours per day the pupil is enrolled times 30, whichever is less, if additional hours are needed for the pupil to complete the educational program.*

Sec. 26. Minnesota Statutes 1980, Section 124.646, Subdivision 1, is amended to read:

Subdivision 1. [AID COMPUTATION.] (a) For the (1979-1980) 1981-1982 school year, school districts participating in the national school lunch program shall be paid by the state in the amount of (4-9/10) 5.5 cents for each full paid student (TYPE "A") lunch served to students in the district. (b) For the (1980-1981) 1982-1983 school year, school districts participating in the national school lunch program shall be paid by the state in the amount of (5-3/10) 5.9 cents for each full paid student (TYPE "A") lunch served to students in the district.

Sec. 27. Minnesota Statutes 1980, Section 134.35, Subdivision 1, is amended to read:

Subdivision 1. [GRANT APPLICATION.] Any regional public library system which qualifies according to the provisions of section 134.34 may apply for an annual grant for regional library basic system support. The amount of each grant for (FISCAL YEAR 1980 AND) each fiscal year (THEREAFTER) shall be calculated as provided in this section.

Sec. 28. Minnesota Statutes 1980, Section 134.351, is amended by adding a subdivision to read:

*Subd. 5. [PROPERTY.] All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired*

*by any multi-county multi-type library system board shall vest in, and be held in the name of, the multi-county multi-type library system board. Any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any multi-county multi-type library system shall be deemed to have been made directly to the multi-county multi-type library system board.*

Sec. 29. Minnesota Statutes 1980, Section 134.351 is amended by adding a subdivision to read:

*Subd. 6. [RATIFICATION.] All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any multi-county multi-type library system board is hereby validated, ratified and confirmed as the property of the board.*

Sec. 30. Minnesota Statutes 1980, Section 134.351, Subdivision 5, is amended to read:

Subd. (5) 7. [REPORTS.] Each multi-county, multi-type system receiving a grant pursuant to section 134.352 or 134.353 shall provide an annual progress report to the department of education. The department shall report before November 15 of each year to the legislature on all projects funded under sections 134.352 and 134.353.

Sec. 31. Minnesota Statutes 1980, Section 134.36, is amended to read:

#### 134.36 [RULES.]

The state board of education shall promulgate rules as necessary for implementation of any provision of (LAWS 1978, CHAPTER 546) sections 134.30 to 134.353. (TEMPORARY RULES MAY BE ADOPTED TO IMPLEMENT LAWS 1978, CHAPTER 546 IN COMPLIANCE WITH THE PROVISIONS OF SECTION 15.0412, SUBDIVISION 5, EXCEPT THAT THESE RULES MAY BE EFFECTIVE FOR UP TO 300 DAYS.)

Sec. 32. Minnesota Statutes 1980, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] ((A) IN 1979, A SCHOOL DISTRICT MAY LEVY AN AMOUNT NOT TO EXCEED THE AMOUNT EQUAL TO \$80 PER PUPIL UNIT OR, IN DISTRICTS WHERE THE ACTUAL NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), HAS INCREASED FROM THE PRIOR YEAR, \$85 PER PUPIL UNIT. FOR PURPOSES OF COMPUTING ALLOWABLE LEVIES UNDER SECTION 275.125, PUPIL UNITS SHALL INCLUDE

ONLY THOSE UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5). NO LEVY UNDER THIS CLAUSE IN 1979 SHALL EXCEED TEN MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE DISTRICT FOR THE PRECEDING YEAR, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 272.64 AND 275.49.)

((B)) (a) (IN 1980 AND) Each year (THEREAFTER,) a school district may levy an amount not to exceed the amount equal to \$90 per pupil unit, or (,) \$95 *per pupil unit* in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year (, \$95 PER PUPIL UNIT). (IN 1980 AND EACH YEAR THEREAFTER,) No levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year (, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 272.64 AND 275.49).

((C)) (b) The proceeds of the tax may be used only to acquire land, to equip and (REEQUIP) *re-equip* buildings and permanent attached fixtures, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10.

((D)) (c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate ex-

isting facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

((E)) (d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

((F)) (e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) *Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per pupil unit for capital expenditures for equipment for these programs.*

(g) *For purposes of computing allowable levies under this subdivision and section 33 of this article, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.*

Sec. 33. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In 1981 and each year thereafter, in addition to the levy authorized in subdivision 11a, a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:*

(a) *for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;*

(b) *for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;*

(c) *for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to Chapter 299F.*

Sec. 34. Minnesota Statutes 1980, Section 375.335 is amended by adding a subdivision to read:

*Subd. 4. [PROPERTY.] All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created shall vest in, and be held in the name of, the regional library board or regional public library system board. Any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any regional library or public library system shall be deemed to have been made directly to the regional public library system board.*

Sec. 35. Minnesota Statutes 1980, Section 375.335 is amended by adding a subdivision to read:

*Subd. 5. [RATIFICATION.] All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created is hereby validated, ratified and confirmed as the property of the board.*

Sec. 36. Minnesota Statutes 1980, Section 375.335, Subdivision 4, is amended to read:

**Subd. (4) 6. [RATIFICATION.] Any multicounty regional library heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to (4) 6 shall hereafter apply to (SAID) these libraries.**

**Sec. 37. [INDEPENDENT SCHOOL DISTRICT NO. 256; MAINTENANCE LEVY ADJUSTMENT.]**

*In 1981 only, Independent School District No. 256, Red Wing, is authorized to levy for school maintenance purposes an amount not to exceed \$620,000 in addition to all other authorized levies. The purpose of this levy is to provide the district with an amount of funds equal to the aid entitlements which were included in the amount by which its 1978 payable 1979 permitted maintenance levy exceeded its actual maintenance levy in that year.*

**Sec. 38. [GRANTS FOR COOPERATIVE AGREEMENTS, ALTERNATIVE EDUCATIONAL DELIVERY SYSTEMS AND LOW-POWER TELEVISION.]**

*Subdivision 1. [POLICY.] The legislature finds that small rural secondary schools, because of fiscal constraints, are experiencing a decrease in course offerings, uneconomical class sizes, restricted student access to courses, and the necessity for teachers to teach in subject areas for which they are not licensed. There-*

fore it is the intention of the legislature to encourage the use of available options by small rural districts in order to provide a more equitable balance in programs available to rural and urban secondary pupils. These options include consolidation, pairing and alternative educational delivery systems which utilize shared services, and applications of technology such as two-way, low-power television.

**Subd. 2. [COOPERATIVE AGREEMENT GRANTS.]** *The council on quality education, in cooperation with the department of education, may make grants to school districts for the study, evaluation, and start-up costs of an agreement which provides for the discontinuance by a district of grades 7 through 12 or portions of those grades and the instruction in another district of the pupils in the discontinued grades or portions of grades. Application for a grant pursuant to this subdivision shall be made in a manner prescribed by the council and the agreements shall comply with the requirements set forth in Minnesota Statutes 1980, Section 122.85.*

**Subd. 3. [ALTERNATIVE EDUCATIONAL DELIVERY SYSTEM GRANTS.]**

*(a) The council on quality education shall make a grant to Independent School District No. 362, Littlefork, to serve as a demonstration model in the development and implementation of an alternative educational delivery system. The council shall provide supervision and coordination in the development and implementation of the demonstration model and in disseminating information about the model to other districts. Application for a grant pursuant to this subdivision shall be made in a manner prescribed by the council.*

*(b) Alternative educational delivery systems shall include but are not limited to:*

- (1) computer-assisted instruction;*
- (2) extension courses offered by correspondence;*
- (3) videotape courses; and*
- (4) audiovisual courses.*

*(c) The goals of alternative educational delivery systems shall include but not be limited to:*

- (1) expansion of curriculum in areas not otherwise available;*
- (2) elimination of traditional classes of uneconomic or insufficient size without a reduction of learning opportunities;*

(3) *provision of remedial instruction in basic skills.*

(d) *A grant made pursuant to this subdivision is to be used solely for development, implementation, and evaluation of the model, and to disseminate information about the model to other school districts in the state. The legislature does not intend that this grant is to be used for start-up costs of alternative educational delivery systems in other districts, nor does it intend to fund such start-up costs in the future.*

**Subd. 4. [LOW-POWER TELEVISION SYSTEM GRANT.]**

(a) *The council on quality education shall make a grant to Independent School District No. 790, Eagle Bend, to serve as a demonstration model in the development and implementation of a two-way, low-power television transmission system. The council shall provide supervision and coordination in the development, implementation, and evaluation of the model and in disseminating information about the model to other districts. Applications for this grant shall be made in a manner prescribed by this council.*

(b) *This grant is to be used solely for the development, implementation, and evaluation of the model and for disseminating information about the model to other school districts in the state. The legislature does not intend that this grant is to be used for start-up costs of two-way, low-power television transmission systems in other school districts nor does the legislature intend to fund such start-up costs in the future.*

**Subd. 5. [SOURCES OF FUNDS.]** *Districts receiving grants pursuant to this section may receive funds from the federal government and from private organizations for the purposes of this section.*

**Subd. 6. [SEPARATE FUND ACCOUNTS.]** *A district which is awarded a grant pursuant to this section shall maintain separate revenue and expenditure accounts which accurately reflect all revenues and expenditures. The moneys shall be spent only for the purposes of subdivision 2, 3, or 4.*

**Subd. 7. [LOW-POWER TRANSMISSION TELEVISION STUDY.]** *The council on quality education shall award one or more contracts to qualified consultants or legal firms specializing in securing broadcast and telecast licenses from the federal communications commission. The consultant or firm shall: (a) survey the need for low-power television transmission sites in the state; (b) write a report which recommends placement of low-power television transmission sites to provide maximum educational benefits to small rural school districts and gives detailed estimates of costs for implementing the sites, including data concerning local personnel, training, and equipment; (c) evaluate*

*the project in Independent School District No. 790, Communicating for Educational Purposes; and (d) prepare and submit all necessary license applications to the federal communications commission on behalf of local education agencies recommended as transmission sites.*

*Subd. 8. [REPORT.] The council on quality education shall report to the education committees of the house of representatives and the senate by January 15, 1983 on the use and effectiveness of grants made pursuant to this section.*

*Subd. 9. [CONSTRUCTION.] Although the legislature intends that the grants made pursuant to this section are to be used for development of secondary educational models, the provisions of this section shall not be construed to prohibit these programs from also being utilized for elementary and adult education purposes.*

Sec. 39. Laws 1973, Chapter 683, Section 26, Subdivision 1, is amended to read:

Sec. 26. [EXPERIMENTAL SCHOOL.]

Subdivision 1. It is the intention of the legislature of the state of Minnesota to establish an experimental educational program for pupils in kindergarten through eighth grade, to be situated in Independent School District No. 309 on the land comprising former Independent School District No. 25, which was dissolved and attached to Independent School District No. 309 by an order of the county board of Becker county dated June 23, 1970, which is on file and of record in the office of the county auditor of Becker county. (SUCH) *This experimental school shall be established as set forth in this section.*

Sec. 40. Laws 1973, Chapter 683, Section 26, is amended by adding a subdivision to read:

*Subd. 2a. [SCHOOL ADMINISTRATION; TRANSFER OF AUTHORITY.] The care, management, and control of the experimental school in Independent School District No. 309 is transferred from the Indian education committee as defined in subdivision 2, to the White Earth reservation business committee. The Indian education committee shall serve in an advisory capacity to the White Earth reservation business committee. For purposes of this section, "committee" means the White Earth reservation business committee. The White Earth reservation business committee is eligible to receive federal aid to Indians pursuant to section 124.64. Notwithstanding any law to the contrary, the experimental school shall be considered a public school.*

Sec. 41. Laws 1973, Chapter 683, Section 26, is amended by adding a subdivision to read:

*Subd. 13a. Any kindergarten through eighth grade pupil residing within the defined boundaries of the experimental school area as set out in subdivision 1 shall be considered a resident pupil of the experimental school area, as if the experimental school area were a school district, for purposes of Minnesota Statutes, Chapter 120.*

**Sec. 42. [EXPERIMENTAL SCHOOL EXPIRATION DATE.]**

Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended by Laws 1975, Chapter 432, Section 88, as amended by Laws 1977, Chapter 447, Article VII, Section 28, is amended to read:

**Subd. 17.** The provisions of this section shall expire July (1981) 1, 1985. At any time the experimental school may be terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of District No. 309, whereupon the board of District No. 309 shall resume the care management and control of the entire district on July 1 following. Prior to December 1 of each year the committee shall submit to the legislature a report of the experimental school established by this section. Such report shall document the success or failure of the experimental school.

**Sec. 43. [ELECTION.]**

*Subdivision 1. Sections 40, 41 and 42 are effective only upon their approval by a majority of the qualified voters who reside on the land comprising former Independent School District No. 25, as defined in Laws 1973, Chapter 683, Section 26, Subdivision 1, voting on the question at an election called for that purpose by the Indian education committee, as defined in Laws 1973, Chapter 683, Section 26, Subdivision 2, according to the procedures specified in Minnesota Statutes, Section 123.32, Subdivision 22.*

**Subd. 2. [BALLOT QUESTION.]** *At the election on the question of approval of sections 40, 41 and 42, the question submitted to the voters shall be:*

*“Shall care, management and operation of the Pine Point Experimental School be transferred from the Indian Education Committee to the White Earth Reservation Business Committee with all of the kindergarten through eighth grade residents of former Independent School District No. 25 (Pine Point) required to attend the experimental school?”*

Yes —

No —”

*The Indian education committee shall hold this election prior to June 25, 1981, at the Pine Point School. The Indian education committee shall inform the residents of former Independent School District No. 25 (Pine Point) of the election and of the options available. The Indian education committee shall also publish notice of the election in the legal newspapers in the county seats of Becker and Hubbard counties.*

**Sec. 44. [ARTS REPORT.]**

*The department of education shall submit a report on arts education to the education committees of the senate and house of representatives by January 1, 1983. The report shall include:*

*(1) The status and implementation of the Minnesota plan for arts in education, and*

*(2) The availability of learning opportunities in the arts for elementary and secondary students.*

**Sec. 45. [REPEALER.]** *Minnesota Statutes 1980, Section 3.9279, Subdivision 13, and Laws 1973, Chapter 683, Section 26, Subdivision 13, are repealed.*

**Sec. 46. [APPROPRIATION.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.]** *For health and development screening programs pursuant to sections 123.701 to 123.705, there is appropriated:*

*\$1,191,600 . . . . 1982,*

*\$1,075,000 . . . . 1983.*

**Subd. 3. [ABATEMENT AID.]** *For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:*

*\$2,751,000 . . . . 1982,*

*\$2,988,000 . . . . 1983.*

**Subd. 4. [EMERGENCY AID.]** *For emergency aid pursuant to section 124.24, there is appropriated:*

*\$50,000 . . . . 1982.*

*Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.*

**Subd. 5. [CAPITAL EXPENDITURE EQUALIZATION AID.]** *For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:*

\$734,500 . . . . . 1982,

\$376,000 . . . . . 1983.

*Any unexpended balance remaining from the appropriation in this subdivision for 1983 may be expended for special purpose capital expenditure equalization aid pursuant to section 19 of this article.*

**Subd. 6. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.]** *For special purpose capital expenditure equalization aid pursuant to section 19 of this article, there is appropriated:*

\$ 58,800 . . . . . 1983.

*Any unexpended balance remaining from the appropriation in this subdivision may be expended in 1983 for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.*

**Subd. 7. [EDUCATIONAL COOPERATIVE SERVICE UNITS.]** *For educational cooperative service units, there is appropriated:*

\$664,950 . . . . . 1982,

\$769,450 . . . . . 1983.

*Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$60,450 per ECSU as defined in section 123.58 in fiscal year 1982 and \$69,950 per ECSU in fiscal year 1983; provided however that the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$120,900 in fiscal year 1982 and \$139,900 in fiscal year 1983 for general operations.*

**Subd. 8. [SCHOOL LUNCH AID.]** *For school lunch aid pursuant to section 124.646 there is appropriated:*

\$3,838,200 . . . . . 1982,

\$4,085,500 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 9 of this section, for food storage and transportation costs for U.S.D.A. donated commodities.*

**Subd. 9. [FOOD STORAGE AND TRANSPORTATION.]** *For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:*

\$765,300 . . . . .1982,

\$880,100 . . . . .1983.

**Subd. 10. [GIFTED AND TALENTED STUDENTS.]** *For programs for the gifted and talented pursuant to section 124-247, there is appropriated:*

\$588,300 . . . . .1982,

\$543,660 . . . . .1983.

**Subd. 11. [ALTERNATIVE GRANTS.]** *For grants made pursuant to subdivisions 2, 3, 4, and 7 of section 38 of this article, there is appropriated:*

\$250,000 . . . . .1982,

\$150,000 . . . . .1983.

*Any unexpended balance remaining from the appropriation in this subdivision shall not cancel and shall be available for the second year of the biennium.*

**Subd. 12. [COUNCIL ON QUALITY EDUCATION; VENTURE FUND GRANTS.]** *For the council on quality education venture fund grants pursuant to sections 3.925 and 3.926, there is appropriated:*

\$600,000 . . . . .1982,

\$510,000 . . . . .1983.

*Any unexpended balance remaining from the appropriations in this subdivision for 1982 shall not cancel and shall be available for the second year of the biennium.*

**Subd. 13. [EARLY CHILDHOOD AND FAMILY EDUCATION.]** *For early childhood and family education programs pursuant to section 3.9279, there is appropriated:*

\$1,500,000 . . . . .1982,

\$1,275,000 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in this subdivision for 1982 shall not cancel and shall be available for the second year of the biennium.*

*Subd. 14. [BASIC SUPPORT GRANTS.] For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services, there is appropriated:*

\$3,943,200 . . . . . 1982,

\$3,639,955 . . . . . 1983.

*Subd. 15. [MULTI-COUNTY LIBRARY SYSTEMS.] For grants pursuant to sections 134.352 and 134.353 to multi-county, multi-type library systems, there is appropriated:*

\$182,500 . . . . . 1982,

\$155,125 . . . . . 1983.

*Subd. 16. [NONPUBLIC AIDS.] For programs for non-public educational aid pursuant to sections 123.931 to 123.937, there is appropriated:*

\$4,109,800 . . . . . 1982,

\$3,848,460 . . . . . 1983.

*Subd. 17. [APPROPRIATION; INDIAN EDUCATION.]  
(a) For certain Indian education programs, there is appropriated:*

\$150,000 . . . . . 1982,

\$150,000 . . . . . 1983.

*These appropriations are available for expenditure with the approval of the commissioner of education.*

*The commissioner shall not approve the payment of any amount to a school district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.*

*Up to the following amounts of this appropriation may be distributed to the following school districts: \$47,110 to Independent School District No. 309-Pine Point School; \$3,290 to Independent School District No. 166; \$12,815 to Independent School District No. 432; \$12,060 to Independent School District No. 435; \$36,180*

to Independent School District No. 707; and \$33,545 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

These appropriations are available August 15 of the applicable school year, but only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.

(b) Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(i) Complied with the uniform financial accounting and reporting standards act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1983-84 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1982-1983 budgets and shall not include any moneys appropriated in this subdivision;

(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, Sections 120.03 and 120.17; Public Law 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(iii) Compiled accurate daily pupil attendance records.

(c) Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.

Subd. 18. [PINE POINT ELECTION.] For the purpose of reimbursing the Indian Education Committee's costs for holding the election required in section 43 of this article, there is appropriated:

\$1,500 . . . . . 1982.

The department shall pay to the Indian Education Committee an amount equal to the actual cost of holding the election pursuant to section 43 of this article, but in no event shall this payment exceed \$1,500.

**Subd. 19. [IMPROVED LEARNING PROGRAMS.]** For improved learning programs with principal-teacher, career teacher or counselor-teacher components, there is appropriated:

\$300,000 . . . . . 1982.

Any amount of the appropriation remaining at the end of fiscal year 1982 shall not cancel and shall be available in fiscal year 1983.

**Subd. 20. [CHEMICAL USE PROGRAMS.]** For aid for chemical dependency programs authorized pursuant to section 22 of this article there is appropriated:

\$988,400 . . . . . 1982,

\$826,965 . . . . . 1983.

**Subd. 21. [CANCELLATION AND PRORATION.]** Except as provided in subdivisions 4, 8, 11, 12, 13 and 19, any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. Except as provided in subdivisions 5 and 6, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

**Subd. 22. [PAYMENT SCHEDULE.]** One hundred percent of districts' aid entitlements for fiscal year 1982 under the programs for which funds are appropriated in subdivisions 2, 10, 12, 13, 14, 15 and 16, shall be paid in fiscal year 1982. Eighty-five percent of districts' aid entitlements for fiscal year 1983 under the programs for which funds are appropriated in subdivisions 2, 10, 12, 13, 14, 15 and 16, shall be paid in fiscal year 1983 and the remainder of districts' aid entitlements under these programs shall be paid before October 31, 1984.

**Sec. 47. [EFFECTIVE DATES.]**

**Subdivision 1.** Sections 13, 28, 29, 34, 35 and 43 of this article shall be effective the day following final enactment.

**Subd. 2.** Section 13, clause (5) shall apply to the proceeds of the sale of any building after June 30, 1980, and any district

*affected by this provision which placed sale proceeds in its debt retirement fund may transfer the appropriate amount of the proceeds from the debt retirement fund to the capital expenditure fund.*

*Subd. 3. Sections 40, 41 and 42 shall be effective on the day the Indian education committee complies with Minnesota Statutes, Section 645.021, Subdivision 2.*

## ARTICLE VII

### MISCELLANEOUS

Section 1. Minnesota Statutes 1980, Section 116H.126, Subdivision 2, is amended to read:

Subd. 2. [MINI-AUDITS AND MAXI-AUDITS.] On or before July 1, 1980, based upon the analysis of the building energy reports *which school districts were required by law to submit by December 31, 1979*, the director shall indicate to each school district those buildings upon which a mini-audit, maxi-audit, or both, shall be performed. The audit results shall be recorded on a form furnished by the director and filed with the director by December 31, 1982.

Sec. 2. Minnesota Statutes 1980, Section 116H.126, Subdivision 4, is amended to read:

Subd. 4. [CERTIFICATION OF AUDITORS.] The director may certify persons to perform mini-audits and maxi-audits (**AND TO COMPLETE THE BUILDING ENERGY REPORTS**).

Sec. 3. Minnesota Statutes 1980, Section 116H.126, Subdivision 5, is amended to read:

Subd. 5. [ACCEPTANCE OF EQUIVALENT ENERGY SURVEYS.] The director may accept the results of an equivalent energy survey in place of the (**BUILDING ENERGY REPORT AND**) audits required under this section.

Sec. 4. Minnesota Statutes 1980, Section 120.0751, Subdivision 5, is amended to read:

Subd. 5. The department of education shall provide the forms required by subdivision 2. (**THESE FORMS SHALL BE AVAILABLE ON OR BEFORE JULY 31, 1980. THE STATE BOARD SHALL CONSIDER ANY APPLICATION RECEIVED BY IT ON AUGUST 1, 1980, OR THEREAFTER.**) The state board of education shall adopt the procedures necessary to implement this section.

Sec. 5. Minnesota Statutes 1980, Section 120.78, Subdivision 1, is amended to read:

**120.78 [FUEL (CONSERVATION) CONSUMPTION REPORTS.]**

Subdivision 1. (ON OR BEFORE DECEMBER 31) *By August 15* of each year each school district shall submit to the commissioner of education, in (SUCH) *the* manner and upon (SUCH) *the* forms (AS HE) *the commissioner* shall furnish, a comprehensive report of the energy consumed by the district during the previous school year ending June 30. The report shall include (: (1) A BUILDING ENERGY REPORT, AS DEFINED IN SECTION 116H.02, ON EACH BUILDING AND OTHER STRUCTURE MAINTAINED BY THE DISTRICT; (2)) the amount of fuel used to transport students to and from school and between schools (;) and ((3) SUCH) *any* other information (AS) the commissioner may require related to the consumption of energy. The report shall be developed by the commissioner in consultation with the director of the energy agency.

Sec. 6. Minnesota Statutes 1980, Section 121.90, is amended to read:

**121.90 [DEFINITIONS.]**

(“RECEIVABLES”, “LIABILITIES”, “FUND BALANCES”, “REVENUES” AND “EXPENDITURES” HAVE THE MEANINGS SPECIFIED IN THE UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS FOR MINNESOTA SCHOOL DISTRICTS UNLESS OTHERWISE PROVIDED BY LAW.) *Unless the context clearly indicates otherwise, the words, terms and phrases used in sections 121.901 to 121.917 have the meanings given to them in the manual for the uniform financial accounting and reporting system for Minnesota.*

Sec. 7. Minnesota Statutes 1980, Section 121.904, is amended by adding a subdivision to read:

*Subd. 11c. Payments received pursuant to section 477A.15 shall be recognized as revenue and recorded as a receivable in the fiscal year prior to receipt.*

Sec. 8. Minnesota Statutes 1980, Section 121.906, Subdivision 2, is amended to read:

Subd. 2. [RECOGNITION OF EXPENDITURES AND LIABILITIES.] There shall be fiscal year-end recognition of expenditures and the related offsetting liabilities recorded in each fund in accordance with the uniform financial accounting

and reporting standards for Minnesota school districts. *Encumbrances outstanding at the end of the fiscal year do not constitute expenditures or liabilities.*

Sec. 9. Minnesota Statutes 1980, Section 121.906, Subdivision 3, is amended to read:

Subd. 3. [PURCHASE ORDERS OTHER THAN INVENTORY.] Purchase orders, itemized in detail, for other than inventory supply items, which are issued to outside vendors and based on firm prices shall be recorded as expenditures in the fiscal year (DESIGNATED AT THE TIME OF THE ISSUANCE OF THE ORDER) *in which the liability is incurred.*

Sec. 10. Minnesota Statutes 1980, Section 121.912, Subdivision 1, is amended to read:

Subdivision 1. No school district shall permanently transfer money from an operating fund to a nonoperating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet *or a substantial portion of a fleet*, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner (; PROVIDED,). The levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant to section 124.561 (; PROVIDED,). The state board shall not approve any permanent transfer for the purpose of an acquisition or betterment of lands or buildings or a capital improvement which requires the expenditure of an amount equal to or greater than \$50,000, which changes the perimeter walls of an existing facility, which adds more than 1,000 square feet to a post-secondary vocational facility, or which requires the issuance of school district bonds (; PROVIDED FURTHER,). The state board shall not approve the permanent transfer for any other purpose of any amount which exceeds \$150,000.

Sec. 11. Minnesota Statutes 1980, Section 121.917, Subdivision 4, is amended to read:

Subd. 4. (1) If the net negative unappropriated fund balance in all the funds of a school district, other than statutory operating debt pursuant to section 121.914, capital expenditure,

building construction, debt service, trust and agency, and post-secondary vocational-technical education funds, calculated in accordance with the uniform financial accounting and reporting standards for Minnesota school districts, as of June 30 (, 1980, AND) each year (THEREAFTER), is more than 2-1/2 percent of the year's expenditure amount, the district shall, prior to September 15, submit a special operating plan to reduce the district's deficit expenditures to the commissioner of education for his approval.

Notwithstanding any other law to the contrary, a district submitting a special operating plan to the commissioner under this clause which is disapproved by the commissioner shall not receive any aid pursuant to chapter 124 until a special operating plan of the district is so approved.

(2) A district shall receive aids pending the approval of its special operating plan under clause (1). A district which complies with its approved operating plan shall receive aids as long as the district continues to comply with the approved operating plan.

Sec. 12. Minnesota Statutes 1980, Section 122.22, Subdivision 3, is amended to read:

Subd. 3. A resolution adopted pursuant to subdivision 2(a) shall contain findings of necessary jurisdictional facts and shall set a date for hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of the resolution.*

Sec. 13. Minnesota Statutes 1980, Section 122.22, Subdivision 4, is amended to read:

Subd. 4. A petition executed pursuant to subdivision 2(b) shall be filed with the auditor (AND). *It shall contain the following:*

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory and that petitioners are eligible voters, as defined in section 123.32, subdivision 1a, of the district (.);

(b) An identification of the district (.); *and*

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. The recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

((D)) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the

petition are eligible voters, as defined in section 123.32, subdivision 1a, of the district and that they signed in the presence of one of the circulators.

((E)) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of that meeting.*

Sec. 14. Minnesota Statutes 1980, Section 122.22, Subdivision 5, is amended to read:

Subd. 5. Certification executed pursuant to subdivision 2(c) shall be filed with the auditor (AND). *It shall contain the following:*

- (a) A copy of the resolution initiating the election (.);
- (b) A copy of the notice of election with an affidavit of publication or posting (.);
- (c) The question voted on (.);
- (d) The results of the election by number of votes cast for and number against the question (.); *and*
- (e) If an advisory ballot is taken on annexation, the question voted on and number of ballots cast for and against the proposal.

The auditor shall present the certification to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of that meeting.*

Sec. 15. Minnesota Statutes 1980, Section 122.22, is amended by adding a subdivision to read:

*Subd. 7a. Before the day of a hearing ordered pursuant to this section, each district adjoining the district proposed for dissolution shall provide the following information and resolution to the county auditor of the county containing the greatest land area of the district proposed for dissolution:*

- (a) *The outstanding bonded debt of the district;*
- (b) *The assessed valuation of the district;*
- (c) *The most current school tax rates for the district, including any referendum, discretionary, or other optional levies being assessed currently and the expected duration of the levies;*

(d) A resolution passed by the school board of the district stating that if taxable property of the dissolved district is attached to it, one of the following requirements is imposed: (1) the taxable property of the dissolving district which is attached to its district shall not be liable for the bonded debt of the district which existed as of the time of the attachment; (2) the taxable property of the dissolving district which is attached to its district shall be liable for the payment of the bonded debt of the district which existed as of the time of the attachment in the proportion which the assessed valuation of that part of the dissolving district which is included in the newly enlarged district bears to the assessed valuation of the entire district as of the time of attachment; or (3) the taxable property of the dissolving district which is attached to its district shall be liable for some specified portion of the amount that could be requested pursuant to subclause (2).

An apportionment pursuant to subclause (2) or (3) shall be made by the county auditor of the county containing the greatest land area of the district proposed for transfer.

An apportionment of bonded indebtedness pursuant to subclause (2) or (3) shall not relieve any property from any tax liability for payment of any bonded obligation, but taxable property in a district enlarged pursuant to this section becomes primarily liable for the payment of the bonded debt to the extent of the proportion stated.

Sec. 16. Minnesota Statutes 1980, Section 122.22, Subdivision 8, is amended to read:

Subd. 8. Within 90 days of the date set for the original hearing or within 30 days of the termination of a consolidation proceeding which stays the order under subdivision 7, the county board may issue its order:

(a) Dismissing the proceedings(.); or

(b) (INTERLOCUTORY IN CHARACTER, PROPOSING) Providing for the dissolution of the district and the annexation of the territory to adjoining districts, or the entire district as a unit may be attached to and become part of a district which maintains a secondary school located within the same high school area (, AND) if there is no intervening district maintaining a secondary school.

((C)) If no order is issued within the limited time, the proceedings are dismissed.

If an order is issued pursuant to clause (b) the order is a final order, unless an election on the order is required pursuant to subdivision 11.

Sec. 17. Minnesota Statutes 1980, Section 122.22, Subdivision 9, is amended to read:

Subd. 9. An (INTERLOCUTORY) order issued under subdivision 8, clause (b), shall contain *the following*:

(a) A statement that the (DISSOLUTION OF THE) district is (PROPOSED.) *dissolved unless the results of an election held pursuant to subdivision 11 provide otherwise;*

(b) A description (,) by words or plat or both showing (PROPOSED) *the* disposition of territory in the district to be dissolved (.);

(c) The outstanding bonded debt of the district to be dissolved (.);

(d) *A statement requiring the fulfillment of the requirements imposed by each adjoining district to which territory in the dissolving district is to be attached regarding the assumption of its outstanding pre-existing bonded indebtedness by any territory from the dissolving district which is attached to it;*

(e) (A PROPOSED) An effective date (OF) for the order. The effective date shall be at least three months after the date of the order, and shall be July 1 of an odd-numbered year (.); *and*

((E)) (f) (SUCH) Other information (AS) the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the (INTERLOCUTORY) order by mail upon the clerk of the district (PROPOSED FOR DISSOLUTION) *to be dissolved* and upon the clerk of each district to which (IT IS PROPOSED TO ATTACH ANY TERRITORY BY) the order *attaches any territory of the district to be dissolved* and upon the auditor of each other county in which all or any part of the district (PROPOSED FOR DISSOLUTION) *to be dissolved* or any district to which (IT IS PROPOSED TO ATTACH) *the order attaches* territory lies, and upon the commissioner.

Sec. 18. Minnesota Statutes 1980, Section 122.22, Subdivision 11, is amended to read:

Subd. 11. If the proceedings were instituted by petition, under subdivision 2(b), or by election, under subdivision 2(c) and an advisory recommendation was made in the petition or an advisory ballot taken at the election, as to annexation requested, and if the (INTERLOCUTORY) order makes a different provision for annexation than requested, then the (INTERLOCU-

TORY) order must be approved by a majority of those voting on the question at an election to be called in the district to be dissolved, under subdivision 13 (.). The question voted on shall be:

"Shall the (INTERLOCUTORY) order of the county board of ..... county, dated ..... (PROPOSING) *providing for the dissolution of this school district be approved?*" Yes .....  
No. ....

Sec. 19. Minnesota Statutes 1980, Section 122.22, Subdivision 13, is amended to read:

Subd. 13. If an election is required under subdivision 11 (OR 12), then (UPON) *before* the expiration of (THE) a 45 day period (ALLOWED IN SUBDIVISION 10 OR UPON RECEIPT OF A DEMAND FOR ELECTION ON THE QUESTION OF DEBT ASSUMPTION FROM EACH DISTRICT TO WHICH IT IS PROPOSED TO ATTACH TERRITORY, WHICHEVER IS SOONER) *after the date of the order for dissolution and attachment*, the auditor shall (FORTHWITH) set a date and call the election by filing a written order therefor (,) and serving a copy thereof personally or by mail on the clerk of the district in which the election is to be held (, WHICH). *The date shall be not less than 15 nor more than 30 days after the date of the order, upon which date a special election shall be held in the district proposed for dissolution. The auditor shall cause notice of (SUCH) the election to be posted and published according to law. Upon receipt of (SUCH) the notice, the board shall conduct the election.*

Sec. 20. Minnesota Statutes 1980, Section 122.22, Subdivision 14, is amended to read:

Subd. 14. The results of (EACH) *the* election shall be certified by the board to the auditor. If a majority of all votes cast on (EACH) *the* question at the election approve the (INTERLOCUTORY) order (AND FAVOR THE ASSUMPTION OF THE DEBT), the (INTERLOCUTORY) order becomes final and effective as of the date specified in the order. Each person served with the (INTERLOCUTORY) order shall be so notified. *If a majority of all votes cast on the question disapprove the order, the proceedings are dismissed; and the order becomes void.*

Sec. 21. Minnesota Statutes 1980, Section 122.22, Subdivision 20, is amended to read:

Subd. 20. If the dissolved district is not divided by the order of dissolution and attachment, all of its current assets and liabilities, real and personal, and all its legally valid and enforceable claims and contract obligations shall pass to the district to

which it is attached, except as provided in section 122.532. If the district to be dissolved is divided by the (INTERLOCUTORY) order of dissolution and attachment, the commissioner shall, within 30 days after the (INTERLOCUTORY) order is issued, issue (HIS) *an* order for the distribution of its current assets and liabilities, real and personal. If the commissioner's order provides for the transfer of an interest in real estate to a district, this order may also impose a dollar amount as a claim against that district in favor of other districts, and this claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district. The obligations of districts to the teachers employed by the dissolved district shall be governed by the provisions of section 122.532.

Sec. 22. Minnesota Statutes 1980, Section 123.35, Subdivision 15, is amended to read:

Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege, *or when payment of a claim cannot be deferred until the next board meeting because of contract terms, purchase order terms, or a vendor's standard terms which are part of the contract*, the claim may be paid prior to board approval, providing that the board:

(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and

(b) Requires that payment made prior to board approval be acted upon at the next board meeting.

Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.

Sec. 23. Minnesota Statutes 1980, Section 124.14, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that the amount of state aid distributed to a school district is in error, he is authorized to adjust the amount of aid consistent with this subdivision. If the commissioner determines that the amount of aid is in excess of the school district's entitlement, he is authorized to recover the amount of the excess by any appropriate means. (**INCLUDING THE REDUCTION OF**) *Notwithstanding the fiscal years designated by the appropriation, the excess may be recovered by reducing future aid payments to the school district.* Notwithstanding any law to the contrary, if the aid reduced is not of the same type as that overpaid, the school district shall adjust all necessary financial accounts to properly reflect all revenues earned in accordance with the uniform financial accounting and reporting standards pursuant to sections 121.90

to 121.92. *Notwithstanding the fiscal years designated by the appropriation, if the commissioner determines that the amount of an aid paid is less than the school district's entitlement, he is authorized to increase such aid from the current appropriation.*

Sec. 24. Minnesota Statutes 1980, Section 124.14, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall (REQUIRE THAT THE MEMBERSHIP AND PUPIL UNIT COUNT OF A MINIMUM OF 25 SCHOOL DISTRICTS BE AUDITED EACH FISCAL YEAR. THE AUDITS SHALL BE CONDUCTED AT RANDOM THROUGHOUT THE STATE WITH NO PRIOR NOTICE TO ANY DISTRICT. AT THE TIME OF EACH AUDIT, THE AUDITORS SHALL ALSO EXAMINE THE APPROPRIATE FACTORS THAT RELATED TO THE DETERMINATION OF THE AUTHORIZED TRANSPORTATION COSTS AND AIDS FOR THAT DISTRICT. IN DISTRICTS WHERE A POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOL IS LOCATED, THE AUDIT SHALL INCLUDE AN AUDIT OF THE MEMBERSHIP OF THAT SCHOOL. DISPARITIES BETWEEN MEMBERSHIP AND PUPIL UNIT COUNTS OR TRANSPORTATION DATA REPORTED BY THE SCHOOL DISTRICTS AND THOSE FOUND BY THE AUDITORS SHALL BE REPORTED TO THE COMMISSIONER WHO SHALL ORDER AN INCREASE OR REDUCTION OF FOUNDATION OR TRANSPORTATION AIDS ACCORDINGLY.) *establish procedures for conducting and shall conduct audits of school district records and files for the purpose of verifying school district pupil counts, levy limitations, and aid entitlements. The commissioner shall establish procedures for selecting and shall select districts to be audited. Disparities, if any, between pupil counts, levy limitations, or aid entitlements determined by audit of school district records and files and data reported by school districts in reports, claims and other documents shall be reviewed by the commissioner who shall order increases or decreases accordingly. Whenever possible, the commissioner shall audit at least 25 districts each year pursuant to this subdivision.*

Sec. 25. Minnesota Statutes 1980, Section 124.14, is amended by adding a subdivision to read:

*Subd. 3a. If the commissioner audits fewer than 25 school districts in a fiscal year pursuant to subdivision 3, the commissioner shall report the reasons for the number audited to the following legislative committees: house education, house appropriations, senate education, and senate finance.*

Sec. 26. Minnesota Statutes 1980, Section 124.14, Subdivision 4, is amended to read:

Subd. 4. A reduction of aid under this section may be appealed to the state board of education and its decision shall be final. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district (ARE) shall be open to inspection by the state auditor, (OR) the state board, or the commissioner for the purpose of audits conducted under this section.

Sec. 27. Laws 1967, Chapter 822, Section 1, as amended by Laws 1969, Chapter 945, Section 1; and Laws 1971, Chapter 145, Section 1, is amended to read:

Section 1. [HENNEPIN AND WRIGHT COUNTY SCHOOL DISTRICTS; SPECIAL EDUCATION AND DRIVER TRAINING.] Two or more of the independent school districts numbered 270, 271, 272, 273, (274, 275,) 276, 277, 278, 279, 280, 281, 282, 283, 284, and 286, Hennepin county, 879, Hennepin and Wright counties, and 883, Wright county, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of area vocational-technical schools and the provision of facilities for and instruction in special education, and driving of motor vehicles. Each school district which becomes a party to such an agreement is hereinafter referred to as a "participating school district." The agreement may provide for the exercise of such powers by the school board of one of the school districts on behalf of and for the benefit of other school districts, or by a joint school board created as set forth in this act. If the powers are to be carried out by one of the school districts, it shall in doing so have the same powers and duties and be subject to the same limitations as are herein provided for joint school boards.

Sec. 28. [APPLICABILITY.]

*On its effective date, section 27 applies to Independent School District No. 270, Hopkins, and to the Joint School District No. 287, Suburban Hennepin, formed pursuant to Laws 1967, Chapter 822, as amended.*

Sec. 29. [EXEMPTION FROM PUBLIC SALE.]

*Notwithstanding Minnesota Statutes, Section 124.76, from the effective date of this section of this article until January 1, 1982, the requirements as to public sale of tax and aid anticipation certificates of indebtedness shall not apply to certificates which mature no later than six months after their date of issue. The interest rate on these certificates may be determined by direct negotiation.*

Sec. 30. [DEFICIENCY REPORT.]

*By January 1, 1982, the commissioner shall report to the education committees of the house of representatives and the senate on all program aid deficiencies in the biennium ending June 30, 1981, which were not funded. This report shall include the amount of deficiency for each aid, the rate at which the aid was prorated among qualifying districts, and any adverse effect on the education programs of the districts involved.*

**Sec. 31. [REPEALER.]**

*Minnesota Statutes 1980, Sections 116H.126, Subdivisions 1 and 7; 120.06, Subdivision 2; 120.78, Subdivision 2; 121.13; 121.49, Subdivision 2; 121.495, Subdivision 6; 122.22, Subdivisions 10, 12, 15, and 16; 123.40, Subdivision 5; and 124.247, Subdivision 5, are repealed.*

**Sec. 32. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 29 of this article are effective the day following final enactment.*

*Subd. 2. Section 27 of this article is effective on the day of compliance with Minnesota Statutes 1980, Section 645.021, Subdivision 3.*

## ARTICLE VIII

### TEACHER MOBILITY

Section 1. Minnesota Statutes 1980, Section 125.60, Subdivision 2a, is amended to read:

Subd. 2a. [REPORTS ON DENIALS.] Any school board which denies a request for an extended leave of absence pursuant to this section shall report this denial and the reasons therefor to the commissioner within 30 days. Prior to February 1 (, 1979 AND) each year (THEREAFTER), the commissioner shall file a written report with the education committees of the legislature on any denials reported pursuant to this subdivision.

Sec. 2. Minnesota Statutes 1980, Section 125.60, Subdivision 7, is amended to read:

Subd. 7. [APPLICATION PROCEDURES; LIMITS.] No school board shall grant an extended leave of absence pursuant to this section without applying for and receiving authorization from the commissioner of education. The commissioner of education shall establish (DEADLINES AND) procedures for applications (PURSUANT TO THIS SUBDIVISION) and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of sec-

tions 354.094 and 354A.091. *Each application shall state whether or not the teacher requesting the extended leave of absence pursuant to this section intends to pay the employee contribution and request state payment of the employer contribution into the teacher's retirement fund pursuant to section 354.094 or 354A.091 in order to receive retirement service credit for years spent on leave. The commissioner shall approve no more than 300 applications for extended leaves beginning in the 1981-1982, 1982-1983 and 1983-1984 school years for teachers who intend to pay employee contributions and request state payment of employer contributions.*

*If more than 300 applications for extended leaves beginning in any school year are received by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.*

*The commissioner shall not approve any applications for extended leaves beginning in the 1984-1985 or any subsequent school year for teachers who intend to pay employee contributions and request state payment of employer contributions. There is no limit on the number of applications which may be approved for extended leaves for teachers who do not intend to pay employee contributions or who do not request state payment of employer contributions.*

Sec. 3. Minnesota Statutes 1980, Section 125.611, Subdivision 1, is amended to read:

Subdivision 1. [CRITERIA.] For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary or area vocational-technical schools in the state (, WHO) and

(b) either

(1)(i) has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, and

(ii) (WHO) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made, or

(2) *has not less than 30 total years of full time teaching service in elementary, secondary and area vocational-technical schools.*

Sec. 4. Minnesota Statutes 1980, Section 125.611, Subdivision 3, is amended to read:

Subd. 3. [TEACHER APPLICATION.] A teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of his services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before (JUNE) *February 1* of the school year at the end of which the teacher wishes to retire, and shall be submitted on the form established by the commissioner of education for this purpose. *Any teacher who is granted an extended leave of absence pursuant to section 125.60 beginning in the 1981-1982 school year or any year thereafter is not eligible for an early retirement incentive until that teacher has been reemployed with a district for at least three years prior to making an application for an early retirement incentive.*

Sec. 5. Minnesota Statutes 1980, Section 125.611, Subdivision 5 is amended to read:

Subd. 5. [SCHOOL BOARD APPLICATION; LIMIT.] If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the (JULY) *March 15* immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. *The commissioner shall approve no more than 500 applications for early retirement incentives for teachers retiring at the end of each school year.*

*If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods.*

Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Sec. 6. Minnesota Statutes 1980, Section 125.611, Subdivision 8, is amended to read:

Subd. 8. [PAYMENT; REDUCTION.] An eligible teacher (WHO IS OR WILL BE 55 YEARS OF AGE AS OF THE END OF THE SCHOOL YEAR DURING WHICH AN APPLICATION FOR AN EARLY RETIREMENT INCENTIVE IS MADE AND ACCEPTED) shall receive an early retirement incentive in the amount of \$10,000. This amount shall be reduced by \$500 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,500 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Sec. 7. Minnesota Statutes 1980, Section 125.611, Subdivision 9, is amended to read:

Subd. 9. [DESEGREGATION DISTRICTS.] Notwithstanding the provisions of subdivision 8, an eligible teacher (WHO WISHES TO RETIRE AT THE END OF THE 1979-1980, 1980-1981, OR 1981-1982 SCHOOL YEAR,) who is employed by a school district which is implementing a desegregation plan ordered by federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 7, shall receive an early retirement incentive in the amount of \$15,000. This amount shall be reduced by \$750 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$2,250 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Sec. 8. Minnesota Statutes 1980, Section 125.611, Subdivision 10, is amended to read:

Subd. 10. [PAYMENT ARRANGEMENT.] The early retirement incentive shall be paid by the employing school district at the time and in the manner mutually agreed upon by a teacher and the board. The state shall (REIMBURSE THE DISTRICT FOR 50 PERCENT OF ANY AMOUNT OR AMOUNTS PAID OUT AS AN EARLY RETIREMENT INCENTIVE PURSUANT TO THIS SECTION) *pay the district 50 percent of the authorized early retirement incentive grant on or before the September 1 immediately following the commissioner's approval of the teacher's application. For those applications which were approved prior to July 1, 1981, the state shall pay the districts any remaining state obligation on those grants by September 1, 1981.* An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Sec. 9. Minnesota Statutes 1980, Section 354.094, Subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT CONTRIBUTIONS.] If a member is granted an extended leave of absence pursuant to section 125.60 or 136.88, *except as provided in section 10 of this article* he may receive allowable service credit toward annuities and other benefits under this chapter, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. *Except as provided in section 10 of this article*, the state shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 10. Minnesota Statutes 1980, Section 354.094, is amended by adding a subdivision to read:

Subd. 1a. [RESTRICTIONS.] *Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose extended leaves begin in the 1981-1982 school year and each year thereafter:*

(a) *Only a member whose application states the intention to pay employee contributions into the fund, requests state payment of employer contributions, and is approved by the commissioner within the limits of section 125.60, subdivision 7, qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to subdivision 1;*

(b) *The state shall pay employer contributions for a member described in clause (a) for no more than the first three years of the leave;*

(c) *A member whose application is approved as to the member's eligibility under section 125.60, subdivisions 1 and 2 but whose application does not request state payment of employer contributions or is disapproved as to state payment of employer contributions, or who is in the fourth or fifth year of leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and his employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.*

Sec. 11. Minnesota Statutes 1980, Section 354.094, Subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP; RETENTION.] Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave (WHO PAYS) *whose employee and employer contributions are paid* into the fund pursuant to subdivision 1 and section 10 of this article shall retain membership in the association for as long as (HE CONTINUES TO PAY EMPLOYEE) *the contributions are paid*, under the same terms and conditions as if he had continued to teach in the district, the community college system or the state university system.

Sec. 12. Minnesota Statutes 1980, Section 354.094, Subdivision 3, is amended to read:

Subd. 3. [EFFECT OF NONPAYMENT.] A member on extended leave of absence pursuant to section 125.60 or 136.88 who does not pay employee contributions *or whose employer contribution is not paid* into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee *or employer* contributions into the fund in any subsequent year of the leave. Nonpayment of (EMPLOYEE) contributions into the fund shall not affect the rights or obligations of the member or his employer under section 125.60 or 136.88.

Sec. 13. Minnesota Statutes 1980, Section 354.66, Subdivision 9, is amended to read:

Subd. 9. [APPLICATIONS; LIMITS.] A school district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of education shall approve or disapprove applications from school districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section; *provided he shall not approve more than 55 total applications pursuant to this section and section 354A.094 for participation in the fund in any fiscal year. If more than 55 applications for any school year are received by the commissioner by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.* The state board for community colleges and the state university board may within the limits appropriated to them for purposes of this section assign a teacher to a part time teaching position qualify-

ing for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education.

Sec. 14. Minnesota Statutes 1980, Section 354A.091, Subdivision 1, is amended to read:

Subdivision 1. [RETIREMENT CONTRIBUTIONS.] Notwithstanding any provision to the contrary of this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, *except as provided in section 15 of this article* an elementary, secondary or area vocational-technical school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60 shall be entitled to receive allowable service credit in the applicable association for each year of leave. To obtain the service credit, the teacher on extended leave shall make an employee contribution to the applicable association each year during the period of the leave. The extended leave period for which a teacher shall be entitled to receive allowable service credit pursuant to this section shall not exceed the leave duration maximum set forth in section 125.60, subdivision 2. If the teacher on extended leave makes the employee contribution pursuant to this section during a leave of absence year, *except as provided in section 15 of this article* the state shall make an employer contribution on behalf of the teacher to the applicable association for that year. The employee and employer contributions shall be in an amount equal to the employee and employer contribution rates in effect for other active members of the association covered by the same program applied to a salary figure equal to the teacher's actual covered salary for the plan year immediately preceding the leave. Payment of the employee contribution authorized pursuant to this section shall be made by the teacher on or before June 30 of the fiscal year for which service credit is to be obtained, and payment of the employer contribution shall be made by the state within 30 days of notification by the association of receipt of the required employee contribution. No allowable service with respect to a year of extended leave of absence shall be credited to a teacher until payment of the required employee and employer contributions has been received by the association.

Sec. 15. Minnesota Statutes 1980, Section 354A.091, is amended by adding a subdivision to read:

*Subd. 1a.* [CONTRIBUTION RESTRICTIONS.] *Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose extended leaves begin in the 1981-1982 school year and each year thereafter:*

(a) *Only a member whose application states the intention to pay employee contributions to the applicable association, re-*

*quests state payment of the employer contribution, and is approved by the commissioner within the limits of section 125.60, subdivision 7, qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to subdivision 1;*

*(b) The state shall pay employer contributions for a member described in clause (a) for no more than the first three years of the leave;*

*(c) A member whose application is approved as to the member's eligibility under section 125.60, subdivisions 1 and 2 but whose application does not request state payment of employer contributions or is disapproved as to state payment of employer contributions, or who is in the fourth or fifth year of leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and his employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.*

Sec. 16. Minnesota Statutes 1980, Section 354A.091, Subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP RETENTION.] A teacher on extended leave pursuant to section 125.60 (WHO MAKES) whose employee and employer contributions are made to the applicable teachers retirement fund association pursuant to subdivision 1 and section 15 of this article shall retain membership in the association for each year during which the (TEACHER CONTINUES TO MAKE EMPLOYEE) contributions are made, under the same terms and conditions as if the teacher had continued to teach in the district.

Sec. 17. Minnesota Statutes 1980, Section 354A.091, Subdivision 3, is amended to read:

Subd. 3. [EFFECT OF NONPAYMENT.] A teacher on extended leave pursuant to section 125.60 who does not make employee contributions or whose employer contribution is not made to the applicable teachers retirement fund association in any year shall be deemed to have ceased to be an active member of the association and to have ceased to render teaching services beginning in that year for purposes of this chapter and the articles of incorporation and bylaws of the association, and may not pay employee or employer contributions into the fund in any subsequent year of the leave. Nonpayment of (EMPLOYEE) contributions into the fund shall not affect the rights or obligations of the teacher or his employing school district under section 125.60.

Sec. 18. Minnesota Statutes 1980, Section 354A.094, Subdivision 9, is amended to read:

Subd. 9. [APPLICATION APPROVAL; LIMITS.] A district shall not assign a teacher to a part time teaching position qualifying for full membership in, accrual of service credit from an employee contributions to a teachers retirement fund association pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amounts appropriated for the purpose of this section, the commissioner of education shall approve or disapprove the applications from districts for authorization to assign teachers to part time teaching positions qualifying for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association pursuant to this section; *provided he shall not approve more than 55 total applications pursuant to this section and section 354.66 for participation in the fund in any fiscal year. If more than 55 applications for any school year are received by the commissioner by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment, or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.*

Sec. 19. [INSTRUCTIONS TO COMMISSIONER.] *The commissioner shall allow those teachers whose applications were approved prior to the effective date of sections 2, 10, and 15 of this article for extended leaves of absence beginning in the 1981-1982 school year to amend their applications in order to comply with sections 2, 10, and 15 of this article.*

Sec. 20. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [EXTENDED LEAVES OF ABSENCE.] *To meet the state's obligation prescribed in Minnesota Statutes 1980, Sections 354.094 and 354A.091, there is appropriated:*

\$1,025,200 . . . . . 1982,

\$1,574,300 . . . . . 1983.

Subd. 3. [PART-TIME TEACHING.] *To meet the state's obligation prescribed in Minnesota Statutes 1980, Sections 354.66 and 354A.094, there is appropriated:*

\$69,900 . . . . . 1982,

\$75,500 . . . . . 1983.

*Subd. 4. [EARLY RETIREMENT INCENTIVES.] To meet the state's obligation prescribed in Minnesota Statutes 1980, Section 125.611, there is appropriated:*

\$2,191,400 . . . . . 1982,

\$1,805,000 . . . . . 1983.

*Subd. 5. [NON-CANCELLATION; FUNDING RESTRICTION.] Any unexpended balance remaining from the appropriations in this section for fiscal year 1982 shall not cancel but shall be available for the second year of the biennium. Notwithstanding the provisions of Minnesota Statutes 1980, Sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes 1980, Sections 354.094, 354.66, 354A.091, and 354A.094 shall not be financed out of standing appropriations for the state's obligations pursuant to Minnesota Statutes 1980, Chapter 354 or 354A.*

*Subd. 6. [TRANSFER AUTHORITY.] If any appropriation for any year in subdivision 2, 3 or 4 exceeds the amount needed to pay the state's obligation for that year under that subdivision, then the excess amount may be used to make payments for that year pursuant to another subdivision.*

#### Sec. 21. [EFFECTIVE DATE.]

*Sections 2, 3, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this article shall be effective the day following final enactment. Section 5 of this article shall be effective the day following final enactment except that the amendment changing the application deadline from July 15 to March 15 shall be effective August 1, 1981.*

### ARTICLE IX

#### MAXIMUM EFFORT SCHOOL AID

Section 1. Minnesota Statutes 1980, Section 124.38, Subdivision 7 is amended to read:

Subd. 7. "Maximum effort debt service levy" means the lesser of:

(1) A levy in (A TOTAL DOLLAR AMOUNT COMPUTED AS 15 MILLS ON THE ADJUSTED ASSESSED VALUE; OR) whichever of the following amounts is applicable:

(a) *In any school district granted a debt service loan after July 31, 1981 or granted a capital loan which is approved after July 31, 1981, a levy in a total dollar amount computed as 16 mills on the adjusted assessed value;*

(b) *In any school district granted a debt service loan before August 1, 1981 or granted a capital loan which was approved before August 1, 1981, a levy in a total dollar amount computed as 15 mills on the adjusted assessed value, until and unless the district receives an additional loan; or*

(2) A levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5-1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan; (OR)

(d) In any school district *granted a (WHICH HAS AN OUTSTANDING) capital loan between July 1, 1977 and the effective date of this section of this article*, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2)(d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2)(d), the liability of the district for the amount of the difference between the amount it levied under clause (2)(d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4.

Sec. 2. Minnesota Statutes 1980, Section 124.39, Subdivision 5, is amended to read:

Subd. 5. All moneys deposited to the credit of the loan repayment account and not required for the payment of principal and interest and costs as prescribed in subdivision 4 shall be transferred to the credit of the debt service loan account on July 1 of each year, and (SUCH) *those* moneys are (HEREBY) annually appropriated (IN SUCH) *to that* account for the purposes prescribed by the maximum effort school aid law; except that the (COMMITTEE) *commissioner* may retain in the loan repayment account any amount which (IT) *the commissioner* estimates will not be needed for loans in the fiscal year commencing July 1. Moneys deposited to the credit of the loan repayment account and not required for (SUCH) *the* transfers or for the payment of principal and interest due on school loan bonds may be invested and reinvested in securities which are general obligations of the United States or the state of Minnesota. When all school loan bonds have been fully paid with interest accrued thereon, the balance remaining in (SAID) *the* account shall be transferred to the state bond fund.

Sec. 3. Minnesota Statutes 1980, Section 124.40, Subdivision 2, is amended to read:

Subd. 2. Any amounts remaining in the fund on July 1 of each year, including any unused portion of the appropriation made in subdivision 1, shall be available for use by the (COMMITTEE) *commissioner* in making further debt service loans and capital loans.

Sec. 4. Minnesota Statutes 1980, Section 124.41, is amended to read:

124.41 [SCHOOL LOANS.]

Subdivision 1. The (MEMBERS OF THE EQUALIZATION AID REVIEW COMMITTEE DEFINED IN SECTION 124.212, SUBDIVISION 10,) *commissioner* shall receive and consider applications for and grant or deny loans under sections 124.36 to 124.47.

Subd. 2. [APPLICATION FORMS; RULES.] The (COMMITTEE) *commissioner*, with the assistance of the attorney general or an assistant designated by him, shall prepare forms of applications for debt service loans and capital loans and instruments evidencing (SUCH) *the* loans (, AND). *The state board* shall promulgate (REGULATIONS) *rules* to facilitate (ITS) *the commissioner's* operations in compliance with sections 124.36 to 124.47 (, AND SUCH REGULATIONS). *The rules* shall be subject to the procedure set forth in sections 15.0411 to 15.0422.

Subd. 3. The (COMMITTEE) *commissioner* may employ a clerk (, WHO MAY BE DESIGNATED ASSISTANT SECRETARY, TO) *to administer the maximum effort school aid law. The clerk shall serve at (ITS) the commissioner's pleasure and (TO) shall be in the unclassified service of the state (, AND). The commissioner may fix (HIS) the clerk's compensation, which shall be paid out of the (ADMINISTRATION) loan repayment account of the fund.*

Sec. 5. Minnesota Statutes 1980, Section 124.42, Subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATION; APPLICATION; AWARD; INTEREST.] Any school district in which the required levy for debt service in any year will exceed its maximum effort debt service levy by ten percent or by \$5,000, whichever is less, is qualified for a debt service loan hereunder in an amount not exceeding the amount applied for, and not exceeding one percent of the net debt of the district, and not exceeding the difference between the required and the maximum effort debt service levy in (SUCH) *that year.* Applications shall be filed with the (COMMITTEE) *commissioner* in each calendar year up to and including September 15. The (COMMITTEE) *commissioner* shall determine whether the applicant is entitled to (SUCH) *a loan and the amount thereof, and on or before October 1 shall certify to each applicant district the amount granted and its due date. (A COPY OF EACH SUCH CERTIFICATE SHALL BE FILED WITH THE COMMISSIONER. UPON RECEIPT BY THE COMMISSIONER OF A COPY OF THE COMMITTEE'S CERTIFICATE THAT THE LOAN IS GRANTED.)* The commissioner shall notify the county auditor of (OR) *each county (AUDITORS) in which the district is located that the amount (SO) certified is available and appropriated for payment of principal and interest on its outstanding bonds, and (SUCH) the auditors shall reduce by that amount the taxes otherwise leviable as the district's debt service levy on the tax rolls for (SUCH) that year. Each debt service loan shall bear interest from its date at a rate (DETERMINED BY THE COMMISSIONER OF FINANCE ANNUALLY, AT THE MULTIPLE OF ONE-TENTH OF ONE PERCENT PER ANNUM NEXT HIGHER THAN THE) equal to the average annual rate payable on Minnesota state school loan bonds (FROM TIME TO TIME OUTSTANDING,) most recently issued prior to the disbursement of the loan to the district, but in no event less than 3 1/2 percent per annum on the principal amount from time to time remaining unpaid, payable on December 15 of the year (NEXT) following that in which the loan is received and annually thereafter.*

Sec. 6. Minnesota Statutes 1980, Section 124.42, Subdivision 2, is amended to read:

Subd. 2. [NOTE.] Each debt service loan shall be evidenced by a note which shall be executed (IN) *on behalf of the district*

by the signatures of its chairman or vice chairman and the school district clerk, shall be dated November 1 of the year in which executed, and shall state its principal amount, interest rate, and that it is payable at the commissioner's office. It shall have printed thereon, or the commissioner shall attach thereto, a grill for entry of the date and amount of each payment and allocations of each payment to accrued interest or principal, and a certificate to be executed by the county auditor of each county in which any portion of the school district is situated, prior to the delivery of the note, stating that (SUCH) *the* county auditor has entered the debt service loan evidenced thereby in his bond register. (SUCH) *The* notes shall be delivered to the (COMMITTEE) *commissioner* not later than November 15 of the year in which executed. The (SECRETARY) *commissioner* shall cause a record to be made and preserved showing the obligor district and the date and principal amount of each note (, AND SHALL THEN DELIVER IT TO THE COMMISSIONER WHO SHALL MAKE SUITABLE RECORD THEREOF).

Sec. 7. Minnesota Statutes 1980, Section 124.43, Subdivision 1 is amended to read:

Subdivision 1. (a) To the extent moneys are from time to time available hereunder, the (COMMITTEE IS AUTHORIZED) *commissioner may*, after review and a favorable recommendation by the state board of education, (TO EFFECT) *make* capital loans to school districts. Proceeds of (SUCH) *the* loans shall be used only for sites for school buildings and for acquiring, bettering, furnishing, or equipping school buildings under contracts to be entered into within 12 months from and after the date on which each loan is granted. Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and *the following* June 1 (NEXT FOLLOWING). (NO APPLICATION SHALL BE APPROVED UNLESS THE STATE BOARD OF EDUCATION CERTIFIES THAT THE LOAN IS)

(b) *Any board which intends to submit an application for a capital loan shall submit a proposal to the commissioner for review and comment pursuant to section 122.90, and the commissioner shall prepare a review and comment on the proposed facility, regardless of the amount of the capital expenditure required to construct the facility. The state board shall not make a favorable recommendation on an application for a capital loan for any facility unless:*

(1) *the facility receives a favorable review and comment pursuant to section 122.90; and*

(2) *the state board determines that*

(A) *the facilities are needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist; (THAT SUCH)*

(B) *the facilities could not be made available (BY CONSOLIDATING THE DISTRICT) through dissolution and attachment of the district to another district or through pairing, inter-district cooperation, or consolidation with (AN ADJACENT) another district (WITHOUT SUBSTANTIALLY LOWERING THE FISCAL CAPACITY OF THAT DISTRICT OR SO INCREASING ITS AREA THAT IT WOULD NO LONGER BE VIABLE; AND THAT EXISTING INSTITUTIONS OR), or through the purchase or lease of facilities from existing institutions within the area (COULD NOT BE ACQUIRED OR LEASED TO PROVIDE THE NEEDED FACILITIES SAFELY AND AT A LOWER COST. THE STATE BOARD SHALL MAKE RECOMMENDATIONS TO THE COMMITTEE). The preference of the school district regarding reorganization shall not be a criterion used by the state board in determining whether the facilities could be made available through reorganization;*

(C) *the facilities are comparable in size and quality to facilities recently constructed in other districts of similar enrollment; and*

(D) *the district's need for the facilities is comparable to needs which comparable districts are meeting through local bond issues.*

*The state board may recommend that the loan be approved in a reduced amount in order to meet the foregoing criteria. If the state board recommends that a loan not be approved, the commissioner shall not approve the loan, and if the state board recommends that the loan be approved in a reduced amount, the commissioner shall not approve a loan larger than that recommended by the state board.*

(c) No loan shall be approved for any district exceeding an amount computed as follows:

(1) The amount voted by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4, or (22.5) 24 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53,

subdivision 4, or (22.5) 24 percent of the adjusted assessed value, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause.

Sec. 8. Minnesota Statutes 1980, Section 124.43, Subdivision 2, is amended to read:

Subd. 2. [DISTRICT PROCEDURES.] The school board of any district desiring a loan shall adopt a resolution stating the amount proposed to be borrowed, the purpose for which the debt is to be incurred, and an estimate of the dates when the facilities for which the loan is requested will be contracted for and completed. The question of authorizing the borrowing of funds for the facilities shall be submitted to the voters of the district at a regular or special election. The question submitted shall state the total amount to be borrowed from all sources. A majority of those voting on the question shall be sufficient to authorize the district to effect the state loan *application* and also to issue the bonds on public sale in accordance with chapter 475. Applications for loans shall be accompanied by (a) a copy of (SUCH) *the* resolution, (b) a certificate by the clerk showing the vote at the election, (c) a certificate by the clerk and treasurer showing the then outstanding indebtedness of the district, and (d) a certificate by the county auditor of each county in which a portion of the district lies showing the information in his official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate shall show, as to each outstanding bond issue, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications shall be in (SUCH) *the* form and accompanied by (SUCH) *the* additional data (AS) *which* the (COMMITTEE) *commissioner* and state board of education (SHALL) prescribe (, WHICH MAY INCLUDE A STATEMENT FROM THE STATE DEPARTMENT OF EDUCATION AS TO THE DISTRICT'S NEED OF THE PROPOSED SCHOOLHOUSES IN COMPARISON WITH NEEDS OF OTHER DISTRICTS). When an application is received, the (COMMITTEE) *commissioner* shall obtain from the commissioner of revenue, and from the public utilities commission when required, the information in their official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4.

Sec. 9. Minnesota Statutes 1980, Section 124.43, Subdivision 3, is amended to read:

Subd 3. [AWARD OF LOANS.] The (COMMITTEE) *commissioner* shall examine and consider all applications for capital loans which have been recommended by the state board of education, and if any applicant district is found not qualified it shall be promptly notified thereof. On January 1 and July 1 of each year, the (COMMITTEE) *commissioner* shall make (ITS) a determination on all pending applications which have been on file with (IT) *the commissioner* more than one month. If an applicant is qualified in the opinion of the (COMMITTEE) *commissioner* and the aggregate of the amounts applied for does not exceed the amount available or which can be made available in the capital loan account, all loans so applied for shall be granted, subject to acceptance by the respective districts as specified below. If the aggregate exceeds the amount which is or can be made available, the (COMMITTEE) *commissioner* shall allot the available amount among the qualified applicant districts, or any of them, according to the (COMMITTEE'S) *commissioner's* judgment and discretion based upon their respective needs. The (COMMITTEE) *commissioner* shall promptly certify to each qualified applicant district the amount, if any, of the capital loan granted to it, subject to adjustment under subdivision 1, clause (4).

Sec. 10. Minnesota Statutes 1980, Section 124.43, Subdivision 4, is amended to read:

Subd. 4. Each capital loan shall be evidenced by a contract between the school district and the state acting through the (COMMITTEE) *commissioner*. It shall obligate the state to pay to the district, out of the maximum effort school loan fund, an amount computed as provided in subdivision 1, upon receipt by the (COMMITTEE) *commissioner* of a certified resolution of the school board reciting that contracts for construction of the facilities for which the loan is granted have been awarded and that bonds of the district have been issued and sold in the amount necessary to pay all costs thereof in excess of the amount of the loan, and estimating (SUCH) *the* costs. It shall obligate the district to repay the loan out of the excesses of its maximum effort debt service levy over its required debt service levy, including interest at a rate (DETERMINED ANNUALLY BY THE COMMISSIONER OF FINANCE, AT THE MULTIPLE OF ONE TENTH OF ONE PERCENT PER ANNUM NEXT HIGHER THAN) *equal to the average annual rate payable on Minnesota state school loan bonds most recently issued prior to the disbursement of the loan to the district*, but in no event less than 3 1/2 percent per annum on the principal amount from time to time unpaid. The district shall each year, as long as it is indebted to the state, levy for debt service (a) the amount of its maximum effort debt service levy or (b) the amount of its required debt service levy, whichever is greater, except as (SUCH) *the* required debt service levy may be reduced by a loan under section 124.42. Whenever the maximum effort debt service levy is greater, the district shall remit to the commissioner within ten days after its receipt of the last regular tax distribution in each year, that

portion of the debt service tax collections, including penalties and interest, which exceeded the required debt service levy. The commissioner shall supervise the collection of outstanding accounts due the fund and may, by notice to the proper county auditor require the maximum levy to be made as required hereunder. Interest on capital loans shall be paid on December 15 of the year next following that in which the loan is granted and annually thereafter. On or before November 1 in each year the commissioner shall notify the county auditor of each county containing taxable property situated within the school district of the amount of the maximum effort debt service levy of the district for that year, and (SAID) *the* county auditor or auditors shall extend upon the tax rolls an ad valorem tax upon all taxable property within the district in the aggregate amount so certified. (IN THE EVENT THAT) *If* any capital loan is not paid within 30 years after it is granted from maximum effort debt service levies in excess of required debt service levies, the liability of the school district thereon shall be satisfied and discharged and interest thereon shall cease. After a district's capital loan has been outstanding for 20 years, the district shall not issue bonds on the public market except for the purpose of refunding (SUCH A) *the* loan.

Sec. 11. Minnesota Statutes 1980, Section 124.43, Subdivision 5, is amended to read:

Subd. 5. [PARTICIPATION BY COUNTY AUDITOR; RECORD OF CONTRACT; PAYMENT OF LOAN.] Before delivery of any capital loan contract, the school district shall file a copy thereof with the county auditor of each county in which any portion of the district is situated, and shall obtain from each (SUCH) county auditor and furnish to the (COMMITTEE) *commissioner* a certificate stating that (SUCH) *the* county auditor has entered the capital loan evidenced thereby in his bond register. As each executed contract is delivered to the (COMMITTEE) *commissioner*, (ITS SECRETARY) *the commissioner* shall cause a record thereof to be made and preserved showing the name and address of the district, the date of the contract, and the amount of the loan initially approved in accordance with subdivision 1. Upon receipt of the resolution required in subdivision 4, the commissioner shall issue a warrant on the capital loan account for the amount which may be disbursed in accordance with subdivision 1, payable on presentation to the state treasurer. On presentation the treasurer shall remit the amount to the district and enter the date and amount in his account with the district. Interest thereon shall accrue from (SUCH) *that* date.

Sec. 12. Minnesota Statutes 1980, Section 124.474, is amended to read:

124.474 [BOND ISSUE, MAXIMUM EFFORT SCHOOL LOANS; 1969.]

For the purpose of providing moneys to be loaned to school districts as agencies and political subdivisions of the state for

the acquisition and betterment of public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance is directed to issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$20,000,000, in addition to the bonds heretofore authorized for this purpose, which amount is appropriated to the maximum effort school loan fund and shall be expended under the direction of the (SCHOOL LOAN COMMITTEE) *commissioner of education* for the making of debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. These bonds shall be issued and sold and provision for the payment thereof shall be made in accordance with section 124.46, and an amount sufficient to pay interest on the bonds to and including July 1 in the second year after the date of issue shall be credited from the bond proceeds to the school loan bond account in the state bond fund. Any expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for (SUCH) *those* purposes, shall be paid from the maximum effort school loan fund, and the amounts necessary therefor are appropriated from (SUCH FUND) *it*.

Sec. 13. Minnesota Statutes 1980, Section 124.476, is amended to read:

124.476 [BOND ISSUE, MAXIMUM EFFORT SCHOOL LOANS; 1980.]

For the purpose of providing moneys to be loaned to school districts as agencies and political subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance is directed to issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$20,000,000, in addition to the bonds heretofore authorized for this purpose, which amount is appropriated to the maximum effort school loan fund and shall be expended under the direction of the (EQUALIZATION AID REVIEW COMMITTEE) *commissioner of education* for the making of debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. These bonds shall be issued and sold and provision for their payment shall be made in accordance with section 124.46, and an amount sufficient to pay interest on the bonds to and including July 1 in the second year after the date of issue shall be credited from the bond proceeds to the school loan bond account in the state bond fund. Any expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for those purposes, shall be paid from the maximum effort school loan fund, and the amounts necessary for the expenses are appropriated from it.

**Sec. 14. [APPROPRIATION; MAXIMUM EFFORT SCHOOL LOAN FUND.]** *There is appropriated from the general fund to the maximum effort school loan fund the sum of \$5,104,000 for the fiscal year ending June 30, 1982 and \$4,396,200 for the fiscal year ending June 30, 1983. Any unexpended balance of this appropriation for fiscal year 1982 shall not cancel but shall be available for the second year of the biennium.*

*These appropriations shall be placed in the loan repayment account of the maximum effort school loan fund for the payment of principal and interest on school loan bonds, as provided in section 124.46, to the extent that moneys in the fund are not sufficient to pay when due the full amount of principal and interest due on school loan bonds. The purpose of these appropriations is to ensure that sufficient moneys are available in the fund to prevent a statewide property tax levy as would otherwise be required pursuant to section 124.46, subdivision 3. Notwithstanding the provisions of section 124.39, subdivision 5, any amount of the appropriation made in this section which is not needed to pay when due the principal and interest due on school loan bonds shall not be transferred to the debt service loan account of the maximum effort school loan fund, but instead shall cancel and revert to the general fund.*

**Sec. 15. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13 of this article are effective on the day following final enactment.*

*Subd. 2. Section 7 of this article shall be effective August 1, 1981, except that the transfer of authority from the committee to the commissioner shall be effective on the day following final enactment. The amendments in section 7, clause (c) of this article shall not apply to a capital loan approved by the committee or the commissioner before August 1, 1981, regardless of when the capital loan contract is signed or the loan amount is paid to the district.*

*Subd. 3. The amendments in section 10 regarding the interest rate payable on capital loans shall not apply to a capital loan approved by the committee or the commissioner before August 1, 1981, regardless of when the capital loan contract is signed or the loan amount is paid to the district."*

Delete the title in its entirety and insert:

"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 duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a property accounting system for AVTI's; pro-

viding a new aid and levy authorization for certain capital expenditures; providing for certain alternative projects; modifying certain provisions relating to teacher mobility and early retirement programs; providing for the transfer of proceeds from the sale or exchange of buildings to the capital expenditure fund under certain circumstances; decreasing the state's obligation 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; 116H.126, Subdivisions 2, 4 and 5; 120.03, by adding a subdivision; 120.0751, Subdivision 5; 120.17, Subdivisions 3b, 4, 5a, 6, 7, 9 and by adding a subdivision; 120.78, Subdivision 1; 121.90; 121.902, by adding a subdivision; 121.904, Subdivision 7 and by adding a subdivision; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 121.917, Subdivision 4; 121.931, Subdivision 6; 121.934, Subdivision 7; 121.935, Subdivisions 2 and 6; 121.936, Subdivisions 2 and 3 and by adding a subdivision; 121.937, Subdivision 1; 121.938, Subdivision 2; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, and 20, and by adding a subdivision; 122.531, Subdivisions 1, 2, 3a, 5, and 6; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivision 1; 124.11, Subdivisions 1, 2a, 2b, 2c, 4, 5, and by adding a subdivision; 124.14, Subdivisions 2, 3, and 4, and by adding a subdivision; 124.17, Subdivisions 1, 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivision 1, and by adding a subdivision; 124.213; 124.214, Subdivision 2; 124.223; 124.225, Subdivisions 1, 1a, 3, 4a, 6, 7a, 8a, 8b, 9, 11, and 11a; 124.245, Subdivisions 1 and 2, and by adding subdivisions; 124.247, Subdivision 3; 124.26, Subdivisions 1, 4 and by adding subdivisions; 124.271, Subdivision 2, 4, 5 and by adding subdivisions; 124.32, Subdivisions 1, 1a, 1b, 5, 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; 124.572, Subdivisions 3a and 8, and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2, 4 and 8; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.262, Subdivision 8; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 1, 2a, 2c, 6b, 6c, 7a, 8, 9, 11a, 19 and 20, and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2 and 3, and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2 and 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; Laws 1973, Chapter 683, Section 26, Subdivision 1, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 3, 120, 121 and 124;

repealing Minnesota Statutes 1980, Sections 116H.126, Subdivisions 1 and 7; 120.06, Subdivision 2; 120.17, Subdivision 3c; 120.78, Subdivision 2; 121.13; 121.49, Subdivision 2; 121.495, Subdivision 6; 122.22, Subdivisions 10, 12, 15 and 16; 122.531, Subdivision 7; 123.40, Subdivision 5; 124.01, Subdivisions 2, 3 and 4; 124.212, Subdivisions 2, 4, 5, 5a, 6c, 7c, 7d, 8a, 9, 9a, 9b, 20, 20a and 21; 124.225, Subdivisions 2, 4, 5, 7 and 8; 124.26, Subdivision 3; 124.247, Subdivision 5; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.566; 124.571; 126.263; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b, 7b, and 14.”

We request adoption of this report and repassage of the bill.

House Conferees: BOB MCEACHERN, CARL M. JOHNSON, KEN G. NELSON, CONNIE M. LEVI and DAVID M. JENNINGS.

Senate Conferees: NEIL DIETERICH, JEROME M. HUGHES, GENE MERRIAM, KEITH LANGSETH and WAYNE OLFHOFT.

McEachern moved that the report of the Conference Committee on H. F. No. 70 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, Chapter 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.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Hoberg	Luknic	Onnen
Anderson, B.	Elioff	Hokanson	Mann	Osthoff
Anderson, G.	Ellingson	Hokr	Marsh	Otis
Anderson, I.	Erickson	Jacobs	McCarron	Peterson, B.
Anderson, R.	Esau	Jennings	McDonald	Peterson, D.
Battaglia	Evans	Johnson, C.	McEachern	Piepho
Begich	Ewald	Johnson, D.	Mehrkens	Pogemiller
Berkelman	Fjoslien	Jude	Metzen	Redalen
Blatz	Forsythe	Kahn	Minne	Reding
Brandl	Friedrich	Kaley	Munger	Rees
Byrne	Greenfield	Kafis	Murphy	Reif
Carlson, D.	Gruenes	Kelly	Nelsen, B.	Rice
Carlson, L.	Gustafson	Knickerbocker	Nelson, K.	Rodriguez, C.
Clark, J.	Halberg	Kostohryz	Niehaus	Rodriguez, F.
Clark, K.	Hanson	Kvam	Norton	Rose
Clawson	Harens	Laidig	Novak	Rothenberg
Dahlvang	Hauge	Lehto	Nysether	Samuelson
Dean	Haukoos	Levi	O'Connor	Sarna
Den Ouden	Heap	Long	Ogren	Schafer
Drew	Himle	Ludeman	Olsen	Schoenfeld

Schreiber	Skoglund	Swanson	Weaver	Wynia
Shea	Stadum	Tomlinson	Welch	Zubay
Sherman	Staten	Valan	Welker	Spkr. Sieben, H.
Sherwood	Stowell	Valento	Wenzel	
Sieben, M.	Stumpf	Vanasek	Wieser	
Simoneau	Sviggum	Vellenga	Wigley	

Those who voted in the negative were:

Ainley	Heinitz	Lemen	Searles	Voss
Dempsey				

The bill was repassed, as amended by Conference, and its title agreed to.

### SPECIAL ORDERS, Continued

S. F. No. 649, A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

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.

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

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Jacobs	McEachern	Redalen
Ainley	Ellingson	Jennings	Mehrkens	Rees
Anderson, B.	Erickson	Johnson, C.	Metzen	Reif
Anderson, I.	Esau	Johnson, D.	Minne	Rice
Anderson, R.	Ewald	Jude	Munger	Rodriguez, C.
Battaglia	Fjoslien	Kaley	Murphy	Rodriguez, F.
Begich	Forsythe	Kalis	Nelsen, B.	Rose
Berkelman	Friedrich	Kelly	Nelson, K.	Rothenberg
Blatz	Greenfield	Knickerbocker	Niehaus	Samuelson
Brandl	Gruenes	Kostohryz	Norton	Sarna
Byrne	Gustafson	Kvam	Novak	Schafer
Carlson, D.	Halberg	Laidig	Nysether	Schoenfeld
Carlson, L.	Hanson	Lehto	O'Connor	Schreiber
Clark, J.	Harens	Lemen	Ogren	Searles
Clark, K.	Hauge	Levi	Olsen	Shea
Clawson	Haukoos	Long	Onnen	Sherman
Dahlvang	Heap	Ludeman	Osthoff	Sherwood
Dean	Heinitz	Luknic	Otis	Sieben, M.
Dempsey	Himle	Mann	Peterson, B.	Simoneau
Den Ouden	Hoberg	Marsh	Peterson, D.	Skoglund
Drew	Hokanson	McCarron	Piepho	Stadum
Eken	Hokr	McDonald	Pogemiller	Staten

Stowell	Tomlinson	Voss	Wenzel	Zubay
Stumpf	Valan	Weaver	Wieser	Spkr. Sieben, H.
Sviggum	Valento	Welch	Wigley	
Swanson	Vellenga	Weiker	Wynia	

The bill was passed and its title agreed to.

S. F. No. 34, A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to certain license holders whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clark, K.

The bill was passed and its title agreed to.

## CALL OF THE HOUSE LIFTED

Kelly moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

S. F. No. 539 was reported to the House.

McDonald moved to amend S. F. No. 539, the unofficial engrossment, as follows:

Page 1, line 14, strike "illegitimate" insert "*out of wedlock*"

Page 1, line 18, strike "illegitimate" insert "*out of wedlock*"

The motion prevailed and the amendment was adopted.

S. F. No. 539, A bill for an act relating to family law; allowing joint custody of minor children; providing for acknowledgments of paternity; changing provisions related to venue; providing expedited hearings; changing determination of maintenance and support orders; changing the division of marital property; providing for enforcement of maintenance and support orders; changing requirements for evidence, orders, and decrees; adopting the revised uniform reciprocal enforcement of support act; amending Minnesota Statutes 1980, Sections 257.34, Subdivision 1; 518.003, by adding a subdivision; 518.09; 518.131, Subdivisions 3 and 4, and by adding subdivisions; 518.145; 518.17; 518.54, Subdivision 5; 518.551; 518.58; and 518.64, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52; and 518.53.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Esau	Haukoos	Kaley
Ainley	Clark, J.	Evans	Heap	Kalis
Anderson, B.	Clark, K.	Ewald	Heinitz	Kelly
Anderson, G.	Clawson	Fjoslien	Himle	Knickerbocker
Anderson, I.	Dahlvang	Forsythe	Hoberg	Kostohryz
Anderson, R.	Dean	Friedrich	Hokanson	Kvam
Battaglia	Dempsey	Greenfield	Hokr	Laidig
Begich	Den Ouden	Gruenes	Jacobs	Lehto
Berkelman	Drew	Gustafson	Jennings	Lemen
Blatz	Eken	Halberg	Johnson, C.	Levi
Brandl	Elioff	Hanson	Johnson, D.	Long
Byrne	Ellingson	Harens	Jude	Ludeman
Carlson, D.	Erickson	Hauge	Kahn	Luknic

Mann	Nysether	Reif	Sieben, M.	Voss
Marsh	O'Connor	Rice	Simoneau	Weaver
McCarron	Ogren	Rodriguez, C.	Skoglund	Welch
McDonald	Olsen	Rodriguez, F.	Stadum	Welker
Mehrkens	Onnen	Rothenberg	Staten	Wenzel
Metzen	Osthoff	Samuelson	Stowell	Wieser
Minne	Otis	Sarna	Stumpf	Wigley
Munger	Peterson, B.	Schafer	Sviggum	Wynia
Murphy	Peterson, D.	Schoenfeld	Swanson	Zubay
Nelsen, B.	Piepho	Schreiber	Tomlinson	Spkr. Sieben, H
Nelson, K.	Pogemiller	Searles	Valan	
Niehaus	Redalen	Shea	Valento	
Norton	Reding	Sherman	Vanasek	
Novak	Rees	Sherwood	Vellenga	

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

S. F. No. 890 was reported to the House.

Nelsen, B., moved to amend S. F. No. 890, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 97.51, is amended to read:

**97.51 [REWARDS.]**

Rewards may be paid by the commissioner to others than salaried conservation officers or peace officers, for information leading to the arrest and conviction of any person for violating provisions relating to (MOOSE) *big game, or to threatened or endangered species of wildlife*, in (THE) a sum (OF \$50) *not to exceed \$1000; (FOR VIOLATING PROVISIONS RELATING TO DEER, \$25;)* for violating provisions relating to other wild animals, (\$10) *not to exceed \$500. The rewards shall only be paid out of any funds donated to the commissioner for these purposes.*

**Sec. 2. [EFFECTIVE DATE.]**

*This act is effective the day after final enactment."*

The motion prevailed and the amendment was adopted.

S. F. No. 890, A bill for an act relating to wild animals; increasing the amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.

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 89 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kalis	Nysether	Sherman
Anderson, B.	Greenfield	Kelly	Olsen	Sieben, M.
Anderson, G.	Gruenes	Knickerbocker	Onnen	Simoneau
Berkelman	Gustafson	Kostohryz	Osthoff	Skoglund
Brandl	Halberg	Laidig	Otis	Stadum
Byrne	Hanson	Lehto	Peterson, B.	Stowell
Carlson, L.	Harens	Lemen	Peterson, D.	Swanson
Clark, J.	Hauge	Levi	Piepho	Tomlinson
Dahlyang	Haukoos	Long	Reding	Valento
Dean	Heap	Mann	Reif	Vanasek
Dempsey	Heinitz	Marsh	Rodriguez, C.	Vellenga
Drew	Himle	McEachern	Rodriguez, F.	Voss
Eken	Hokanson	Mehrkens	Rose	Weaver
Ellingson	Jacobs	Minne	Rothenberg	Welch
Erickson	Johnson, C.	Munger	Sarna	Wieser
Esau	Johnson, D.	Nelsen, B.	Schafer	Wynia
Ewald	Kahn	Norton	Searles	Spkr. Sieben, H.
Fjoslien	Kaley	Novak	Shea	

Those who voted in the negative were:

Ainley	Clawson	Kvam	O'Connor	Welker
Anderson, I.	Den Ouden	Ludeman	Redalen	Wenzel
Anderson, R.	Elioff	McCarron	Rees	Wigley
Battaglia	Evans	McDonald	Rice	Zubay
Begich	Friedrich	Murphy	Samuelson	
Blatz	Jennings	Nelson, K.	Schoenfeld	
Carlson, D.	Jude	Niehaus	Stumpf	

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

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1443

A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1980, Sections 3.005, Subdivision 3; 3.304, by adding a subdivision; 4.16, by adding subdivisions; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 16A.123; 17.59, by adding a subdivision; 17A.04, Subdivision 5; 17B.15, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 43.46, Subdivisions 2 and 3; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 97.49, Subdivision 1; 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19 and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; 101.44; 116C.69, Subdivisions 2 and 2a; 139.16; 139.17; 139.18; 139.19; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Sub-

division 2; 179.72, Subdivision 3; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 270.66; 271.02; 284.28, Subdivision 8; 290.431; 299A.03, Subdivisions 1, 8 and 13; 322A.16; 322A.71; 352E.04; 354.43, Subdivision 3; 362.10; 362.12, Subdivisions 1a and 2; 362.121; 362.125; 362.13; 480.0595; 546.27; 638.08; and 648.39; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; proposing new law coded in Minnesota Statutes, Chapters 85; 116H; 270; 299A; and 362; repealing Minnesota Statutes 1980, Sections 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 299A.03, Subdivisions 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14; 362.07; 362.08; 362.09; 362.11; 362.12, Subdivisions 3 and 4; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 473.56, Subdivision 15; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

May 15, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1443, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1443 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [STATE DEPARTMENTS; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1981", "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1981, June 30, 1982, or June 30, 1983, respectively.

SUMMARY BY FUND

	1981	1982	1983	TOTAL
General . . . \$		\$602,749,000	\$686,299,600	\$1,289,048,600
Special . . . .	156	2,650,400	2,643,100	5,293,656

	1981	1982	1983	TOTAL
Game and Fish . . . . .	32,271	22,336,200	22,968,900	45,337,371
Park Maintenance and Operation . . . . .		2,400,500	2,400,500	4,801,000
Tr. Hwy. . . . .	548,627	2,010,000	2,010,000	4,568,627
Hwy. Usr. . . . .	1,655	1,109,100	1,127,200	2,237,955
<b>TOTAL . . . . .</b>	<b>\$582,709</b>	<b>\$633,255,200</b>	<b>\$717,449,300</b>	<b>\$1,351,287,209</b>

APPROPRIATIONS  
Available for the Year  
Ending June 30

	1982	1983
	\$	\$

Sec. 2. [LEGISLATURE.]

Subdivision 1. Total for this section . . . . .	24,064,800	27,054,100
Subd. 2. House of Representatives . . . . .	11,463,000	12,496,000
Subd. 3. Senate . . . . .	7,176,900	8,248,400
Subd. 4. Legislative Coordinating Commission . . . . .	3,243,900	4,086,200

The amounts that may be expended from this appropriation for each activity are as follows:

General Support

1982	1983
\$125,700	\$ 93,500

Legislative Reference Library

\$402,900	\$455,500
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	1982	1983
	\$	\$
Revisor of Statutes		
	\$2,089,000	\$2,842,500

The appropriation in Laws 1980, Chapter 614, Section 3, Clause (b) for the unpublished laws is also available to match money from a private foundation. This paragraph is effective the day following final enactment.

The unencumbered balance in the Minnesota Statutes Revolving Fund on June 30, 1981 shall be transferred to the general fund.

**Legislative Committee on  
Science and Technology**

	\$105,900	\$125,300
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**Advisory Council on the Economic  
Status of Women**

	\$89,900	\$101,100
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**Great Lakes Commission**

	\$37,000	\$38,500
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**Legislative Commission on Pensions  
and Retirement**

	\$120,000	\$134,800
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**Legislative Commission on Employee  
Relations**

	\$100,000	\$100,000
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**Legislative Commission to Review Ad-  
ministrative Rules**

	\$83,500	\$95,000
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	1982	1983
	\$	\$
<b>Legislative Commission on Waste Management</b>		
	\$80,000	\$90,000
<b>Mississippi River Parkway Commission</b>		
	\$10,000	\$10,000
<b>This appropriation is from the trunk highway fund.</b>		
<b>Subd. 5. Legislative Audit Commission</b>	<b>2,181,000</b>	<b>2,223,500</b>

The amounts that may be expended from this appropriation for each activity are as follows:

**Legislative Audit Commission**

\$15,000      \$15,000

**Legislative Auditor**

\$2,166,000      \$2,208,500

**Sec. 3. SUPREME COURT**

**General Operations and Management.**      4,509,700      4,821,400

The amounts that may be expended from this appropriation for each program are as follows:

**Supreme Court Operations**

\$2,305,000      \$2,328,900

**State Court Administrator**

\$1,776,200      \$2,049,800

Of this amount, \$200,000 the second year is available for judicial district computer hardware costs. This appro-

	1982	1983
	\$	\$

priation shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.

This appropriation includes \$50,000 the first year and \$50,000 the second year to enable the judicial planning council (JPC) to study alternative dispute resolution programs and to award grants to local government agencies and nonprofit organizations based upon the JPC's determination that such grants will provide accessible, cost-effective resolution of disputes, utilizing neighborhood, local and community resources (including volunteers and available space in public facilities). The JPC will report to the legislature by October 1, 1983, the types of programs which provide convenient access to effective, inexpensive and expeditious alternative dispute resolution. The legislative auditor may conduct periodic post-award audits as may be requested by the JPC and approved by the legislative audit commission. If the appropriation for either year is insufficient, the appropriation for the other year is available.

To facilitate the review process established in Minnesota Statutes, Section 546.27, the director of the state justice information system shall notify the executive secretary of the state board on judicial standards whenever a matter exceeds 90 days without a disposition.

If the appropriation for the state court administrator for either year is insufficient, the appropriation for the other year is available for it.

#### State Law Library

\$428,500	\$442,700
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Included in this appropriation is \$29,200 the first year and \$29,200 the second year for an additional librarian

	1982	1983
	\$	\$

to act as a liaison with county law libraries. By June 30, 1982, at least one-half of the county law libraries receiving this service shall agree to provide funding equal to or exceeding the appropriation for the second year of this program or the appropriation for the second year shall cancel. This revenue shall be deposited into the general fund.

#### Sec. 4. STATE COURTS

General Operations and Management .....	11,729,750	11,770,850
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The amounts that may be expended from this appropriation for each program are as follows:

##### District and County Court Judges

\$11,328,250	\$11,366,850
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Included in this appropriation is \$21,250 the first year and \$21,250 the second year for judges' membership dues in state and local judges' associations.

##### District Court Administrators

\$519,800	\$522,600
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If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

##### General Reduction

(\$118,300)	(\$118,600)
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The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

	1982	1983
	\$	\$
Sec. 5. BOARD ON JUDICIAL STANDARDS .....	113,500	118,600

Approved Complement—2.0

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 6. BOARD OF PUBLIC DEFENSE .....	343,100	343,400
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This appropriation includes \$340,000 the first year and \$340,000 the second year to assist in the provision of criminal and juvenile defense to indigent individuals, allocated as follows:

St. Paul—Neighborhood Justice Center, Inc.

For cases arising in Ramsey county.

\$95,000      \$95,000

Minneapolis—Legal Rights Center, Inc.

For cases arising in Hennepin county.

\$55,000      \$55,000

Duluth—Duluth Indian Legal Assistance Program

For cases arising in St. Louis and Mille Lacs counties.

\$85,000      \$85,000

Cass Lake—Leech Lake Reservation Criminal and Juvenile Defense Corp.

For cases arising in Cass, Itasca, Hubbard, and Beltrami counties.

\$52,500      \$52,500

	1982	1983
	\$	\$

White Earth—White Earth Reservation Criminal and Juvenile Defense Corp.

For cases arising in Mahnomen, Becker, and Clearwater counties.

\$52,500	\$52,500	
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The legislative auditor may conduct periodic post-award audits of these grants as may be requested by the judicial council and approved by the legislative audit commission.

#### Sec. 7. PUBLIC DEFENDER

General Operations and Management .....	792,000	809,100
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#### Approved Complement—25

The amounts that may be expended from this appropriation for each activity are as follows:

#### Public Defender Operations

\$587,800	\$602,200
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#### Legal Assistance to Minnesota Prisoners

\$127,200	\$128,800
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Legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions.

None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

#### Legal Advocacy Project

\$77,000	\$78,100
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	1982	1983
	\$	\$
Sec. 8. TAX COURT OF APPEALS .....	298,700	304,200
Approved Complement—6		
Sec. 9. CONTINGENT ACCOUNTS .....	7,818,000	7,617,000

The amounts that may be expended from this appropriation are more specifically described in the following subdivisions of this section.

Subdivision 1. The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Subd. 2. General Purposes .....	4,000,000	4,170,000
(a) General Fund		
\$3,250,000	\$3,420,000	
(b) Game and Fish Fund		
\$100,000	\$100,000	
(c) Trunk Highway Fund		
\$400,000	\$400,000	
(d) Highway User Tax Distribution Fund		
\$250,000	\$250,000	
Subd. 3. Fuel and Utilities .....	3,468,000	3,447,000

	1982	1983
	\$	\$

For increased costs due to increased prices for fuel and utilities purchased by state agencies.

(a) General Fund

\$2,143,000      \$2,122,000

(b) Game and Fish Fund

\$125,000      \$125,000

(c) Trunk Highway Fund

\$1,200,000      \$1,200,000

Subd. 4. Unemployment Compensation .....	350,000
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This appropriation is available to pay unemployment compensation costs when an agency has utilized all other available resources.

Sec. 10. GOVERNOR

General Operations and Management .....	1,654,600	1,683,800
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The amounts that may be expended from this appropriation for each program are as follows:

Executive Operations

\$1,461,200      \$1,490,400

This appropriation includes \$200,000 the first year and \$205,000 the second year for the office of lieutenant governor.

Of this appropriation, \$15,000 the first year and \$15,000 the second year is for personal expenses connected with the office of the governor.

\$5,900 the second year is for the official governor's portrait.

	1982	1983
	\$	\$

\$16,400 the first year and \$17,800 the second year is for the committee on appointments.

**Interstate Representation and Cooperation**

\$193,400      \$193,400

\$22,300 the first year and \$22,300 the second year is for the Great Lakes Basin Commission—State Share.

\$71,000 the first year and \$71,000 the second year is for the Upper Great Lakes Regional Commission—State Share.

\$49,500 the first year and \$49,500 the second year is for the Upper Mississippi Basin Commission—State Share.

\$50,600 the first year and \$50,600 the second year is for the National Governors Association.

If federal funding is eliminated by congressional action for any of the commissions, the corresponding state funding shall cancel to the general fund.

**Sec. 11. SECRETARY OF STATE**

General Operations and Management .....	975,500	1,206,800
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Approved Complement—35

The amounts that may be expended from this appropriation for each activity are as follows:

**Elections and Publications**

\$211,100      \$519,900

	1982	1983
	\$	\$
Uniform Commercial Code		
\$71,200		\$85,400
Business Services		
\$387,000		\$360,500
Administration		
\$284,900		\$239,400

\$50,000 the first year is for a study of the feasibility, costs, and benefits of computerizing the records of the office of secretary of state, and for the preparation of a design and plan for development of a computerized system if the study shows that the system is feasible. The secretary of state shall consider use of the system evaluation and development methodology developed by the commissioner of administration pursuant to Minnesota Statutes, Section 16.955, but this project is not subject to the requirements of that section. The system design and plan for development shall not be prepared until the results of the feasibility study have been reported to the chairmen of the senate finance committee and the house appropriations committee and the chairmen have made their recommendations on it. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

#### Fiscal Operations

\$51,300      \$51,600

#### General Reduction

(\$30,000)      (\$50,000)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of

	1982	1983
	\$	\$

the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The secretary of state may transfer unencumbered balances not specified for a particular purpose among the above activities. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 12. STATE AUDITOR . . . . .	255,400	258,000
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Approved Complement—122

General—7.5

Revolving—114.5

During the two year period ending June 30, 1983, the commissioner of finance shall not approve any rate increase for the state auditor beyond those in effect January 1, 1981 except for adjustments necessitated by negotiated salary increases.

Sec. 13. STATE TREASURER . . .	900,900	901,000
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	1982	1983
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Approved Complement—31 . . . . .	29
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The amounts that may be expended from this appropriation for each activity are as follows:

Treasury Management

\$549,700	\$549,100
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Property and Escheat Claims

\$351,200	\$351,900
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	1982	1983
	\$	\$

Sec. 14. ATTORNEY GENERAL

General Operations and Management .....	10,789,500	11,763,300
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Approved Complement—288

General—283

Federal—5

The amounts that may be expended from this appropriation for each activity are as follows:

Public Administration

\$1,409,600	\$1,552,700
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Public Resources

\$2,630,500	\$2,874,200
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Public Assistance

\$1,348,600	\$1,485,300
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Public Protection

\$2,800,800	\$3,072,100
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\$298,000 the first year and \$310,200 the second year is for costs and expenses incurred by the attorney general in enforcing and making claims under state and federal antitrust laws. The attorney general shall report the purposes for which this money is utilized. The reports shall be made to the committee on finance of the senate and the committee on appropriations of the house of representatives at the end of each fiscal year. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

	1982	1983
	\$	\$
Legal Policy and Administration		
	\$2,830,100	\$3,023,900

Of this appropriation, \$50,000 the first year and \$50,000 the second year is for a special account for unanticipated legal expenses. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### General Reduction

(\$230,100)      (\$244,900)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The attorney general may transfer unencumbered balances not specified for a particular purpose among the above activities. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 15. EXECUTIVE COUNCIL . . .	1,000,000	1,000,000
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For expenses in emergencies pursuant to Minnesota Statutes, Section 9.061.

Sec. 16. INVESTMENT BOARD . . .	1,173,900	1,103,900
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Approved Complement—30

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

	1982	1983
	\$	\$

### Sec. 17. ADMINISTRATIVE HEARINGS

Approved Complement

Revolving—25.5

### Sec. 18. ADMINISTRATION

General Operations and Management .....	17,441,500	19,150,300
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Approved Complement—910

General—454

Special—11

Revolving—445

The amounts that may be expended from this appropriation for each program are as follows:

#### Management Services

\$3,767,800	\$3,964,000
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#### Real Property Management

\$8,780,300	\$9,303,300
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The department shall receive the assistance of the Freshwater Biological Institute in a program of Dutch elm disease treatment in the capitol area.

The central motor pool revolving account may be used to provide material transfer services to departments and agencies of the state government.

The commissioner of administration shall charge the department of transportation and the iron range resources and rehabilitation board for engineering services performed on behalf of these agencies.

	1982	1983
	\$	\$
<b>State Agency Services</b>		
	\$1,534,600	\$1,561,500

The commissioner of administration may lease portions of the federal surplus property building not needed for that activity to any state agency or activity. Notwithstanding the provisions of any other law to the contrary, all moneys collected shall be deposited into the surplus property revolving fund and are reappropriated for the purposes of that fund.

Any unexpended balance of the \$61,500 appropriated in Laws 1979, Chapter 333, Section 18, for the reduction of obligations shall remain available for expenditure as provided in that section through June 30, 1982. If the surplus property revolving fund is abolished prior to June 30, 1982, any portion of the \$61,500 that is outstanding shall be immediately returned to the general fund.

#### Public Services

\$2,862,700	\$3,867,900
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The handicapped accessibility function in the state building code activity shall be continued at the fiscal year 1981 level.

\$47,832 the first year and \$52,615 the second year is for the state contribution to the National Conference of State Legislatures.

\$32,000 the first year and \$34,200 the second year is for expenses of the Citizens Advisory Task Force on the Boundary Waters Canoe Area.

\$240,000 the first year and \$240,000 the second year is for block grants to public television stations.

	1982	1983
\$		\$

\$100,000 the first year and \$100,000 the second year is for matching grants to public television stations.

\$125,000 the first year and \$125,000 the second year is for grants to public radio stations pursuant to Minnesota Statutes, Section 139.19.

Any unencumbered balance remaining in the first year for grants to public television or radio stations does not cancel but is available for the second year of the biennium.

\$4,000 the first year and \$4,000 the second year is for the state employees' band.

COFARS shall be a priority for IISAC.

#### General Support

\$947,400	\$958,100
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The commissioner of administration with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### General Reduction

(\$451,300)	(\$504,500)
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The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

Sec. 19. CAPITOL AREA

	1982	1983
	\$	\$
ARCHITECTURAL AND PLANNING BOARD .....	80,100	82,700

Approved Complement—2

Projects that are within the area under the jurisdiction of the capitol area architectural and planning board and are funded in total with federal money shall not be approved by the governor until a recommendation is received from the legislative advisory commission.

Sec. 20. FINANCE

General Operations and Management	5,707,100	5,877,800
	1982	1983

Approved Complement—127      124

The amounts that may be expended from this appropriation for each program as follows:

Financial Operations

\$3,614,900      \$3,701,900

Budget and Control

\$1,055,200      \$1,139,600

Financial Management

\$421,400      \$426,500

General Support

\$643,200      \$665,300

\$48,200 the first year and \$52,500 the second year is for the state contribution to the Council of State Governments.

\$7,400 the first year and \$7,400 the second year is for the expenses of the Interstate Cooperation Commission.

	1982	1983
	\$	\$
General Staff Reduction		
(\$27,600)		(\$55,500)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 21. EMPLOYEE RELATIONS

General Operations and Management	3,194,200	3,263,800
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Approved Complement—111

General—103

Special—7

Federal—1

The amounts that may be expended from this appropriation for each program are as follows:

Personnel Technical Services

\$1,187,900	\$1,215,300
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Human Resource Improvement

\$657,800	\$675,100
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Each state department shall have a plan approved by the commissioner of personnel to use 50 percent of its train-

	1982	1983
	\$	\$
<p>ing money, or the same percentage of its training money that its schedule "C" civil service employees are of its total number of departmental employees, whichever is less, for special career training programs for schedule "C" civil service employees. The money shall be used only for this purpose.</p>		

**Labor Relations**

\$478,200	\$486,400
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**Administration and Special Services**

\$919,000	\$936,700
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Included in the appropriation for the first year is \$31,300 for completion of the two-year job sharing pilot program. This amount is not subject to the general reduction.

**General Reduction**

(\$48,700)	(\$49,700)
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The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The commissioner of employee relations with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

**Sec. 22. REVENUE**

General Operations and Management	27,220,400	27,633,200
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	1982	1983
	\$	\$
	1982	1983
Approved Complement—	948	942

The complement number includes 30 unfunded positions.

The amounts that may be expended from this appropriation for each program are as follows:

Revenue Management

\$8,125,300      \$8,282,700

Income, Sales, and Use Tax Management

\$14,745,900      \$15,207,300

During the biennium ending June 30, 1983, the commissioner of revenue shall establish within the department of revenue a special project to be known as "Project Fair Share." The project shall attempt to locate individuals who have unreported or underreported Minnesota income or have not filed a Minnesota income tax return; to locate corporations doing business in Minnesota which have unreported or underreported Minnesota income or failed to file a Minnesota income tax return; to locate estates that have unreported or underreported Minnesota income or whose personal representatives have failed to file a Minnesota income tax return; to locate Minnesota residents who attempt to evade Minnesota income taxes by establishing a false residency in another state; and to locate any other cases in which any tax owed to the state is unpaid or underpaid. Personnel operating the project shall then take appropriate action to obtain payment of the taxes, interest, and penalty, and to seek criminal or civil action in appropriate cases.

The commissioner of revenue shall report to the chairman of the senate fi-

1982

1983

\$

\$

nance committee and the chairman of the house of representatives appropriations committee by March 1, 1983. The report shall state the amount of taxes recovered as a result of Project Fair Share, a breakdown of the various groups of cases and taxes recovered by group, the total cost of the project, and other relevant information requested by either chairman or suggested by the commissioner.

**Property and Special Taxes  
Management**

\$4,514,000      \$4,461,400

**Assessors Board**

\$118,200      \$126,900

**General Staff Reduction**

(\$156,400)      (\$314,500)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

No more than one-half of the general staff reduction shall be in the taxpayers assistance project.

**General Reduction**

(\$126,600)      (\$130,600)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated

1982

1983

\$

\$

for general operations and management for that year.

None of the appropriations for the development of computer systems shall be expended until the commissioner of revenue has submitted to the legislature a report on the actions taken to correct the management and performance deficiencies identified in the legislative auditor's program evaluation and a plan for the development of new computer systems and has received the recommendations of the chairmen of the committee on finance of the senate and the committee on appropriations of the house of representatives on the report and the plan.

When projects for computer systems have been approved in writing by the commissioner of revenue, the commissioner may cause funds to be encumbered in the state accounting system and the encumbered funds shall not cancel at the end of the fiscal year but shall be available for the approved project only, for a period not exceeding one year or until the approved project has been completed, whichever is shorter.

After the commissioner of revenue begins to expend the appropriation, he shall prepare a report every three months describing the progress made and the money expended in developing computer systems. The report shall be submitted to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The commissioner of revenue with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfer shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

	1982	1983
	\$	\$
<b>Sec. 23. AGRICULTURE</b>		
General Operations and Management .....	14,881,900	11,460,900
	1982	1983
Approved Complement—514	496	
General—	233	215
Special/Revolving—	265	265
Federal—	16	16

The amounts that may be expended from this appropriation for each program are as follows:

**Agricultural Protection Service**

\$5,574,700      \$3,620,400

\$2,000,000 the first year shall be transferred to the grain inspection account as working capital, and shall be repaid from the grain inspection account when inspection fee receipts permit. At least \$1,000,000 shall be repaid by June 30, 1982, and the remainder by June 30, 1983.

The commissioners of agriculture and finance shall review the fees for all inspections, licenses and audits administered by the commissioner of agriculture. The commissioners shall make recommendations on the appropriate fee levels, the time interval upon which the fee levels should be reassessed, and the need for statutory changes to update fees on a timely basis. These recommendations shall be submitted to the committees on agriculture and appropriations in the house of representatives and to the committees on agriculture and environment and finance in the senate by January 1, 1982.

	1982	1983
	\$	\$
<b>Agricultural Promotion</b>		
	\$2,786,000	\$3,506,200

\$111,700 the first year and \$115,800 the second year is from the commodities research and promotion account in the special revenue fund.

\$2,100,000 the first year and \$2,800,000 the second year is for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Administration and Financial Aids Service

\$6,686,800	\$4,667,300
-------------	-------------

\$335,000 the first year and \$335,000 the second year is for aid to county and district agricultural societies.

Of this amount, \$4,500 the first year and \$4,500 the second year is for live-stock premiums to county fair associations for carrying on boys' and girls' club work.

This amount shall be disbursed according to Minnesota Statutes, Section 38.02.

Out of this amount, \$1,000 the first year and \$1,000 the second year shall be available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interest of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forest owned by them. This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work,

	1982	1983
	\$	\$

or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

\$10,000 the first year and \$10,000 the second year is for payment of claims relating to livestock damaged by endangered animal species.

\$4,536,300 the first year and \$2,463,700 the second year is for the shade tree disease control program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### General Staff Reduction

(\$165,600)      (\$333,000)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

#### Sec. 24. BOARD OF ANIMAL HEALTH

General Operations and Management	1,280,300	1,314,500
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Approved Complement—40

This appropriation includes \$40,000 each year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appro-

	1982	1983
	\$	\$

priation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

### Sec. 25. NATURAL RESOURCES

General Operations and Management	67,565,600	69,351,300
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Approved Complement—1589

General—	982
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Special—	28
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Game and Fish—	504
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Federal—	73
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Gifts—	2
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Of this appropriation, \$41,878,900 for the first year and \$43,031,900 for the second year are from the general fund; \$500,000 the first year and \$500,000 the second year is from the consolidated conservation area account in the special revenue fund; \$700,000 each year is from the nongame wildlife management account in the special revenue fund; \$2,400,500 each year is from the parks maintenance and operations account in the special revenue fund; and \$22,086,200 the first year and \$22,718,900 the second year are from the game and fish fund, including \$549,400 the first year and \$535,600 the second year pursuant to Minnesota Statutes, Section 296.421, Subdivision 4.

The amounts that may be expended from this appropriation for each program are as follows:

#### Administrative Management Services

\$4,969,100	\$5,114,600
-------------	-------------

	1982	1983
	\$	\$

\$1,687,000 the first year and \$1,765,100 the second year is from the game and fish fund.

\$275,000 the first year and \$275,000 the second year is for boating safety.

\$150,000 the first year and \$150,000 the second year is for the Minnesota environmental education board.

#### Regional Administration

\$3,103,300	\$3,144,000
-------------	-------------

\$621,000 the first year and \$628,900 the second year is from the game and fish fund.

#### Field Services Support

\$4,615,700	\$4,981,000
-------------	-------------

\$1,384,700 the first year and \$1,494,300 the second year is from the game and fish fund.

#### Water Resources Management

\$3,176,400	\$3,287,100
-------------	-------------

\$200,000 the first year and \$200,000 the second year is for water bank leases and is from the game and fish fund.

#### Mineral Resources Management

\$2,152,600	\$2,209,400
-------------	-------------

\$246,800 the first year and \$256,100 the second year is for mineland reclamation.

\$256,300 the first year and \$274,300 the second year is for peat inventory or studies.

	1982	1983
\$		\$

### Forest Management

\$14,034,700	\$14,443,500
--------------	--------------

\$500,000 the first year and \$500,000 the second year is from the consolidated conservation areas account in the special revenue fund.

\$340,000 the first year and \$358,700 the second year is for emergency fire fighting. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. Except on an emergency basis, no part of this appropriation shall be expended for contracts for standby air tankers until the department has attempted to make similar arrangements for the use of air national guard tankers.

\$3,750,000 the first year and \$3,750,000 the second year is to implement the federal Boundary Waters Canoe Area legislation and is available only to match federal money on a basis of 80 percent federal, 20 percent state, provided that no more than \$250,000 the first year and \$240,000 the second year may be expended prior to the appropriation of federal funds. If the federal reimbursement is appropriated, the state appropriations are available until September 30, 1982 and September 30, 1983 respectively. The federal reimbursement shall be deposited in the general fund.

### Fish Management

\$6,185,200	\$6,310,000
-------------	-------------

Except for \$47,500 the first year and \$28,000 the second year from the general fund for acid rain, this appropriation is from the game and fish fund.

### Wildlife Management

\$7,258,300	\$7,397,900
-------------	-------------

1982

1983

\$

\$

This appropriation is from the game and fish fund.

\$300,000 the first year and \$300,000 the second year is for deer habitat improvement.

\$810,000 in the first year and \$818,000 the second year is for payments to counties in lieu of taxes.

\$1,125,000 the first year and \$1,125,000 the second year is from the wildlife acquisition account for the acquisition and development of wildlife management areas.

\$700,000 the first year and \$700,000 the second year is from the nongame wildlife management account.

\$40,000 the first year and \$40,000 the second year is a supplement for the voluntary adult hunter education program.

#### Ecological Services

\$697,400      \$706,300

\$348,700 the first year and \$353,200 the second year is from the game and fish fund.

#### Parks and Recreation Management

\$8,510,600      \$8,591,100

\$2,400,500 the first year and \$2,400,500 the second year is from the parks maintenance and operations account.

\$163,500 the first year and \$163,500 the second year is for the program to employ needy elderly persons in the maintenance and operation of state parks.

	1982	1983
	\$	\$

\$63,000 the first year and \$63,000 the second year is for scientific and natural areas.

\$24,000 the first year and \$24,000 the second year is for payments in lieu of taxes on lands in Voyageurs national park and St. Croix Wild River state park. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Soil and Water Conservation Board

\$2,873,000	\$2,880,300
-------------	-------------

\$425,000 the first year and \$425,000 the second year is for general purpose grants in aid to soil and water conservation districts.

\$225,800 the first year and \$225,000 the second year is for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$1,585,000 the first year and \$1,585,000 the second year is for grants to soil and water conservation districts for cost sharing contracts for erosion control and water quality management. Priority shall be given to projects designed to solve lakeshore, stream bank, and roadside erosion.

\$246,300 the first year and \$246,300 the second year is for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants shall not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority shall be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to

	1982	1983
	\$	\$

projects eligible for federal matching money.

\$92,000 the first year and \$92,000 the second year is for grants to soil and water conservation districts for review and comment on water permits.

#### Enforcement

\$6,891,100	\$7,040,800
-------------	-------------

\$1,000,000 the first year and \$1,000,000 the second year is for grants to counties for boat and water safety.

\$4,712,900 the first year and \$4,832,600 the second year is from the game and fish fund, provided that if the investment income on balances credited to the game and fish fund during the first year is less than \$700,000, the appropriation for the second year from the game and fish fund is \$4,530,600.

The appropriation from the game and fish fund includes \$20,000 the first year and \$20,000 the second year for the purpose of controlling smelt fishing activities on the north shore, including development of parking facilities, traffic control, coordination of regulatory agencies, control of trespass and vandalism, control of littering and sanitation, and public information and education. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Planning and Research

\$389,500	\$396,100
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#### Youth Employment

\$410,800	\$428,600
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The department shall insure that youths in all parts of the state shall

1982

1983

\$

\$

have an equal opportunity for employment. The youth conservation corps shall provide service for the various DNR disciplines including parks, forestry and stream improvement.

\$100,000 the first year and \$100,000 the second year shall be used for planting, timber stand improvement, and forest development on state owned lands, other than trust fund lands, for forestry purposes.

#### Trails and Waterways Management

\$2,297,900      \$2,420,600

\$232,200 the first year and \$240,800 the second year is for development and maintenance of canoe and boating routes.

\$923,700 the first year and \$993,400 the second year represents unrefunded gas taxes paid for snowmobiles and shall be used for acquisition, development, and maintenance of recreational trails and for related purposes.

An amount not to exceed \$50,000 of all money deposited in the general fund pursuant to Minnesota Statutes, Section 84.58, Subdivision 8, during the biennium ending June 30, 1981, is appropriated to the commissioner of natural resources for the purposes of paying expenses relating to receiving, processing, and analyzing permits applied for under sections 84.57 to 84.621, and inspecting and monitoring activities authorized by the permits. All money so appropriated is available until expended.

\$435,900 the first year and \$464,900 the second year is from the game and fish fund for public access and lake improvements.

The commissioner of natural resources with the approval of the commissioner of finance may transfer unen-

	1982	1983
	\$	\$

cumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

## Sec. 26. ZOOLOGICAL BOARD

General Operations and Management.	5,209,300	5,255,500
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Approved Complement—162.5

General—146

Special—16.5

The amounts that may be expended from this appropriation for each program are as follows:

### Visitor Programs

\$1,238,900	\$1,282,900
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### Zoo Ride

All receipts from the operation of the zoo ride shall be deposited in a special account in the state treasury. All receipts from the zoo ride are appropriated and available until June 30, 1983 for the purposes of the zoo ride. These receipts are the only money appropriated for zoo ride operating expenses or debt service.

### Biological Programs

\$1,301,100	\$1,330,200
-------------	-------------

### Management Services

\$360,800	\$366,300
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Two positions shall be moved from the unclassified to the classified service.

	1982	1983
	\$	\$
<b>Physical Facilities</b>		
<b>\$2,308,500</b>		<b>\$2,276,100</b>

\$100,000 the first year and \$100,000 the second year is for a major maintenance reserve fund. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The director of the Minnesota zoological garden with the approval of the commissioner of finance may transfer unencumbered balances among the above programs, except that he shall make no transfer into the zoo ride program. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

The fee structure for the Minnesota zoological garden shall not exceed \$3.50 for adults, age 17-61; \$1.75 for senior citizens, age 62 and over; \$1.75 for juniors age 12-16, \$1.25 for children ages 6-11 and free for children 5 and under.

The Minnesota zoological garden board shall work with the Como zoo and the Como zoological society of the city of St. Paul to develop and adopt a joint position statement regarding cooperative programs at the two facilities. The statement shall include plans to promote complementary exhibits and to develop a process for continued coordination. The statement shall be submitted to the committees on appropriations in the house of representatives and finance in the senate by January 1, 1982.

<b>Sec. 27. WATER RESOURCES BOARD</b> .....	<b>103,200</b>	<b>105,400</b>
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	1982	1983
	\$	\$
<b>Sec. 28. POLLUTION CONTROL</b>		
<b>AGENCY</b>		
General Operations and Management	6,273,600	6,127,300
	1982	1983
Approved Complement—381		374
General—	175.5	168.5
Federal—	205.5	205.5

The amounts that may be expended from this appropriation for each program are as follows:

**Water Pollution Control**

\$2,416,400      \$2,470,100

**Air Pollution Control**

\$699,800      \$706,800

\$25,000 the first year and \$25,000 the second year is for special studies. The agency shall negotiate with the federal government, or any agency, bureau, or department thereof, for the purpose of securing or obtaining any grants of assistance in the completion of these studies. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$56,600 the first year and \$58,700 the second year is for the acid rain study.

**Solid Waste Pollution Control**

\$729,800      \$1,014,200

\$300,000 the first year and \$300,000 the second year is for grants to counties for planning and demonstration grants.

	1982	1983
	\$	\$

\$375,000 the first year is for enforcement assistance grants to local governments.

The agency shall reinstate the packaging program.

#### Regional Support

\$514,700      \$525,300

#### General Support

\$1,977,800      \$1,540,400

\$450,000 the first year is for environmental impact statements on candidate hazardous waste disposal sites. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

#### General Staff Reduction

(\$64,400)      (\$129,500)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The health department shall continue to render staff services the agency requires from time to time through health's division of environmental health. The health department shall be reimbursed from the appropriation for general support for this cost.

The director of the pollution control agency with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above activities. Transfers shall be reported

	1982	1983
	\$	\$

forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 29. WASTE MANAGEMENT BOARD .....	1,400,000	1,357,100
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Approved Complement—20

General—14

Bond Fund—6

\$210,000 the first year and \$120,000 the second year is for grants to counties and local project review committees for their participation in the siting process.

Sec. 30. ENERGY, DEVELOPMENT AND PLANNING

General Operations and Management	11,208,700	9,637,350
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Approved Complement—249

General—161

Federal—86

Revolving—2

Planning

\$3,882,750		\$3,882,750
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The following functions are included in this program: planning for crime control, human resources, physical planning, developmental disabilities, program review, health and critical areas; land management information center; state demographer; EQB administration; power plant studies; and environmental impact statement preparation.

	1982	1983
	\$	\$

\$99,000 each year is for criminal justice planning and grants administration, including expenses for the crime control planning board.

\$75,000 each year is for criminal justice grants and administration and shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, Section 3.30.

\$250,000 each year is for grants for youth intervention programs.

\$101,000 each year is for a grant to the environmental conservation library (ECOL).

\$261,000 each year is for the service bureau of the land management information center.

#### Community Development

\$2,923,550	\$1,665,000
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The following functions are included within this program: technical assistance, fiscal studies, planning assistance grants, small business assistance, business and community contact, international trade, grants and loans, and Indian business loans.

\$87,000 each year is for a grant to the Duluth Port Authority.

\$215,000 each year is for community development corporations.

\$959,000 the first year and \$479,500 the second year is for regional planning grants.

\$300,000 the first year and \$150,000 the second year is for land use planning grants to local governments.

	1982	1983
	\$	\$

The payment of \$300,000 to the Arrowhead regional development commission made in 1979 by action of the legislative advisory commission upon request of the state planning agency shall be repaid by the Arrowhead commission through the performance by the Arrowhead commission of community and economic development projects. Beginning in fiscal year 1982, \$75,000 of the appropriation authorized under Minnesota Statutes, Section 462.396 shall be committed for the purposes of this repayment and shall continue to be committed in succeeding fiscal years until the sum of the original payment is reached. Proposed community and economic development projects for which this funding will be utilized will be specified by the Arrowhead commission in a detailed work program contained within the annual work program required under section 462.396. This detailed work program shall be submitted to the legislative commission on Minnesota resources annually for approval prior to the expenditure of any monies provided in this section. The work program and any progress reports shall be in the form determined by the legislative commission on Minnesota resources.

\$42,500 each year is for a grant to the government training service.

#### Tourism

\$1,293,300	\$1,306,800
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\$600,000 each year is for tourism advertising and promotion.

\$350,000 each year is for tourism grants.

#### Energy

\$2,154,100	\$1,826,500
-------------	-------------

\$300,000 in the first year is for district heating preliminary planning

	1982	1983
	\$	\$

grants to municipalities for planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining community commitment for detailed planning or design and preparation of a final report. The amount of a grant shall be limited to 90 percent of eligible planning costs and shall not exceed \$20,000.

The director of the energy agency shall prepare and submit to the legislative advisory commission a list of district heating grant requests. The list shall contain the necessary supporting information. The recommendation of the legislative advisory commission shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory commission. The grants may be disbursed only upon approval by the governor.

\$130,000 the first year and \$70,000 the second year is for a superinsulated home demonstration project. Grants from this appropriation are available only when matched from private resources on a dollar for dollar basis.

#### General Support

\$955,000	\$956,300
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In the first year the amount for each agency prior to the merger of the four agencies is as follows:

	1982	1983
	\$	\$
Crime Control Planning Board		
\$100,000		
State Planning Agency		
\$325,000		
Economic Development		
\$330,000		
Energy Agency		
\$200,000		

When the merger occurs, any unexpended balances from the above appropriation are available to the merged department for the purposes of general support.

The commissioner shall present a complete budget and staffing plan to the committees on finance in the senate and appropriations in the house by September 1, 1981.

**Sec. 31. NATURAL RESOURCES ACCELERATION**

Subdivision 1. General Operations and Management .....	15,315,000	12,821,000
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Approved Complement—133

The amounts that may be expended from this appropriation for each activity are more specifically described in the following subdivisions of this section.

For all appropriations in this section, except as otherwise specifically provided, if the appropriation for either year is insufficient, the appropriation for the other year is available for it.

	1982	1983
	\$	\$
Subd. 2. Legislative Commission on Minnesota Resources .....	238,000	237,000

The commission shall during the 1981-1983 biennium review the work programs and progress reports required under this section, and report its findings and recommendations to the committee on finance of the senate, committee on appropriations of the house of representatives and other appropriate committees. The commission shall establish oversight committees to continue review of a variety of natural resource subject areas as it deems necessary to carry out its legislative charge.

Subd. 3. State Planning Agency .....	4,580,000	4,359,000
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#### Approved Complement—16

The amounts that may be expended from this appropriation for each activity are as follows:

##### (a) Land Use Change

\$65,000	\$65,000
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#### Approved Complement—2

To complete a pilot program to develop rapid and inexpensive procedures to update the land use information. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

##### (b) Outdoor Recreation Act Implementation

\$37,000	\$37,000
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#### Approved Complement—1

For the agency review process required in Minnesota Statutes, Chapter 86A.

	1982	1983
	\$	\$
(c) Local Significance Contingency		
\$2,000,000	\$2,000,000	

This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching money are used, of long term lease, acquisition and development of recreational projects for the purposes described in Laws 1965, Chapter 810, Section 23, as amended by Laws 1969, Chapter 1189, Section 48, Subdivision 7, Paragraph g, except that no lake improvement grants are authorized under this subdivision and the per project limit for state grants is \$200,000.

\$1,000,000 the first year and \$1,000,000 the second year is reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

The state planning agency shall administer the natural resources and land and water conservation fund grants-in-aid to local units of government. Notwithstanding any other law to the contrary these grants are not contingent upon the matching of federal grants.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(d) Regional Significance Contingency

\$2,000,000      \$2,000,000

This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching money are used, for long term

	1982	1983
	\$	\$

lease, acquisition and major development for recreation projects, natural areas and open space serving a regional need to counties, local units of government and special units of government authorized to acquire, maintain and operate recreational and natural areas.

\$1,000,000 the first year and \$1,000,000 the second year shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2. Priorities for the use of funds provided in this subdivision will be given to projects eligible for federal funding and which are consistent with priorities established by regional recreation and open space plans.

The amount needed but not to exceed \$1,000,000 the first year and \$1,000,000 the second year, from this appropriation shall be transferred to the metropolitan council to pay principal and interest coming due in the respective fiscal years on bonds issued pursuant to Laws 1974, Chapter 563, Section 7, Subdivision 2; none of this amount may be expended for professional services.

The state planning agency shall administer the natural resources and land and water grants-in-aid program.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures. If a balance remains on July 1, 1982, then the remainder of the appropriation may be made available for either local or regional significance grants.

(e) Grant Administration

Approved Complement—6

	1982	1983
	\$	\$

Up to \$185,000 the first year and \$185,000 the second year of the amounts appropriated in the above paragraphs for local and regional significance grants is available for grant administration.

(f) Soils and Topographic Data

Computerization

\$50,000    \$40,000

Approved Complement—1

To incorporate topographic information into the land management information system and determine the most productive ways to incorporate soils information.

(g) Public Land Records

\$150,000    \$149,000

Approved Complement—2

In conjunction with the department of natural resources and in cooperation with the historical society and administration department, develop a comprehensive land ownership system. Of this amount, \$105,000 is to preserve original land records of the department of natural resources. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(h) Computer Work Station

\$210,000    \$—0—

Approved Complement—1

To augment the present computer equipment to accommodate increased

	1982	1983
	\$	\$

levels of service demanded by state agencies and other clientele.

(i) Information and Data Exchange

\$68,000      \$68,000

Approved Complement—3

To complete the centralized source index for natural resource information.

Subd. 4. Department of Natural Resources .....	6,466,000	6,022,000
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Approved Complement—96

The amounts that may be expended from this appropriation for each activity are as follows:

(a) Floodwater Retention Assistance

\$534,000      \$534,000

Approved Complement—1

To assist the lower Red River watershed management board by providing up to 50 percent of the non-federal share of the cost of projects approved by the board for floodwater retention in the jurisdiction of the board. All available local, state, federal and private sources shall be requested to provide financial assistance. Of this amount, up to \$34,000 the first year and \$34,000 the second year is available for the biennium to the department for staff and essential equipment, and \$87,500 the first year and \$87,500 the second year is available for watershed planning and related activities on the same cost sharing basis. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

	1982	1983
	\$	\$

(b) Koochiching County Ditch  
Investigation

\$35,000      \$—0—

The department may contract for consulting services to determine the basis for state share of ditch repair costs and shall recommend a proposed policy for ditch repair where state land is involved.

(c) Regional Water Data Network

\$34,000      \$33,000

Approved Complement—1

To train employees, establish, and test a statewide data system through regional offices. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(d) Shoreland Update

\$119,000      \$119,000

Approved Complement—2

The department shall provide an update to the 1969 shoreland study, assess the current management program and assist counties by making the data accessible to all levels of government. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(e) Wild and Scenic Rivers  
Operations

\$58,000      \$58,000

	1982	1983
\$	\$	\$

Approved Complement—2

The department shall assist local units through technical and administrative support to implement the wild and scenic rivers program.

(f) Rainy River Navigation Improvement

\$88,000      \$-0-

The department shall provide a grant to Lake of the Woods county to remove pilings and to disburse rock cribs in the river.

(g) Hydroelectric Pilot Plant

\$250,000      \$-0-

For the design and engineering phase of hydropower redevelopment of the Kettle River dam.

(h) Geological Test Drilling Equipment Augmentation

\$75,000      \$-0-

To improve the applicability of existing state owned drilling equipment by adding tools and equipment designed for deep hole boring, as required by the joint project between department of transportation, Minnesota geologic survey and department of natural resources.

(i) Forest Resource Plan

\$355,000      \$355,000

Approved Complement—8

To prepare a forest resources plan and develop a management information sys-

	1982	1983
	\$	\$

tem, including the appropriate land suitability analyses and program budgets. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(j) Accelerate Private Forest Management

\$330,000      \$330,000

Approved Complement—10

To provide increased technical management assistance to private nonindustrial forest land owners throughout the state, and, in cooperation with the soil and water conservation board, encourage landowners to apply for available federal cost sharing assistance for implementation of practices. Of this amount, \$60,000 the first year and \$60,000 the second year is available for a pilot project in the seven counties within the Richard J. Dorer memorial hardwood forest to provide up to 50 percent of the nonfederal share of the costs of implementing forestry practices which are eligible for federal cost sharing assistance. After October 1, 1982, the unused portion for the pilot project may also be used for cost sharing assistance in other areas of the state as indicated by landowner interest and request.

(k) Accelerate Phase II Inventory

\$367,000      \$367,000

Approved Complement—10

To accelerate the inventory in Beltrami state forest, Aitkin and Pine counties. Data shall be collected in a format consistent and compatible with the Minnesota land management in-

	1982	1983
	\$	\$

formation system and provided to that system as appropriate.

(l) Fire Management Analysis

\$85,000      \$85,000

Approved Complement—6

To analyze fire management in the balance of the state and determine methods for internal savings and improved management.

(m) Pulpwood Weight Study

\$150,000      \$150,000

Approved Complement—6

The department shall establish uniform cord weights for jack pine, tamarack, balsam fir and balsam poplar after sufficient research and measurement. The department shall provide a comparison between consultation and staff performance of this project, prior to work program approval.

(n) Forest Soil Specialization

\$66,000      \$66,000

Approved Complement—3

To improve efficiency of management by providing technical soil interpretation to field foresters and planners. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(o) Wildlife Area Inventory

\$73,000      \$74,000

	1982	1983
\$		\$

## Approved Complement—1

To complete the data collection and recording on the remaining wildlife management areas. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

## (n) Park Development

\$2,304,000	\$2,304,000
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## Approved Complement—14

To accelerate development in state parks and recreation areas. \$1,225,000 the first year and \$1,225,000 the second year is from the state park development account in the special revenue fund. \$150,000 of this amount represents the balance of the appropriation made in Laws of 1977, Chapter 455, Section 28 for Lake Bronson park, which is cancelled.

Eighty percent of this appropriation shall be spent on projects which qualify for federal reimbursement, grant or match. Expenditures shall be for major rehabilitation and new capital improvement. Up to 15 percent may be spent for professional services.

## (o) Outdoor Recreation Act Implementation

\$350,000	\$350,000
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## Approved Complement—17

To conduct the master planning and other activities required by Minnesota Statutes 1980, Chapter 86A.

Of this amount, \$250,000 the first year and \$250,000 the second year and 12

	1982	1983
	\$	\$

staff complement are for parks planning.

Of this amount, \$100,000 the first year and \$100,000 the second year and five staff complement are for rivers planning to prepare management plans, assist initial implementation of approved plans, oversee acquisition and develop a plan update process. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(p) Minnesota Natural Heritage Program

\$87,000      \$88,000

Approved Complement—2

To continue development and application of the integrated data system in order to expedite state land inventories and improve environmental assessment and decision making, and for planning scientific and natural areas required by Minnesota Statutes 1980, Chapter 86A. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(q) River Planning

\$80,000      \$80,000

The department shall administer a grant to the upper Mississippi headwaters board, if it is created in 1981 law, of up to 50 percent of the cost of implementing the plan.

(r) Natural Resource Policy Development

\$138,000      \$138,000

	1982	1983
	\$	\$

## Approved Complement—4

To continue accelerated efforts in developing administrative resource management policies, strategies and recommendations for more effective management and policy analysis.

## (s) Land Resource and Management Plan

\$238,000	\$238,000
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## Approved Complement—4

To initiate a program to assess the relative suitability of each parcel of state owned land for each use which could occur and adjust ownership accordingly through sale, land exchange or acquisition. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate. The department shall provide a comparison between consultation and staff performance of this project, prior to work program approval.

## (t) Natural Resource Data System

\$150,000	\$153,000
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## Approved Complement—4

To continue coordination and development of resource information for improved management and analysis of programs for effectiveness. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

## (u) Water Access

\$500,000	\$500,000
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	1982	1983
	\$	\$

### Approved Complement—1

For acquisition of access sites statewide. Up to 25 percent of this amount is available for development. The department shall make every effort to maximize the use of local effort and finances in the program. Up to 15 percent of the appropriation is available for professional services.

#### Subd. 5. Water Planning Board

\$262,000	\$—0—	
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### Approved Complement—7

For fiscal year 1982, to further analyze, develop and promote implementation of management recommendations of the 1979 framework water plan.

Subd. 6. Pollution Control Agency	158,000	158,000
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### Approved Complement—4

The agency shall complete phase II of the two phase lake classification study and monitor existing grants. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

Subd. 7. Minnesota Energy Agency	705,000	207,000
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### Approved Complement—6

The amounts that may be expended from this appropriation for each activity are as follows:

#### (a) Special Peat Energy Project

\$57,000	\$—0—	
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To organize state efforts, and develop a grant proposal for future peat or bio-

	1982	1983
	\$	\$

mass demonstration projects. Federal and private money which may become available is appropriated.

(b) Wind Energy Monitoring

\$44,000      \$—0—

Approved Complement—1

To design and implement a wind monitoring system.

(c) Hydropower Redevelopment Coordination

\$14,000      \$14,000

Approved Complement—1

To coordinate the activities of the St. Anthony Falls hydraulics laboratory and the department of natural resources in hydropower activities.

(d) Bagley District Heating

\$400,000      \$—0—

To provide technical support by the agency and a grant of \$380,000 conditional upon the city of Bagley match of \$30,000, to finance the required engineering design phase preparatory to the city seeking full scale development financing for a wood residue fueled district heat system.

(e) Industrial Cogeneration Potential

\$38,000      \$39,000

To assess the potential for industrial cogeneration of electricity and thermal energy and review the state role in cogeneration issues.

	1982	1983
	\$	\$

## (f) Combustion Turbine Capacity

\$42,000	\$43,000	
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## Approved Complement—1

To review the under used potential and the prospects for modification of existing combustion turbines statewide, including alternative fuel use.

## (g) Energy Impact Analysis

\$37,000	\$38,000	
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## Approved Complement—1

To continue assessment of the economic costs and benefits associated with alternative energy development.

## (h) Solar Performance Monitoring

\$73,000	\$73,000	
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## Approved Complement—2

To collect, analyze and report information on conventional and low cost solar domestic hot water heaters, passive solar superinsulated homes, and to compare relative performance.

Subd. 8. University of Minnesota	2,331,000	1,263,000
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## (a) Accelerated Soil Survey

\$889,000	\$889,000	
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To continue the survey for the fourth biennium of a six biennium effort to provide the appropriate detailed soil survey on all lands, based upon the adopted cost share formula between counties, state and federal ownership ratios. Data shall be collected in a format consistent and compatible with the Minnesota land

	1982	1983
	\$	\$

management information system and provided to that system as appropriate.

(b) Aeromagnetic Survey

\$818,000      \$-0-

To acquire aeromagnetic survey information for the second biennium of a four biennium effort. Data shall be collected in a format consistent and compatible with the Minnesota land management information system and provided to that system as appropriate.

(c) Geology of Southeast Minnesota

\$30,000      \$30,000

To determine subsurface drainage and hydrology, and evaluate the impact of land practices.

(d) Environmental Technology

\$244,000      \$244,000

To investigate technical solutions to environmental problems identified with current industrial processes and determine the appropriate future level of effort which may be necessary.

(e) Cement Project Equipment

\$250,000

To purchase research equipment needed for experiments with novel cement production techniques.

(f) Hydropower Technology

\$100,000      \$100,000

To determine the full potential for hydropower development at existing sites, investigate and recommend pro-

	1982	1983
	\$	\$
cedures to deal with environmental impacts and to develop improved hydro-power technology.		
Subd. 9. Historical Society . . . . .	75,000	75,000

#### Approved Complement—4

For the final effort to develop an archeologic data base which is compatible with the Minnesota land management information system. The society shall publish reports on the location, characteristics and significance for preservation of archeologic sites which will serve to eliminate the delays in environmental assessments and impact statements. Confidentiality and disclosure requirements shall be observed concerning publication of the reports.

#### Subd. 10. Work Programs

It is a condition of acceptance of the appropriations made by this section that the agency or entity receiving the appropriation shall submit work programs and semi-annual progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this section may be expended unless the commission has approved the pertinent work program. Upon request from the commission the agency head shall submit an evaluation by July 1, 1982 as to whether the program should be incorporated in the next agency budget.

#### Subd. 11. Complement Temporary

Persons employed by a state agency and paid by an appropriation in this section are in the unclassified civil service and their continued employment is contingent upon the availability of money from the appropriation. When the appropriation has been expended, their positions shall be cancelled and the ap-

	1982	1983
	\$	\$
proved complement of the agency reduced accordingly.		
Subd. 12. Natural Resources Federal Reimbursement Account .....	500,000	500,000

This appropriation is from the natural resources federal reimbursement account. The commission may engage in a soil erosion sedimentation study, and a report on the 20 year history of the commission.

**Sec. 32. LABOR AND INDUSTRY**

General Operations and Management.	7,587,900	7,442,200
Approved Complement—1982	1983	
	262	262.5
General—	220.5	219.8
Federal—	36.5	37.7
Special—	5.0	5.0

The amounts that may be expended from this appropriation for each program are as follows:

Employment Standards

\$646,600      \$647,600

Workers' Compensation

\$4,673,000      \$4,563,300

Of this appropriation, \$113,700 the first year and \$102,300 the second year are from the special compensation fund.

\$800,000 the first year and \$800,000 the second year is for reimbursement of the special compensation fund pursuant to Minnesota Statutes, Section 176.183, Subdivision 2.

	1982	1983
\$		\$

The commissioner of labor and industry shall designate by July 1, 1981 a person with demonstrated proficiency in the field of workers' compensation laws, practices, and procedures as assistant commissioner to supervise the workers' compensation program.

One of the two additional paralegal positions authorized under the advocacy program shall be assigned to the Duluth office.

\$149,500 the first year and \$149,500 the second year is for payment of peace officer survivor benefits pursuant to section 352E.04. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### Code Enforcement

\$605,500	\$609,800
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#### OSHA

\$871,800	\$851,200
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Included in this appropriation is \$61,000 the first year and \$28,000 the second year for an on-site consultation unit. The department of labor and industry is directed to seek federal match of 90 percent for the appropriation for the second year.

#### General Support

\$791,000	\$770,300
-----------	-----------

Of this appropriation \$50,000 is for fiscal year 1982 legal costs, approved by the attorney general or his designee, related to recovery of claims against third parties.

The commissioner of labor and industry with the approval of the commis-

	1982	1983
	\$	\$

sioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 33. MEDIATION SERVICES

General Operations and Management.	912,000	926,300
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Approved Complement—25.5

Sec. 34. PUBLIC EMPLOYMENT  
RELATIONS BOARD

General Operations and Management.	44,700	45,800
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Approved Complement—1

Sec. 35. MILITARY AFFAIRS

General Operations and Management.	4,770,600	4,834,200
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	1982	1983
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Approved Complement—234	231
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General—	133	130
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Federal—	101	101
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Plus additional personnel as may be financed entirely from federal money for the period federal money is available.

The amounts that may be expended from this appropriation for each program are as follows:

**Maintenance of Military Training  
Facilities**

<b>\$3,767,000</b>	<b>\$3,905,800</b>
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	1982	1983
	\$	\$
<b>General Support</b>		
	\$1,142,800	\$1,106,600

\$150,000 the first year and \$150,000 the second year is for expenses of military forces ordered to active duty pursuant to chapter 192. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

#### General Staff Reduction

(\$36,800)      (\$74,000)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

#### General Reduction

(\$102,400)      (\$104,200)

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

The adjutant general with the approval of the commissioner of finance may transfer unencumbered balances between the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Notwithstanding any other provision of this act or any other law, the portion

	1982	1983
	\$	\$

of appropriations made in this section that relate to facility maintenance and repairs shall be available for allotment, encumbrance and expenditure upon passage of this act, for the purpose of financing federal reimbursement contracts.

### Sec. 36. VETERANS AFFAIRS

General Operations and Management .....	8,619,000	8,924,100
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	1982	1983
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Approved Complement—	319.5	317.5
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The amounts that may be expended from this appropriation for each program are as follows:

#### Veterans Benefits and Services

\$2,147,000	\$2,258,300
-------------	-------------

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Of this appropriation, \$48,000 the first year and \$48,000 the second year is for war veterans and war orphans education aid, to be expended pursuant to Minnesota Statutes, Section 197.75.

#### Veterans Home—Minneapolis

\$4,936,700	\$5,152,400
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#### Veterans Home—Hastings

\$1,669,300	\$1,670,000
-------------	-------------

The department of veterans affairs is directed to review the ratio of direct to indirect resident care positions at the Hastings Veterans Home and reassign staff positions to achieve the ratio rec-

	1982	1983
	\$	\$

ommended by the department of administration's management study or based on an independent needs assessment of the residents. The department shall report to the chairmen of the house appropriations and senate finance committees its efforts to comply with this section by February 15, 1982.

The commissioner of veterans affairs is directed to study the long-term health care needs of veterans in Minnesota and to prepare recommendations relative to further capital construction. The commissioner may utilize the findings of the united veterans legislative council, the northwest steering committee, and studies completed pursuant to Minnesota Laws 1977, Chapter 329. The department of health, the department of public welfare, the management analysis division of the department of administration, the University of Minnesota center for health services research, and the state demographer shall provide consultation assistance as requested and as resources allow. Community alternatives and the use of existing buildings may be considered. The report shall be presented to the chairmen of the veterans affairs committees and the appropriations and finance committees of the legislature by January 1, 1982.

If nondedicated receipts from the federal government and from maintenance charges for the veterans homes are less than \$4,364,700 for fiscal year 1982, and \$5,063,400 for fiscal year 1983, the commissioner of finance shall reduce the amount available to the veterans homes by the amount of the difference. The reductions shall be noted in the budget document submitted to the 73rd legislature.

The nondedicated receipt limitation in Laws 1979, Chapter 333, Section 40 for fiscal year 1981 is reduced by \$396,100.

	1982	1983
	\$	\$

The commissioner of veterans affairs is authorized to establish an imprest cash fund at each of the state operated residential facilities to be utilized for payment to residents participating in on-campus work programs.

#### Big Island Veterans Camp

\$16,600	\$17,200
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The appropriation for the second year shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30. By January 15, 1982, the commissioner shall report to the chairmen of the house appropriations and senate finance committees the options considered by the department and the intended future use of the Big Island veterans camp.

#### General Staff Reduction

(\$18,400)	(\$37,000)
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The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general staff reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

#### General Reduction

(\$132,200)	(\$136,800)
-------------	-------------

The amounts appropriated for the several programs and activities each year shall be reduced by the amount of the general reduction so that the total appropriated for all programs and activities does not exceed the amount appropriated for general operations and management for that year.

	1982	1983
	\$	\$
<p>The commissioner of veterans affairs with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.</p>		
<b>Sec. 37. INDIAN AFFAIRS</b>		
<b>INTERTRIBAL BOARD</b> .....	185,200	189,700

Approved Complement—7.5

General—6

Federal—1.5

<b>Sec. 38. COUNCIL ON BLACK MINNESOTANS</b> .....	64,700	95,700
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1982	1983
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Approved Complement—2	3
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<b>Sec. 39. COUNCIL FOR THE HANDICAPPED</b> .....	296,500	305,200
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Approved Complement—10

The approved complement includes one clerk typist position, which shall be paid for entirely within this appropriation and not eligible for any supplemental appropriation to cover increases in compensation or fringe benefits.

**Sec. 40. HUMAN RIGHTS**

General Operations and Management .....	1,107,400	1,129,500
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1982	1983
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Approved Complement—57	56
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General—	43	42
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Federal—	14	14
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The amounts that may be expended from this appropriation for each program are as follows:

	1982	1983
	\$	\$
Human Rights Enforcement		
\$668,400	\$680,000	

The commissioner of human rights may assign priority to the investigation of charges based on likelihood of early settlement, potential for widespread impact on discriminatory behavior, or other criteria as established by the commissioner.

Planning, Public Information and Administrative Services

\$439,000	\$449,500
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The commissioner of human rights with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 41. COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE . . . . .	87,700	89,100
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Approved Complement—3

Notwithstanding any law to the contrary, a staff person of the council in the classified service on or before July 1, 1981, may remain in the classified service.

Sec. 42. HOUSING FINANCE AGENCY

Approved Complement—121

Spending limit on cost of general administration of agency programs:

1982	1983
\$3,488,800	\$3,543,500

	1982	1983
	\$	\$
Sec. 43. TORT CLAIMS .....	825,000	825,000

To be disbursed by the commissioner of finance.

Of this amount \$400,000 the first year and \$400,000 the second year is from the general fund. \$400,000 the first year and \$400,000 the second year is from the trunk highway fund, and \$25,000 the first year and \$25,000 the second year is from the game and fish fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The following amounts are appropriated from the funds listed below to reimburse the general fund in fiscal year 1981 for tort claims paid on behalf of the funds.

Trunk highway fund	\$548,627
Iron range resources	156
Highway users fund	1,655
Game and fish fund	32,271

Sec. 44. DEBT SERVICE .....	111,950,600	114,389,000
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For transfer by the commissioner of finance to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount pursuant to the statutory open appropriation.

	1982	1983
\$		\$

Sec. 45. WORKERS' COMPENSATION

The appropriations in this act for the operation of each state department or agency, except the department of natural resources, in fiscal 1982 and 1983 include amounts needed to pay workers' compensation obligations to the state compensation revolving fund. It is the intent of the legislature not to appropriate additional money at any future time to pay workers' compensation obligations for fiscal 1982 and 1983, except for the department of natural resources or as may be required by an increase in the statutory level of workers' compensation benefits.

Sec. 46. UNEMPLOYMENT COMPENSATION

The appropriations in this act for the operation of each state department or agency, except the department of natural resources, in fiscal 1982 and 1983 include amounts needed to pay unemployment compensation obligations to the unemployment compensation fund.

It is the intent of the legislature not to appropriate additional money at any future time to pay unemployment compensation obligations for fiscal 1982 and 1983, except for the department of natural resources or as may be required by an increase in the statutory level of unemployment compensation benefits.

Sec. 47. [RETIREMENT.] ..... 180,377,600 194,458,900

The amounts that may be expended for each purpose are more specifically described in sections 48 to 59 of this act.

Sec. 48. MINNESOTA STATE RETIREMENT SYSTEM .....	3,119,500	4,482,500
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The amounts estimated to be needed for each program are as follows:

1982

1983

\$

\$

Legislators

\$579,000      \$1,755,000

Pursuant to Minnesota Statutes, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; and 3A.11.

Judges

\$2,394,100      \$2,586,100

\$1,774,100 the first year and \$1,951,100 the second year is pursuant to Minnesota Statutes, Section 490.123, Subdivision 1.

\$620,000 the first year and \$635,000 the second year is pursuant to Minnesota Statutes, Section 490.106.

Constitutional Officers

\$86,400      \$86,400

Pursuant to Minnesota Statutes, Sections 352C.04, Subdivision 3; and 352C.09, Subdivision 2.

State Employee Supplemental Benefits

\$60,000      \$55,000

Pursuant to Minnesota Statutes, Section 352.73.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 49. PUBLIC EMPLOYEES RETIREMENT ASSOCIATION . . . . .

40,000

33,000

For supplement benefits pursuant to Minnesota Statutes, Section 353.83.

If an appropriation in this section for either year is insufficient, the appro-

	1982	1983
	\$	\$
Sec. 50. MUNICIPAL EMPLOYEES RETIREMENT FUND .....	4,950,000	4,950,000

To the commissioner of finance for payment to the Minneapolis municipal employees retirement fund pursuant to Minnesota Statutes, Section 422A.101, Subdivision 3.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 51. POLICE AND FIRE AMORTIZATION AID .....	6,535,800	6,535,800
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To the commissioner of finance for state aid to amortize the unfunded liability of local police and salaried firefighters' relief associations, pursuant to Minnesota Statutes, Section 423A.02. If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 52. DEPARTMENT OF EDUCATION .....	408,900	439,800
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For employer contributions for members of the teachers retirement association pursuant to Minnesota Statutes, Section 354.43

Sec. 53. MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM .....	25,500	27,400
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For employer contributions for members of the teachers retirement association pursuant to Minnesota Statutes, Section 354.43

Sec. 54. STATE UNIVERSITY BOARD .....	5,030,000	5,030,000
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	1982	1983
	\$	\$

This appropriation includes money to pay employer contributions for state university faculty members' supplemental retirement pursuant to Minnesota Statutes, Section 136.81, Subdivision 1, estimated to require \$855,000 the first year and \$855,000 the second year, and money to pay employer contributions for state university faculty member's teacher retirement pursuant to Minnesota Statutes, Section 354.43, estimated to require \$4,175,000 the first year and \$4,175,000 the second year.

Sec. 55. STATE COMMUNITY COLLEGE BOARD .....	2,751,500	2,745,700
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This appropriation includes money to pay employer contributions for community college faculty members' supplemental retirement pursuant to Minnesota Statutes, Section 136.81, Subdivision 1, estimated to require \$478,400 the first year and \$478,400 the second year, and money to pay employer contributions for community college faculty members' teachers retirement pursuant to Minnesota Statutes, Section 354.43, estimated to require \$2,273,100 the first year and \$2,267,300 the second year.

Sec. 56. DEPARTMENT OF CORRECTIONS .....	95,900	103,200
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For employer contributions for members of the teachers retirement association pursuant to Minnesota Statutes, Section 354.43.

Sec. 57. DEPARTMENT OF PUBLIC WELFARE .....	161,200	173,400
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For employer contributions for members of the teachers retirement association pursuant to Minnesota Statutes, Section 354.43.

Sec. 58. DEPARTMENT OF ECONOMIC SECURITY .....	11,200	12,000
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	1982	1983
\$		\$

For employer contributions for members of the teachers retirement association pursuant to Minnesota Statutes, Section 354.43.

Sec. 59. TEACHERS RETIREMENTS .....	157,248,100	169,926,100
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Subdivision 1. The amounts that may be expended for each purpose are more specifically described in the following subdivisions of this section.

Subdivision 1. TEACHERS RETIREMENT ASSOCIATION .....	76,535,100	82,855,500
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The amounts estimated to be needed for each program are as follows:

Teachers Statewide

\$76,533,100	\$82,854,000
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Pursuant to Minnesota Statutes, Section 354.43.

Teachers Supplemental Benefits—  
1915

\$2,000	\$1,500
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Pursuant to Minnesota Statutes, Section 354.55, Subdivision 5.

Subd. 2. FIRST CLASS CITIES .....	17,255,900	17,979,600
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To the commissioner of finance for payment to teachers retirement associations in Duluth, Minneapolis, and St. Paul, pursuant to Minnesota Statutes, Section 354A.12, Subdivision 2.

Subd. 3. TEACHERS SOCIAL SECURITY .....	63,457,100	69,091,000
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To the commissioner of employee relations for payment to the federal govern-

	1982	1983
	\$	\$

ment, pursuant to Minnesota Statutes, Section 355.46.

The amounts that estimated to be needed for each purpose are as follows:

Contributions

\$63,401,900	\$69,031,000
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Cost of Administration

\$55,200	\$60,000
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Sec. 60. GAS TAX REIMBURSEMENT .....	859,100	877,200
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This appropriation is from the highway user tax distribution fund.

The commissioner of finance shall transfer to the general fund on January 1 each year the amounts necessary to reimburse the general fund for the cost of collecting the tax on gasoline and gasoline substitutes and the cost of bond premiums during the 1981-83 biennium.

Sec. 61. [APPROPRIATIONS; CURRENT PAYROLL COSTS NOT FUNDED.]

*Subdivision 1. [COST OF LIVING.] The cost of living increases covered by this subdivision are those that became effective December 31, 1980 pursuant to sections 43.12, subdivision 10 and 43.127 for classified employees, pursuant to section 43.128 for unclassified employees who are paid salaries comparable to employees in the classified service, and pursuant to action of the appointing authority for unclassified employees in the executive, judicial, and legislative branches of state government, and employees of the Minnesota historical society and academic and nonacademic employees of the University of Minnesota who are paid from state appropriations. For agencies whose request to the legislature in the governor's proposed biennial budget for 1981-83 did not include an amount to pay the annualized cost of the cost of living increases covered by this subdivision, the amounts necessary to pay those costs are appropriated from the various funds in the state treasury from which salaries are paid to the commissioner of finance for the fiscal years ending June 30, 1982 and June 30, 1983. The amount provided by the general fund shall not exceed \$13,872,000 the*

*first year and \$13,872,000 the second year. In the case of salaries that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make these reimbursements are also appropriated.*

*Subd. 2. [INSURANCE.] For agencies whose request to the legislature in the governor's proposed biennial budget for 1981-83 did not include an amount to pay the annualized cost of the premium rate increases effective October 1, 1980 for basic life insurance and basic health benefit coverage for eligible state employees and their dependents, the amounts necessary to pay those costs are appropriated from the various funds in the state treasury from which these premiums are paid to the commissioner of finance for the fiscal years ending June 30, 1982 and June 30, 1983. The amount provided by the general fund shall not exceed \$2,504,000 the first year and \$2,504,000 the second year. In the case of premiums that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make these reimbursements are also appropriated.*

#### **Sec. 62. [APPROPRIATION; SALARY SUPPLEMENT.]**

*Subdivision 1. [APPROPRIATION.] The compensation and economic benefit increases covered by this subdivision are those paid to classified and unclassified employees in the executive, judicial, and legislative branches of state government, and to employees of the Minnesota historical society and academic and nonacademic employees of the University of Minnesota who are paid from state appropriations, if the increases are authorized by law during the 1981 session of the legislature or by appropriate resolutions for employees of the legislature, or are given interim approval by the legislative commission on employee relations pursuant to section 3.855 and section 43.113 or section 179.74, subdivision 5. The amounts necessary to pay compensation and economic benefit increases covered by this subdivision are appropriated from the various funds in the state treasury from which salaries are paid to the commissioner of finance for the fiscal years ending June 30, 1982, and June 30, 1983. The amount provided by the general fund shall not exceed \$55,890,500 the first year and \$122,347,800 the second year. In the case of salaries that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make these reimbursements are also appropriated.*

*Subd. 2. [TRANSFER.] The commissioner shall transfer the necessary amounts to the proper accounts and shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount transferred to each appropriation account.*

*Subd. 3. [UNIVERSITY OF MINNESOTA.] Money certified as needed by the University of Minnesota and transferred to it under this subdivision shall be used only for the purpose*

*certified. Any amount transferred that exceeds the actual amount of cost of living increases or insurance premium increases paid to or for university employees until June 30, 1983 shall be returned to the general fund.*

**Sec. 63. [FEDERAL BLOCK GRANT MONEYS.]**

*If federal moneys become available to the state for expenditure while the legislature is not in session as a result of consolidation into block grants of federal moneys previously distributed as categorical grants, one-fourth of the federal fiscal year 1982 moneys are allocated as provided by clauses (1) and (2). The balance of the moneys shall be appropriated or allocated by the legislature at its next session or as provided by Minnesota Statutes, Section 3.3005, Subdivisions 1 to 3.*

*(1) To the extent that the block grant moneys replace federal moneys appropriated for the preceding fiscal year which were distributed to the state, the moneys shall be allocated in proportions equal to their respective shares of the total amount of the moneys included in the governor's budget, otherwise approved pursuant to Minnesota Statutes, Section 3.3005, or authorized by law.*

*(2) To the extent that the block grant moneys replace federal moneys appropriated during the preceding fiscal year which were distributed directly to local governments or to nongovernmental entities, the moneys shall be allocated and distributed to the same entities and in the same proportion as the federal categorical grants were distributed during the preceding fiscal year, unless otherwise provided by federal law. Grants for projects the funding of which terminate during the preceding fiscal year shall be subject to review by the legislature pursuant to Minnesota Statutes, Section 3.3005, Subdivision 4, and if terminated, the amount of the grant shall not be considered in calculating the distributions pursuant to this clause. Distribution of these moneys shall not be subject to the provisions of Minnesota Statutes, Sections 15.041 to 15.052.*

*The amounts of each block grant that shall be distributed under clause (1) and clause (2) shall be in proportion to the percentage of the total amount of moneys replaced by the block grant distributed during the preceding fiscal year (a) to the state and (b) directly to local governments or nongovernmental entities.*

**DEPARTMENT OF ENERGY, PLANNING  
AND DEVELOPMENT**

**Sec. 64. [116J.01] [DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT.]**

*Subdivision 1. [APPOINTMENT.] The department of energy, planning and development shall be supervised and controlled by the commissioner of energy, planning and development, who shall be appointed by the governor and serve under the provisions of section 15.06.*

*Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may appoint a deputy commissioner and a personal secretary in the unclassified service.*

*Subd. 3. [DEPARTMENTAL ORGANIZATION.] The commissioner shall organize the department as provided in section 15.06.*

**Sec. 65. [116J.02] [TRANSFER OF POWERS.]**

*Subdivision 1. [STATE PLANNING AGENCY.] All powers, duties, and functions heretofore vested in or imposed on the state planning agency, state planning officer, or the director of planning by sections 4.10 to 4.36 or chapters 116C, 116D, 116G, or any other law relating to the duties and powers of the state planning agency are transferred to, vested in, and imposed on the commissioner of energy, planning and development. The position of director of planning and the state planning agency as heretofore constituted are abolished.*

*Subd. 2. [ENERGY AGENCY.] All powers, duties, and functions heretofore vested in or imposed on the Minnesota energy agency or the director of the Minnesota energy agency by chapter 116H or any other law relating to the duties and powers of the director of the Minnesota energy agency are transferred to, vested in, and imposed on the commissioner of energy, planning and development. The position of director of the Minnesota energy agency and the Minnesota energy agency as heretofore constituted are abolished.*

*Subd. 3. [DEPARTMENT OF ECONOMIC DEVELOPMENT.] All powers, duties, and functions heretofore vested in or imposed on the department of economic development or the commissioner of economic development by chapter 362 or any other law relating to the duties and powers of the commissioner of economic development are transferred to, vested in, and imposed on the commissioner of energy, planning and development. The position of commissioner of economic development and the department of economic development as heretofore constituted are abolished.*

*Subd. 4. [POSITIONS TRANSFERRED.] Personnel positions in the state planning agency, energy agency, department of economic development and crime control planning board in the classified civil service, and temporary positions in the unclassified service established pursuant to section 43.05, subdivision 2,*

clause (9), formerly assigned to functions that are transferred by this section to the department of energy, planning and development are continued and transferred to the department of energy, planning and development along with the function transferred.

**Subd. 5. [BALANCES TRANSFERRED.]** *The unexpended balance of any appropriation to the state planning agency, the energy agency, the department of economic development, the crime control planning board, or any of their divisions or agencies is transferred to the commissioner of energy, planning and development, who shall pay all valid claims presented against those appropriations.*

**Subd. 6. [RECORDS TRANSFERRED.]** *The director of planning, the director of the energy agency, the commissioner of economic development, and the chairperson of the crime control planning board shall transfer to the commissioner of energy, planning and development all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control.*

**Subd. 7. [PROCEEDINGS CONTINUED.]** *Any proceeding, court action, prosecution, or other business or matter that is pending on the effective date of this section and that involved or was commenced by the director of planning, the director of the energy agency, or the commissioner of economic development may be conducted and completed by the commissioner of energy, planning and development in the same manner, under the same terms and conditions, and with the same effect as though it involved or were commenced and conducted or completed by the officer who began it.*

**Subd. 8. [AUTHORITY CONTINUED.]** *The authority of the commissioner of energy, planning and development regarding functions transferred to the commissioner by this section is a continuation of the authority of the officer from which it was transferred regarding those functions, with the same force and effect as though the functions, powers, or duties of the officer had not been assigned or transferred, and does not constitute a new authority for the purpose of succession to all rights, powers, duties, and obligations of the officer, as constituted at the time of the assignment or transfer. All rules heretofore promulgated under authority of a power, duty, or responsibility transferred by this section to the commissioner of energy, planning and development shall remain in full force and effect until amended or repealed.*

**Subd. 9. [PERSONNEL POSITIONS ABOLISHED.]** *All personnel positions formerly in the state planning agency, energy agency, or department of economic development and not transferred by this section to the department of energy, plan-*

ning and development, are abolished. All staff positions formerly serving the crime control planning board are abolished. Nothing in this section is intended to abrogate or modify any rights now enjoyed by affected employees under terms of an agreement between an exclusive bargaining representative and the state or one of its appointing authorities.

*Subd. 10. [REPORT.] The commissioner shall report to the energy and housing committee and the governmental operations committee of the senate and the regulated industries and energy committee and the governmental operation committee of the house of representatives by November 15, 1981. The report shall detail recommendations on the proper organization of statewide energy functions, including but not limited to, power plant siting and capacity, certification of need, environmental impact studies, rate setting, and the jurisdiction and role of the environmental quality board.*

*Subd. 11. [REPORT.] The commissioner shall report to the governmental operations committees of the senate and the house of representatives on the reorganization authorized by this section on or before March 1, 1982.*

**Sec. 66. [116J.03] [DEFINITIONS.]**

*Subdivision 1. [SCOPE.] As used in sections 4.11 to 4.30; 4.35; 4.36; 116H.01 to 116H.23; 299A.03; 299A.04; and 362.12 to 362.53, the terms defined in this section have the meaning given them.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of energy, planning and development.*

*Subd. 3. [DEPARTMENT.] "Department" means the department of energy, planning and development.*

**Sec. 67. [116J.04] [ENERGY POLICY DEVELOPMENT COUNCIL.]**

*A council of 15 members to act in an advisory capacity on energy policy development to the commissioner is created. Members shall be appointed by the governor, with the advice and consent of the senate, one from each congressional district and seven from the state at large. The council members shall broadly represent the scientific, technical, educational, business and labor fields and at least four members shall be from educational and scientific research institutions. The council shall develop recommendations on policy for energy issues and energy needs and shall advise the commissioner on the energy related functions of the department. The commissioner shall report to the legislature on the major energy policy recommendations of the council. The council shall organize and elect among its members such other officers as it may deem necessary. The council shall meet at the call of the chair. The terms, compensation and removal of*

*members shall be as provided by section 15.059. The council may advise the commissioner on the transfer of energy agency personnel and functions.*

Sec. 68. Minnesota Statutes 1980, Section 3.922, Subdivision 1, is amended to read:

Subdivision 1. [CREATION, MEMBERSHIP.] There is created a state Indian affairs intertribal board to consist of the following ex-officio members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development*, the commissioner of corrections, the executive director of the Minnesota housing finance agency, the commissioner of iron range resources and rehabilitation, and the commissioner of health each of whom may designate a member of his staff to serve in his place, three members of the state house of representatives appointed by the speaker of the house of representatives, and three members of the state senate appointed by the committee on committees of the senate. Voting members of the board shall be: the duly elected tribal chairmen of the Fond Du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Mdewankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at large to an office in the committee, trust, or council, to serve in his place. Board members appointed to represent the state house of representatives, the state senate or tribal governments shall no longer serve on the board at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. A member who is a designee of a tribal chairman shall cease to be a member at the end of the term of the tribal chairman who designated him. Ex-officio members or their designees on the board shall not be voting members of the board.

Sec. 69. Minnesota Statutes 1980, Section 4.10, is amended to read:

#### 4.10 [STATEWIDE PLANNING; PURPOSES.]

In order that the state benefit from an integrated program for the development and effective employment of its resources, and in order to promote the health, safety, and general welfare of its citizens, it is in the public interest that a (PLANNING AGENCY) *department* be created in the executive branch of the

state government to engage in a program of comprehensive state-wide planning. The (AGENCY) *department* shall act as a directing, advisory, consulting, and coordinating agency to harmonize activities at all levels of government, to render planning assistance to all governmental units, and to stimulate public interest and participation in the development of the state.

Sec. 70. Minnesota Statutes 1980, Section 4.11, Subdivision 4, is amended to read:

Subd. 4. To the greatest extent practicable the (STATE PLANNING OFFICER) *commissioner* shall limit the permanent staff engaged in the programs authorized by sections 4.10 to 4.17 and shall contract for basic research, employ consultants, and use the existing facilities of state departments and agencies. It is desirable that he utilize the facilities of the university of Minnesota to provide (a) continuing geographic projection and detailed studies of the state's population, economy, and land use; (b) a central repository for the research data necessary for such functions; and (c) educational activities essential to the implementation of state planning.

Sec. 71. Minnesota Statutes 1980, Section 4.11, Subdivision 5, is amended to read:

Subd. 5. The governor may direct any state department or other agency of the state government to furnish the (STATE PLANNING AGENCY) *commissioner* with such personnel, equipment, and services as are necessary to enable (IT) *commissioner* to carry out (ITS) *the commissioner's* powers and duties, and prescribe the terms thereof. When requested by the (STATE PLANNING AGENCY) *commissioner* to perform planning work, state agencies will be expected to use existing staff.

Sec. 72. Minnesota Statutes 1980, Section 4.11, Subdivision 8, is amended to read:

Subd. 8. Within the organization of the state (PLANNING AGENCY) *department of energy, planning and development*, the position of state demographer shall be appointed by and serve under the supervision and control of the (DIRECTOR OF PLANNING) *commissioner*. The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon experience and past performance.

Sec. 73. Minnesota Statutes 1980, Section 4.12, is amended to read:

## 4.12 [POWERS AND DUTIES.]

Subdivision 1. The (STATE PLANNING OFFICER) *commissioner* shall:

(1) Prepare comprehensive, long range recommendations for the orderly and coordinated growth of the state including detailed recommendations for long range plans of operating state departments and agencies.

(2) The state, in the development of long range planning, shall take into consideration its relationship to local units of government and the planning to be accomplished on such levels.

Subd. 2. The (STATE PLANNING OFFICER) *commissioner* shall:

(1) Review current programming and future planning of all state departments and agencies.

(2) Report regularly and on or before November 15 of each even numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

(4) Require each state department and agency having planning programs to regularly file copies thereof with him for review.

(5) Make available to the legislature or any authorized committee or commission thereof information concerning statewide development plans and basic research from which the plans have been developed.

(6) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.

(7) Review all plans filed with the federal government by state departments and agencies pursuant to section 16A.30, or any other law as a part of his duties prescribed by this section. The commissioner of finance shall furnish the (STATE PLANNING OFFICER) *commissioner* the information required by this clause.

(8) Encourage the development of planning programs by state departments and agencies and local levels of government.

(9) Act as the coordinating agency for submission of the environmental impact statements required by the National Environmental Policy Act and the state's comments thereon to the appropriate federal agencies.

Subd. 3. The (STATE PLANNING OFFICER) *commissioner*: (1) shall appear before the Minnesota municipal board when requested by the board to present studies and data regarding any annexation, incorporation, or detachment proceedings pending before the board;

(2) may contract with a county or regional planning agency or a planning consultant for the making of studies and the compiling of data relating to any annexation, incorporation, or detachment proceedings before the board;

(3) at his discretion or upon the written request of any governmental unit, group of governmental units, or a regional planning agency, may conduct studies relating to the feasibility of annexation, incorporation, or consolidation of a town or governmental units. (SUCH) *The studies shall be undertaken only in areas where there is reasonable grounds to believe that problems of urban growth may require the incorporation, or consolidation of governmental units, or the annexation of unincorporated areas in order to provide essential urban services.*

Subd. 4. The (OFFICE OF LOCAL AND URBAN AFFAIRS) *commissioner* shall: (1) undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities. (IT) *The commissioner shall provide technical assistance and advice in the solution of such problems. The duties of the (OFFICE) commissioner shall include, but are not limited to, the assembly, the correlation, and dissemination of physical, social, and economic development data to inform local governmental units and interested persons and organizations of the availability and status of federal, state, and local programs and other resources for the solution of urban and rural problems;*

(2) make available to the governor and the legislature pertinent information relating to federal grants in aid to local governmental units and an analysis thereof;

(3) inform local governmental units about federal programs of social or economic aid or assistance for which they are eligible, together with the criteria, standards, and conditions upon which (SUCH) *the aid is based.*

Subd. 5. The (OFFICE OF LOCAL AND URBAN AFFAIRS) *commissioner*: (1) shall not undertake on behalf of

any local governmental unit the responsibility of filling out application forms for federal grants in aid unless required by federal law or regulation promulgated thereunder, but instead will limit (ITS) *the activities of the department* in relation to federal aid applications to the publication and distribution of manuals and the furnishing of advice and otherwise guide the officers of local governmental units in properly making out required application forms;

(2) shall not be responsible in any way to promote any federal grant in aid or planning program;

(3) shall coordinate information which shall be submitted to (IT) *the commissioner* by a special district or region recognized by the federal government with responsibility of reviewing federal grants in aid applications for community and nonprofit corporations within the district or region. (SUCH) Special districts or regions shall submit copies of approved applications for (SUCH) *this* purpose. Unless the requirements of this clause are complied with no state department or agency may provide assistance or funds for any project submitted to the federal government through a special district or region. Where there is a metropolitan planning agency or regional council created by law, the (STATE PLANNING OFFICER) *commissioner* may delegate to (SUCH) *the* council or agency the responsibilities of this clause;

(4) shall have only advisory responsibility or jurisdiction in any area of the state within the jurisdiction of a metropolitan planning agency or regional council created by law.

Subd. 6. The (DIRECTOR OF PLANNING) *commissioner* shall:

(1) Employ personnel with qualifications as are needed to perform the duties prescribed in this section. To the greatest extent practicable, the (DIRECTOR OF PLANNING) *commissioner* shall limit the permanent demographic staff and shall contract for basic research, employ consultants, and use the existing facilities of state departments, other agencies, and the state educational institutions, and

(2) Utilize the computer facilities of the state or state educational institutions for the research data necessary for periodic population projections.

Subd. 7. The (STATE DEMOGRAPHER) *commissioner*:

(1) Shall continuously gather and develop demographic data within the state;

(2) Shall design and test methods of research and data collection;

(3) Shall have the power to call upon any agency of the state or political subdivision for data as may be available, and the agencies and political subdivisions shall cooperate to the fullest extent possible;

(4) Shall periodically prepare population projections for designated regions and for the state and may periodically prepare projections for each county, or other political or geographic division;

(5) Shall review, comment, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies or nongovernmental persons, institutions or commission;

(6) Shall serve as the state liaison with the federal bureau of census, shall coordinate his activities with federal demographic activities to the fullest extent possible, and shall aid the legislature in preparing a census data plan and form for each decennial census;

(7) Shall compile an annual study of population estimates on the basis of county, regional or other political or geographic divisions as necessary to carry out the purposes of (LAWS 1974, CHAPTER 327) *this subdivision and section 4.125*;

(8) Shall, on or before January 1 of each year, issue a report to the legislature containing an analysis of the demographic implications of the annual population study and population projections;

(9) Shall cause to be prepared maps of all counties in the state, all municipalities with a population of 10,000 or more, and any other municipalities as deemed necessary for census purposes, according to scale and detail recommended by the federal bureau of the census, with the maps of cities showing boundaries of precincts; and

(10) Shall annually prepare a population estimate for each governmental subdivision for which the metropolitan council does not prepare an annual population estimate, and shall communicate the estimate to the governing body of each governmental subdivision by May 1 of each year.

Subd. 8. The (STATE PLANNING OFFICER) *commissioner* may charge a fee to each user of the Minnesota land management information system.

Sec. 74. Minnesota Statutes 1980, Section 4.125, is amended to read:

4.125 [POPULATION ESTIMATES AND PROJECTIONS, SUBMISSION BY STATE AGENCIES.]

Each state agency shall submit to the (DIRECTOR OF PLANNING) *commissioner* for his comment all population estimates and projections prepared by it prior to:

(a) Submitting those estimates and projections to the state legislature or federal government to obtain appropriations or grants,

(b) The issuance of bonds based upon those estimates and projections, and

(c) Releasing any plan based upon those estimates and projections.

Sec. 75. Minnesota Statutes 1980, Section 4.13, is amended to read:

#### 4.13 [COOPERATIVE CONTRACTS.]

The (STATE PLANNING OFFICER) *commissioner* may apply for, receive and expend (FUNDS) *money* from municipal, county, regional and other planning agencies; apply for, accept, and disburse grants and other aids for planning purposes from the federal government and from other public or private sources, and may enter into contracts with agencies of the federal government, local governmental units, the university of Minnesota, and other educational institutions, and private persons as may be necessary in the performance of his duties. Contracts made pursuant to this section shall not be subject to the provisions of chapter 16, as they relate to competitive bidding.

The (STATE PLANNING OFFICER) *commissioner* may apply for, receive, and expend (FUNDS) *money* made available from federal sources or other sources for the purposes of carrying out the duties and responsibilities of the (OFFICE OF) *commissioner relating to local and urban affairs.*

All moneys received by the (STATE PLANNING OFFICER) *commissioner* pursuant to this section shall be deposited in the state treasury and are (HEREBY) appropriated (ANNUALLY THEREFROM) to the (STATE PLANNING OFFICER) *commissioner* for the purposes for which (SUCH) *the moneys* have been received. (NONE OF SUCH) *The money shall not cancel and shall be available until expended.*

Sec. 76. Minnesota Statutes 1980, Section 4.17, is amended to read:

#### 4.17 [RULES AND REGULATIONS.]

No moneys, regardless of the source thereof, made available to the (STATE PLANNING OFFICER) *commissioner* pursuant

to sections 4.10 to 4.17 or any other law shall be expended by him for planning programs until he promulgates and adopts rules (AND REGULATIONS) prescribing the criteria, standards, and procedures to govern the expenditure thereof. (SUCH) *The* rules (AND REGULATIONS) shall be (PROMULGATED AND) adopted under the administrative procedure act as contained in chapter 15, and shall conform with all terms and conditions imposed on the (STATE PLANNING OFFICER) *commissioner* when (SUCH) *the* moneys are made available to him.

Sec. 77. Minnesota Statutes 1980, Section 4.18, Subdivision 2, is amended to read:

Subd. 2. [POLICY.] The (STATE PLANNING AGENCY) *commissioner* shall recommend policies relating to the location of any new buildings proposed by the state or any of its departments or agencies and shall recommend policies relating to the location of state facilities and offices. The policies shall require that whenever feasible and practicable, after due consideration having been given to the functions, uses and services for which (SUCH) *the* buildings or offices are required, (THAT SUCH) *the* buildings, facilities and offices, shall be located in areas of the state not included in a standard metropolitan statistical area to the end that a more equitable balance between urban areas and rural areas in the location of state facilities be finally accomplished. The policies shall provide that in determining the location of (ANY SUCH) *the* building, facility or office, first priority shall be given to locating it where the service need dictates. Second priority shall be given to locating the building, facility or office outside of a standard metropolitan statistical area, to avoid over-urbanization. The policies shall not apply when the legislature has designated the specific location of (ANY SUCH) *the* building facility or office.

Sec. 78. Minnesota Statutes 1980, Section 4.191, is amended to read:

#### 4.191 [PLANNING PROGRAMS.]

Prior to commencing a study, research, or planning program, a state agency or department shall file with the (STATE PLANNING AGENCY) *commissioner* on a form prescribed by the (AGENCY) *commissioner*, a description of the proposed project, including title, purpose, staff assigned, consultants to be used, cost, completion date, and other information prescribed by the agency as appropriate. The (AGENCY) *commissioner* shall develop rules to exclude from the filing requirement projects that the (AGENCY) *commissioner* determines are of minor significance.

Upon completion of the project, a copy shall be filed with the (STATE PLANNING AGENCY) *commissioner*. The (STATE PLANNING AGENCY) *commissioner* shall review the

planning programs of state departments and agencies and submit to the legislature by November 15 of each year a report of findings and recommendations.

Sec. 79. Minnesota Statutes 1980, Section 4.26, Subdivision 1, is amended to read:

Subdivision 1. In order to improve the land use decision-making capability of local government, the (STATE PLANNING AGENCY) *commissioner* shall make grants to the metropolitan council pursuant to section 4.30, and to towns, counties, municipalities, and Indian reservations. The (STATE PLANNING AGENCY) *commissioner* shall give priority when granting (FUNDS) *money* to those areas that show a special need according to the provisions of clauses (a) and (b). The grants may be used to employ staff or contract with other units of government or qualified consultants for the following purposes:

(a) To prepare and implement plans which are required for certain areas by law or by designation as a critical area under chapter 116G.

(b) To prepare and implement plans which the unit of government is authorized by law to undertake for the management of problems resulting from (1) rapid population or economic growth or decline; (2) potential development in environmentally sensitive areas including but not limited to flood plains, wild and scenic rivers, and shorelands; and (3) the addition or elimination of a major state or federal facility;

(c) To assist neighborhood organizations in cities of the first class to do land use and related planning by making grants to the municipality;

(d) To analyze and prepare plans to preserve and protect agricultural land as defined in (MINNESOTA STATUTES 1974,) section 500.24.

Sec. 80. Minnesota Statutes 1980, Section 4.27, is amended to read:

#### 4.27 [ADMINISTRATION.]

The (STATE PLANNING AGENCY) *commissioner* shall determine priorities pursuant to section 4.26, and shall promulgate rules for the submittal and review of applications hereunder in accordance with the provisions of chapter 15.

Sec. 81. Minnesota Statutes 1980, Section 4.29, is amended to read:

**4.29 [REGIONAL DEVELOPMENT COMMISSION REVIEW.]**

An application for grants from this program shall be submitted to the appropriate regional development commission for review pursuant to (MINNESOTA STATUTES 1974,) section 462.391, Subdivision 3, prior to the submittal to the (STATE PLANNING AGENCY) *commissioner*. The regional development commission shall complete its review within 45 days after receipt of the application. If an application is not reviewed within the requisite time limit or if an extension of time is not agreed to by the affected parties, the application shall be deemed approved. Until units of local government in the metropolitan area as defined by section 473.02 are required by law to prepare and adopt comprehensive plans or portions thereof, the review required by this section shall be made by the metropolitan council for units of local government in the metropolitan area.

Sec. 82. Minnesota Statutes 1980, Section 4.35, is amended to read:

**4.35 [TRAIL PLANNING.]**

The (STATE PLANNING AGENCY) *commissioner*, in cooperation with the commissioner of natural resources, metropolitan council, and commissioner of transportation, shall review and coordinate plans for trails acquisition and development and trail development grants pursuant to sections 4.36, 85.015, 85.016, 160.265, 473.147, and 473.301 to 473.341.

Sec. 83. Minnesota Statutes 1980, Section 4.36, Subdivision 2, is amended to read:

Subd. 2. [GRANTS FOR PARKS AND TRAILS.] The (STATE PLANNING AGENCY) *commissioner* shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional

significance. The program shall be administered so as to ensure the maximum possible use of available federal money.

Sec. 84. Minnesota Statutes 1980, Section 4.36, Subdivision 3, is amended to read:

Subd. 3. [GRANTS FOR TRAILS IN LOCAL PARKS.] The (STATE PLANNING AGENCY) *commissioner* shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.

Sec. 85. Minnesota Statutes 1980, Section 4.36, Subdivision 4, is amended to read:

Subd. 4. [GRANTS FOR LOCAL OUTDOOR ATHLETIC COURTS.] The (STATE PLANNING AGENCY) *commissioner* shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the (AGENCY) *commissioner* shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.

Sec. 86. Minnesota Statutes 1980, Section 4.36, Subdivision 5, is amended to read:

Subd. 5. [POWERS; RULES.] The (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner* shall have all powers necessary and convenient in order to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts pursuant to this section including, but not limited to, the authority to adopt rules (AND REGULATIONS) for the programs, pursuant to chapter 15, and emergency rules (AND REGULATIONS) to commence immediately the programs, pursuant to section 15.0412.

Sec. 87. Minnesota Statutes 1980, Section 15.01, is amended to read:

#### 15.01 [DEPARTMENTS OF THE STATE.]

The following agencies are designated as the departments of the state government: the department of administration; the

department of agriculture; the department of commerce; the department of corrections; (THE DEPARTMENT OF ECONOMIC DEVELOPMENT;) the department of education; the department of economic security; *the department of energy, planning and development*; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of employee relations; the department of public safety; the department of public service; the department of public welfare; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

Sec. 88. Minnesota Statutes 1980, Section 15.057, is amended to read:

#### 15.057 [PUBLICITY REPRESENTATIVES.]

No state department, bureau or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the department of transportation, the department of (ECONOMIC DEVELOPMENT) *energy, planning and development*, the game and fish division, the department of economic security, and the state agricultural society shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This act shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

Sec. 89. Minnesota Statutes 1980, Section 15.50, Subdivision 2, is amended to read:

Subd. 2. (a) The board shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area, herein called the area which shall initially consist of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the

Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to the comprehensive plan, or any portion thereof, the board may regulate, by means of zoning regulations adopted pursuant to the administrative procedure act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty and architectural integrity of the area. No person shall undertake these construction activities as defined in the board's rules in the capitol area unless he has first submitted construction plans to the board, obtained a zoning permit from the board and received a written certification from the board specifying that he has complied with all design review procedures and standards. Violation of the zoning regulations is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of St. Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. He shall make studies and report the results to the board when they request him to do so for their planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall be built or altered on any public lands within the area unless the plans for the same conforms to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial al-

teration or improvement shall be made to public lands or buildings in the area save with the written approval of the board.

(e) The board shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, which may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. Such competition shall be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected shall become the property of the state of Minnesota and the board may award one or more premiums in each such competition and may pay such costs and fees as may be required for the conduct thereof. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided such plans have been considered by the advisory committee described in clause (f). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) The board shall not adopt any plan under clause (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee shall not be contestants under clause (e). The comments and criticism shall be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose:

(1) The committee shall be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the same are developed or in the process of preparation whether by the commissioner of administration, the state planning director, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area. A copy of any such data prepared by any public employee or agency shall be filed with the board promptly upon completion;

(2) The board may employ such stenographic or technical help as may be reasonable to assist the committee to perform its duties;

(3) When so directed by the board, the committee may serve as, and any member or members thereof may serve on, the jury or as professional advisor for any architectural competition. The

board shall select the architectural advisor and jurors for any competition with the advice of the committee and

(4) The city of St. Paul shall advise the board.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* and the planning department and the council for the city of Saint Paul and the board of the arts, and no such plan or amendment thereof shall be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts.

(h) The board and the commissioner of administration jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, the board shall consult with the director of the Minnesota state historical society and receive his advice regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be binding upon the commissioner of administration. The provisions of sections 15.0411 to 15.0426 shall not apply to this clause.

(i) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program.

(j) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase or eminent domain proceedings any real property situated in the area described in this section and it shall also have the power to acquire an interest less than a fee simple interest in the property, if it finds that it is needed for future expansion or beautification of the area.

(k) The board is the successor of the state veterans' service building commission, and as such may adopt regulations and may reenact the regulations adopted by its predecessor under Laws 1945, Chapter 315, and acts amendatory thereof.

(l) The board shall meet at the call of the chairman and at such other times as it may prescribe.

(m) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs of which such part as the commis-

sioner of administration and commissioner of veterans affairs may mutually determine shall be on the first floor above the ground and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available to such other state departments and agencies as he may deem desirable.

Sec. 90. Minnesota Statutes 1980, Section 15A.081, Subdivision 1, is amended to read:

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Salary or Range		
	Effective July 1,	Effective July 1,	Effective July 1,
	1979	1980	1981
Administration, department of commissioner .....	\$44,000	\$47,000	
Administrative hearings office chief hearing examiner .....	38,000	40,000	
Agriculture, department of commissioner .....	38,000	40,000	
Commerce, department of commissioner of banks .....	34,000	36,500	
commissioner of insurance .....	34,000	36,500	
commissioner of securities and real estate .....	34,000	36,500	
director of consumer services .....	28,000	30,000	
Community college system chancellor .....	44,000	46,000	
Corrections, department of commissioner .....	42,000	45,000	
ombudsman .....	33,000	35,000	

## Salary or Range

	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981
(CRIME CONTROL PLANNING (BOARD, (EXECUTIVE DIRECTOR) . . . . .	(33,000)	(35,000)	
(ECONOMIC DEVELOPMENT, (DEPARTMENT OF) (COMMISSIONER) . . . . .	(34,000)	(36,000)	
Economic security, department of commissioner . . . . .	43,000	45,000	
Education, department of commissioner . . . . .	43,000	45,000	
(ENERGY AGENCY) (DIRECTOR) . . . . .	(38,000)	(40,000)	
<i>Energy, planning and development department of commissioner . . . . .</i>		46,000	
Finance, department of commissioner . . . . .	48,000	50,000	
Health, department of commissioner . . . . .	47,000	49,000	
Higher education coordinating board executive director . . . . .	40,000	42,000	
Housing finance agency executive director . . . . .	39,000	41,000	
Human rights, department of commissioner . . . . .	31,000	33,000	
Indian affairs board executive director . . . . .	27,000	29,000	
Iron range resources and rehabilitation board commissioner . . . . .	30,000	31,000	

## Salary or Range

	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981
Labor and industry, department of commissioner .....	38,000	40,000	
judge of the workers' compensation court of appeals ...	38,000	40,000	
Mediation services, bureau of director .....	36,000	38,000	
Natural resources, department of commissioner .....	44,000	47,000	
Personnel, department of commissioner .....	44,000	47,000	
(PLANNING AGENCY) (DIRECTOR) .....	(43,000)	(45,000)	
Pollution control agency director .....	38,000	40,000	
Public safety, department of commissioner .....	38,000	41,000	
Public service, department of commissioner, public utilities commission .....	34,000	36,000	
director .....	34,000	36,000	
Public welfare, department of commissioner .....	44,000	48,000	
Revenue, department of commissioner .....	44,000	47,000	
State university system chancellor .....	44,000	46,000	
Transportation, department of commissioner .....	44,000	48,000	
Transportation, regulation board, board member .....		32,000	
Veterans affairs, department of commissioner .....	31,000	33,000	

Sec. 91. Minnesota Statutes 1980, Section 16.014, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of administration may establish a regional service center on a demonstration basis. (THE STATE PLANNING AGENCY AND THE REGIONAL DEVELOPMENT COMMISSION OF REGION NO. 2 SHALL COOPERATE WITH THE COMMISSIONER IN ESTABLISHING THE SERVICE CENTER.) The commissioner shall determine which state agencies shall be included in the service center. The commissioner may determine equitable methods of sharing space, personnel and equipment for the agencies he selects to participate in the demonstration service center.

Sec. 92. Minnesota Statutes 1980, Section 16.084, is amended to read:

#### 16.084 [ENCOURAGEMENT OF PARTICIPATION.]

The commissioners of administration and (ECONOMIC DEVELOPMENT) *energy, planning and development* shall publicize the provisions of the set-aside program, attempt to locate small businesses able to perform set-aside procurement awards, and encourage participation. When the commissioner of administration determines that a small business is unable to perform under a set-aside contract, he shall so inform the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* who shall assist the small business in attempting to remedy the causes of the inability to perform a set-aside award. In assisting the small business, the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* in cooperation with the commissioner of administration shall use any management or financial assistance programs as may be available by or through the department of (ECONOMIC DEVELOPMENT) *energy, planning and development*, other state or governmental agencies, or private sources.

Sec. 93. Minnesota Statutes 1980, Section 16.086, Subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The commissioner of administration shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* indicating the progress being made toward the objectives and goals of sections 16.081 to 16.086 during the preceding fiscal year. This report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

(b) The number of small businesses identified by and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(c) The total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect;

(d) The number of contracts which were designated and set-aside pursuant to section 16.083 but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

Sec. 94. Minnesota Statutes 1980, Section 16.086, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF (ECONOMIC DEVELOPMENT) *ENERGY, PLANNING AND DEVELOPMENT.*] The commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* shall submit an annual report to the governor and the legislature pursuant to section 3.195 with a copy to the commissioner of administration. This report shall include the following information:

(a) The efforts undertaken to publicize the provisions of the set-aside program during the preceding fiscal year;

(b) The efforts undertaken to identify small businesses including those owned and operated by socially or economically disadvantaged persons, and the efforts undertaken to encourage participation in the set-aside program;

(c) The efforts undertaken by the commissioner to remedy the inability of small businesses to perform on potential set-aside awards; and

(d) The commissioner's recommendations for strengthening the set-aside program and delivery of services to small businesses.

Sec. 95. Minnesota Statutes 1980, Section 16.125, Subdivision 2, is amended to read:

Subd. 2. A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, (THE ENERGY AGENCY,) the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.

Sec. 96. Minnesota Statutes 1980, Section 16.756, Subdivision 1, is amended to read:

Subdivision 1. In order to conserve energy and to alleviate traffic congestion in and about the location of state offices, the commissioner of administration shall, in cooperation with the (DIRECTOR OF THE MINNESOTA ENERGY AGENCY) *commissioner of energy, planning and development*, the commissioner of transportation and interested nonprofit agencies, establish and operate an employee transportation program utilizing commuter vans with a capacity of not less than seven nor more than 16 passengers. The commissioner shall acquire or lease commuter vans, or otherwise contract for the provision of commuter vans, and shall make the vans available for the use of state employees and blind vending operators in a manner consistent with standards and procedures adopted by the commissioner. Standards and procedures adopted pursuant to this subdivision shall not be subject to chapter 15. Commuter vans may be used by state employees and blind vending operators to travel between their homes and their work locations, and for personal purposes after working hours, not including partisan political activity. The commissioner shall provide in his standards and procedures for the recovery by the state of vehicle acquisition, lease, operation and insurance costs through efficient and convenient assignment of vans, and for the billing of costs and collection of fees. A state employee using a van for personal use shall pay, pursuant to the standards and procedures adopted by the commissioner, for operating and routine maintenance costs incurred as a result of the personal use. The commissioner shall promote the maximum practicable participation of state employees and blind vending operators in the use of the vans. Fees collected pursuant to this subdivision shall be deposited in the accounts from which the costs of operating, maintaining and leasing or amortizing acquisition costs for the specific vehicle are paid.

Sec. 97. Minnesota Statutes 1980, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each year, the commissioner shall report

to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision 10a. The commissioner, with the assistance of the (MINNESOTA ENERGY AGENCY) *commissioner of energy, planning and development*, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products. (THE COMMISSIONER SHALL INCLUDE THE RESULTS OF THE INVESTIGATION AND ANY RECOMMENDATIONS FOR PROPOSED RELEVANT LEGISLATION IN THE REPORT TO THE LEGISLATURE DUE ON OR BEFORE JANUARY 31, 1979.)

Sec. 98. Minnesota Statutes 1980, Section 18.024, Subdivision 1, is amended to read:

Subdivision 1. The department of agriculture, in cooperation with the (MINNESOTA ENERGY AGENCY) *commissioner of energy, planning and development* and the Minnesota shade tree advisory committee, shall draft recommendations for wood utilization or disposal systems as defined in section 18.023. These recommendations shall encourage maximum utilization of diseased shade trees. In addition to insuring maximum utilization, the recommendations shall be designed to insure public safety and to assure compliance with approved disease control programs.

Sec. 99. Minnesota Statutes 1980, Section 43.09, Subdivision 2a, is amended to read:

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

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that

was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position.

(4) Positions so 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) *energy, planning and 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 (, THE CRIME CONTROL PLANNING BOARD) and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) (FUNDS ARE) *Money is available.*

Sec. 100. Minnesota Statutes 1980, Section 84.028, Subdivision 2, is amended to read:

Subd. 2. The overall coordination of acquisition and development programs, comprehensive planning activities, including statewide recreational planning programs required by state or federal law, and not the responsibility of the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, are under the control and supervision of the commissioner.

Sec. 101. Minnesota Statutes 1980, Section 84.54, is amended to read:

84.54 [TOPOGRAPHIC SURVEY (; PLANNING OFFICER).]

The (STATE PLANNING OFFICER) *commissioner of energy, planning and development* shall study the general topographic survey and mapping needs of the state, and shall advise the commissioner of natural resources in determining the order of surveys and otherwise planning the operations, and shall promote coordination of survey and mapping activities of public and private agencies within the state.

Sec. 102. Minnesota Statutes 1980, Section 85.016, is amended to read:

85.016 [BICYCLE TRAIL PROGRAM.]

The commissioner of natural resources shall establish a program for the development of bicycle trails utilizing the state trails authorized by section 85.015, other state parks and recreation land, and state forests. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall be coordinated with the local park trail grant program established by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* pursuant to section 4.36, with the bicycle trail program established by the commissioner of transportation pursuant to section 160.265, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails in local parks. The bicycle trail program shall, as a minimum, describe the location, design, construction, maintenance and land acquisition needs of each component trail and shall give due consideration to the model standards for the establishment of recreational vehicle lanes promulgated by the commissioner of transportation pursuant to section 160.262. The program shall be developed after consultation with the state trail council and regional and local units of government and bicyclists organizations.

Sec. 103. Minnesota Statutes 1980, Section 85.017, is amended to read:

85.017 [TRAIL REGISTRY.]

The commissioner of natural resources shall compile and maintain a current registry of cross-country skiing, hiking, horseback riding and snowmobiling trails in the state and shall publish and distribute the information in the manner prescribed in section 86A.11. The metropolitan council, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.

Sec. 104. Minnesota Statutes 1980, Section 86.72, Subdivision 3, is amended to read:

Subd. 3. Requests for allocation from the account for acquisition or development shall be accompanied by a certificate signed jointly by the (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development* and commissioner of natural resources, showing a review of the application against chapter 86A. Copies of the certification shall be submitted to the appropriate legislative committees and commissions. Appropriations from the account shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures.

Sec. 105. Minnesota Statutes 1980, Section 86A.06, is amended to read:

86A.06 [RULES AND REGULATIONS.]

Each managing agency, in consultation with the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, shall promulgate rules relating to the units of the outdoor recreation system within its jurisdiction, which shall provide for administration of the units in the manner specified in section 86A.05 and the laws relating to each type of unit. The authority provided by this subdivision does not amend or repeal authority possessed by the commissioner of natural resources pursuant to section 97.53, subdivision 2, and in no way is intended to modify or diminish authority possessed by the commissioner in relation to section 97.53, subdivision 2.

Sec. 106. Minnesota Statutes 1980, Section 86A.09, Subdivision 1, is amended to read:

Subdivision 1. [MASTER PLAN REQUIRED.] No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared and submitted to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* and the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* has reviewed, pursuant to this section, a master plan for administration of the unit in conformity with this section. (THIS REQUIREMENT SHALL NOT APPLY TO AN EXISTING UNIT UNTIL AUGUST 1, 1977.) No master plan is required for wildlife management areas that do not have resident managers, for water access sites, or for rest areas.

Sec. 107. Minnesota Statutes 1980, Section 86A.09, Subdivision 2, is amended to read:

Subd. 2. [MASTER PLAN; PREPARATION AND CONTENT.] The managing agency shall supervise preparation of the master plan and shall utilize the professional staffs of any agency of the state when the expertise of the staff of such agency is necessary to adequately prepare the master plan; the master plan shall present the information in a format and detail that is appropriate to the size and complexity of the authorized unit. When the master plan has been completed the managing agency shall announce to the public in a manner reasonably designed to inform interested persons that the master plan is available for public review and in the case of any major unit shall hold at least one public hearing on the plan in the vicinity of the unit. The managing agency shall make the master plan available for review and comment by the public and other state agencies for at least 30 days following the announcement and before submitting the master plan to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*. Copies of the plan shall be provided to members of the outdoor recreation advisory council and to any other person on request.

Sec. 108. Minnesota Statutes 1980, Section 86A.09, Subdivision 3, is amended to read:

Subd. 3. [MASTER PLAN; REVIEW AND APPROVAL.] All master plans required by this section shall be submitted to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* for review pursuant to this subdivision. The (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall review the master plan to determine whether the plan: (a) provides for administration of the unit in a manner that is consistent with the purposes for which the unit was authorized and with the principals governing the administration of the unit, as specified in section 86A.05 and the statutes relating to each type of unit; (b) recognizes values and resources within the unit that are primarily the responsibility of another managing agency to protect or develop, and provides for their protection or development either through a cooperative agreement with the other managing agency or through designation of the appropriate area as a secondary unit. In reviewing any master plan, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall consult with other state agencies. Within 60 days after receiving the master plan, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall notify the managing agency that the plan has been reviewed and forward its recommendations for any changes it might suggest. The managing agency shall review the recommendations and notify the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* of the disposition made of them. Failure to comment on a master plan within the time specified shall be considered approval of the plan by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*. If the director of the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* feels that the

master plan still fails significantly to comply with this subdivision, he may request review of the master plan by the governor. In that event review shall not be deemed completed until after the master plan has been approved by the governor or 60 days have elapsed without action by the governor to approve or reject the plan, whichever occurs first.

Sec. 109. Minnesota Statutes 1980, Section 86A.09, Subdivision 4, is amended to read:

Subd. 4. [DEVELOPMENT.] Construction of necessary facilities and other development of the unit shall commence as soon as practicable after review of the master plan by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, and the governor if requested, and shall be carried out in conformity with the master plan.

Sec. 110. Minnesota Statutes 1980, Section 92.35, is amended to read:

92.35 [DUTIES AND POWERS.]

It shall be the duty of the (LAND USE COMMITTEE, OR ITS SUCCESSOR, THE STATE PLANNING OFFICER) *commissioner of energy, planning and development*, to classify all public and private lands in the state with reference to the use to which the lands are adapted, but principally as to adaptability to present known uses, such as agriculture and forestry. This classification shall be based upon a consideration of the known physical and economic factors affecting the use of the land. The (LAND USE COMMITTEE) *commissioner of energy, planning and development* shall consult with private, state, and federal agencies concerned with land use, and may appoint such advisory committees as (IT) *the commissioner* may deem necessary and advisable, made up of residents of the state concerned with and interested in land use, the advisory committees to serve without pay, at the pleasure of the (LAND USE COMMITTEE) *commissioner of energy, planning and development*, and to consider and report upon (SUCH) land use problems (AS MAY BE) submitted by the (LAND USE COMMITTEE) *commissioner of energy, planning and development*. The work of the (LAND USE COMMITTEE) *commissioner of energy, planning and development* shall first be done in the counties having land classification committees. The (LAND USE COMMITTEE) *commissioner of energy, planning and development* shall consult, advise with, and cooperate with the land classification committee in each county in obtaining and considering the facts upon which to determine (ITS) *the commissioner's* land classification; the land classification committee in each county shall consult, advise with, and cooperate with the (LAND USE COMMITTEE) *commissioner of energy, planning and development* in like manner, but the determination of the land classification committee shall be final.

Sec. 111. Minnesota Statutes 1980, Section 92.36, is amended to read:

92.36 [LANDS CLASSIFIED.]

Upon the basis of all of the facts concerning land use now obtainable and in the manner provided in sections 92.33 to 92.37 the (LAND USE COMMITTEE, OR ITS SUCCESSOR, THE STATE PLANNING OFFICER) *commissioner of energy, planning and development*, shall make and determine a temporary land classification of land areas with reference to the known uses to which (SUCH) *the* areas are adapted or adaptable. (THIS CLASSIFICATION SHALL BE ADOPTED BY A MAJORITY VOTE OF THE COMMITTEE AND RECORDED IN ITS MINUTES.) A certified copy of the temporary classification, together with a brief statement of the reasons therefor, shall be recorded in the office of the county recorder in each county in which the lands classified are located. No fees shall be paid for this recording. When (SUCH) *the* temporary classification has been adopted by the (LAND USE COMMITTEE) *commissioner of energy, planning and development* none of the lands classified as non-agricultural shall thereafter be sold or leased by the state for agricultural purposes.

Sec. 112. Minnesota Statutes 1980, Section 92.37, is amended to read:

92.37 [REPORT TO LEGISLATURE.]

The (LAND USE COMMITTEE, OR ITS SUCCESSOR, THE STATE PLANNING OFFICER) *commissioner of energy, planning and development*, shall report the results of its land classification to the legislature with such recommendations as it may deem advisable.

Sec. 113. Minnesota Statutes 1980, Section 104.03, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall (a) collect and distribute information relating to flooding and flood plain management; (b) coordinate local, state, and federal flood plain management activities to the greatest extent possible, and to this end shall encourage the United States army corps of engineers and the United States soil conservation service to make their flood control planning data available to local governmental units for planning purposes, in order to allow adequate local participation in the planning process and in the selection of desirable alternatives; (c) assist local governmental units in their flood plain management activities within the limits of available appropriations and personnel in cooperation with the (OFFICE OF LOCAL AND URBAN AFFAIRS AND THE STATE PLANNING OFFICER) *commissioner of energy, planning and development*;

(d) do all other things, within his lawful authority, which are necessary or desirable to manage the flood plains for beneficial uses compatible with the preservation of the capacity of the flood plain to carry and discharge the regional flood. In cooperation with local governmental units, the commissioner shall conduct, whenever possible, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances.

Sec. 114. Minnesota Statutes 1980, Section 104.35, Subdivision 2, is amended to read:

Subd. 2. The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, the (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development*, the governor, and the general public. The (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development* and the governor shall review the proposed management plan pursuant to the criteria specified in section 86A.09, subdivision 3, and submit any written comments to the commissioner within 60 days after receipt of the proposed management plan. Not less than 60 days after making such information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county which contains a portion of the designated area, in the manner provided in chapter 15.

Sec. 115. Minnesota Statutes 1980, Section 104.35, Subdivision 3, is amended to read:

Subd. 3. Upon receipt of the hearing examiner's report, the commissioner shall immediately forward the proposed management plan and the hearing examiner's report to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* for review pursuant to section 86A.09, subdivision 3, except that the review by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall be completed or be deemed completed within 30 days after receiving the hearing examiner's report and the review by the governor shall be completed or be deemed completed within 15 days after receipt. Within 60 days after receipt of the hearing examiner's report, the commissioner shall decide whether to designate by order the river or segment thereof as a wild, scenic, or recreational river and, if so designated, shall adopt a management plan to govern the area. The commissioner shall notify and inform public agencies and private landowners of the plan and its purposes so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and its purposes.

Sec. 116. Minnesota Statutes 1980, Section 105.484, is amended to read:

105.484 [LAKE IMPROVEMENTS; GRANTS-IN-AID; PRIORITIES.]

The commissioner of natural resources with the assistance of the pollution control agency and the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall make an assessment of the need for particular kinds of lake improvements including improvements related to high or low water levels and any other resource management considerations, except pollution problems, and (TO) develop (BY APRIL 1, 1979,) criteria for allocating state aid funds among proposed projects. Provisions shall be included to insure that any federal program of aid to local lake improvement projects serves to reduce the local share of project costs rather than reducing only the state's share.

Sec. 117. Minnesota Statutes 1980, Section 105.485, Subdivision 3, is amended to read:

Subd. 3. [COMMISSIONER'S DUTIES.] (BEFORE APRIL 1, 1974,) The commissioner of natural resources shall (PROMULGATE) *adopt*, in the manner provided in chapter 15, model standards and criteria, other than a model ordinance, for the subdivision, use, and development of shoreland in municipalities, which standards and criteria shall include but not be limited to those listed below in regard to unincorporated areas. (BEFORE JULY 1, 1970,) The commissioner of natural resources shall (PROMULGATE) *adopt*, in the manner provided in chapter 15, model standards and criteria for the subdivision, use, and development of shoreland in unincorporated areas, including but not limited to the following: (a) The area of a lot and length of water frontage suitable for a building site; (b) the placement of structures in relation to shorelines and roads; (c) the placement and construction of sanitary and waste disposal facilities; (d) designation of types of land uses; (e) changes in bottom contours of adjacent public waters; (f) preservation of natural shorelands through the restriction of land uses; (g) variances from the minimum standards and criteria; and (h) a model ordinance. The following agencies shall provide (SUCH) information and advice (AS MAY BE) necessary to the preparation of the rules (AND REGULATIONS), or amendments thereto: The state departments of agriculture, (ECONOMIC DEVELOPMENT, AND) health, and *energy, planning and development*; (THE STATE PLANNING AGENCY;) the pollution control agency; the state soil and water conservation board; and the Minnesota historical society. In addition to other requirements of chapter 15, the model standards and ordinance (PROMULGATED) *adopted* pursuant to this section, or amendments thereto, shall not be filed with the secretary of state unless

approved by the state commissioner of health and the director of the pollution control agency.

Sec. 118. Minnesota Statutes 1980, Section 114A.03, Subdivision 1, is amended to read:

Subdivision 1. The southern Minnesota rivers basin board is (HEREBY) established to serve as the regional organization for guiding the creation and implementation of a comprehensive environmental conservation and development plan for the basin. All state departments and agencies (ARE HEREBY DIRECTED TO) shall cooperate with the board, and (TO) assist it in the performance of its duties. In cooperation with all federal agencies, including but not limited to the United States departments of agriculture and interior and the corps of engineers, all state agencies, departments, and commissions, including but not limited to the department of natural resources, Minnesota geological survey, water resources board, (STATE PLANNING AGENCY) *department of energy, planning and development*, department of transportation, state soil and water conservation board, pollution control agency, (DEPARTMENT OF ECONOMIC DEVELOPMENT,) department of agriculture, and the institute of agriculture of the University of Minnesota, and local governments and citizens within the basin, the board shall initiate, coordinate and prepare its overall comprehensive environmental conservation and development plan. The Minnesota soil and water conservation board and local soil and water conservation districts and watershed districts within the basin shall provide technical assistance to the board in the creation and implementation of the plan. Upon the request of the board, the governor or the legislature may require any other department or agency of the state to furnish assistance, technical or otherwise, to the board in the performance of its duties or in the exercise of its powers authorized by law. The plan may include, but is not limited to, planning for the following purposes:

- (1) Control or alleviation of damages by flood waters;
- (2) Improvement of stream channels for handling of surface waters, navigation, and any other public purposes;
- (3) Reclaiming or filling of wet and overflowed lands;
- (4) Regulating the flow of streams and conserving the waters thereof;
- (5) Diverting or changing watercourses in whole or in part;
- (6) Providing and maintaining water quality and supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use;

(7) Providing for sanitation and public health and regulating uses of streams, ditches, or watercourses for the purpose of disposing of waste and maintaining water quality;

(8) Repair, improvement, relocation, modification, consolidation or abandonment in whole or in part of previously established public drainage systems within the territory;

(9) Imposition of prevention or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;

(10) Regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise in order to preserve the same for beneficial use; (SUCH) *the* regulation (TO) *shall* be in accordance with state department of natural resource standards and criteria;

(11) Regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, and the lakes, marshes and streams of the basin; (SUCH) *the* regulation (TO) *shall* be in accordance with state department of natural resource standards and criteria.

Sec. 119. Minnesota Statutes 1980, Section 115A.07, Subdivision 1, is amended to read:

Subdivision 1. [INTERAGENCY COORDINATION.] The chairperson of the board shall inform the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* of the board's activities in accordance with section 4.191. The chairperson shall keep the agency informed of the board's activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency.

Sec. 120. Minnesota Statutes 1980, Section 115A.12, Subdivision 2, is amended to read:

Subd. 2. [TECHNICAL ADVISORY COUNCIL.] The chairperson of the board shall establish an interagency technical advisory council to advise the board and the chairperson on (SUCH) matters (AS) the board, through its chairperson, deems necessary. The members of the council shall be the commissioner of health; the commissioner of agriculture; the commissioner of natural resources; (THE COMMISSIONER OF ECONOMIC DEVELOPMENT;) the director of the pollution control agency; (THE DIRECTOR OF THE ENERGY AGENCY;) the (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development*; (AND SUCH) other heads of agency (AS) the chairperson of the board deems necessary; or their designees. The council shall meet at the call

of the chairperson of the board who shall serve as chairperson of the council. The members, collectively and individually shall advise the board and the chairperson on matters within their various areas of expertise and shall provide technical assistance and information as requested by the board through its chairperson.

Sec. 121. Minnesota Statutes 1980, Section 115A.15, Subdivision 5, is amended to read:

Subd. 5. [REPORTS.] By January 1 (, 1981, AND) of each odd-numbered year (THEREAFTER), the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1 (, 1980, AND) of each even-numbered year (THEREAFTER THE DIRECTORS OF THE ENERGY AGENCY AND) *director of the pollution control agency and the commissioner of energy, planning and development* shall submit recommendations to the commissioner regarding the operation of the program.

Sec. 122. Minnesota Statutes 1980, Section 116C.03, Subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members the (DIRECTOR OF THE STATE PLANNING AGENCY) *head of the planning division of the department of energy, planning and development*, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, (THE DIRECTOR OF THE MINNESOTA ENERGY AGENCY,) *and a representative of the governor's office designated by the governor (, THE CHAIRMAN OF THE CITIZENS ADVISORY COMMITTEE, AND THREE OTHER MEMBERS OF THE CITIZENS ADVISORY COMMITTEE AS DESIGNATED BY THE GOVERNOR. THE NAMES OF THE FOUR MEMBERS OF THE CITIZENS ADVISORY COMMITTEE DESIGNATED TO SERVE ON THE BOARD SHALL BE SUBMITTED TO THE SENATE FOR ITS ADVICE AND CONSENT). (UPON THE EXPIRATION OF THE CITIZENS ADVISORY COMMITTEE)* The governor shall appoint (FOUR) *five* members from the general public to the board, subject to the advice and consent of the senate.

Sec. 123. Minnesota Statutes 1980, Section 116C.03, Subdivision 3, is amended to read:

Subd. 3. The (DIRECTOR OF THE STATE PLANNING AGENCY) *head of the planning division of the department of energy, planning and development* shall be the chairman of the board.

Sec. 124. Minnesota Statutes 1980, Section 116C.03, Subdivision 4, is amended to read:

Subd. 4. The (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall employ staff or consultants who will be assigned to work for the board on a continuous basis. The board shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the board.

Sec. 125. Minnesota Statutes 1980, Section 116H.05, is amended to read:

#### 116H.05 [CONFLICT OF INTEREST.]

No person shall be eligible to continue in office as (DIRECTOR) *commissioner* unless he has within six months after being appointed divested himself of any interest except fully vested pension rights in any utility, coal or petroleum supplier, or manufacturer of any major component of a large energy facility doing business within or outside this state.

No person who is an employee of the (AGENCY) *department* shall participate in any manner in any decision or action of the (AGENCY) *commissioner* where he has a direct or indirect financial interest.

Sec. 126. Minnesota Statutes 1980, Section 116H.06, is amended to read:

#### 116H.06 [JURISDICTION.]

The (AGENCY) *commissioner* has sole authority and responsibility for the administration of sections 116H.01 to 116H.15. Other laws notwithstanding, the authority granted the (AGENCY) *commissioner* shall supersede the authority given any other agency whenever overlapping, duplication or additional administrative or legal procedures might occur in the administration of sections 116H.01 to 116H.15. The (DIRECTOR) *commissioner* shall consult with other state departments or agencies in matters related to energy and shall contract with them to provide appropriate services to effectuate the purposes of sections 116H.01 to 116H.15. Any other department, agency or official of this state or political subdivision thereof which would in any way affect the administration or enforcement of sections 116H.01 to 116H.15 shall cooperate and coordinate all (SUCH) activities with the (AGENCY) *commissioner* to assure orderly and efficient administration and enforcement of sections 116H.01 to 116H.15.

The (DIRECTOR) *commissioner* shall designate a liaison officer (FROM THE AGENCY) whose duty shall be to insure the maximum possible consistency in procedures and to eliminate duplication between the (AGENCY) *commissioner* and the other agencies that may be involved in energy. (THE COMMISSIONER OF ADMINISTRATION SHALL, IF AND TO THE EXTENT HE DEEMS IT EFFICIENT AND BENEFICIAL, TRANSFER TO THE AGENCY, PURSUANT TO SECTIONS 16.125 AND 16.135, THE FUNCTIONS, EMPLOYEES OR WORK OF ANY AGENCY OF THE STATE IF SUCH FUNCTIONS OR WORK RELATE TO OR IF SUCH EMPLOYEES ARE ENGAGED IN MATTERS WHICH FALL WITHIN THE JURISDICTION OF THE AGENCY PURSUANT TO SECTIONS 116H.01 TO 116H.15.)

Sec. 127. Minnesota Statutes 1980, Section 116H.07, is amended to read:

116H.07 [DUTIES.]

The (DIRECTOR) *commissioner* shall:

(a) Manage the (AGENCY) *department* as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

Sec. 128. Minnesota Statutes 1980, Section 116H.08, is amended to read:

116H.08 [POWERS.]

The (DIRECTOR) *commissioner* may:

(a) Adopt rules pursuant to chapter 15 as necessary to carry out the purposes of sections 116H.01 to 116H.15 and, when necessary for the purposes of section 116H.09, adopt temporary rules pursuant to section 15.0412, subdivision 5;

(b) Make all contracts pursuant to sections 116H.01 to 116H.15 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116H.01 to 116H.15. Notwithstanding any other law the (AGENCY) *commissioner* is designated the state (AGENCY) *agent* to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116H.01 to 116H.15.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the (AGENCY) *department* or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request.

Sec. 129. Minnesota Statutes 1980, Section 116H.085, is amended to read:

116H.085 [ENERGY CONSERVATION INFORMATION CENTER.]

The (DIRECTOR) *commissioner* shall establish an energy information center in the (AGENCY'S) *department's* offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and alternative sources of energy.

The energy information center shall serve as the official Minnesota alcohol fuels information center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The (AGENCY) *commissioner* shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

Sec. 130. Minnesota Statutes 1980, Section 116H.087, is amended to read:

116H.087 [ENERGY CONSERVATION PUBLICITY.]

The (DIRECTOR OF THE ENERGY AGENCY) *commissioner* in consultation with other affected agencies or departments shall develop informational materials, pamphlets and radio and television messages on energy conservation and housing programs available in Minnesota, renewable energy resources, and energy supply and demand. The printed materials shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation and renewable resource measures. Copies of printed materials shall be distributed to members of the appropriate standing committees of the legislature.

Sec. 131. Minnesota Statutes 1980, Section 116H.088, Subdivision 1, is amended to read:

Subdivision 1. The (DIRECTOR) *commissioner*, in consultation with the state board of education, the higher education coordinating board, the state board for community colleges, the state university board, and the board of regents of the University of Minnesota, shall develop a plan for adult and post-secondary energy education.

Sec. 132. Minnesota Statutes 1980, Section 116H.089, is amended to read:

116H.089 [COMMUNITY ENERGY PLANNING; GRANTS.]

Subdivision 1. [PURPOSE.] In order to improve the energy planning capabilities of local governments, the (ENERGY AGENCY) *commissioner* shall make grants to counties and cities, however organized. The (ENERGY AGENCY) *commissioner* when making grants shall give priority to those units of government that submit proposals that could result in significant savings of traditional energy sources, development of renewable energy systems, and broad community involvement. The (DIRECTOR) *commissioner* shall give priority to local units of government that provide staff or other support for a program and who request grants for programs which can be duplicated by other local governments. The grants may be used to purchase materials, employ staff or contract with other units of government or qualified consultants.

The (DIRECTOR) *commissioner* shall not make grants of more than 45 percent of the amount appropriated for those purposes to cities and counties located within the seven county metropolitan area. A single grant to a city or county shall not exceed \$50,000.

Subd. 2. [QUALIFYING EXPENDITURES.] Community energy planning grants may be used for the following purposes:

- (a) To gather, monitor, and analyze local energy supply, demand, and cost information;
- (b) To prepare comprehensive community energy plans;
- (c) To implement comprehensive energy plans that the unit of government is authorized to undertake for the management of problems resulting from: (1) rising energy cost; (2) lack of efficient public and private transportation; (3) lack of community conservation efforts; (4) lack of widespread renewable energy sources; and (5) lack of energy components in comprehensive plans and local ordinances;

(d) To assist neighborhood organizations in counties and cities to do energy planning by making grants to the local unit of government; and

(e) Any other purposes deemed appropriate by the (DIRECTOR OF THE ENERGY AGENCY) *commissioner*.

Subd. 3. [ADMINISTRATION.] The (ENERGY AGENCY) *commissioner* shall determine priorities pursuant to subdivisions 1 and 2, and shall promulgate rules for the submission and review of applications in accordance with the provisions of chapter 15. For this purpose the (ENERGY AGENCY) *commissioner* may adopt temporary rules pursuant to the provisions of section 15.0412, subdivision 5.

Sec. 133. Minnesota Statutes 1980, Section 116H.09, Subdivision 1, is amended to read:

Subdivision 1. (WITHIN NINE MONTHS AFTER MARCH 29, 1974.) The (DIRECTOR) *commissioner* shall (PREPARE AND ISSUE) *maintain* an emergency conservation and allocation plan (IN THE MANNER SET FORTH IN SUBDIVISION 2). (SUCH) *The* plan shall provide a variety of strategies and staged conservation measures to reduce energy use and in the event of an energy supply emergency, shall establish guidelines and criteria for allocation of fuels to priority users. The plan shall contain alternative conservation actions and allocation plans to reasonably meet various foreseeable shortage circumstances and allow a choice of appropriate responses. The plan shall be consistent with requirements of federal emergency energy conservation and allocation laws and regulations, shall be based on reasonable energy savings or transfers from scarce energy resources and shall:

(a) Give priority to individuals, institutions, agriculture and businesses which demonstrate they have engaged in energy-saving measures and shall include provisions to insure that:

(1) Immediate allocations to individuals, institutions, agriculture and businesses be based on needs at energy conservation levels;

(2) Successive allocations to individuals, institutions, agriculture and businesses be based on needs after implementation of required action to increase energy conservation;

(3) Needs of individuals and institutions are adjusted to insure the health and welfare of the young, old and infirm;

(b) Insure maintenance of reasonable job safety conditions and avoid environmental sacrifices;

(c) Establish programs, controls, standards, priorities or quotas for the allocation, conservation and consumption of energy resources; and for the suspension and modification of existing standards and the establishment of new standards affecting or affected by the use of energy resources, including those related to the type and composition of energy sources, and to the hours and days during which public buildings, commercial and industrial establishments, and other energy consuming facilities may or are required to remain open;

(d) Establish programs to control the use, sale or distribution of commodities, materials, goods or services;

(e) Establish regional programs and agreements for the purpose of coordinating the energy resources, programs and actions of the state with those of the federal government, of local governments, and of other states and localities; and

(f) Determine at what level of an energy supply emergency situation the pollution control agency shall be requested to ask the governor to petition the president for a temporary emergency suspension of air quality standards as required by the Clean Air Act, 42 U.S.C., Section 7410f;

(g) Establish procedures for fair and equitable review of complaints and requests for special exemptions regarding emergency conservation measures or allocations.

Sec. 134. Minnesota Statutes 1980, Section 116H.09, Subdivision 4, is amended to read:

Subd. 4. At least once every five years and whenever construction of a new large energy facility is completed which affects the supply of energy in Minnesota, the (DIRECTOR) *commissioner* shall review and if necessary revise the emergency conservation and allocation plan. Revisions of the emergency conservation and allocation plan shall be (PROMULGATED) *adopted* pursuant to the rulemaking procedures in chapter 15 and reviewed by the appropriate standing committees of the legislature. The (DIRECTOR) *commissioner* may also make revisions to the plan pursuant to section 15.0412, subdivision 5, and the temporary rules powers of section 116H.08, clause (a), when a declared or impending energy supply emergency requires.

Sec. 135. Minnesota Statutes 1980, Section 116H.09, Subdivision 5, is amended to read:

Subd. 5. The executive council or the legislature may declare an energy supply emergency when an acute shortage of energy exists by issuing a declaration which indicates the nature of the emergency, the area or areas threatened if less than the whole state is threatened, and the conditions causing the emergency.

The declaration shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be promptly filed with the (ENERGY AGENCY) *commissioner*, the division of emergency services and the secretary of state. Upon a declaration of an energy supply emergency by the executive council or the legislature, the governor and the division of emergency services, in consultation with the (DIRECTOR) *commissioner*, shall implement and enforce the emergency conservation and allocation plan or any part thereof. Revisions of the plan shall be made by the (DIRECTOR) *commissioner* in accordance with subdivision 4. The executive council or the legislature may terminate an energy supply emergency at any time by issuing a declaration which terminates the energy supply emergency and indicates the conditions which make possible termination of the emergency, but no energy supply emergency may continue for longer than 30 days unless renewed by the legislature. Each renewed energy supply emergency may not continue for longer than 30 days, unless otherwise provided by law. Each person shall carry out the responsibilities specified in the emergency conservation allocation plan, and violation of any provision of such emergency conservation or allocation requirements shall be deemed a violation of section 116H.01 to 116H.15 and the rules promulgated thereunder for purposes of enforcement pursuant to section 116H.15.

Sec. 136. [116H.095] [STATE SET-ASIDE PROGRAM.]

*Subdivision 1. [PURPOSE.] The purpose of this section is to grant to the commissioner authority to exercise specific power to deal with shortages of refined petroleum products. Authority granted shall be exercised for the purpose of minimizing the adverse impacts of shortages and dislocations upon the citizens and the economy of the state and nation.*

*Subd. 2. [ESTABLISHMENT.] The commissioner shall establish and is responsible for a state set-aside system for motor gasoline and middle distillates to provide emergency petroleum requirements and thereby relieve the hardship caused by shortage, supply dislocations, or other emergencies. The commissioner, for purposes of administration, may exercise all of the powers granted by chapter 116H.*

*Subd. 3. [DEFINITIONS.] As used in this section:*

*(a) "Middle distillates" means distillates obtained between kerosene and lubricating oil fractions in the refining process, including but not limited to, kerosene, number one and number two heating oil and diesel fuel;*

*(b) "Motor gasoline" means a liquid mixture of hydrocarbons produced by the distillation of petroleum and used chiefly as a fuel in internal combustion engines;*

(c) "Prime supplier" means the producer or supplier now or hereafter making the first sale of middle distillates or motor gasoline subject to the state set-aside for consumption within the state;

(d) "State set-aside" means the amount of middle distillates or motor gasoline required to be made available by a prime supplier for utilization by the commissioner to resolve or mitigate emergencies or hardships due to shortages of supply.

Subd. 4. [SET-ASIDE REQUIRED.] Every prime supplier shall allocate for sale or exchange monthly upon order of the commissioner a volume of gasoline and middle distillate not exceeding the monthly set-aside amount. The amount of gasoline subject to monthly set-aside shall be an amount equal to three percent of the prime supplier's sales of gasoline during the corresponding month of 1980. The amount of middle distillate subject to monthly set-aside shall be an amount equal to four percent of the prime supplier's sales of middle distillate during the corresponding months of 1980.

Subd. 5. [REPORT OF ESTIMATED VOLUME.] Every prime supplier who did not do business in the state during the corresponding month of 1980 shall file with the commissioner a report of its estimated volume of gasoline and middle distillate sale. The report shall be in a form prescribed by the commissioner and shall be submitted by the 25th day of the month preceding the month covered by the report. Each prime supplier subject to this subdivision shall allocate monthly for sale or exchange upon order of the commissioner three percent of estimated gasoline supplies and four percent of estimated middle distillate supplies as shown by the report.

Subd. 6. [PRIME SUPPLIER OBLIGATIONS.] Each prime supplier shall designate a representative to act for and on behalf of the prime supplier in respect to energy agency state set-aside orders to be issued to the prime supplier. A prime supplier shall provide the amount of allocated product stated in the energy state set-aside order.

Subd. 7. [RULES.] The commissioner shall adopt rules, including temporary rules pursuant to section 15.0412, Subdivision 5, to govern the administration of the set-aside system. Rules shall cover matters such as the form and procedure for applications for set-aside allocations by dealers of bulk purchasers, reports on available gasoline and middle distillate supplies, orders and procedure for set-aside allocation and distribution and other rules deemed necessary or desirable in the implementation and administration of the set-aside system, including monthly reports of anticipated deliveries and actual sales of gasoline, middle distillates, propane, aviation fuels, and residual oils.

Subd. 8. [CRITERIA.] *The commissioner may allocate gasoline and middle distillates from the set-aside system in accordance with the criteria in section 116H.09 and rules adopted pursuant thereto. The commissioner may prescribe additional priorities by rule.*

Sec. 137. Minnesota Statutes 1980, Section 116H.10, is amended to read:

116H.10 [FORECASTS, STATISTICS AND INFORMATION.]

Subdivision 1. In order to further the purposes of sections 116H.01 to 116H.15, the (DIRECTOR) *commissioner* shall develop and maintain an effective program of collection, compilation, and analysis of energy statistics. The statistical program shall be developed to insure a central state repository of energy data and so that the state may coordinate and cooperate with other governmental data collection and record keeping programs.

Subd. 2. In addition to supplying (SUCH) *the* current statistical and short range forecasting information (AS) the (DIRECTOR MAY REQUIRE) *commissioner requires*, each utility, coal supplier, petroleum supplier and large energy facility in the state shall prepare and transmit to the (DIRECTOR) *commissioner* by July 1 (, 1975, AND EVERY YEAR THEREAFTER) *of each year*, a report specifying in five, ten, and 15 year forecasts the projected demand for energy within their respective service areas and the facilities necessary to meet the demand.

The report shall be in a form specified by the (DIRECTOR) *commissioner* and contain all information deemed relevant by the (DIRECTOR) *commissioner*.

Subd. 3. The (DIRECTOR) *commissioner* shall, to the maximum extent feasible, provide that forecasts required under this section be consistent with material required by other state and federal agencies in order to prevent unnecessary duplication.

Subd. 4. Reports issued pursuant to this section shall be available for public inspection in the office of the (AGENCY) *department* during normal business hours.

Subd. 5. The (DIRECTOR) *commissioner* shall review and evaluate forecasts of energy demands and resources as they relate to the most current population growth and development estimates, statewide and regional land use, transportation, and economic development programs and forecasts.

Sec. 138. Minnesota Statutes 1980, Section 116H.11, is amended to read:

**116H.11 [STATE ENERGY POLICY AND CONSERVATION REPORT.]**

Subdivision 1. (BEGINNING) *By* January 1 (, 1976, AND AT LEAST EVERY TWO YEARS THEREAFTER) *of each even-numbered year*, the (DIRECTOR) *commissioner* shall transmit to the governor and the legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, conservation, public health and safety factors, and to specify the level of statewide and geographical area energy need. The report shall include, but not be limited to, all of the following:

(a) A final report on the accuracy and acceptability of the energy forecasts received under section 116H.10 and the alternatives to meeting that demand;

(b) An estimate of statewide and geographical area energy need for the forthcoming five and ten year period which, in the judgment of the (DIRECTOR) *commissioner*, will reasonably balance requirements of state and geographical area growth and development, protection of public health and safety, preservation of environmental quality, and conservation of energy resources;

(c) The anticipated level of statewide and geographical area energy demand for 20 years, which shall serve as the basis for long range action;

(d) The identification of potential adverse social, economic, or environmental effects caused by a continuation of the present energy demand trends;

(e) An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels;

(f) The estimated reduction in annual energy consumption resulting from various energy conservation measures;

(g) The cost of energy to residential and rental consumers in relation to their socio-economic status;

(h) An assessment of the economic and employment implications of proposed state energy policies;

(i) The status of the department's ongoing studies;

(j) Recommendations to the governor and the legislature for administrative and legislative actions to accomplish the purposes of sections 116H.01 to 116H.15.

Subd. 2. Prior to the preparation of a final report, the (DIRECTOR) *commissioner* shall issue a draft report to the environmental quality board and any person, upon request, and shall hold a public meeting. Notice of the public meeting shall be provided to each regional development commission.

Subd. 3. The (DIRECTOR) *commissioner* shall distribute the final report to any person upon request.

Sec. 139. Minnesota Statutes 1980, Section 116H.12, Subdivision 1, is amended to read:

Subdivision 1. After consultation with the (DIRECTOR) *commissioner* and the commissioner of public safety, the commissioner of transportation shall, pursuant to chapter 15, promulgate regulations establishing maximum energy use standards for street, highway and parking lot lighting. (SUCH) *The* standards shall be consistent with overall protection of the public health, safety and welfare. No new highway, street or parking lot lighting shall be installed in violation of these regulations and existing lighting levels shall be reduced consistent with the regulations as soon as feasible and practical, consistent with overall energy conservation.

Sec. 140. Minnesota Statutes 1980, Section 116H.12, Subdivision 1b, is amended to read:

Subd. 1b. The (DIRECTOR) *commissioner* shall (PROMULGATE) *adopt* rules, pursuant to chapter 15, (BY JULY 1, 1979,) setting standards covering permissible hours of operation, quantity and efficiency of outdoor display lighting and defining "outdoor display lighting".

Sec. 141. Minnesota Statutes 1980, Section 116H.12, Subdivision 2, is amended to read:

Subd. 2. The (DIRECTOR) *commissioner* may investigate promotional practices by energy suppliers and, pursuant to chapter 15, may promulgate regulations to limit such practices in order to reduce the rate of growth of energy demand.

Sec. 142. Minnesota Statutes 1980, Section 116H.12, Subdivision 4, is amended to read:

Subd. 4. In recognition of the compelling need for energy conservation in order to safeguard the public health, safety and welfare, it is necessary to provide building design and construction standards consistent with the most efficient use of energy. Therefore, the commissioner of administration, in consultation with the (DIRECTOR) *commissioner*, shall, (NO LATER THAN AUGUST 1, 1975, AND) pursuant to chapter 15, (PROMUL-

GATE) *adopt rules governing building design and construction standards regarding heat loss control, illumination and climate control. (SUCH STANDARDS) The rules shall apply to all new buildings and remodeling affecting heat loss control, illumination and climate control. (SUCH STANDARDS) The rules shall be economically feasible in that the resultant savings in energy procurement shall exceed the cost of the energy conserving requirements amortized over the life of the building. The (STANDARDS) rules shall become part of the state building code and be effective six months after promulgation.*

Sec. 143. Minnesota Statutes 1980, Section 116H.12, Subdivision 5, is amended to read:

Subd. 5. The (DIRECTOR) *commissioner shall conduct studies and make recommendations concerning the purchase and use by the state and its political subdivisions of supplies, motor vehicles and equipment having a significant impact on energy use in order to determine the potential for energy conservation. The (DIRECTOR) commissioner may (PROMULGATE) adopt rules pursuant to chapter 15 to insure that energy use and conservation will be considered in state purchasing and, where appropriate, to require certain minimum energy efficiency standards in purchased products and equipment. No state purchasing of equipment or material use shall occur that is not in conformity with these regulations.*

Sec. 144. Minnesota Statutes 1980, Section 116H.12, Subdivision 6, is amended to read:

Subd. 6. In consultation with the (DIRECTOR) *commissioner, the commissioner of transportation shall begin an efficiency study of the present traffic flow system within the state. The study shall consider the feasibility of a computer-coordinated traffic system and other measures for increasing the efficiency of present traffic loads.*

Sec. 145. Minnesota Statutes 1980, Section 116H.12, Subdivision 9, is amended to read:

Subd. 9. In conjunction with the motor vehicle services division, the (DIRECTOR) *commissioner shall study the feasibility of modifying motor vehicle license fees to reflect energy consumption.*

Sec. 146. Minnesota Statutes 1980, Section 116H.121, Subdivision 1, is amended to read:

Subdivision 1. (BEFORE FEBRUARY 1, 1977, THE COMMISSIONER OF ADMINISTRATION IN CONSULTATION WITH THE DIRECTOR, SHALL AMEND) The rules concern-

ing heat loss, illumination, and climate control standards (PROMULGATED) adopted pursuant to section 116H.12, subdivision 4, (TO) shall include standards for all existing buildings heated by oil, coal, gas, or electric units which are owned by the state, the university of Minnesota, any city, any county, or any school district. Compliance with standards adopted pursuant to this section shall not be mandatory for buildings owned by any city, county or school district, except as otherwise provided by this section.

Sec. 147. Minnesota Statutes 1980, Section 116H.121, Subdivision 2, is amended to read:

Subd. 2. (EFFECTIVE JANUARY 1, 1978,) The illumination standards promulgated pursuant to subdivision 1, (SHALL BE) are mandatory for all public buildings where economically feasible. For the purposes of this subdivision, "public building" means any building which is open to the public during normal business hours and which exceeds 5,000 square feet in gross floor area. The (DIRECTOR) commissioner shall specify the formula for determining economic feasibility (AND SHALL TAKE APPROPRIATE MEASURES PRIOR TO JANUARY 1, 1978 TO INFORM BUILDING OWNERS AND MANAGERS OF THE REQUIREMENTS OF THIS SUBDIVISION AND TO ASSIST THEM IN COMPLYING WITH IT).

Sec. 148. Minnesota Statutes 1980, Section 116H.122, is amended to read:

116H.122 [ENERGY CONSERVATION IN STATE OWNED BUILDINGS.]

By June 30, 1982, the commissioner of administration, in cooperation with the (DIRECTOR) commissioner, shall complete a mini-audit or maxi-audit of all buildings which are heated and owned by the state of Minnesota, including buildings and associated facilities of the state university system, the state fairgrounds as defined in section 37.01, the Minnesota historical society building, and all buildings under the administration or supervision of the commissioners of natural resources, corrections, welfare, and transportation. The commissioner of administration shall determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The commissioner of administration shall estimate the annual potential savings in units of fuel and fuel procurement costs which would be realized for each state owned building if its operating procedures were modified and it were improved to comply with each of the energy conservation standards promulgated pursuant to section 116H.121. If (FUNDS) appropriations are inadequate to complete a mini-audit or maxi-audit of all state owned buildings, the commissioner of administration shall give

priority to buildings of 25,000 or more square feet. If the commissioner of administration determines that a modification is economically feasible, in that savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building, he shall recommend implementation of the modification to the legislature. The commissioner of administration shall submit to the legislature an annual progress report on January 1 of each year and a final progress report by December 31, 1982, indicating the number and percentage of state owned buildings surveyed, the estimated costs of implementing the economically feasible modifications, the energy savings and costs resulting from implementing such modifications, and his findings, recommendations, and priorities for implementing economically feasible modifications.

Sec. 149. Minnesota Statutes 1980, Section 116H.123, is amended to read:

**116H.123 [ENERGY CONSERVATION IN UNIVERSITY BUILDINGS.]**

By June 30, 1982, the University of Minnesota after consultation with the (DIRECTOR) commissioner, shall complete a mini-audit or a maxi-audit of all buildings and associated facilities of the University of Minnesota which are heated. The university shall determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The university shall estimate the annual potential savings in units of fuel and fuel procurement costs for existing heating and cooling systems, which savings would be realized for each university owned building if its operating procedures were modified and it were improved to comply with each of the energy conservation standards promulgated pursuant to section 116H.121. If (FUNDS) appropriations are inadequate to complete a mini-audit or maxi-audit of all university owned buildings, the university shall give priority to buildings of 25,000 or more square feet. If the university determines that a modification is economically feasible, in that estimated savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building, it shall implement the modification in a manner designed to maximize the reduction in costs resulting from the modification. The university shall submit to the legislature an annual progress report on January 1 of each year and a final report by December 31, 1982, indicating the number and percentage of university owned buildings surveyed, the estimated costs of implementing the economically feasible modifications, the energy savings and costs resulting from implementing such modifications, and its preliminary findings, recommendations, and priorities for implementing economically feasible modifications.

Sec. 150. Minnesota Statutes 1980, Section 116H.124, is amended to read:

116H.124 [LOCAL GOVERNMENTAL SURVEYS AND FUEL COST ESTIMATES.]

(SUBDIVISION 1. [BUILDING ENERGY REPORT.] THE GOVERNING BODY OF EACH CITY AND COUNTY SHALL COMPLETE A BUILDING ENERGY REPORT FOR ALL EXISTING CITY OWNED OR COUNTY OWNED BUILDINGS WITHIN THEIR RESPECTIVE JURISDICTIONS WHICH ARE HEATED. THE BUILDING ENERGY REPORT SHALL BE RECORDED ON A FORM FURNISHED BY THE DIRECTOR. EACH GOVERNING BODY SHALL FILE THE BUILDING ENERGY REPORT WITH THE DIRECTOR BY DECEMBER 31, 1979, FOR HIS REVIEW AND ANALYSIS.)

Subd. 2. [MINI-AUDITS AND MAXI-AUDITS.] On or before June 30, 1980, based upon analysis of the building energy reports, the (DIRECTOR) *commissioner* shall indicate to the governing body of each city and county those buildings upon which a mini-audit, a maxi-audit, or both, shall be performed. The audit results shall be recorded on a form furnished by the (DIRECTOR) *commissioner*, and filed with the (DIRECTOR) *commissioner* by December 31, 1982.

Subd. 3. [APPEAL FROM DECISION OF (DIRECTOR) COMMISSIONER.] The governing body of any city or county may appeal the decision of the (DIRECTOR) *commissioner* pursuant to subdivision 2 by submitting in writing to the (DIRECTOR) *commissioner* the reasons for the appeal. No appeal may be considered by the (DIRECTOR) *commissioner* if received later than three months after notification to the city or county that a mini-audit or maxi-audit shall be performed. The (DIRECTOR) *commissioner* shall review all appeals and respond to the governing body within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.

Subd. 4. [CERTIFICATION OF AUDITORS.] The (DIRECTOR) *commissioner* may certify persons to perform mini-audits and maxi-audits, and to complete the building energy reports.

Subd. 5. [ACCEPTANCE OF EQUIVALENT ENERGY SURVEY.] The [DIRECTOR] *commissioner* may accept the results of an equivalent energy survey in place of the building energy report or audits required under this section.

Sec. 151. Minnesota Statutes 1980, Section 116H.126, is amended to read:

116H.126 [PUBLIC SCHOOL BUILDING ENERGY REPORTS AND AUDITS.]

(SUBDIVISION 1. [BUILDING ENERGY REPORT.] EACH SCHOOL DISTRICT SHALL COMPLETE A BUILDING ENERGY REPORT FOR ALL EXISTING PUBLIC SCHOOL BUILDINGS WHICH IT OWNS OR OPERATES AND WHICH ARE HEATED. THE BUILDING ENERGY REPORT SHALL BE RECORDED ON A FORM FURNISHED BY THE DIRECTOR. EACH SCHOOL DISTRICT SHALL FILE THE BUILDING ENERGY REPORTS WITH THE DIRECTOR BY DECEMBER 31, 1979, FOR HIS REVIEW AND ANALYSIS.)

Subd. 2. [MINI-AUDITS AND MAXI-AUDITS.] On or before July 1, 1980, based upon the analysis of the building energy reports, the (DIRECTOR) *commissioner* shall indicate to each school district those buildings upon which a mini-audit, maxi-audit, or both, shall be performed. The audit results shall be recorded on a form furnished by the (DIRECTOR) *commissioner* and filed with the (DIRECTOR) *commissioner* by December 31, 1982.

Subd. 3. [APPEAL FROM DECISION OF (DIRECTOR) COMMISSIONER.] Any school district may appeal the decision of the (DIRECTOR) *commissioner* pursuant to subdivision 2 by submitting in writing to the (DIRECTOR) *commissioner* the reasons for the appeal. No appeal may be considered by the (DIRECTOR) *commissioner* if received later than three months after notification to the school district that a mini-audit or maxi-audit shall be performed. The (DIRECTOR) *commissioner* shall review all appeals and respond to the school district within one month of receipt of the appeal indicating whether the appeal is granted in full, granted in part, or denied.

Subd. 4. [CERTIFICATION OF AUDITORS.] The (DIRECTOR) *commissioner* may certify persons to perform mini-audits and maxi-audits, and to complete the building energy reports.

Subd. 5. [ACCEPTANCE OF EQUIVALENT ENERGY SURVEYS.] The (DIRECTOR) *commissioner* may accept the results of an equivalent energy survey in place of the building energy report and audits required under this section.

Subd. 6. [SCHOOL DISTRICTS INTENDING TO CLOSE PUBLIC SCHOOL BUILDINGS.] A school district intending to permanently close or otherwise discontinue use of any existing public school building by January 1, 1985, shall not be required to comply with this section as to those buildings, if a certification of intent to close the building is filed with the (DIRECTOR) *commissioner*.

(SUBD. 7. [STUDY OF CAPABILITY OF ENERGY MANAGEMENT PERSONNEL.] THE DIRECTOR SHALL CONDUCT A STUDY OF THE CAPABILITIES AND LEVEL OF TRAINING OF SCHOOL DISTRICT ENERGY MANAGEMENT PERSONNEL. THE REPORT SHALL INCLUDE RECOMMENDATIONS AND SHALL BE SUBMITTED TO THE LEGISLATURE BY JANUARY 1, 1980.)

Sec. 152. Minnesota Statutes 1980, Section 116H.127, is amended to read:

116H.127 [SOLAR ENERGY SYSTEM STANDARDS OF PERFORMANCE.]

The (BUILDING CODE DIVISION OF THE DEPARTMENT) *commissioner* of administration in consultation with the (AGENCY) *commissioner* shall (PROMULGATE) *adopt* rules (BY DECEMBER 31, 1976,) concerning quality and performance standards which are in reasonable conformance with the Interim Performance Criteria for Solar Heating and Combined Heating/Cooling Systems and Dwellings, National Bureau of Standards, January 1, 1975; and the Interim Performance Criteria for Commercial Solar Heating and Combined Heating/Cooling Systems and Facilities, National Aeronautics and Space Administration, February 28, 1975, to insure that within the existing state of development, solar energy systems as defined in section 116H.02, subdivision 11, which are sold or installed within this state, are effective and represent a high standard of quality of material, workmanship, design, and performance. The (DEPARTMENT) *commissioner* of administration in consultation with the energy (AGENCY) *commissioner* shall (MODIFY EXISTING STANDARDS AND PROMULGATE NEW STANDARDS SUBSEQUENT TO DECEMBER 31, 1976,) *amend the rules* as new technology and materials become available, or as standards are revised by the federal government.

Manufacturers or retailers of solar energy systems shall disclose to each bona fide potential purchaser of a system the extent to which the system meets or exceeds each quality standard.

Sec. 153. Minnesota Statutes 1980, Section 116H.128, is amended to read:

116H.128 [REVIEW OF ENERGY RESEARCH AND DEMONSTRATION PROJECTS.]

The (DIRECTOR) *commissioner* shall continuously identify, monitor, and evaluate in terms of potential direct benefit to, and possible implementation in Minnesota, research studies and demonstration projects of alternative energy systems and methodologies currently performed in Minnesota and other states and countries including:

- (a) Solar energy systems for heating and cooling;

(b) Energy systems using wind, agricultural wastes, forestry products, peat, and other nonconventional energy resources;

(c) Devices and technologies increasing the energy efficiency of energy consuming appliances, equipment, and systems;

(d) Hydroelectric power; and

(e) (SUCH) Other projects (AS) the (DIRECTOR) *commissioner* deems appropriate and of direct benefit to Minnesota and other states of the upper midwest.

Sec. 154. Minnesota Statutes 1980, Section 116H.129, Subdivision 1, is amended to read:

Subdivision 1. (BEFORE JANUARY 1, 1979,) The commissioner of administration, in consultation with the (DIRECTOR) *commissioner* and the appropriate standing committees of the legislature, shall (PROMULGATE) *adopt rules containing* minimum energy efficiency standards for existing residences. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current and projected average residential energy costs in Minnesota as certified by the (DIRECTOR) *commissioner* in the state register, will exceed the cost of the energy conserving requirements amortized over the five-year period subsequent to the incurring of (SUCH) *the* cost. The costs computed under this section shall include reasonable inflation and interest factors. (NOT LATER THAN JANUARY 1, 1981, THE COMMISSION SHALL AMEND) The rules (TO) *shall* require that energy conserving requirements shall be amortized over a ten year period.

Sec. 155. Minnesota Statutes 1980, Section 116H.129, Subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS.] The (ENERGY AGENCY) *commissioner* shall conduct inspections on a random basis for compliance with the provisions of subdivision 3.

Sec. 156. Minnesota Statutes 1980, Section 116H.129, Subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL ENERGY DISCLOSURE PROGRAM.] (BY MAY 1, 1980,) The commissioner of administration, in consultation with the (DIRECTOR OF THE ENERGY AGENCY) *commissioner* and the appropriate standing committees of the legislature, shall (PROMULGATE) *adopt* rules providing for residential energy disclosure requirements and shall approve forms for the purposes of this subdivision. The rules and forms shall provide only for the disclosure of structural characteristics, energy use characteristics relating to en-

ergy consumption and conservation, and the extent of compliance with standards adopted pursuant to subdivision 1. Nothing in the forms shall indicate or be deemed to indicate that the residence meets all state building code specifications.

Sec. 157. Minnesota Statutes 1980, Section 116H.129, Subdivision 6, is amended to read:

Subd. 6. [BUILDING EVALUATORS.] (BY AUGUST 1, 1980,) The commissioner of administration shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy disclosure requirements. The commissioner of administration shall, by rule pursuant to chapter 15, establish standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner of *administration* shall encourage the certification of existing groups of trained municipal personnel and individuals from public service organizations. (EFFECTIVE AUGUST 1, 1980,) Each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements. The inspection shall be made within 30 days of the request.

Sec. 158. Minnesota Statutes 1980, Section 116H.129, Subdivision 8, is amended to read:

Subd. 8. (BEFORE JANUARY 1, 1978, THE COMMISSIONER OF ADMINISTRATION, IN CONSULTATION WITH THE DIRECTOR, SHALL BY RULE AMEND) The standards concerning heat loss, illumination, and climate control (PROMULGATED) *adopted* pursuant to section 116H.12, subdivision 4, (TO) *shall* require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities, shall be exempt from the provisions of this subdivision.

Sec. 159. Minnesota Statutes 1980, Section 116H.13, is amended to read:

#### 116H.13 [CERTIFICATE OF NEED.]

Subdivision 1. The (DIRECTOR) *commissioner* shall, pursuant to chapter 15 and sections 116H.01 to 116H.15, (PROMULGATE) *adopt* assessment of need criteria to be used in the deter-

mination of need for large energy facilities pursuant to this section.

Subd. 2. (ON AND AFTER THE EFFECTIVE DATE OF THE ASSESSMENT OF NEED CRITERIA ADOPTED PURSUANT TO SUBDIVISION 1,) No large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the (DIRECTOR) *commissioner* pursuant to sections 116H.01 to 116H.15 and consistent with the criteria for assessment of need.

Subd. 3. No proposed large energy facility shall be certified for construction unless the applicant has justified its need. In assessing need, the (DIRECTOR) *commissioner* shall evaluate:

(1) The accuracy of the long range energy demand forecasts on which the necessity for the facility is based;

(2) The effect of existing or possible energy conservation programs under sections 116H.01 to 116H.15 or other federal or state legislation on long term energy demand;

(3) The relationship of the proposed facility to overall state energy needs, (SUCH) as (ARE) described in the most recent state energy policy and conservation report prepared pursuant to section 116H.11;

(4) Promotional activities which may have given rise to the demand for this facility;

(5) Socially beneficial uses of the output of this facility, including its uses to protect or enhance environmental quality;

(6) The effects of the facility in inducing future development;

(7) Possible alternatives for satisfying the energy demand including but not limited to potential for increased efficiency of existing energy generation facilities;

(8) The policies, rules and regulations of other state and federal agencies and local governments; and

(9) Any feasible combination of energy conservation improvements, required by the public utilities commission pursuant to section 216B.241, that can ((1)) (a) replace part or all of the energy to be provided by the proposed facility, and ((2)) (b) compete with it economically.

Subd. 4. (AFTER PROMULGATION OF THE CRITERIA FOR ASSESSMENT OF NEED,) Any person proposing to

construct a large energy facility shall apply for a certificate of need prior to construction of the facility. The application shall be on forms and in a manner established by the (DIRECTOR) *commissioner*. In reviewing each application the (DIRECTOR) *commissioner* shall hold at least one public hearing pursuant to chapter 15. The public hearing shall be held at a location and hour reasonably calculated to be convenient for the public. An objective of the public hearing shall be to obtain public opinion on the necessity of granting a certificate of need. The (DIRECTOR) *commissioner* shall designate (AN ENERGY AGENCY) a *department* employee whose duty shall be to facilitate citizen participation in the hearing process.

Subd. 5. Within six months of the submission of an application, the (DIRECTOR) *commissioner* shall approve or deny a certificate of need for the facility. (SUCH) Approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the (DIRECTOR) *commissioner*.

Subd. 6. Any application for a certificate of need shall be accompanied by the fee required pursuant to this subdivision. The maximum fee shall be \$50,000, except for an application for an electric power generating plant as defined in section 116H.02, subdivision 5, clause (a) or a high voltage transmission line as defined in section 116H.02, subdivision 5, clause (b), for which the maximum fee shall be \$100,000. The (DIRECTOR) *commissioner* may require an additional fee to recover the costs of any rehearing. The fee for a rehearing shall not be greater than the actual costs of the rehearing or the maximum fee specified above, whichever is less. The (DIRECTOR) *commissioner* shall establish by rule pursuant to chapter 15 and sections 116H.01 to 116H.15, a schedule of fees based on the output or capacity of the facility and the difficulty of assessment of need. (FUNDS) *Money* collected in this manner shall be credited to the general fund of the state treasury.

Subd. 7. Other state agencies authorized to issue permits for siting, construction or operation of large energy facilities, and those state agencies authorized to participate in matters before the Minnesota public utilities commission involving utility rates and adequacy of utility services, shall present their position regarding need and participate in the public hearing process prior to the issuance or denial of a certificate of need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative of the (DIRECTOR) *commissioner* and said determinations and certificates shall be binding upon other state departments and agencies, regional, county and local governments and special purpose government districts except as provided in sections 116C.01 to 116C.08 and 116D.04, subdivision 9.

Subd. 8. This section shall not apply in any case where the (DIRECTOR) *commissioner* shall determine after being advised

by the attorney general that its application has been preempted by federal law.

Sec. 160. Minnesota Statutes 1980, Section 116H.14, is amended to read:

**116H.14 [SUBPOENA POWER.]**

The (DIRECTOR) *commissioner* shall have the power, for the purposes of sections 116H.01 to 116H.15, to issue subpoenas for production of books, records, correspondence and other information and to require attendance of witnesses. (SUCH) *The* subpoenas may be served anywhere in the state by any person authorized to serve processes of courts of record. If a person does not comply with a subpoena, the (DIRECTOR) *commissioner* may apply to the district court of Ramsey county and the court shall compel obedience to the subpoena by a proper order. A person failing to obey the order is punishable by the court as for contempt.

Sec. 161. Minnesota Statutes 1980, Section 116H.15, Subdivision 2, is amended to read:

Subd. 2. The provisions of sections 116H.01 to 116H.15, 325F.20, and 325F.21, or any rules or regulations promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the (DIRECTOR) *commissioner*, and the existence of an adequate remedy at law shall not be a defense to an action brought under this subdivision.

Sec. 162. Minnesota Statutes 1980, Section 116H.17, is amended to read:

**116H.17 [ENERGY AUDITS.]**

The (DIRECTOR OF THE ENERGY AGENCY) *commissioner*, in cooperation with the director of consumer services, shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, Section 8211 et seq. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the (ENERGY AGENCY) *commissioner*.

Sec. 163. Minnesota Statutes 1980, Section 116H.18, is amended to read:

**116H.18 [ENERGY EFFICIENT BUILDING EDUCATION.]**

The (ENERGY AGENCY) *commissioner* shall develop a program to provide information and training to contractors, engineers and architects on techniques and standards for the design and construction of buildings which maximize energy efficiency. The program may include the production of printed materials and the development of training courses.

Sec. 164. Minnesota Statutes 1980, Section 116H.19, Subdivision 1, is amended to read:

Subdivision 1. The (DIRECTOR OF THE ENERGY AGENCY) *commissioner*, in consultation with the commissioner of agriculture, (AND THE COMMISSIONER OF ECONOMIC DEVELOPMENT,) shall (PREPARE A PLAN FOR THE CREATION AND ORGANIZATION OF) *organize* a Minnesota biomass center (, TO BE DELIVERED TO THE LEGISLATURE BY JANUARY 1, 1981).

The center shall be the focus of biomass energy activities for the state. To the maximum extent possible, the center shall coordinate its activities and the use of its staff and facilities with those of other entities involved in biomass energy projects.

Sec. 165. Minnesota Statutes 1980, Section 116H.23, is amended to read:

#### 116H.23 [PRIORITIES FOR FUNDING.]

All applications for funding shall be made to the (DIRECTOR OF THE MINNESOTA ENERGY AGENCY) *commissioner*. Applications shall be accompanied by a report on the energy using characteristics of the building and any other information the (DIRECTOR) *commissioner* may reasonably require. A school or local government may apply to the (DIRECTOR) *commissioner* to receive reimbursement for up to the reasonable costs of mini-audits or maxi-audits performed pursuant to section 116H.124 or 116H.126. (NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, SCHOOLS AND LOCAL GOVERNMENTS WHICH SUBMIT THEIR MAXI-AUDITS OR MINI-AUDITS TO THE DIRECTOR PRIOR TO OR ON DECEMBER 31, 1980 MAY USE THE STATE FUNDS RECEIVED TO PAY PART OF OR ALL OF THE REASONABLE COSTS OF ENERGY CONSERVATION MEASURES.) In the event that the applicant receives federal (FUNDS) *money* pursuant to the National Energy Conservation Policy Act, P.L. 95-619 (, WHICH FUNDS ARE) *that is* intended to be used to pay part or all of the costs of a mini-audit or maxi-audit, the applicant shall receive state (FUNDS) *money*, which, when combined with federal (FUNDS) *money* received, (EQUAL) *equals* the reasonable costs of the mini-audit or maxi-audit. (THE DIRECTOR SHALL NOT PRIOR TO DECEMBER 31, 1980, ORDER MAXI-AUDITS FOR MORE THAN ONE-THIRD OF

THE BUILDINGS FOR WHICH BUILDING ENERGY REPORTS ARE SUBMITTED.)

Sec. 166. Minnesota Statutes 1980, Section 120.78, Subdivision 1, is amended to read:

Subdivision 1. On or before December 31 of each year each school district shall submit to the commissioner of education, in such manner and upon such forms as he shall furnish, a comprehensive report of the energy consumed by the district during the previous school year ending June 30. The report shall include: (1) a building energy report, as defined in section 116H.02, on each building and other structure maintained by the district; (2) the amount of fuel used to transport students to and from school and between schools; and (3) (SUCH) other information (AS) the commissioner (MAY REQUIRE) *requires* related to the consumption of energy. The report shall be developed by the commissioner in consultation with the (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development*.

Sec. 167. Minnesota Statutes 1980, Section 124.225, Subdivision 4a, is amended to read:

Subd. 4a. To predict the total authorized cost per weighted FTE for each district beginning in the 1980-1981 school year, each regional multiple regression formula shall use the following terms and their squares for each district in the region:

- (1) The area of the district measured in square miles;
- (2) The district's average daily membership;
- (3) The total number of authorized FTE's transported by the district;
- (4) The total number of authorized FTE's transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;
- (5) The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (6) The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;

(7) The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;

(8) The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;

(9) The number of authorized FTE's per square mile transported by the district in the regular transportation category;

(10) The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;

(11) The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;

(12) An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;

(13) The percentage of the district's square mile area which is classified by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* as water-covered or marshland;

(14) The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*;

(15) The percentage of the district's square mile area which is classified by the state planning agency as having a slope of land exceeding six percent;

(16) The number of authorized FTE's transported to non-public schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category.

Sec. 168. Minnesota Statutes 1980, Section 126.111, Subdivision 2, is amended to read:

Subd. 2. The commissioner of education in consultation with the (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development* shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as (FUNDS BECOME) *money becomes* available.

Sec. 169. Minnesota Statutes 1980, Section 137.31, Subdivision 6, is amended to read:

Subd. 6. [ANNUAL REPORT.] The University of Minnesota shall submit an annual report as provided in section 3.195, to the governor and the legislature, with a copy to the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development*, indicating the progress being made toward the objectives and goals of this section. The report shall include the following information:

(a) The total dollar value and number of procurement contracts identified and set aside during this period and the percentage of total value of university procurements that this figure reflects;

(b) The number of small businesses identified by and responding to the university set aside program, the total dollar value and number of procurement contracts actually awarded to small businesses with appropriate designation as to the total number and value of procurement contracts awarded to each small business, and the total number of small businesses that were awarded procurement contracts;

(c) The total dollar value and number of procurement contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of procurement contracts awarded to each small business, and the percentages of the total value of university procurements the figures of total dollar value and the number of procurement contracts reflect; and

(d) The number of procurement contracts which were designated and set aside pursuant to this section but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to regular procurement procedures.

Sec. 170. Minnesota Statutes 1980, Section 138.93, Subdivision 4, is amended to read:

Subd. 4. [MASTER PLANS.] The owner shall prepare and submit to the regional planning commission a master plan for the development and management of the center, in a format and detail appropriate for the project. The regional planning commission shall choose a project and report its choice to the Minnesota historical society. The Minnesota historical society shall make the master plan available for review and comment by the public and other state agencies for at least 30 days. Copies of the master plan shall be submitted to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* for review and comment.

Sec. 171. Minnesota Statutes 1980, Section 145.834, is amended to read:

145.834 [CERTIFICATE OF NEED REQUIRED.]

No construction or modification of or predevelopment activities by a health care facility, whether public, nonprofit, or proprietary, shall be commenced or offered unless a certificate of need has been issued therefor in accordance with sections 145.832 to 145.845. The state planning agency, as the administrative authority for the National Health Planning and Resource Development Act of 1974, 42 U.S.C., Section 300k, et seq., shall enter into an agreement with the commissioner of health under which the commissioner of health shall (PROMULGATE) *adopt* rules governing the administration of sections 145.832 to 145.845. The commissioner of health shall (PROMULGATE) *adopt* rules to define the commencement of a construction or a modification or predevelopment activities and other rules necessary to implement, enforce and administer sections 145.832 to 145.845. All rules heretofore (PROMULGATED) *adopted* by the state planning agency pursuant to certificate of need shall remain in effect until (MODIFIED) *amended* or repealed by the rules of the commissioner of health.

Sec. 172. Minnesota Statutes 1980, Section 145.835, Subdivision 1, is amended to read:

Subdivision 1. [PRECONSTRUCTION NOTICE.] No health care facility, or person, group, corporation or association intending to embark upon a program of construction or modification of a health care facility, shall engage architectural, professional consultation, other predevelopment activities, or fund raising services with respect to construction or modification until it has notified the health systems agency of its intention to engage (SUCH) *the* services or activities. The notice shall state simply the nature of the architectural, professional consultation, other predevelopment activities, or fund raising services

to be engaged and the nature of the construction or modification contemplated. Upon receipt of notice under this section, the health systems agency shall promptly notify the commissioner of health and the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*.

Sec. 173. Minnesota Statutes 1980, Section 145.836, Subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURE.] Applications for certificate of need shall be submitted to the health systems agency serving the area in which the proposed construction or modification is to take place. Prior to acting on the application and within ten days of receipt, the health systems agency shall send a copy to the commissioner of health and to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* with a recommendation that the application be considered either complete or incomplete. The commissioner of health shall determine that the application is initially complete or incomplete within ten days of receipt of a recommendation from a health systems agency. If the application is incomplete, it is not to be considered to be submitted to the health systems agency or the commissioner and it shall be returned stating the specific needs to be met in order for the application to be considered complete.

Sec. 174. Minnesota Statutes 1980, Section 145.837, Subdivision 1, is amended to read:

Subdivision 1. [CRITERIA FOR REVIEW.] The commissioner of health shall, after consulting with the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* and the health systems agencies, (PROMULGATE) *adopt* rules governing the health systems agencies in their determinations whether certificates of need are required and in their review of applications for certificates of need pursuant to section 145.832 to 145.845. The rules shall provide for the consideration of at least the following criteria:

(a) The relationship of the proposed construction or modification to the applicable health system plan and annual implementation plan;

(b) The relationship of the construction or modification being proposed to the long range development plan of the health care facility requesting the certificate of need;

(c) The need for health care facilities and services, excluding home health services, in the area and the requirements of the population of the area;

(d) The availability and adequacy of other less costly or more effective health services in the area which may serve as

alternates or substitutes for the whole or any part of the service to be provided by the proposed construction or modification;

(e) The relationship of the proposed construction or modification to the existing health care system of the area, including the possible economies and improvement in service that may be derived from operation of joint, cooperative, or shared health care resources;

(f) The availability of resources, including health care providers, management personnel, and funds for both capital and operational needs for the provision of the services proposed to be provided and the availability of alternative uses of such resources for the provisions of other health services;

(g) The immediate and long-term financial feasibility of the proposed construction or modification, as well as its probable impact on the operational costs and charges of the health care facility;

(h) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services;

(i) The special needs and circumstances of medical teaching, research facilities and referral facilities which provide a substantial portion of their services or resources, or both, to individuals outside of the health service area;

(j) The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages;

(k) In the case of a construction project: the costs and methods of the proposed construction, including the costs and methods of energy provision and the probable impact of the construction project reviewed on the costs of providing health services by the person proposing the project;

(l) The special needs of hospitals to convert excess hospital beds to long-term care or other alternate functions, but only if the hospitals terminate all acute care services; and

(m) The special requirements of health maintenance organizations to meet the health care needs of their present and future subscribers.

Sec. 175. Minnesota Statutes 1980, Section 145.845, is amended to read:

## 145.845 [HEALTH SYSTEMS AGENCIES; MEMBERSHIP.]

The commissioner of health shall after consulting with the (STATE PLANNING AGENCY PROMULGATE) *commissioner of energy, planning and development* adopt rules concerning the membership of health systems agencies. The rules shall:

- (1) Comply with the provisions of the National Health Planning and Resources Development Act, 42 U.S.C., Section 300k, et seq.;
- (2) Provide that a majority of the membership be composed of consumers;
- (3) Provide for representation of hospital and nursing home providers;
- (4) Provide for representation of local boards of health;
- (5) Provide for representation of licensed medical doctors and other health professionals;
- (6) Provide for a fixed term of membership; and
- (7) Provide that members of a health systems agency shall not select their successors.

No existing health systems agency shall exercise the functions provided in sections 145.832 to 145.845 until it is in compliance with rules (ISSUED) *adopted* pursuant to this section.

If there is no health systems agency in a designated area of the state in compliance with sections 145.832 to 145.845, the (MINNESOTA STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall perform the functions and duties of a health systems agency for that area. In this specific instance, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall be exempt from utilizing the services of the hearing examiner.

Sec. 176. Minnesota Statutes 1980, Section 145.912, Subdivision 15, is amended to read:

Subd. 15. "Population" means the total resident population as enumerated during the most recent federal census or, the annual population estimate prepared by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* in cooperation with the bureau of the census shall be used in order to have the most current data available.

Sec. 177. Minnesota Statutes 1980, Section 160.262, Subdivision 1, is amended to read:

Subdivision 1. The legislature determines that it is in the interests of the public health, safety and welfare, to provide for the addition of bicycle and recreational vehicle lanes to proposed and existing public highways. (THE STATE PLANNING AGENCY SHALL CONDUCT A STUDY:)

((1) TO PROPOSE MODEL STANDARDS FOR THE ESTABLISHMENT OF BICYCLE AND RECREATIONAL VEHICLE LANES ON AND ALONG PROPOSED AND EXISTING PUBLIC HIGHWAYS, AND)

((2) TO DETERMINE METHODS, OTHER THAN THE USE OF BONDS, FOR FINANCING THE BICYCLE AND RECREATIONAL VEHICLE LANES. THE RESULTS OF THE STUDY SHALL BE FORWARDED TO THE COMMISSIONER OF TRANSPORTATION NO LATER THAN JULY 1, 1974.)

(NO LATER THAN JANUARY 1, 1975,) The commissioner of transportation shall (PROMULGATE) *adopt*, in the manner provided in chapter 15, model standards for the establishment of recreational vehicle lanes on and along proposed and existing public highways. (IN THE STUDY UNDERTAKEN BY THE STATE PLANNING AGENCY AND IN THE PROMULGATION OF THE MODEL STANDARDS BY THE COMMISSIONER,) The model standards shall include but not be limited to the following: (a) criteria for desirability of (SUCH) a lane in any given location, (b) provision for maintenance of (SUCH) *the* lanes, and (c) the placement of (SUCH) *the* lanes in relation to roads. The model standards shall govern state trunk highways.

Sec. 178. Minnesota Statutes 1980, Section 160.262, Subdivision 3, is amended to read:

Subd. 3. The following departments and agencies shall cooperate in providing (THE) information and advice for (THE STUDY BY THE STATE PLANNING AGENCY AND THE PROMULGATION OF MODEL STANDARDS AND) amendments (THERE TO) *to the model standards* by the commissioner of transportation: the departments of agriculture, transportation, (ECONOMIC DEVELOPMENT,) natural resources, public service, (THE STATE PLANNING AGENCY) *energy, planning and development*, and the state soil and water conservation board. The commissioner may cooperate with and enter into agreements with the United States government, any department of the state of Minnesota, any unit of local government and any public or private corporation in order to effect the purposes of this section.

Sec. 179. Minnesota Statutes 1980, Section 160.265, Subdivision 1, is amended to read:

Subdivision 1. [STATE BICYCLE TRAILS.] The commissioner of transportation shall establish a program for the development of bicycle trails primarily on existing road rights of way. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall include a system of bicycle trails to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bicycle trails primarily on existing road rights of way. The program shall be coordinated with the local park trail grant program established by the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* pursuant to section 4.36, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the state-wide transportation plan pursuant to section 174.03, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bicycle trails in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the trails. The metropolitan council, the commissioner of natural resources, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 15.

Sec. 180. Minnesota Statutes 1980, Section 174.03, Subdivision 7, is amended to read:

Subd. 7. [ENERGY CONSERVATION.] The commissioner, in cooperation with the (MINNESOTA ENERGY AGENCY) *commissioner of energy, planning and development*, shall evaluate all modes of transportation in terms of their levels of energy consumption. The (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development* shall provide the commissioner with projections of the future availability of energy resources for transportation. The commissioner shall use the results of this evaluation and the projections

to evaluate alternative programs and facilities to be included in the statewide plan and to otherwise promote the more efficient use of energy resources for transportation purposes.

Sec. 181. Minnesota Statutes 1980, Section 204A.06, Subdivision 1b, is amended to read:

Subd. 1b. [PRECINCT BOUNDARIES; DESCRIPTION, MAPS.] The clerk shall file with the secretary of state and the (STATE DEMOGRAPHER IN THE STATE PLANNING AGENCY) *commissioner of energy, planning and development* a map showing the correct boundaries of the precincts in the municipality and shall keep on file in his office for public inspection a copy of the map. At least 30 days before any change in a precinct or corporate boundary becomes effective, the clerk shall place on file for public inspection a map setting forth the revised precinct boundaries and forward copies to the secretary of state and the (STATE DEMOGRAPHER) *commissioner of energy, planning and development*. For every election held in the municipality the clerk shall furnish copies of the appropriate precinct map to the election judges for each polling place.

Sec. 182. Minnesota Statutes 1980, Section 216B.241, Subdivision 2, is amended to read:

Subd. 2. [PROGRAMS.] (PRIOR TO JANUARY 1, 1981.) The commission (, AFTER CONSULTATION WITH THE ENERGY AGENCY,) shall initiate a pilot program designed to demonstrate the feasibility of investments and expenses of a public utility in energy conservation improvements. The commission, as part of the pilot program, shall order at least one public utility to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The order of the commission shall provide to the extent practicable for a free choice of contractor, qualified under the residential conservation services program of the energy agency, for consumers participating in the pilot program. The commission shall not order a utility to make any energy conservation improvement investment or expenditure unless it first finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to an order shall be treated for ratemaking purposes in the manner prescribed in section 216B.16, subdivision 6b. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

Sec. 183. Minnesota Statutes 1980, Section 222.62, is amended to read:

**222.62 [COOPERATION OF OTHER STATE AGENCIES.]**

Upon the request of the commissioner, the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development*, the commissioner of banks, and the commissioner of securities and real estate shall provide technical assistance and shall otherwise cooperate in carrying out the provisions of sections 222.55 to 222.62.

Sec. 184. Minnesota Statutes 1980, Section 222.65, is amended to read:

**222.65 [ADVISORY TASK FORCE.]**

The commissioner of transportation may establish an advisory task force in the manner provided in section 15.059 to advise the department concerning the implementation of the rail service improvement program, the federal rail service continuation program, the state rail bank program, and the rail user loan guarantee program. The task force may include representatives of departments of agriculture, commerce, (ECONOMIC DEVELOPMENT,) natural resources, (THE ENERGY AGENCY) *energy, planning and development*, state planning agency, railroad companies, railroad labor organizations, and rail users.

Sec. 185. Minnesota Statutes 1980, Section 245.783, Subdivision 2, is amended to read:

Subd. 2. The commissioner shall be responsible for processing applications for licensure made under (LAWS 1976, CHAPTER 243) *sections 245.781 to 245.812 and section 252.28, subdivision 2*. State agencies and departments including, but not limited to, the state fire marshal, state building code, state commissioner of health and (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, which are involved in the investigation and review of a facility or an applicant's qualifications shall direct their employees to report directly to the commissioner on these matters and shall be subject to the rules promulgated by the commissioner with respect to the coordination of licensing and inspection functions. This subdivision relates only to other state departments or agencies and confers no additional powers or duties upon the commissioner respecting federal, county, municipal, or other nonstate agencies. Nothing in this subdivision shall prevent the state fire marshal from delegating inspection duties to local units of government.

Sec. 186. Minnesota Statutes 1980, Section 268.014, is amended to read:

**268.014 [COOPERATION WITH OTHER STATE AGENCIES.]**

To effectively coordinate job training and placement services with future job needs of the state the commissioner shall maintain close liaison, coordination and cooperation with the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development* and any other state agency involved in employment issues affecting the state.

Sec. 187. Minnesota Statutes 1980, Section 273.74, Subdivision 2, is amended to read:

Subd. 2. [CONSULTATIONS; COMMENT AND FILING.] Before formation of a tax increment financing district, the authority shall provide an opportunity to the members of the county boards of commissioners of any county in which any portion of the proposed district is located and the members of the school board of any school district in which any portion of the proposed district is located to meet with the authority. The authority shall present to the members of the county boards of commissioners and the school boards its estimate of the fiscal and economic implications of the proposed tax increment financing district. The members of the county boards of commissioners and the school boards may present their comments at the public hearing on the tax increment financing plan required by subdivision 3. Upon adoption of the tax increment financing plan, the authority shall file the same with the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*.

Sec. 188. Minnesota Statutes 1980, Section 273.74, Subdivision 5, is amended to read:

Subd. 5. [ANNUAL DISCLOSURE.] For all tax increment financing districts, whether created prior or subsequent to August 1, 1979, on or before July 1 of each year, the authority shall submit to the county board, the school board, the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* and, if the authority is other than the municipality, the governing body of the municipality a report of the status of the district. The report shall include the following information: the amount and the source of revenue in the account, the amount and purpose of expenditures from the account, the amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness, the original assessed value of the district, the captured assessed value retained by the authority, the captured assessed value shared with other taxing districts, the tax increment received and any additional information necessary to demonstrate compliance with any applicable tax increment financing plan. An annual statement showing the tax increment received and expended in that year, the original assessed value, captured assessed value, amount of outstanding bonded indebtedness and any additional information the authority deems necessary shall be published in a newspaper of general circulation in the municipality.

Sec. 189. Minnesota Statutes 1980, Section 275.53, Subdivision 1, is amended to read:

Subdivision 1. For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with a per capita limitation established by this chapter or the amount of aid that a city or township may receive pursuant to section 477A.01, the population of the governmental subdivision shall be that established by the last federal census, by a census taken pursuant to subdivision 2, or by a population estimate made by the metropolitan council, or by the population estimate of the (STATE DEMOGRAPHER) *commissioner of energy, planning and development* made pursuant to section 4.12, subdivision 7, clause (10), whichever is the most recent as to the stated date of count or estimate, up to and including July 1 of the current levy year. Population changes established after July 1 of the current levy year shall not be used in determining the levy limitation of a governmental subdivision for the current levy year under sections 275.50 to 275.56.

Sec. 190. Minnesota Statutes 1980, Section 275.53, Subdivision 3, is amended to read:

Subd. 3. (a) In any year in which the population estimate for a governmental subdivision provided by the (STATE DEMOGRAPHER) *commissioner of energy, planning and development* pursuant to subdivision 4 increases the amount of tax that the governmental subdivision may levy pursuant to sections 275.50 to 275.56, the governing body of the governmental subdivision shall publish notice of the estimate and the fact that it may result in an increased tax levy at least once in a legal newspaper of general circulation in the subdivision by August 1.

(b) Within 30 days following the publication of the notice, ten percent or more of the registered voters of the subdivision, or, if the subdivision does not require voter registration, then ten percent or more of its voters, who voted at the subdivision's last election, may sign and submit to the governing body of this subdivision a petition demanding a special census.

(c) Attached to the petition shall be an affidavit executed by the circulator or circulators thereof, stating that he or they personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his or their presence and that he or they believe them to be genuine signatures of the persons whose names they purport to be. Each signature need not be notarized.

(d) Upon the receipt of a petition conforming to this subdivision, the governing body shall contract for the taking of a special census pursuant to the provisions of subdivision 2.

Sec. 191. Minnesota Statutes 1980, Section 275.53, Subdivision 4, is amended to read:

Subd. 4. In any year in which the annual population estimate of the (STATE DEMOGRAPHER) *commissioner of energy, planning and development* is the population of a governmental subdivision pursuant to subdivision 1, the governing body of the governmental subdivision may challenge the accuracy of the estimate by notifying the (STATE DEMOGRAPHER) *commissioner* of its objections to the estimate by June 1. If the governing body of the governmental subdivision and the (STATE DEMOGRAPHER) *commissioner* agree on a revised population estimate by July 1, the revised estimate shall become the annual population estimate of the (STATE DEMOGRAPHER) *commissioner* for that governmental subdivision for that year.

Sec. 192. Minnesota Statutes 1980, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy source credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto, provided that, after December 31, 1980, any solar collector included in the claimed expenditure is certified by the (ENERGY AGENCY) *commissioner of energy, planning and development*. A solar collector is a device designed to absorb incident solar radiation, convert it to thermal energy, and transfer the thermal energy to a fluid passing through or in contact with the device. "Solar collector" shall not include passive solar energy systems as defined in clause (d);

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment located in Minnesota which produces ethanol, methane or methanol for use as a gaseous or as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include *either or both*:

(1) Control and distribution element, including fans, louvers, and air ducts; (AND/) or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules (PROMULGATED) adopted by the commissioner of revenue in cooperation with the (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development*. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

If a credit was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of expenditures which a credit was claimed pursuant to this subdivision in prior years. A taxpayer shall never be allowed to claim more than \$10,000 of expenditures during the duration of the renewable energy credit.

The credit provided in this subdivision shall not be allowed in a taxable year if the amount of the credit would be less than \$10.

If the credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount may be carried forward to a taxable year beginning after December 31, 1984.

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the credit provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, 1979. "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The credit provided in this subdivision is subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development* shall (PROMULGATE) *adopt* rules establishing additional qualifications and definitions for the credits provided in this subdivision.

Notwithstanding section 290.61, the commissioner of revenue may request the (ENERGY AGENCY) *commissioner of energy, planning and development* to assist in the review and auditing of the information furnished by the taxpayer for purposes of claiming this credit. The provisions of section 290.61 shall apply to employees of the (ENERGY AGENCY) *department of energy, planning and development* who receive information furnished by a taxpayer for purposes of claiming this credit.

The (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development* shall (PROMULGATE) *adopt* rules establishing the criteria for certification of solar collectors as required by clause (a). The criteria shall:

- (1) Specify the testing procedures to be used in the evaluation of solar collectors;
- (2) Establish minimum levels of collector quality for safety;
- (3) Provide a means to determine the maintainability and structural integrity of solar collectors;
- (4) Establish a system for evaluating and rating the thermal performance of solar collectors;
- (5) Specify the procedures to follow to obtain certification of a solar collector;
- (6) Conform to the maximum extent practicable to the solar collector certification requirements of other states which have adopted certification procedures; and
- (7) Allow for individual variation so as not to hamper the development of innovative solar collectors.

The (DIRECTOR OF THE ENERGY AGENCY) *commissioner of energy, planning and development* may (PROMULGATE) adopt temporary rules pursuant to section 15.0412, subdivision 5 to establish this certification procedure.

This subdivision is effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, 1983.

Sec. 193. Minnesota Statutes 1980, Section 298.48, Subdivision 4, is amended to read:

Subd. 4. [CONFIDENTIAL NATURE OF INFORMATION.] The data filed pursuant to subdivision 1 shall be considered confidential for three years from the date it is filed with the commissioner. Nothing herein contained shall be construed to prohibit the commissioner from disclosing information or publishing statistics so classified as not to disclose the identity of particular data.

Notwithstanding the other provisions of this subdivision, the commissioner, at his discretion, may furnish any information supplied under this section to the commissioner of natural resources, the (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of energy, planning and development*, or a county assessor. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 194. Minnesota Statutes 1980, Section 299A.03, Subdivision 5, is amended to read:

Subd. 5. [CHAIRPERSON; STAFF.] The *commissioner shall be the chairperson of the crime control planning board (SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND SHALL RECEIVE A SALARY AS PROVIDED BY LAW. THE CHAIRPERSON SHALL BE EXPERIENCED IN THE ADMINISTRATION OF PROGRAMS RELATED TO LAW ENFORCEMENT OR CRIMINAL JUSTICE. THE CHAIRPERSON), shall serve as executive director of the board, shall preside at board meetings, shall organize the work of the board, and shall appoint all employees (SUBJECT TO THE APPROVAL) of the board. (THE COMMISSIONER OF THE STATE DEPARTMENT OF ADMINISTRATION SHALL PROVIDE THE CRIME CONTROL PLANNING BOARD WITH REASONABLE OFFICE SPACE AND ADMINISTRATIVE SERVICES REQUESTED BY THE BOARD, AND THE BOARD SHALL REIMBURSE THE COMMISSIONER OF FINANCE FOR THE COST THEREOF.)*

Sec. 195. Minnesota Statutes 1980, Section 299A.04, is amended to read:

299A.04 [GRANTS-IN-AID TO YOUTH INTERVENTION PROGRAMS.]

Subdivision 1. The (CRIME CONTROL PLANNING BOARD) *commissioner* may make grants to nonprofit agencies administering youth intervention programs in communities where the programs are or may be established.

“Youth intervention program” means a nonresidential community based program providing advocacy, education, counseling, and referral services to youth and their families experiencing personal, familial, school, legal or chemical problems with the goal of resolving the present problems and preventing the occurrence of the problems in the future.

Subd. 2. Applications for a grant-in-aid shall be made by the administering agency to the (CRIME CONTROL PLANNING BOARD) *commissioner*. The grant-in-aid is contingent upon the agency having obtained from the community in which the youth intervention program is established local matching money two times the amount of the grant that is sought.

The (CRIME CONTROL PLANNING BOARD) *commissioner* shall provide by rule the application form, procedures for making application form, criteria for review of the application, and kinds of contributions in addition to cash that qualify as local matching money. No grant to any agency shall exceed \$25,000.

Sec. 196. Minnesota Statutes 1980, Section 301.75, is amended to read:

## 301.75 [ADDITIONAL POWERS.]

In addition to the powers enumerated in section 300.08, subdivision 1, the corporation may:

(a) Borrow money and otherwise incur indebtedness for any of the purposes of the corporation; to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, therefore and to secure the same by mortgage, pledge, deed or trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof.

(b) Lend money to, and to guarantee, endorse, or act as surety on the bonds, notes, contracts or other obligations of, or otherwise assist financially, any person, firm, corporation or association, and to establish and regulate the terms and conditions with respect to any such loans or financial assistance and the charges for interest and service connected therewith.

(c) Purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, mortgage, lease, pledge, or otherwise dispose of, upon such terms and conditions as the board of directors may deem advisable, real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(d) Acquire, by purchase or otherwise, the good will, business, rights, real and personal property and other assets, or any part thereof, of such persons, firms, corporations, joint stock companies, associations or trusts as may be in furtherance of the corporate purposes provided herein, and to assume, undertake, guarantee or pay the obligations, debts and liabilities of any such person, firm, corporation, joint stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments, and, in furtherance of the corporate purposes provided herein, to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, lease, or otherwise dispose of industrial plants or business establishments.

(e) Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(f) Cooperate with and avail itself of the facilities of the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development* and any similar governmental agencies; and to cooperate with and assist, and otherwise encourage, local organizations in the various communities of the state the purpose of which shall be the promotion, assistance, and development of the business prosperity and economic welfare of such communities and of this state.

Sec. 197. Minnesota Statutes 1980, Section 301.77, Subdivision 1, is amended to read:

Subdivision 1. All the corporate powers of the corporation shall be exercised by a board of not less than eight elected directors (but the number of elected directors shall always be an even number) who shall be residents of Minnesota and, except in the case of the first board, representative of the various sections of the state as determined in the bylaws. The commissioner of (THE DEPARTMENT OF ECONOMIC DEVELOPMENT) *energy, planning and development* shall be, ex officio, a director with all the authority but without the liability as such, except for gross negligence or wilful misconduct. The number of directors and their term of office shall be determined in the bylaws. If any vacancy occurs in the board of directors through death, resignation, or otherwise, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation.

Sec. 198. Minnesota Statutes 1980, Section 301A.01, Subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 301A.01 to 301A.14, the commissioner of (THE DEPARTMENT OF ECONOMIC DEVELOPMENT) *energy, planning and development* of the state shall divide the state into six tourist regions and shall keep on file in his office and in the office of the secretary of state the legal descriptions and a map of (SUCH) *the* regions.

Sec. 199. Minnesota Statutes 1980, Section 301A.05, is amended to read:

#### 301A.05 [ADDITIONAL POWERS.]

In addition to the powers enumerated in section 300.08, subdivision 1, the corporation may:

(1) Borrow money and otherwise incur indebtedness for any of the purposes of the corporation; to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, therefor and to secure the same by mortgages, pledges, deeds of trust or other lien on its property, franchises, and privileges of every kind and nature or any part thereof.

(2) Lend money to, and to guarantee, endorse, or act as surety on the bonds, notes, contracts or other obligations of, or otherwise assist financially, any person, firm, corporation or association, and to establish and regulate the terms and conditions with respect to any such loans or financial assistance and the charges for interest and service connected therewith; to make working capital loans, take equity positions in corporations, and take second or third position mortgages.

(3) Purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, mortgage, lease, pledge, or otherwise dispose of, upon such terms and conditions as the board of directors may deem advisable, real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real property or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(4) Acquire, by purchase or otherwise, the good will, business, rights, real and personal property and other assets, or any part thereof, of such persons, firms, corporations, joint stock companies, associations of trust as may be in furtherance of the corporate purposes provided herein, and to assume, undertake, guarantee or pay the obligations, debts, and liabilities of any such person, firm, corporation, joint stock company, association, or trust; to acquire improved or unimproved real estate for the purpose of constructing tourist or recreational business establishments thereon or for the purpose of disposing of such real estate to others for the construction of tourist or recreational business establishments, and, in furtherance of the corporate purposes provided herein, to acquire, construct, or reconstruct, alter, repair, maintain, operate, sell, lease, or otherwise dispose of tourist or recreational business establishments.

(5) Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(6) Cooperate with and avail itself of the facilities of the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development* and any similar government agencies; and to cooperate and avail itself of the facilities of planning and development agencies in the regions, which agencies shall be named in the bylaws as the agencies designated for the region of incorporation; cooperate with and assist and encourage local organizations in the various communities of the state, the purpose of which shall be the promotion,

assistance, and development of the tourist and recreational business prosperity and economic welfare of (SUCH) *those* communities of the state.

Sec. 200. Minnesota Statutes 1980, Section 301A.07, Subdivision 1, is amended to read:

Subdivision 1. All the corporate powers of the corporation shall be exercised by a board of not less than nine elected directors who shall be residents of Minnesota. One-third of the directors shall be elected from persons who are actively engaged in the vacation travel industry in the region of incorporation. The remaining number of directors shall be elected from persons representative of and involved in any of the lending institutions which are nonstockholder members of the corporation. The commissioner of (THE DEPARTMENT OF ECONOMIC DEVELOPMENT OF THE STATE) *energy, planning and development* or his designated representative and the director or chairman of the regional development or planning agency as designated in the by laws, or his designated representative, shall be ex officio directors, with all the authority but without the liability as (SUCH) *directors*, except for gross negligence or willful misconduct. The number of directors and their terms of office shall be determined by the bylaws. If a vacancy occurs in the board of directors through death, resignation, or otherwise, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation.

Sec. 201. Minnesota Statutes 1980, Section 325F.19, Subdivision 3, is amended to read:

Subd. 3. "(ENERGY AGENCY) *Commissioner*" means the (MINNESOTA ENERGY AGENCY AS PROVIDED IN CHAPTER 116H) *commissioner of energy, planning and development*.

Sec. 202. Minnesota Statutes 1980, Section 325F.19, Subdivision 6, is amended to read:

Subd. 6. "Laboratory qualified to test thermal insulation" means an approved laboratory classified by the (ENERGY AGENCY) *commissioner* in consultation with industry members as passing an appropriate examination of ability to perform tests and continuing inspection or follow-up service according to specifications for manufacture and installation, also referred to as "testing laboratory".

Sec. 203. Minnesota Statutes 1980, Section 325F.20, Subdivision 1, is amended to read:

Subdivision 1. (WITHIN NINE MONTHS OF APRIL 6, 1978,) The (ENERGY AGENCY) *commissioner* shall (PROM-

ULGATE) *adopt* rules pursuant to chapter 15 regarding quality, information, and product safety specifications for the manufacture, labeling, installation, and thermographing of insulation. The specifications and any amendments to them shall conform as far as is practical to federal standards or other standards generally accepted and in use throughout the United States. (SUCH) *The* standards, with modifications as may be deemed necessary, may be adopted by reference. The specifications (AS PROMULGATED) *adopted* and any amendments shall be based on the application of scientific principles, approved tests, and professional judgment. (UPON APRIL 6, 1978, THE ENERGY AGENCY MAY ISSUE TEMPORARY RULES PURSUANT TO SECTION 15.0412, SUBDIVISION 5, FOR THE PURPOSES OF THIS SECTION.)

Sec. 204. Minnesota Statutes 1980, Section 325F.21, Subdivision 2, is amended to read:

Subd. 2. The (DIRECTOR OF THE ENERGY AGENCY) *commissioner* shall purchase from time to time unopened insulation packages which shall be sent to an approved testing laboratory to test for compliance with the specifications established under section 325F.20, subdivision 1.

Sec. 205. Minnesota Statutes 1980, Section 325F.23, Subdivision 1, is amended to read:

Subdivision 1. The outside of all containers and wrappings of insulation used or offered for sale in Minnesota shall have the following information printed legibly thereon in bold type not less than one-eighth inch high:

(a) Type (pneumatic or blown, pouring, batt, roll, blanket, board, cellular, or reflective);

(b) R value (to the nearest tenth) per inch at the recommended installation density;

(c) Required thickness in inches to obtain four or more commonly used R values and the corresponding coverage areas in square feet of the insulation in the container or wrapping;

(d) Expiration date and expected shelf life of all resins, catalysts, and foaming agents for all foam insulations, whether in powder, diluted or partially diluted state, on canister, drum, container, or package. For purposes of this section, "foam insulation" means products having an organic base or composed of vinyl or plastic material or both, which are manufactured or installed using a process involving a foaming agent; a resin, a catalyst and an air compressor, including but not limited to urea-formaldehyde, other urea-based foams, urethane foam, polyurethane foam, polystyrene foam, and isocyanurate foam.

(e) Name and address of the manufacturer of the insulation;

(f) A notation of those current specifications of the United States General Services Administration, the United States Department of Energy, the United States Department of Housing and Urban Development, the United States Consumer Product Safety Commission, the Federal Trade Commission and the (ENERGY AGENCY) *commissioner* with which the insulation complies;

(g) The net weight of the contents of the bag, package, or container.

Sec. 206. Minnesota Statutes 1980, Section 325F.24, Subdivision 3a, is amended to read:

Subd. 3a. Rules promulgated by the (DIRECTOR OF THE ENERGY AGENCY) *commissioner* pursuant to sections 325F.20, subdivision 1, and 325F.21, subdivision 1 may be enforced by the (DIRECTOR OF THE ENERGY AGENCY) *commissioner* pursuant to section 116H.15.

Sec. 207. Minnesota Statutes 1980, Section 362.12, Subdivision 1, is amended to read:

### 362.12 [(SCOPE OF DEPARTMENTAL) POWERS AND DUTIES.]

Subdivision 1. [ENUMERATION.] The (DEPARTMENT) *commissioner* shall:

(1) Investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;

(2) Locate markets for manufacturers and processors and aid merchants in locating and contacting markets;

(3) Investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the (DEPARTMENT) *commissioner* in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(4) Plan and develop and effective business information service both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state;

(5) Compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;

(6) Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(7) Study trends and developments in the industries of the state and analyze the reasons underlying (SUCH) *the* trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;

(8) Serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;

(9) Encourage and develop commerce with other states and foreign countries and devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states;

(10) Cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(11) Cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources insofar as (SUCH) *the* use, conservation, and development may be appropriately directed or influenced by a state agency;

(12) Assemble and coordinate information relative to the status, scope, cost, and employment possibilities and the availability of materials, equipment, and labor in connection with public works projects, state, county, and municipal; recommend limitations on (SAID) *the* public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by him, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon;

(13) Study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state;

(14) Confer and cooperate with the executive, legislative, or planning authorities of the United States and neighboring states and of the counties and municipalities of such neighboring states, for the purpose of bringing about a coordination between the development of such neighboring states, counties, and municipalities and the development of this state;

(15) Generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state (;), with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in (SUCH) a manner (AS MAY SEEM) *that seems* wise.

Sec. 208. Minnesota Statutes 1980, Section 362.13, is amended to read:

362.13 [ADDITIONAL POWERS AND DUTIES.]

The (DEPARTMENT) *commissioner* shall:

(1) Have control of the work of carrying on a continuous program of education for businessmen;

(2) Publish, disseminate, and distribute information and statistics (ACQUIRED BY THE DIVISION OF RESEARCH AND STATISTICS IN COOPERATION WITH THAT DIVISION);

(3) Promote and encourage the expansion and development of markets for Minnesota products;

(4) Promote and encourage the location and development of new business in the state as well as the maintenance and expansion of existing business and for that purpose cooperate with state and local agencies and individuals, both within and outside the state;

(5) Advertise and disseminate information as to natural resources, desirable locations, and other advantages for the purpose of attracting business to locate in this state;

(6) Aid the various communities in this state in getting business to locate therein;

(7) Advise and cooperate with municipal, county, regional, and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profit-

able production and achieve commensurate advancement in social and cultural welfare; coordinate the activities of state-wide and local planning agencies, correlate information secured from them and from state departments and disseminate information and suggestions to (SUCH) *the* planning agencies; and encourage and assist in the organization and functioning of local planning agencies where none exist; and may provide at the request of any governmental subdivision hereinafter mentioned planning assistance, which includes but is not limited to surveys, land use studies, urban renewal plans, technical services and other planning work to any city or other municipality in the state or perform similar planning work in any county, metropolitan or regional area in the state (PROVIDING THAT THE DEPARTMENT OF BUSINESS DEVELOPMENT). *The commissioner* shall not perform (SUCH) *the* planning work with respect to a metropolitan or regional area which is under the jurisdiction for (SUCH) planning purposes of a county, metropolitan, regional or joint planning body, except at the request or with the consent of the respective county, metropolitan, regional or joint planning body. The (DEPARTMENT) *commissioner* is authorized to receive and expend (FUNDS) *money* from municipal, county, regional and other planning agencies; and may accept and disburse grants and other aids for planning purposes from the federal government and from other public or private sources, and may utilize moneys so received for the employment of consultants and other temporary personnel to assist in the supervision or performance of planning work supported by (FUNDS) *money* other than state appropriated (FUNDS) *money*, and may enter into (SUCH) contracts with agencies of the federal government, units of local government or combinations thereof, and with private persons (AS) *that* are necessary in the performance of (ITS) *the* planning assistance function of *the commissioner*. In furtherance of their planning functions, any city or town, however organized, may expend (FUNDS) *money* and contract with agencies of the federal government, appropriate departments of state government, other local units of government and with private persons;

(8) Adopt (SUCH) measures (AS MAY BEST BE) calculated to promote public interest in and understanding of the problems of planning and, to that end, may publish and distribute copies of any plan or any report and may employ (SUCH) other means of publicity and education (AS SHALL) *that will* give full effect to the provisions of sections 362.07 to 362.23;

(9) (PERFORM THE FUNCTIONS AND CARRY OUT PROGRAMS HERETOFORE PERFORMED AND CARRIED OUT BY THE TOURIST BUREAU OF THE DEPARTMENT OF NATURAL RESOURCES,) Plan and conduct programs of information and publicity designed to attract tourists, visitors, and other interested persons from outside the state to this state, and in that connection encourage and coordinate the efforts of other public and private organizations or groups of

citizens to publicize the facilities and attractions of the state and work with representatives of the tourist and resort industry in carrying out its programs.

Sec. 209. Minnesota Statutes 1980, Section 362.132, is amended to read:

362.132 [SMALL BUSINESS FINANCE AGENCY.]

The commissioner (OF ECONOMIC DEVELOPMENT) may enter into agreements or transactions with the small business finance agency created under section 362.51 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the small business finance agency.

Sec. 210. Minnesota Statutes 1980, Section 362.40, Subdivision 8, is amended to read:

Subd. 8. The remaining 20 percent of the tax revenue received by the county auditor under section 273.13, subdivision 2a shall be remitted by the county auditor to the state treasurer and shall be deposited (IN THE GENERAL FUND) in special accounts identified as "reservation residents loan accounts" and a "nonreservation residents loan account". The amount to be credited to each reservation residents loan account shall be that percentage of the amount received from all the counties pursuant to subdivision 8 as the number of Indians living on such reservation bears to all the Indians in Minnesota, as said percentage is determined by the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*. The amount remaining shall be credited to the nonreservation residents loan account. The amounts credited to each of these special accounts shall be used solely for making loans to Indians, in the manner provided by subdivisions 9 and 10.

Sec. 211. Minnesota Statutes 1980, Section 362.40, Subdivision 9, is amended to read:

Subd. 9. A reservation resident desiring a loan for the purpose of starting a business enterprise, expanding an existing business, or for technical and management assistance, shall make application to the (STATE DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*. The (DEPARTMENT) *commissioner* shall prescribe the necessary forms and advise the prospective borrower as to the conditions under which his application may be expected to receive favorable consideration. The tribal council shall recommend to the (DEPARTMENT) *commissioner* that the loan be accepted or rejected. The (DEPARTMENT) *commissioner* shall approve or reject the application taking the tribal council recommendation into consideration. If the application is approved, the (DEPART-

MENT) *commissioner* shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of finance, who shall draw his warrant in favor of the tribal council with appropriate notations identifying the borrower. The tribal council shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the (STATE DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*. The tribal council shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. When any portion of a debt is repaid, the tribal council shall remit the amount so received plus interest paid thereon to the state treasurer through the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*. The amount so received shall be credited to (SUCH) *the* reservation residents loan account. The tribal council shall secure a fidelity bond from a surety company, in favor of the state treasurer, in an amount equal to the maximum amount to the credit of such reservation residents loan account during the fiscal year. Additional money equal to ten percent of the total amount made available to any tribal council during the fiscal year shall be paid to (SUCH) *the* council prior to December 31 for the purpose of financing administrative costs.

Sec. 212. Minnesota Statutes 1980, Section 362.40, Subdivision 10, is amended to read:

Subd. 10. A nonreservation resident desiring to make a loan for the purpose of starting a business enterprise, or expanding an existing business, or for technical and management assistance shall make application to the (STATE DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*, on forms prescribed by the (DEPARTMENT) *commissioner*. The (DEPARTMENT) *commissioner* is empowered to either accept or reject the application, based upon guidelines and conditions essentially similar to those used for the purpose of approving or rejecting reservation loans under subdivision 9. If the application is approved by the (STATE DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner*, the (DEPARTMENT) *commissioner* shall forward the application, together with all the relevant documents pertinent thereto, to the commissioner of finance, who shall draw his warrant in favor of the commissioner (OF ECONOMIC DEVELOPMENT), with appropriate notations identifying the borrower. The (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner* shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the (DEPARTMENT) *commissioner*. The (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner* shall maintain records of transactions for each borrower in a manner con-

sistent with good accounting practice. Simple interest at two percent shall be charged. When any portion of a debt is repaid, the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner* shall remit the amount so received plus interest paid thereon to the state treasurer. The amount so received shall be credited to the nonreservation residents loan account.

Sec. 213. Minnesota Statutes 1980, Section 362.41, Subdivision 5, is amended to read:

Subd. 5. The commissioner (OF ECONOMIC DEVELOPMENT) shall administer this section and shall enforce the rules related to the community development corporations promulgated by the commissioner. The commissioner may amend, suspend, repeal or otherwise modify these rules as provided for in chapter 15.

Sec. 214. Minnesota Statutes 1980, Section 362.42, is amended to read:

#### 362.42 [BUSINESS ASSISTANCE.]

The commissioner (OF ECONOMIC DEVELOPMENT) shall establish within the department a business assistance center. The center shall consist of (1) a bureau of small business which shall have as its sole function the provision of assistance to small businesses in the state and (2) a bureau of licenses to assist all businesses in obtaining state licenses and permits. This center shall be accorded at least equal status with the other major operating units within the department.

Sec. 215. Minnesota Statutes 1980, Section 362.51, Subdivision 8, is amended to read:

Subd. 8. The members and governing body of the agency shall be the commissioner (OF ECONOMIC DEVELOPMENT) and six other members holding no other elective or appointive office of the state or any local government, appointed by the governor with advice and consent of the senate. The commissioner shall be vice chairman, and the governor shall designate the chairman from among the other members, to serve as chairman at the pleasure of the governor. Section 15.0575, governs the terms, compensation, removal and filling of vacancies in the offices of members other than the commissioner.

Sec. 216. Minnesota Statutes 1980, Section 362.51, Subdivision 10, is amended to read:

Subd. 10. The commissioner (OF ECONOMIC DEVELOPMENT) shall designate an (ASSISTANT COMMISSIONER) *employee* as executive director of the agency and may appoint permanent and temporary employees necessary for the adminis-

tration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.

Sec. 217. Minnesota Statutes 1980, Section 362A.06, is amended to read:

**362A.06 [APPROVAL BY COMMISSIONER OF (ECONOMIC DEVELOPMENT) *ENERGY, PLANNING AND DEVELOPMENT.*]**

Any authority contemplating the exercise of the powers granted by sections 362A.01 to 362A.08 may apply to the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* for information, advice, and assistance. No authority shall undertake any project herein authorized until the commissioner has approved the project, on the basis of (SUCH) preliminary information (AS) he may require, as tending to further the purposes and policies of sections 362A.01 to 362A.08. The commissioner is authorized to handle (SUCH) *the* preliminary information in a confidential manner, to the extent requested by the authority. (SUCH) Approval shall not be deemed to be an approval by the commissioner or the state of the feasibility of the project or the terms of the lease to be executed or the bonds to be issued therefor, and the commissioner shall so state in communicating (SUCH) *the* approval.

Sec. 218. Minnesota Statutes 1980, Section 402.045, is amended to read:

**402.045 [FUNCTION OF (STATE PLANNING OFFICER) *COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT.*]**

The (STATE PLANNING OFFICER) *commissioner of energy, planning and development* shall have authority for human services development. He may appoint professional and clerical staff as he deems necessary. The (STATE PLANNING OFFICER) *commissioner of energy, planning and development* shall:

- (1) Support the development of human services boards and provide technical assistance to the boards;
- (2) Disburse and monitor grants as may be available to assist human services board development;
- (3) Receive and coordinate the review of annual human services board plans;
- (4) Cooperate with other state agencies in assisting local human services integration projects; and

(5) Maintain a file on reports, policies and documents pertaining to human services boards.

Sec. 219. Minnesota Statutes 1980, Section 402.062, Subdivision 1, is amended to read:

Subdivision 1. The human services board, with the assistance of the advisory committee established in section 402.03, shall annually prepare a single plan and budget for the development, implementation, coordination and operation of services delivered or funded by the human services board. The plan shall be in a format developed by rule of the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*. Each affected state agency shall accept the plan of the human services board in lieu of separate plan requirements for individual programs. To support the development of the budget and to provide standardized information to affected state agencies, each human services board shall adopt a standard chart of accounts to be developed by rule by the commissioner of public welfare with the approval of the commissioners of health and corrections.

Sec. 220. Minnesota Statutes 1980, Section 402.095, is amended to read:

#### 402.095 [REPORTS TO LEGISLATURE.]

The (STATE PLANNING AGENCY) *commissioner of energy, planning and development* shall report to the legislature biennially not later than January 15 of odd numbered years on the experience of human services boards. The report shall include an assessment of the effect of establishment of human services boards on the cost and quality of services provided.

Sec. 221. Minnesota Statutes 1980, Section 451.09, Subdivision 2, is amended to read:

Subd. 2. A public utilities board or commission operating a steam heat system in a home rule charter city shall inform the (ENERGY AGENCY) *commissioner of energy, planning and development* of its plans to discontinue operation at least two years prior to the intended date of discontinuance of operation. (IF THE PUBLIC UTILITIES BOARD OR COMMISSION DECIDES TO DISCONTINUE OPERATION OF THE STEAM HEAT SYSTEM PRIOR TO JULY 1, 1981, IT SHALL NOTIFY THE DIRECTOR OF THE ENERGY AGENCY WITHIN 60 DAYS OF ITS DECISION.)

Sec. 222. Minnesota Statutes 1980, Section 453.52, Subdivision 3, is amended to read:

Subd. 3. "City" means a city organized and existing under the laws of Minnesota or a city charter adopted pursuant thereto,

and authorized by such laws or charter to engage in the local distribution and sale of electric energy; provided that any city so engaged on January 1, 1976, is authorized to continue such distribution and sale, and every city now or hereafter so authorized may exercise, either individually or as a member of a municipal power agency, all of the powers granted in sections 453.51 to 453.62. "City" also includes a city organized and existing under the laws of another state or a city charter adopted pursuant thereto that participates in a municipal power agency with Minnesota cities and pays a full pro rata share of the expenses of the agency.

Sec. 223. Minnesota Statutes 1980, Section 462.375, is amended to read:

**462.375 [REGIONAL DEVELOPMENT PLAN; FILING AND DISTRIBUTION.]**

The regional planning agency shall transmit the regional development plan and any revisions thereto, (TO ANY STATE PLANNING AGENCY THAT MAY EXIST, OTHERWISE) to the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development*, the governing bodies of cooperating governmental units, and to planning agencies in contiguous areas. The agency may prepare additional copies of the plan for general distribution or sale.

Sec. 224. Minnesota Statutes 1980, Section 462.384, Subdivision 7, is amended to read:

Subd. 7. ("STATE PLANNING OFFICER") "*Commissioner*" means the (GOVERNOR OF THE STATE OF MINNESOTA) *commissioner of energy, planning and development* exercising the authority conferred upon him by sections 4.10 to 4.17.

Sec. 225. Minnesota Statutes 1980, Section 462.385, Subdivision 1, is amended to read:

Subdivision 1. Development regions for the state shall be those regions so designated by the governor by executive order. The order shall provide for public hearings within each proposed region after which any county may request assignment to a region other than that proposed by the order. If (SUCH) a request for reassignment is unacceptable to the (STATE PLANNING OFFICER) *commissioner*, the county shall remain in the originally designated region until the next session of the legislature for its review and final assignment.

Sec. 226. Minnesota Statutes 1980, Section 462.385, Subdivision 3, is amended to read:

Subd. 3. The (STATE PLANNING AGENCY) *commissioner* shall conduct continuous studies and analysis of the boundaries of regions and shall make recommendations for their modification where necessary. Modification may be initiated by a county, a commission, or by the (STATE PLANNING OFFICER) *commissioner* and will be accomplished in accordance with this section as in the case of initial designation.

Sec. 227. Minnesota Statutes 1980, Section 462.386, Subdivision 1, is amended to read:

Subdivision 1. (ON JUNE 1, 1969,) All coordination, planning, and development regions assisted or created by the state of Minnesota or pursuant to federal legislation shall conform to the regions designated by the executive order except where, after review and approval by the (STATE PLANNING OFFICER) *commissioner*, nonconformance is clearly justified. The (STATE PLANNING OFFICER) *commissioner* shall develop working agreements with state and federal departments and agencies to insure conformance with this subdivision.

Sec. 228. Minnesota Statutes 1980, Section 462.387, is amended to read:

**462.387 [REGIONAL DEVELOPMENT COMMISSIONS; ESTABLISHMENT.]**

Subdivision 1. [PETITION.] Any combination of counties or municipalities representing a majority of the population of the region for which a commission is proposed may petition the (STATE PLANNING OFFICER) *commissioner* by formal resolution setting forth its desire to establish, and the need for, the establishment of a regional development commission. For purposes of this section the population of a county does not include the population of a municipality within the county.

Subd. 3. [ESTABLISHMENT.] Upon receipt of a petition as provided in subdivision 1 a regional development commission shall be established by the (STATE PLANNING OFFICER) *commissioner* and the notification of all local government units within the region for which the commission is proposed. (SUCH) *The* notification shall be made within 60 days of his receipt of a petition under subdivision 1.

Subd. 4. [SELECTION OF MEMBERSHIP.] The (STATE PLANNING OFFICER) *commissioner* shall call together each of the membership classifications except citizen groups, defined in section 462.388, within 60 days of the establishment of a regional development commission for the purpose of selecting the commission membership.

Sec. 229. Minnesota Statutes 1980, Section 462.39, Subdivision 2, is amended to read:

Subd. 2. [FEDERAL PROGRAMS.] The commission is the authorized agency to receive state and federal grants for regional purposes from the following programs:

(1) Section 403 of the Public Works and Economic Development Act of 1965 (economic development districts);

(2) Section 701 of the Housing Act of 1954, as amended (multi-county comprehensive planning);

(3) Omnibus Crime Control Act of 1968;

and for the following to the extent feasible as determined by the governor:

(a) Economic Opportunity Act of 1964;

(b) Comprehensive Health Planning Act of 1965;

(c) Federal regional manpower planning programs;

(d) Resource, conservation, and development districts; or

(e) Any state and federal programs providing funds for multi-county planning, coordination, and development purposes. The (STATE PLANNING OFFICER) *commissioner* shall, where consistent with state and federal statutes and regulations, review applications for all state and federal regional planning and development grants to a commission.

Sec. 230. Minnesota Statutes 1980, Section 462.39, Subdivision 3, is amended to read:

Subd. 3. [PLANNING.] The commission shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development plan for the region. The plan shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the region. The comprehensive development plan shall recognize and encompass physical, social, or economic needs of the region, and those future developments which will have an impact on the entire region including but not limited to such matters as land use, parks and open space land needs, access to direct sunlight for solar energy systems, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, public and private, housing, and other public buildings. In preparing the development plan the commission shall use to the maximum extent feasible the resources studies and data available from other planning agencies within the region, including coun-

ties, municipalities, special districts, and subregional planning agencies, and it shall utilize the resources of the (STATE PLANNING AGENCY) *commissioner* to the same purpose. No development plan or portion thereof for the region shall be adopted by the commission until it has been submitted to the (STATE PLANNING AGENCY) *commissioner* for review and comment and a period of 60 days has elapsed after such submission. When a development plan has been adopted, the commission shall distribute it to all local government units within the region.

Sec. 231. Minnesota Statutes 1980, Section 462.391, Subdivision 2, is amended to read:

Subd. 2. [REVIEW OF INDEPENDENT AGENCIES.] The commission shall review all long term comprehensive plans of each independent commission, board, or agency prepared for its operation and development within the region but only if (SUCH) *the* plan is determined by the commission to have a regional effect, a multi-community effect, or to have a substantial effect on regional development. Each plan shall be submitted to the commission before any action is taken to place the plan or any part thereof, into effect. No action shall be taken to place any plan or any part thereof into effect until 60 days have elapsed after the date of its submission to the commission or until the commission finds and notifies the submitting commission, board, or agency that the plan is consistent with its development plan for the region and the orderly and economic development of the region, whichever first occurs. If, within 60 days after the date of submission, the commission finds that a plan, or any part thereof, is inconsistent with its comprehensive plan for the region or detrimental to the orderly and economic development of the region, or any part thereof, (SUCH) *the* plan shall be indefinitely suspended. An affected independent commission, board, or agency may appeal the decision of the commission suspending a plan, or part thereof, to the commission, and if the commission and the affected independent commission, board, or agency are unable to agree as to an adjustment of the plan, so that it may receive the commission's approval, then a record of the disagreeing positions shall be made and presented for consideration and disposition by the (STATE PLANNING OFFICER) *commissioner*.

Sec. 232. Minnesota Statutes 1980, Section 462.391, Subdivision 3, is amended to read:

Subd. 3. [REVIEW OF FEDERAL AND STATE AID PROGRAMS.] The commission shall review all applications of governmental units, independent commissions, boards, or agencies operating in the region for a loan or grant from the United States of America or any agency, including state agencies and colleges or universities, for public facilities, studies, or any other purpose if the application clearly is related to the region, whether or not (SUCH) *the* review is required by the federal government.

The review shall advise the granting authority as to relationship of the application to the comprehensive plans and priorities of the region as established by the region. All review actions together with copies of applications shall be submitted on a regular basis for informational purposes to the (STATE PLANNING AGENCY) *commissioner*. The requirements of this subdivision do not apply to applications of governmental units or other political subdivisions which have been reviewed by a subregion or sub-district which has been designated by the United States government as an authorized areawide review agency under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. All review actions, together with copies of applications, shall be submitted by the subregion on a regular basis to the commission for informational purposes.

Sec. 233. Minnesota Statutes 1980, Section 462.391, Subdivision 4, is amended to read:

Subd. 4. [REVIEW PROCEDURES.] The commission shall develop, in consultation with the (STATE PLANNING OFFICER) *commissioner*, formal procedures for the review of plans, applications, and other matters required to be submitted to it by sections 462.381 to 462.396. (SUCH) *The* procedures shall be embodied in a formal resolution adopted after public hearing. After adoption the resolution shall be transmitted to each governmental unit and independent agency, board, or commission within the region.

Sec. 234. Minnesota Statutes 1980, Section 462.395, is amended to read:

462.395 [DUTIES OF STATE AGENCIES (, STATE PLANNING AGENCY).]

All state departments and agencies shall cooperate with regional development commissions established under sections 462.381 to 462.396 and shall make available to them studies, reports, data, and other informational and technical assistance within financial and personnel limitations. The (STATE PLANNING AGENCY AND THE OFFICE OF LOCAL AND URBAN AFFAIRS) *commissioner* shall coordinate the state's assistance programs to regional planning and development commissions.

Sec. 235. Minnesota Statutes 1980, Section 462.396, Subdivision 1, is amended to read:

Subdivision 1. The (STATE PLANNING OFFICER) *commissioner* shall determine the amount of and make grants to any commission created under sections 462.381 to 462.396 from appropriations made available for (SUCH) *those* purposes, provided a work program is submitted acceptable to the (STATE PLANNING OFFICER) *commissioner*. Any regional commis-

sion may levy a tax on all taxable property in the region to provide (FUNDS) *money* for the purposes of sections 462.381 to 462.396.

Sec. 236. Minnesota Statutes 1980, Section 462.398, is amended to read:

462.398 [TERMINATION OF COMMISSION.]

Subdivision 1. Any combination of counties or municipalities representing a majority of the population of the region for which a commission exists may petition the (STATE PLANNING OFFICER) *commissioner* by formal resolution stating that the existence of the commission is no longer in the public welfare and interest and is not needed to accomplish the purposes of the regional development act of 1969. For purposes of this section the population of a county does not include the population of a municipality within the county. Any formal resolution adopted by the governing body of a county or municipality for the termination of a commission shall be effective for a period of one year for the purpose of determining the requisite population of the region needed to petition the (STATE PLANNING OFFICER) *commissioner*.

Subd. 2. Within 35 days of the receipt of the petition, the (STATE PLANNING OFFICER) *commissioner* shall fix a time and place within the region for a hearing. The (STATE PLANNING OFFICER) *commissioner* shall give notice of the hearing by publication once each week for two successive weeks before the date of the hearing in a legal newspaper in each of the counties which the commission represents. The hearing shall be conducted by members of the commission. If the commission determines that the existence of the commission is no longer in the public welfare and interest and that it is not needed to accomplish the purposes of the regional development act of 1969, the commission shall recommend to the (STATE PLANNING OFFICER) *commissioner* that (HE) *the commissioner* terminate the commission. Within 60 days after receipt of the recommendation, the (STATE PLANNING OFFICER) *commissioner* shall terminate the commission by giving notice of the termination to all government units within the region for which the commission was established. Unless otherwise provided by this subdivision, the hearing shall be in accordance with sections 15.0411 to 15.0426.

Subd. 3. The (STATE PLANNING OFFICER) *commissioner* shall not accept a petition for termination more than once in 30 months for each regional development commission.

Sec. 237. Minnesota Statutes 1980, Section 462.421, Subdivision 21, is amended to read:

Subd. 21. "The commission" means the (STATE HOUSING COMMISSION) *commissioner of energy, planning and development.*

Sec. 238. Minnesota Statutes 1980, Section 462A.05, Subdivision 15b, is amended to read:

Subd. 15b. It may make grants to assist in energy conservation rehabilitation measures for existing owner occupied housing including, but not limited to: insulation, storm windows and doors, furnace or space heater repair, cleaning or replacement, chimney construction or improvement, weatherstripping and caulking, and structural or other directly related repairs essential for energy conservation. The grant to any household shall not exceed \$2,000.

To be eligible for an emergency energy conservation grant, a household must be certified as eligible to receive emergency residential heating assistance under either the federal or the state program, and either (1) have had a heating cost for the preceding heating season that exceeded 120 percent of the regional average for the preceding heating season for that energy source as determined by the (ENERGY AGENCY) *commissioner of energy, planning and development*, or (2) be eligible to receive a federal energy conservation grant, but be precluded from receiving the grant because of a need for directly related repairs that cannot be paid for under the federal program. The housing finance agency shall make a reasonable effort to determine whether other state or federal loan and grant programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs that finance other needed rehabilitation work. The receipt of a grant pursuant to this section shall not affect the applicant's eligibility for other housing finance agency loan or grant programs.

(TEMPORARY RULES TO IMPLEMENT THIS SUBDIVISION MAY BE PROMULGATED AND AMENDED PURSUANT TO CHAPTER 15. THE TEMPORARY RULES MAY REMAIN IN EFFECT UNTIL JULY 1, 1981.)

Sec. 239. Minnesota Statutes 1980, Section 473.204, Subdivision 2, is amended to read:

Subd. 2. In preparation of these standards, criteria and model ordinances, described in subdivision 1, clauses (a), (b), (d), (f), (g) and (i) and in order to assure consistency with regulations, standards, criteria and model ordinances promulgated by other state agencies, the metropolitan council shall seek the assistance and approval of the department of natural resources; in preparation of these standards, criteria and model

ordinances, described in subdivision 1, clauses (c) and (e), the metropolitan council shall seek the assistance and approval of the state soil and water conservation board; in preparation of these standards, criteria and model ordinances, described in subdivision 1, clause (h), the metropolitan council shall seek the assistance and approval of the department of agriculture. In addition, the metropolitan council shall, where appropriate, seek the assistance of the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, the Minnesota pollution control agency, soil and water conservation districts, the University of Minnesota, the department of agriculture, and other appropriate agencies.

Sec. 240. Minnesota Statutes 1980, Section 473.411, Subdivision 1, is amended to read:

Subdivision 1. [DEVELOPMENT PROGRAM.] The commission shall prepare and submit in the manner provided in and satisfying the requirements of section 473.161, a transportation development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state transportation department and the (STATE PLANNING AGENCY) *commissioner of energy, planning and development*, and for that purpose may create (SUCH) advisory committees as may be necessary.

(SUCH) *The* program shall provide for coordination of routes and operations of all publicly and privately owned transportation facilities within the transit area to the end that combined efficient and rapid transportation may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration transportation project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The transportation development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The transportation development program shall also contain a description of the type of right-a-way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program shall also contain an operational improvement program which shall at least describe performance objectives and standards which the commission proposes to achieve in satisfying policies, purposes, and goals established by the

legislature and the council; identify performance indicators by which to monitor and assess progress in achieving the objectives and standards; and establish a route deficit limit as provided in section 174.28, subdivision 5. The program may include such other information as the council or the commission deems necessary.

Sec. 241. Minnesota Statutes 1980, Section 473.857, Subdivision 2, is amended to read:

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory committee or hearing examiner may employ the appropriate technical and professional services of the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Sec. 242. Minnesota Statutes 1980, Section 473H.06, Subdivision 5, is amended to read:

Subd. 5. The metropolitan council shall maintain agricultural preserve maps, illustrating (a) certified long term agricultural lands; and (b) lands covenanted as agricultural preserves. The council shall make yearly reports to the (STATE PLANNING AGENCY) *commissioner of energy, planning and development* and such other agencies as the council deems appropriate.

Sec. 243. Minnesota Statutes 1980, Section 474.01, Subdivision 6, is amended to read:

Subd. 6. In order to further these purposes and policies the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* shall investigate, shall assist and advise municipalities, and shall report to the governor and the legislature concerning the operation of this chapter and the projects undertaken hereunder, and shall have all of the powers and duties in connection therewith which are granted to him by chapter 362 with respect to other aspects of business development and research.

Sec. 244. Minnesota Statutes 1980, Section 474.01, Subdivision 7, is amended to read:

Subd. 7. Any municipality or redevelopment agency contemplating the exercise of the powers granted by this chapter may apply to the commissioner of (ECONOMIC DEVELOPMENT) *energy, planning and development* for information, advice, and assistance. The commissioner is authorized to handle such preliminary information in a confidential manner, to the extent requested by the municipality.

Sec. 245. Minnesota Statutes 1980, Section 474.01, Subdivision 8, is amended to read:

Subd. 8. Each municipality and redevelopment agency upon entering into a revenue agreement, except one pertaining to a project referred to in section 474.02, subdivision 1f, shall furnish the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development* on the forms the (DEPARTMENT) *commissioner* may prescribe the following information concerning the project: The name of the contracting party, the nature of the enterprise, the location, approximate number of employees, the general terms and nature of the revenue agreement, the amount of bonds or notes issued, and other information the (DEPARTMENT) *commissioner* may deem advisable. The (DEPARTMENT) *commissioner* shall keep a record of the information which shall be available to the public at times the (DEPARTMENT) *commissioner* shall prescribe.

Sec. 246. Minnesota Statutes 1980, Section 641.24, is amended to read:

#### 641.24 [LEASING.]

The county may, by resolution of the county board, enter into a lease agreement with any statutory or home rule charter city situated within the county, whereby the city will construct a county jail in accordance with plans approved by the commissioner of corrections and will finance it by the issuance of revenue bonds, and the county will lease the jail site and improvements for a term and upon rentals sufficient to produce revenue for the prompt payment of the bonds and all interest accruing thereon and, upon completion of payment, will acquire title thereto. The real and personal property acquired for the jail shall constitute a project and the lease agreement shall constitute a revenue agreement as contemplated in chapter 474, and all proceedings shall be taken by the city and the county in the manner and with the force and effect provided in chapter 474; provided that:

(1) No tax shall be imposed upon or in lieu of a tax upon the property;

(2) The approval of the project by the commissioner of securities and real estate shall not be required;

(3) The department of corrections shall be furnished and shall record such information concerning each project as it may prescribe, in lieu of reports required on other projects to the (DEPARTMENT OF ECONOMIC DEVELOPMENT) *commissioner of energy, planning and development*;

(4) The rentals required to be paid under the lease agreement shall not exceed in any year four-tenths of one percent of the assessed value of property within the county, as last finally equalized before the execution of the agreement;

(5) The county board shall provide for the payment of all rentals due during the term of the lease, in the manner required in section 641.264, subdivision 2; and

(6) No mortgage on the jail property shall be granted for the security of the bonds, but compliance with clause (5) hereof may be enforced as a nondiscretionary duty of the county board.

Sec. 247. [REPEALER.]

*Minnesota Statutes 1980, Sections 4.11, Subdivisions 1, 2, 3, 6, and 7; 4.15; 4.16; 16.014, Subdivision 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 254A.06; 299A.03, Subdivisions 12, 13, and 14; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.15; 362.17; 362.18; 362.19; 362.23; 362.45, Subdivision 2; 462.711; and 473-571, Subdivisions 2, 3, and 4, are repealed. Minnesota Statutes 1980, Section 299A.03, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 are repealed, effective July 1, 1982.*

Sec. 248. [INSTRUCTION TO REVISOR.]

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make the necessary changes in terminology to record the transfers of functions, powers, and duties that are provided by sections 64 to 247 from a department, agency, or board to the department of energy, planning and development, and shall renumber sections so as to place into one chapter substantially all of the sections dealing primarily with the powers and duties of the commissioner of energy, planning and development.*

Sec. 249. [EFFECTIVE DATE.]

*Section 136 is effective the day following final enactment; until the department of energy, planning and development begins operation, the powers granted in that section shall be exercised by the director of the Minnesota energy agency. Sections 64 and 67 are effective July 1, 1981. Sections 65 and 66, and 68 to 247 are effective when the commissioner of energy, planning and*

*development notifies the commissioner of administration that the department of energy, planning and development is ready to begin operation, except that those sections relating to the transfer of Minnesota energy agency or the powers and duties of the director of the Minnesota energy agency are effective March 1, 1982.*

#### OTHER AMENDATORY SECTIONS

Sec. 250. Minnesota Statutes 1980, Section 3.3005, Subdivision 3, is amended to read:

Subd. 3. When a request to spend federal money has been included in the governor's budget or authorized by law as described in subdivision 2, but (THE STATE AGENCY PROPOSES TO USE THE FEDERAL MONEY TO HIRE STATE EMPLOYEES IN ADDITION TO THE NUMBER INCLUDED IN THE GOVERNOR'S BUDGET REQUEST OR AUTHORIZED BY LAW, OR) the amount of federal money received will require a state match greater than that included in the governor's budget request or authorized by law, (THE ADDITIONAL PERSONNEL SHALL NOT BE HIRED AND) the federal money that will require an additional state match shall not be allotted for expenditure until the state agency has first presented to the legislative advisory commission a request in the manner of a budget request and has received the recommendation of the commission on it. Failure or refusal of the commission to make a recommendation promptly is deemed a negative recommendation.

Sec. 251. Minnesota Statutes 1980, Section 3.304, is amended by adding a subdivision to read:

*Subd. 2a. [JOINT LEGISLATIVE STUDIES.] The legislative coordinating commission shall oversee and coordinate all joint legislative studies mandated by the legislature and may require regular progress reports to the legislative coordinating commission and to appropriate standing committees of the house of representatives and the senate. Appropriations for all joint legislative studies except those specifically assigned to an existing legislative commission shall be made to the legislative coordinating commission. Responsibility and appropriations for a joint legislative study may be delegated by the legislative coordinating commission to an existing staff office of the house of representatives or senate, a legislative commission, a joint legislative committee or office or a state agency. The office, commission, joint committee, or agency responsible for the study may contract with another agent for assistance.*

Sec. 252. Minnesota Statutes 1980, Section 5.08, Subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] 15,000 copies of the legislative manual shall be printed and distributed as follows:

(1) *up to* 25 copies shall be available to each member of the legislature on request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to the state institutions not hereinbefore mentioned, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best.

Sec. 253. Minnesota Statutes 1980, Section 9.061, Subdivision 5, is amended to read:

Subd. 5. Where an emergency exists the executive council may expend (SUCH SUMS OF) money as (ARE) necessary therefore (, BUT NOT TO EXCEED \$2,000,000 IN ANY ONE FISCAL YEAR, AND SUCH SUMS OF MONEY ARE HEREBY APPROPRIATED ANNUALLY FROM THE GENERAL FUND IN THE STATE TREASURY FOR SUCH PURPOSE. FOR THE PURPOSE OF SUPPLYING ANY DEFICIENCY THAT MAY ARISE IN THE GENERAL FUND BY REASON OF THE APPROPRIATION MADE BY THIS SUBDIVISION, THE TREASURER MAY TEMPORARILY BORROW FROM OTHER PUBLIC FUNDS A SUM NOT EXCEEDING \$2,000,000 IN ADDITION TO ANY OTHER TEMPORARY BORROWING OTHERWISE AUTHORIZED BY LAW IN ANY YEAR; PROVIDED, THAT NO FUNDS SHALL BE SO IMPAIRED THEREBY THAT ALL PROPER DEMANDS THEREON CANNOT BE MET) *within the limit of appropriations made to the council for this purpose.*

Sec. 254. Minnesota Statutes 1980, Section 11A.20, Subdivision 3, is amended to read:

Subd. 3. [CREDITING OF INVESTMENT INCOME.] Notwithstanding provisions of section 11A.12, all investment income and all investment losses attributable to the investment of state treasury funds, *other than the game and fish fund*, not currently needed shall be credited to the general fund.

Sec. 255. Minnesota Statutes 1980, Section 16A.123, is amended to read:

16A.123 [APPROVED COMPLEMENT.]

The approved complement set for an agency by law limits the number of personnel positions in the agency at any one time. The approved complement does not apply to independent contractors. In addition to the approved complement, part-time employees, seasonal or intermittent employees as defined by the commissioner of employee relations, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of employee relations, CETA employees, or employees engaged in repair or construction projects may be employed with the advance approval of the commissioner of finance who shall determine the need for them and that money is available. The approved complement applies to positions in the agency regardless of the fund or appropriation from which they are paid. If more than one approved complement figure for an agency is shown in a law, the figures may be taken as cumulative, or a larger figure may be taken as a total or subtotal of related smaller figures, as the context indicates. Approved complement figures for an agency shown in separate laws enacted at the same biennial session of the legislature are cumulative.

Additional full-time positions over the number of the approved complement may be created on the basis of public necessity or emergency. (IF THE POSITION IS TO BE PAID FROM AN APPROPRIATION OF MONEY OTHER THAN FEDERAL MONEY,) The addition shall not be made without the written approval of the governor. The governor shall not approve the addition until after he has consulted with the legislative advisory commission and the commission has made its recommendation on the matter. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. (IF THE POSITION IS TO BE PAID FROM AN APPROPRIATION OF FEDERAL MONEY, THE ADDITION MAY BE MADE WITH THE WRITTEN APPROVAL OF THE COMMISSIONER OF FINANCE WHO SHALL DETERMINE THE NEED FOR IT AND THAT MONEY IS AVAILABLE. THE COMMISSIONER OF FINANCE SHALL PROMPTLY NOTIFY THE COMMITTEE ON FINANCE OF

THE SENATE AND THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES OF THE ADDITIONS.)

Sec. 256. Minnesota Statutes 1980, Section 17.59, Subdivision 5, as amended by Laws 1981, Chapter 41, Section 3, is amended to read:

Subd. 5. [COMMODITIES RESEARCH AND PROMOTION ACCOUNT.] All fees collected by the department under sections 17.51 to 17.69; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.477; 32B.01 to 32B.13; and any other fees and income received by the department in the administration of these statutes shall be deposited in a separate account known as the commodity research and promotion account *in the special revenue fund*. *These funds shall be* appropriated to the department for the purpose of defraying the expenses of administering and enforcing the sections listed in this subdivision.

Sec. 257. Minnesota Statutes 1980, Section 17A.04, Subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner the following applicable fee or fees: (1) (\$100) \$120 for each livestock market agency and public stockyard license; (2) (\$35) \$42 for each livestock dealer license; and (3) (\$20) \$24 for each agent license.

Sec. 258. Minnesota Statutes 1980, Section 17B.15, is amended to read:

17B.15 [FEES FOR INSPECTION AND WEIGHING; DEDICATED ACCOUNT.]

Subdivision 1. The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. *The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including repayment by the department of any amount appropriated from the general fund to establish the grain inspection and weighing account. The fees may be adjusted and set so as to establish a six month or less reserve. Payment shall be required for services rendered. If the grain is in transit, (SUCH) the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, (SUCH) the fees shall be paid by the warehouseman, and added to the storage charges.*

All (MONEYS SO) fees collected and all fines and penalties for violation of any provision of this chapter shall be (PAID INTO THE STATE TREASURY) *deposited in the grain inspection*

*and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.*

Subd. 2. The commissioner is directed to review the fee schedule each April and October. (IF INCOME FOR THE TWO-YEAR PERIOD ENDING DECEMBER AND JUNE PRIOR TO EACH REVIEW PERIOD IS NOT EQUAL TO 100 PERCENT, OR IS GREATER THAN 110 PERCENT, OF EXPENDITURES FOR SALARIES, OVERTIME AND EXPENSES WHICH SHALL INCLUDE WITHOUT LIMITATION, AN AMOUNT FOR STATE RETIREMENT AND SOCIAL SECURITY CONTRIBUTIONS, THE COMMISSIONER SHALL ADJUST FEES ACCORDINGLY. SUCH) *Fee* adjustments shall be effective the first of January and July following the review. (THE DEPARTMENT SHALL HAVE A TWO-YEAR INITIAL PERIOD TO REACH 100 PERCENT OF EXPENDITURES.)

Subd. 3. [MINIMUM CHARGE.] The schedule of fees shall provide that any elevator, mill, or other business requesting a weighing or inspection service, shall pay a minimum charge per hour for each employee requested or assigned. Any fees earned by the employee shall be credited against the charge made therefor. The minimum charge shall be assessed only after taking into consideration all fees earned and all hours charged. When deemed necessary by the commissioner, a charge for actual overtime costs may be made.

Sec. 259. Minnesota Statutes 1980, Section 18.51, Subdivision 2, is amended to read:

Subd. 2. [FEES; PENALTY.] Each nurseryman shall be required to pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of his nurseries as follows:

Nurseries:

- |  |                             |
|--|-----------------------------|
| (1) 1/2 acre or less                                 | (\$15) \$25 per nurseryman  |
| (2) Over 1/2 acre to and including 2 acres           | (\$25) \$35 per nurseryman  |
| (3) Over 2 acres to and including (5) 10 acres       | (\$50) \$60 per nurseryman  |
| (4) Over (5) 10 acres to and including (10) 50 acres | (\$70) \$160 per nurseryman |

((5) OVER 10 ACRES (\$100 PER NURSERYMAN)  
TO AND INCLUDING 25  
ACRES)

((6) OVER 25 ACRES (\$150 PER NURSERYMAN)  
TO AND INCLUDING 50  
ACRES)

((7)) (5) Over 50 acres (\$300) \$400 per nurseryman

In addition to the above fees, a *minimum* penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 260. Minnesota Statutes 1980, Section 18.52, Subdivision 5, is amended to read:

Subd. 5. [FEES; PENALTY.] Each dealer is required to pay an annual fee. The fee charged shall be based on the gross sales of the dealer during the preceding certificate year. In the case of a dealer operating for the first year, the minimum fee will suffice.

Dealers:

- |  |   |
|--|---|
| (1) Gross sales up to (\$5,000)<br>\$1,000                             | at a location<br>(\$25) \$20 per location   |
| (2) Gross sales over (\$5,000)<br>\$1,000 and up to (\$10,000) \$5,000 | at a location<br>(\$35) \$30 per location   |
| (3) Gross sales over (\$10,000)<br>\$5,000 up to (\$15,000) \$10,000   | at a location<br>(\$50) \$45 per location   |
| (4) Gross sales over (\$15,000)<br>\$10,000 up to \$25,000             | at a location<br>(\$60) \$70 per location   |
| (5) Gross sales over \$25,000 up<br>to (\$50,000) \$75,000             | at a location<br>(\$75) \$115 per location  |
| ((6) GROSS SALES OVER<br>\$50,000 UP TO \$75,000)                      | (AT A LOCATION<br>\$100 PER LOCATION)       |
| ((7)) (6) Gross sales over<br>\$75,000 up to \$100,000                 | at a location<br>(\$150) \$175 per location |
| ((8)) (7) Gross sales over<br>\$100,000                                | at a location<br>(\$200) \$250 per location |

In addition to the above fees, a *minimum* penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 261. Minnesota Statutes 1980, Section 18.54, Subdivision 1, is amended to read:

Subdivision 1. The commissioner or his employee may make small lot inspections or perform other necessary services for which another charge is not specified. For (SUCH A SERVICE, HE) *these services the commissioner* shall charge a fee of \$10; in addition, (HE MAY) *a charge may be made* for the necessary expenses incurred by the inspector performing this service. *The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.*

Sec. 262. Minnesota Statutes 1980, Section 19.19, Subdivision 1, is amended to read:

Subdivision 1. No person shall own, possess, or operate bees without registering (HIS) *the* bees with the commissioner. Application for (SUCH) registration must be filed within 30 days of obtaining possession of bees and equipment. The registration application shall describe the location of each of the applicant's apiaries and the number of colonies in each apiary or location. The commissioner shall issue a registration certificate to a person who makes written application on forms prepared by the commissioner and who pays a registration fee of (\$5) *\$7.50*. Each registration certificate expires on the last day of June next following its issuance. Each registration certificate must be renewed within 30 days of expiration of previous registration. A registration certificate may be renewed upon written application and payment of the registration fee described in this subdivision.

Sec. 263. Minnesota Statutes 1980, Section 19.19, Subdivision 2, is amended to read:

Subd. 2. In addition to the annual registration fee, a person owning or possessing 11 or more bee colonies shall pay an annual inspection fee of (15) *17* cents for each colony of bees owned, possessed, or operated. A person owning or possessing one to ten colonies is not required to pay an inspection fee. This fee shall be based upon the colony count taken as of June 15 of each year, and shall be payable on or before the last day of June of each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 shall be imposed if a registration renewal certificate has not been applied for prior to August 1 of any year or within 30 days after a new apiary is established.

Sec. 264. Minnesota Statutes 1980, Section 19.20, Subdivision 4, is amended to read:

Subd. 4. [INSPECTION FEE FOR CERTIFICATION OF FALL INTERSTATE SHIPMENTS OF BEE COLONIES.] An interstate inspection fee of (TWENTY-FIVE) 40 cents for each colony inspected shall be paid by the owner, possessor or operator requesting inspection service.

Sec. 265. Minnesota Statutes 1980, Section 27.041, Subdivision 2, is amended to read:

Subd. 2. [LICENSES.] The license, or certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. Every license shall expire June 30 following its issuance and thereafter be renewed July 1 each year. Any license issued under this subdivision shall automatically be void upon the termination of the surety bond covering the licensed operation. The fee for each license shall be based on the following schedule:

License Fee	Penalty for Late Renewal	Dollar Volume of Business
\$( 25) 30	\$( 8) 9.60	\$10,000 or less per month
\$( 50) 60	\$(15) 18	Over \$10,000 to \$50,000 per month
\$( 75) 90	\$(22) 26.40	Over \$50,000 to \$100,000 per month
\$(100) 120	\$(30) 36	Over \$100,000 per month

A fee of \$5 shall be charged for each certified copy of a license. The commissioner shall make appropriate license fee adjustments for up to one year from July 1, 1975 for persons required to be licensed hereunder, who hold validly issued licenses as of the effective date of Laws 1975, Chapter 227 under the provisions of law amended or repealed herein. When the licensee sells, disposes of, or discontinues his business during the lifetime of his license he shall at the time the action is taken, notify the commissioner in writing, and upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

All moneys collected from license fees shall be deposited in the state treasury.

Sec. 266. Minnesota Statutes 1980, Section 28A.08, is amended to read:

## 28A.08 [LICENSE FEES; PENALTIES.]

The fees for licenses and the penalties for late renewal thereof prescribed herein shall apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$(15) 18	\$(5) 6
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$(30) 36	\$(10) 12
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$(50) 60	\$(15) 18
2. Wholesale food handler	\$(30) 36	\$(10) 12
3. Food broker	\$(15) 18	\$(5) 6
4. (a) Wholesale food processor or manufacturer	\$(100) 120	\$(30) 36
(b) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture	\$(50) 60	\$(15) 18
(c) Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$(25) 30	\$(10) 12

Sec. 267. Minnesota Statutes 1980, Section 32.075, is amended to read:

**32.075 [TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES.]**

Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and

shall not be transferable. The fee for each such initial license shall be (\$15) \$18 and each renewal thereof shall be (\$6) \$7.20 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of 25 percent of the license fee shall be imposed. A person who does not renew his license within one year following its December 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove his competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews his license to prove his competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 268. Minnesota Statutes 1980, Section 32.59, is amended to read:

#### 32.59 [NONRESIDENT MANUFACTURER LICENSE.]

Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in such form, and furnish such information, as it may require. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, shall be submitted to the department. Each application for registration shall be accompanied by a fee of (\$100) \$120, which shall constitute the registration fee in case certificate of registration is granted. If the department of agriculture shall find that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to applicant a certificate of registration.

Sec. 269. Minnesota Statutes 1980, Section 40.071, is amended to read:

#### 40.071 [ADDITIONAL POWERS OF A DISTRICT.]

In addition to powers and duties otherwise provided by law, a soil and water conservation district may procure *liability* insurance as provided in section (466.13, SUBDIVISION 3) *466.06, automobile insurance on personal cars while used on official business, insurance on the contents of district offices up to a maximum of \$7,500 per office, and workers' compensation insurance, or may require the county or counties in which the district is located to include the district in the county's or counties' insurance coverage for these purposes.*

Sec. 270. Minnesota Statutes 1980, Section 43.46, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE COVERAGE.] The amount of premium paid by the state for represented employees for state employees' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. (EMPLOYEES WHO SELECT A CARRIER WHOSE PREMIUM IS LESS THAN THE STATE PAYMENT SHALL BE PAID THE DIFFERENCE AS ADDITIONAL COMPENSATION.)

Sec. 271. Minnesota Statutes 1980, Section 43.46, Subdivision 3, is amended to read:

Subd. 3. [DEPENDENT COVERAGE.] The amount of premium paid by the state for state employees' dependents' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's dependent coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. (EMPLOYEES WHO SELECT A CARRIER WHOSE PREMIUM IS LESS THAN THE STATE PAYMENT SHALL BE PAID THE DIFFERENCE AS ADDITIONAL COMPENSATION.)

Sec. 272. Minnesota Statutes 1980, Section 60A.15, Subdivision 1, is amended to read:

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES OTHER THAN TOWN AND FARMERS' MUTUAL AND DOMESTIC MUTUALS OTHER THAN LIFE.] On or before April 15, June 15, (SEPTEMBER 15) and December 15 of each year following December 31, 1971, every domestic and foreign company, except town and farmers' mutual insurance companies and domestic mutual insurance companies other than life, shall pay to the state treasurer through the commissioner of insurance (QUARTERLY) installments *equal to one-third* of the insurer's total estimated tax for the current year based on a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during such year, excepting premiums written for marine insurance as specified in subdivision 6. If unpaid by such dates penalties of ten percent shall accrue thereon, and thereafter such sum and penalties shall draw interest at the rate of one percent per month until paid. Failure of a company to make (QUARTERLY) payments of at least (ONE-FOURTH)

*one-third* of either (a) the total tax paid during the previous calendar year or (b) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this subdivision.

Sec. 273. Minnesota Statutes 1980, Section 85.05, Subdivision 1, is amended to read:

Subdivision 1. [RULES, FEES.] The commissioner (IS HEREBY AUTHORIZED TO) *may* make rules (AND REGULATIONS) for the use of state parks and charge appropriate fees for (SUCH) *these* uses, as hereinafter specified;

(1) Provide special parking space for automobile or other motor-driven vehicle in any state park or state recreation area;

(2) Provide special parking spurs and camp grounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for (SUCH) *the* space according to the daily rates which shall be determined and fixed by the commissioner (OF NATURAL RESOURCES) consistent with the type of facility provided for the accommodation of guests in any particular park and with similar facilities offered for tourist camping in the area;

(3) Improve and maintain golf courses already established in state parks, and charge reasonable fees for the use thereof;

(4) (MAY) Charge a fee for entrance to any pageant grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the commissioner of any other authorized agency.

When deemed necessary (BY) the commissioner, for the purpose of better carrying out (ANY SUCH) state park pageants, (HE) may stage (SUCH) *the* pageants in any municipal park or other lands near or adjoining any state park, and all receipts from (SUCH) *the* pageants shall be used in the same manner as though the pageants were carried on in a state park;

(5) Provide water, sewer, and electric service to trailer or tent camp sites and charge a reasonable fee therefor.

Any individual age 65 or over *who is a resident of the state of Minnesota* who furnishes satisfactory proof of age and residence shall be exempt from payment of *one-half* of the fees set pursuant to (CLAUSES 1 TO 4) *clause 2* on Monday through Thursday of each (CALENDAR) week. *Fees paid pursuant to this section shall be deposited in the state park maintenance and operation account in the state treasury.*

Sec. 274. Minnesota Statutes 1980, Section 85.05, Subdivision 2, is amended to read:

Subd. 2. [PERMITS FOR MOTOR VEHICLES.] (a) Except as provided in clauses (b), (c), (d) and (e), no motor vehicle shall enter or be permitted to enter any state park, (STATE MONUMENT,) state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner (OF NATURAL RESOURCES) shall procure permits (IN SUCH FORM AS HE SHALL PRESCRIBE) for each calendar year which by appropriate language shall grant permission to use any state park, (STATE MONUMENT,) state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after (SAID) *that date* until the end of the calendar year for which issued. (SUCH) Permits in each category shall be numbered consecutively for each year of issue. A fee of (\$5) *\$10* shall be charged for each permit issued *for a vehicle licensed in Minnesota and \$15 for a vehicle licensed outside of Minnesota*, except that permits of appropriate special design may be sold individually at (\$1.50) *\$3 for a vehicle licensed in Minnesota and \$4 for a vehicle licensed outside of Minnesota* covering the use of state parks, (STATE MONUMENTS,) state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park (DEVELOPMENT) *maintenance and operation* account in the state treasury. *Appropriations from this account shall be for state park maintenance and operation.* (SUCH) Permits shall be issued by (SUCH) employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

(b) The commissioner shall issue without charge an employee's motor vehicle permit to any state employee who, for the purpose of performing official duties, must enter places where park stickers are required. The employee shall display (HIS EMPLOYEE'S) *the* permit on (HIS) *the* motor vehicle in the same manner as state park stickers are displayed. A motor vehicle displaying only an employee's permit may not enter a place where park stickers are required if the vehicle is used for purposes other than (THOSE AUTHORIZED BY THIS CLAUSE) *performing official duties.*

(c) The commissioner shall issue (WITHOUT CHARGE) *for one-half of the fees provided in clause (a)* a motor vehicle permit to any individual of the age of 65 years or over who furnishes satisfactory proof of age *and who is a resident of the state of Minnesota.* (SUCH) *The* permit or the decal evidencing its

issuance shall be valid only when displayed upon the vehicle owned and occupied by the person to whom issued.

(d) No state park permit is necessary for entry of a motor vehicle into a state park, state monument, state recreation area, or state wayside, on one day each calendar year which the commissioner may designate as state park open house day for the purpose of acquainting the public with state parks, (MONUMENTS,) recreation areas, and waysides. The commissioner shall announce the date of state park open house day at least 30 days in advance of the open house.

(e) No state park permit is necessary, nor shall any fee, including a parking fee, be charged, for entry of a motor vehicle into that part of Fort Snelling state park commonly known as Fort Snelling Memorial Chapel island.

Sec. 275. [85.051] [STATE PARK DEVELOPMENT ACCOUNT.]

*The state park development account in the state treasury is hereby continued, and consists of money credited to it from other sources including distributions pursuant to section 296.421.*

Sec. 276. Minnesota Statutes 1980, Section 85.22, Subdivision 2a, is amended to read:

Subd. 2a. [RECEIPTS, APPROPRIATION.] All receipts derived from the (OPERATIONS OF) *sale of items in state parks shall be deposited in the state treasury and be credited to the state parks working capital fund, which fund is annually appropriated solely for the purchase of merchandise for resale. Annually, as of the close of business on June 30, the unencumbered balance in excess of (\$50,000) \$100,000 shall be cancelled into the general fund.*

Sec. 277. Minnesota Statutes 1980, Section 85A.04, Subdivision 1, is amended to read:

Subdivision 1. All receipts from the operation of the Minnesota zoological garden shall be deposited to the credit of the general fund, *except as provided in subdivision 3.*

Sec. 278. Minnesota Statutes 1980, Section 85A.04, is amended by adding a subdivision to read:

Subd. 3. [ZOO GIFT STORE ACCOUNT.] *A working capital account is established for the gift store of the Minnesota zoological garden. All receipts from the gift store operation shall be deposited in the state treasury and credited to the account and are appropriated for the purposes of the gift store. Gift store expenses, including inventory, personnel costs, space*

*rental, and overhead, shall be paid from the account. The unencumbered balance in the account on June 30 of each year in excess of the value of the inventory of the gift store on June 30, 1981 shall be transferred to the general fund. If improvements or expansions are planned for the gift store operation to be paid with gift store receipts, the plan must be first approved by the governor after receiving the recommendation of the legislative advisory commission.*

Sec. 279. Minnesota Statutes 1980, Section 89.43, is amended to read:

**89.43 [TREE SEEDS AND CONES, PAYMENTS FROM APPROPRIATIONS.]**

Notwithstanding any provision of law to the contrary, out of any (MONEYS) *money* appropriated to the commissioner of natural resources for the purchase of tree seeds and seed cones the commissioner of finance and the state treasurer shall pay to the commissioner upon his request (NOT TO EXCEED THE SUM OF \$10,000 IN CASH AT ANY ONE TIME AND NOT TO EXCEED THE SUM OF \$25,000 IN ANY ONE FISCAL YEAR FOR THE PURPOSE OF PURCHASING TREE SEEDS AND SEED CONES, AND THE PAYMENT THEREFOR) *the amounts deemed necessary by the commissioner to maintain an inventory of tree seeds and seed cones to assure an adequate supply for the nursery and forestry development needs of the department and to pay for the seeds and seed cones in cash at the time of delivery. (AT NO TIME SHALL THE MONEYS IN THE HANDS OF THE COMMISSIONER FOR THIS PURPOSE EXCEED THE SUM OF \$10,000.)*

(ALL MONEYS PAID TO) The commissioner *shall deposit any money received* pursuant to this section (SHALL BE DEPOSITED BY HIM) in a state depository subject to withdrawal for disbursement by check for the purposes described by the commissioner or his authorized agent.

The commissioner of finance shall prescribe (SUCH) rules (AS HE DEEMS NECESSARY FOR THE ACCOUNTING) by *which* the commissioner of natural resources (OF) *shall account for the* expenditures made pursuant to this section and may require an additional bond to cover all (MONEYS DELIVERED) *money paid* to the commissioner of natural resources for disbursement (BY HIM OR HIS AUTHORIZED AGENT) *pursuant to this section.* Any bond premiums shall be paid by the commissioner from (ANY MONEYS) *money* available for (SUCH PURPOSES) *that purpose.*

Unless the legislature specifically otherwise directs in any act appropriating money to the commissioner of natural resources (FOR THE DIVISION OF LANDS AND FORESTRY) for the purchase of tree seeds and seed cones, (MONEYS) *money* paid

to the commissioner (AND UNEXPENDED) pursuant to (THE TERMS OF) this section shall not cancel on June 30 of any fiscal year and shall be available for expenditure in the ensuing fiscal year.

Sec. 280. Minnesota Statutes 1980, Section 97.40, Subdivision 21, is amended to read:

Subd. 21. "Resident" means any citizen of the United States or resident alien who has maintained a legal residence in the state of Minnesota for a period of 60 days immediately preceding the date of application for license, a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

Sec. 281. Minnesota Statutes 1980, Section 97.482, Subdivision 1, is amended to read:

Subdivision 1. [IMPOSITION.] To provide funds for the purpose of carrying out the provisions of sections 97.481 to 97.484, there is hereby imposed upon all small game hunting licenses a surcharge of (\$2) \$4, which shall be added to such license fee, and which surcharge shall be free from any commissions and so stated on the back of the small game hunting licenses, together with the following statement: "This (\$2) \$4 surcharge is being paid by sportsmen for the acquisition and development of wildlife lands."

Sec. 282. [EFFECTIVENESS OF SECTIONS.]

*Notwithstanding any other law, Minnesota Statutes, sections 97.481 to 97.484 shall continue to be effective until repealed.*

Sec. 283. Minnesota Statutes 1980, Section 98.45, Subdivision 6, is amended to read:

Subd. 6. (AN ALIEN SPOUSE OR) A nonresident child under the age of 21 of a resident of this state may take, buy, sell, transport, or possess wild animals as a resident. (ANY OTHER ALIEN WHO HAS MADE A DECLARATION OF INTENTION TO BECOME A CITIZEN OF THE UNITED STATES IN ACCORDANCE WITH THE STATUTES OF THE UNITED STATES RELATING TO THE NATURALIZATION OF ALIENS, AND WHO IS QUALIFIED AS A RESIDENT OF THE STATE EXCEPT FOR CITIZENSHIP, MAY TAKE, BUY, SELL, TRANSPORT, OR POSSESS WILD ANIMALS AS A RESIDENT.)

Sec. 284. Minnesota Statutes 1980, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, (\$5) \$7;
- (2) To take deer (OR BEAR, OR BOTH,) with firearms (DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER), (\$10) \$14;
- (3) To take deer (OR BEAR, OR BOTH,) with bow and arrow (DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER), (\$10) \$14;
- (4) To take fish by angling, (\$5) \$6.50;
- (5) Combination husband and wife, to take fish by angling, (\$8) \$10.50;
- (6) To take moose, (\$100) \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, (\$7.50) \$14;
- (8) To take turkeys, \$10, in addition to a small game license;
- (9) *To take raccoon, bobcat, coyote or fox with the aid of dogs, \$7.50, in addition to a small game license.*

Sec. 285. Minnesota Statutes 1980, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources shall issue Minnesota sportsman licenses by March 1, 1978. The licenses shall be issued to residents only. The fee for licenses shall be (\$9) \$12 if the angling license is for one person and (\$12) \$16 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 97.4841.

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling.

(THE GAME AND FISH SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE FISH AND WILDLIFE SUBCOMMITTEE OF THE SENATE SHALL STUDY THE FEASIBILITY OF OTHER COMBINATIONS FOR SPORTSMAN'S LICENSES PRIOR TO JANUARY 1, 1978.)

Sec. 286. Minnesota Statutes 1980, Section 98.46, is amended by adding a subdivision to read:

*Subd. 2b. The commissioner of natural resources, in commemoration of the fiftieth year of the department, shall issue Minnesota golden licenses by March 1, 1982. The license shall be issued to residents only. The fee for the license shall be \$100 and shall authorize the licensee to:*

- (1) *Take small game;*
- (2) *Take fish by angling;*
- (3) *Spear fish from a dark house;*
- (4) *Trap fur bearing animals, except beaver;*
- (5) *Take deer with firearms;*
- (6) *Take deer with bow and arrows; and*
- (7) *Take bear.*

*The fee includes the surcharge authorized pursuant to section 97.482, the state waterfowl stamp required by section 97.4841 and the state trout stamp required by section 306.*

*The license shall be issued in distinctive format on durable, gold colored material.*

Sec. 287. Minnesota Statutes 1980, Section 98.46, Subdivision 3, is amended to read:

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, (\$4) \$10;
- (2) To buy and sell wild ginseng, \$5.

Sec. 288. Minnesota Statutes 1980, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

*(1) To trap fur bearing animals, except beaver, for residents over the age of 13 and under the age of 18, \$3.50;*

*((1)) (2) To trap fur bearing animals, except beaver, for residents 18 years of age and older, (\$5) \$13;*

((2)) (3) To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, (\$50) \$100, provided that any employee, partner or officer buying or selling at the established place of business only for (SUCH) the licensee may secure a supplemental license for (\$20) \$50;

((3)) (4) To trap beaver during an open season or by permit when doing damage, \$2.50;

((4)) (5) To guide bear hunters, (\$50) \$75.

Sec. 289. Minnesota Statutes 1980, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, (\$5) \$7.50;

(2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and (\$10) \$13 for each fish house or dark house rented or offered for hire. Each (SUCH) fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;

(4) To conduct a taxidermist business, (\$10) for three consecutive years for residents 18 years of age and older, \$40; for residents under the age of 18, \$25;

(5) To maintain fur and game farms, including deer, (\$10) \$15;

((6) TO TAKE MUSSELS OR CLAMS, \$25;)

((7)) (6) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, (\$25) \$50;

((8)) (7) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, (\$10) \$13;

((9)) (8) Minnow dealer, (\$50) \$70 plus \$10 for each vehicle;

((10)) (9) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;

((11)) (10) Exporting minnow dealer, (\$200) \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Sec. 290. Minnesota Statutes 1980, Section 98.46, Subdivision 5a, is amended to read:

Subd. 5a. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) For an exporting minnow hauler, (\$400) \$525, plus \$10 for one vehicle license only.

(2) Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.

Sec. 291. Minnesota Statutes 1980, Section 98.46, Subdivision 6, is amended to read:

Subd. 6. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the junction of the Mississippi River and Lake St. Croix and from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

(1) For a seine not exceeding 500 feet, (\$20) \$25;

(2) For a seine in excess of 500 feet, but not over 1,000 feet, (\$30) \$40;

(3) For each 100 feet of seine in excess of 1,000 feet, (\$2) \$2.50;

(4) For helper's license, \$5.

Sec. 292. Minnesota Statutes 1980, Section 98.46, Subdivision 7, is amended to read:

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

- (1) For each gill net not exceeding 500 feet in length, (\$10) *\$13*;
- (2) For each gill net exceeding 500 feet, but not over 1,000 feet, (\$20) *\$25*;
- (3) For each fyke net or hoop net, \$10;
- (4) For each bait or turtle net, (\$1) *\$1.50*;
- (5) For each set line, (\$10) *\$13* for each identification tag to be attached to each set line;
- (6) For helper's license, \$5.

Sec. 293. Minnesota Statutes 1980, Section 98.46, Subdivision 8, is amended to read:

Subd. 8. Fees for the following licenses to take rough fish with (SET LINES, OR) seines (,) in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, (\$20) *\$25*; for a seine in excess of 500 feet, but not over 1,000 feet, (\$30) *\$40*; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;
- ((2) FOR EACH SET LINE, \$10;)
- ((3)) (2) For helper's license, \$5.

Sec. 294. Minnesota Statutes 1980, Section 98.46, Subdivision 9, is amended to read:

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, shall be issued to residents only, upon payment of the fee of (\$10) *\$13*.

Sec. 295. Minnesota Statutes 1980, Section 98.46, Subdivision 9a, is amended to read:

Subd. 9a. Licenses to net commercial fish in inland waters shall be issued annually and shall be valid for commercial fishing during the period from the day after Labor Day to the day preceding the opening of the season for the taking of walleye. License fees shall be (~~\$50~~) ~~\$70~~, plus:

(a) (FIFTY) 75 cents for each hoop net pocket;

(b) (~~\$10~~) ~~\$15~~ for each 1,000 feet of seine. Provided that in the license application to the commissioner, each applicant shall list the number of feet of seine of each depth for which he wishes to be licensed; and

(c) \$5 for each helper's license.

Sec. 296. Minnesota Statutes 1980, Section 98.46, Subdivision 10, is amended to read:

Subd. 10. Fees for the following licenses to net fish in Lake of the Woods, to be issued to residents only, shall be:

(1) For each pound net or staked trap net, (~~\$35~~) ~~\$45~~;

(2) For each fyke net with wings or lead not exceeding four feet in height, (~~\$5~~) ~~\$10~~;

(3) For each fyke net with either wings or lead over four feet in height, an additional \$5 for each additional two feet or fraction thereof;

(4) For each 100 feet of gill net, (~~\$1.50~~) ~~\$2.50~~;

(5) For each submerged trap net, \$15;

(6) For helper's license, (~~\$5~~) ~~\$15~~;

(7) For each trawl, \$500.

Sec. 297. Minnesota Statutes 1980, Section 98.46, Subdivision 11, is amended to read:

Subd. 11. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

(1) For each pound net, (~~\$35~~) ~~\$45~~;

(2) For each 100 feet of gill net, (~~\$1.50~~) ~~\$2.50~~;

(3) For helper's license, (~~\$5~~) ~~\$15~~.

Sec. 298. Minnesota Statutes 1980, Section 98.46, Subdivision 12, is amended to read:

Subd. 12. (a) Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

(1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, (\$50) \$70 plus (\$1) \$2 for each additional 1,000 feet (305 m);

(2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 inch (11.5 cm) mesh extension measure, (\$50) \$70 plus (\$1) \$2 for each additional 1,000 feet (305 m);

(3) For a pound or trap net, (\$50) \$70 plus (\$1) \$2 for each additional pound or trap net;

(4) For a helper's license, \$5.

(b) A license to fish commercially in Lake Superior shall be issued only to a resident who, except as herein provided:

(1) Possesses 5,000 feet of gill net of mesh sizes permitted in section 102.28 or two pound nets;

(2) Landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner; and

(3) Engaged in commercial fishing for at least 50 days of the previous year.

(AN APPLICANT FOR A LICENSE IN 1978 MUST HAVE MET THE REQUIREMENTS OF SUBDIVISION 12, CLAUSE (B) DURING TWO OF THE PREVIOUS THREE YEARS.)

An applicant shall be issued a license without meeting the requirements of subdivision 12, clause (b) if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if (HIS) failure to meet the requirements of subdivision 12, clause (b) resulted from illness or other mitigating circumstances, or (HE) *the applicant* has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under the provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet the requirements of subdivision 12, clause (b), and have held multiple licenses prior to 1978.

(c) A license may be issued to an applicant who has not fished commercially on Lake Superior before, if the applicant:

(1) Shows a bill of sale indicating the purchase of gear and facilities connected with an existing license; or

(2) Shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) Has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation; and

(4) Has no record of conviction for violating chapters 97 to 102 in the preceding three years.

Sec. 299. Minnesota Statutes 1980, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, (\$25) \$35;

(2) To take deer (AND BEAR DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER,) and unprotected quadrupeds with firearms and bow and arrows, (\$60) \$75;

(3) To take deer (AND BEAR DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER,) and unprotected quadrupeds with a bow and arrows only, (\$25) \$35;

(4) To take bear, (\$25.25) \$100;

(5) To take turkeys, \$30, in addition to a small game license;

(6) To hunt raccoon, \$100, in addition to nonresident small game license.

Sec. 300. Minnesota Statutes 1980, Section 98.46, Subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) To take fish by angling, (\$10) \$15;

(2) A short term individual license to take fish by angling for (THREE) *seven* consecutive days, (\$5) \$10.50;

(3) *A short term individual license to take fish by angling for one day, \$5;*

(4) *Combination husband and wife, to take fish by angling, (\$15) \$20;*

(4) (5) For any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision.

Sec. 301. Minnesota Statutes 1980, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. Fees for the following licenses, to be issued to non-residents, shall be:

To buy or sell raw furs, (\$400) \$500, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

Sec. 302. Minnesota Statutes 1980, Section 98.46, Subdivision 17, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, (\$5) \$10 plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, for annual sales under \$200, \$25; and for annual sales of \$200 or more, \$50.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, (\$100) \$150;

(b) To take in excess of 100 quarts, (\$2) \$3 per quart for such excess.

Sec. 303. Minnesota Statutes 1980, Section 98.46, Subdivision 18, is amended to read:

Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, (\$50) \$70 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, (\$200) \$250 if (SUCH) *the* amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), and (5) of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in (SUCH) *the* form (AS) the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates (HE) will (BUY) *be bought* or (SELL) *sold* under the license, and (SUCH) other pertinent information (AS) the commissioner may require. The license fee shall be paid in advance, based on (SUCH) *the* estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold (BY HIM) during the period covered by (HIS) *the* license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every (SUCH) record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in (SUCH) *the* form (AS) the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold (BY HIM) during (SUCH) *the* calendar month, whether raw or processed.

(4) No dealer licensee under this subdivision shall at any time buy or sell any wild rice for which a license is required hereunder in excess of the amount covered by (HIS) *the* license. In case a licensee shall desire to buy or sell any wild rice in excess of (SUCH) *the* amount, (HE) *the licensee* shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and (SUCH) *the* license shall be issued (TO HIM) upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued (TO HIM HEREUNDER) for the same calendar year. Upon the issuance of (SUCH) *the* supplemental license,

(SUCH) *the* previous license or licenses shall be surrendered to the commissioner.

(5) The willful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the willful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by (HIM) *that person* shall immediately become null and void, and no such license shall be issued to (HIM) *that person* for one year after the date of (SUCH) *the* conviction.

Sec. 304. Minnesota Statutes 1980, Section 98.46, Subdivision 19, is amended to read:

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:

- (a) For the purpose of selling to retailers, (\$25) \$50;
- (b) For the purpose of retail selling only, (\$5) \$10.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

- (a) Wholesale fish buyer's license, \$100;
- (b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, (\$10) \$15;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, (\$5) \$25. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or (HIS) *peddler's* employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or (HIS) employee, (HIS) *the* license shall be revoked, and (SUCH) *the* licensee shall not be eligible to obtain a fish peddler's license for the period of one year after (SAID) revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in

the locality where it was taken if it is not generally known by any common name in Minnesota.

Sec. 305. Minnesota Statutes 1980, Section 98.47, Subdivision 1, is amended to read:

Subdivision 1. Residents who have attained the age of 65 years may take fish by angling or spearing without a license. Residents under the age of 16 years may take fish (AND TRAP FUR BEARING ANIMALS EXCEPT BEAVER OR OTTER) without procuring a license. Residents under the age of 13 years may take small game without a license. Residents under the age of 16 years and over 12 may take small game provided they have in their possession while hunting a valid firearm safety certificate. Residents under 14 must be accompanied by a parent or guardian while hunting. No hunting license shall be issued to any resident under the age of 16, except that such residents who possess a valid certificate may purchase a big game hunting license. Nonresidents under the age of 16 years may take fish by angling without procuring a license, if their parent or legal guardian has obtained a nonresident fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian. Any nonresident under the age of 16 years who is attending a camp adjacent to any public waters of the state conducted by a social, charitable, or welfare organization or institution, not for profit, may take fish by angling in such waters or other adjacent waters without procuring a license, provided the organization or institution conducting the camp shall have a certificate from the commissioner that the camp is qualified hereunder, describing the waters affected as determined by the commissioner, and each such nonresident shall carry with him at all times while taking or attempting to take fish by angling in such waters a certificate identifying him and describing the waters, in such form as the commissioner shall prescribe, signed and dated by the officer or agent of the organization or institution in charge of the camp within the current calendar year.

Sec. 306. [97.4842] [TROUT STAMP.]

*Subdivision 1. [STAMP REQUIRED.] No person over the age of 18 and under the age of 65 years who is otherwise required to possess a Minnesota fishing license shall take trout by angling in any trout stream within this state without first purchasing a stamp and having the stamp in his possession while angling for trout in any trout stream. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons who are interested in the improvement of trout streams.*

*Subd. 2. [FEE.] A stamp shall be issued to each fishing license applicant or other person interested in improvement of trout streams upon the payment of a fee of \$3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.*

*Subd. 3. [USE OF REVENUE.] The commissioner shall approve projects for the following purposes:*

*(a) Development, restoration, maintenance or preservation of trout streams; and*

*(b) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.*

Sec. 307. Minnesota Statutes 1980, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of (75 CENTS) \$1 for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and (50) 75 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841 shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any

license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 308. Minnesota Statutes 1980, Section 99.28, Subdivision 5, is amended to read:

Subd. 5. The holder of any such license shall pay an annual license fee of (\$2.50) \$10 for any such farm upon which muskrats are taken on said owner's premises.

Sec. 309. Minnesota Statutes 1980, Section 100.273, Subdivision 7, is amended to read:

Subd. 7. In taking raccoon, bobcat, coyote or fox when treed or at bay on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises. During the season for taking big or small game, a hunter may on foot retrieve a wounded big or small game animal from agricultural land of another which is not posted pursuant to subdivision 6, without permission of the landowner, and shall then leave as soon as possible.

Sec. 310. Minnesota Statutes 1980, Section 100.35, Subdivision 1, is amended to read:

Subdivision 1. The fee for a shooting preserve license or permit shall be (\$50) \$75.

Sec. 311. Minnesota Statutes 1980, Section 100.35, Subdivision 5, is amended to read:

Subd. 5. All harvested game except ducks which are marked in accordance with regulations of the United States fish and wildlife service shall be tagged with a selfsealing tag to be issued by the department at a cost of (five) 15 cents. The tags shall be so numbered or otherwise identified that each preserve using them can be identified and (SUCH) the tag shall be maintained on each bird shot until either consumed on the premises or if removed therefrom, until actually prepared for consumption.

Sec. 312. Minnesota Statutes 1980, Section 101.44, is amended to read:

101.44 [FROGS; SEASON, REGULATION, LICENSES.]

Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Except as otherwise provided under the commissioner's regulations, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in (SUCH) areas of the state and during (SUCH) periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state. The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be (\$50) \$70 for resident; (\$150) \$200 for nonresidents. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be (\$2.50) \$10.

Sec. 313. Minnesota Statutes 1980, Section 116C.69, Subdivision 2, is amended to read:

Subd. 2. [SITE APPLICATION FEE.] Every applicant for a site certificate shall pay to the board a fee in an amount equal to \$500 for each \$1,000,000 of production plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. The applicant shall pay within 30 days of notification any additional fees reasonably necessary for completion of the site evaluation and designation process by the board. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production plant investment (\$1,000 for each \$1,000,000). All money received pursuant to this subdivision shall be deposited in (THE GENERAL FUND) *a special account*. (SO MUCH) Money (AS IS NECESSARY) *in the account* is (ANNUALLY) appropriated (FROM THE GENERAL FUND) *to the board* to pay expenses incurred in processing applications for certificates in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant. (THIS ANNUAL APPROPRIATION SHALL NOT EXCEED THE FEES TO BE PAID DURING EACH PERIOD.)

Sec. 314. Minnesota Statutes 1980, Section 116C.69, Subdivision 2a, is amended to read:

Subd. 2a. [ROUTE APPLICATION FEE.] Every applicant for a transmission line construction permit shall pay to the board a base fee of \$35,000 plus a fee in an amount equal to \$1,000 per mile length of the longest proposed route. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. In the event the actual cost of processing an application up to the board's final decision to designate a route exceeds the above fee schedule, the board may assess the applicant any additional fees necessary to cover the actual costs, not to exceed an amount equal to \$500 per mile length of the longest proposed route. All money received pursuant to this subdivision shall be deposited in (THE GENERAL FUND) *a special account.* (SO MUCH) Money (AS IS NECESSARY) *in the account* is (ANNUALLY) appropriated (FROM THE GENERAL FUND) *to the board* to pay expenses incurred in processing applications for construction permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant. (THIS ANNUAL APPROPRIATION SHALL NOT EXCEED THE FEES TO BE PAID DURING EACH PERIOD.)

Sec. 315. Minnesota Statutes 1980, Section 116C.69, Subdivision 3, is amended to read:

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site and route designation, from an assessment made (ANNUALLY) *quarterly, at least 30 days before the start of each quarter,* by the board against all utilities. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such utilities, multiplied by 0.333, as determined by the board. The assessment shall be credited to the general fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the annual budget of the board for carrying out the purposes of this subdivision. *The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the board for the preceding fiscal year were more or less than the estimated expenditures previously assessed.*

Sec. 316. Minnesota Statutes 1980, Section 116F.06, Subdivision 2, is amended to read:

Subd. 2. The agency shall review new or revised packages or containers except when such changes involve only color, size, shape or printing. The agency shall review innovations including, but not limited to, changes in constituent materials or combinations thereof and changes in closures. When the agency determines that any new or revised package or container would constitute a solid waste disposal problem or be inconsistent with state environmental policies, the manufacturer of the product may withdraw it from further consideration until such time as the manufacturer may resubmit such product to the agency, or, the agency may, by order made after notice and hearing as provided in chapter 15, and following an additional period not to exceed 30 days during which the environmental quality board may review the proposed action, prohibit the sale of the package or container in the state. Any such prohibition shall continue in effect until revoked by the agency or until the last legislative day of the next following legislative session, whichever occurs first, unless extended by law. This subdivision shall not apply to any package or container sold at retail in this state prior to (FINAL ENACTMENT OF SECTIONS 116F.01 TO 116F.08) *September 7, 1979.*

Sec. 317. Minnesota Statutes 1980, Section 139.16, is amended to read:

#### 139.16 [PUBLIC TELEVISION GRANTS; PURPOSE.]

The purpose of sections 139.16 to 139.18 is to facilitate the use of public television as a community resource for the public by providing financial assistance to public television stations serving Minnesota citizens, and to provide for cooperation between public television station officials and the (BOARD OF THE ARTS) *department of administration.*

Sec. 318. Minnesota Statutes 1980, Section 139.17, is amended to read:

#### 139.17 [DEFINITIONS.]

Subdivision 1. As used in sections 139.16 to (139.18) *139.19*, the terms defined in this section have the meanings here given them.

Subd. 2. "Public station" means a (LICENSEE OF THE FEDERAL COMMUNICATIONS COMMISSION) *station holding a license or operating under a program test authority from the Federal Communications Commission as a noncommercial educational television broadcast station within this state or a*

station outside the state which received funds under section 139.18 in 1976.

Sec. 319. Minnesota Statutes 1980, Section 139.17, is amended by adding a subdivision to read:

*Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of administration.*

Sec. 320. Minnesota Statutes 1980, Section 139.18, Subdivision 1, is amended to read:

Subdivision 1. The (BOARD OF THE ARTS) *commissioner* shall distribute the (FUNDS) *money* provided by sections 139.16 to 139.18. Twice annually the (BOARD OF THE ARTS) *commissioner* shall make block grants which shall be distributed in equal amounts to public stations for operational costs. The (BOARD OF THE ARTS) *commissioner* shall allocate (FUNDS) *money* appropriated for the purposes of sections 139.16 to 139.18 in such a manner that each eligible public station receives a block grant. In addition, the (BOARD OF THE ARTS) *commissioner* shall make matching grants to public stations. Matching grants shall be used for operational costs and shall be allocated using the procedure developed for distribution of state money under this section for grants made in fiscal year 1979. No station's matching grant in any fiscal year shall exceed the amount of Minnesota based contributions received by that station in the previous fiscal year.

Sec. 321. Minnesota Statutes 1980, Section 139.18, Subdivision 3, is amended to read:

Subd. 3. Each educational station receiving a grant shall annually report by July 1 to the (BOARD OF THE ARTS) *commissioner* the purposes for which the (FUNDS WERE) *money* was used in the past fiscal year and the anticipated use of the (FUNDS) *money* in the next fiscal year. The report shall be certified by an independent auditor or a certified public accountant. If the report is not submitted by September 1, the (BOARD OF THE ARTS) *commissioner* may withhold from the educational station 45 percent of the amount to which it was entitled based upon the contribution of the previous fiscal year, and may redistribute (THOSE FUNDS) *that money* to other educational stations.

Sec. 322. Minnesota Statutes 1980, Section 139.18, Subdivision 4, is amended to read:

Subd. 4. (IN DESIGNATING) The board of the arts (AS THE ADMINISTRATIVE AGENCY TO DISTRIBUTE THESE FUNDS, THE LEGISLATURE RECOGNIZES THAT THIS IS STRICTLY AN ADMINISTRATIVE FUNCTION UNRE-

LATED TO THE ARTISTIC AND CULTURAL MANDATE OF THE BOARD. IN FUTURE YEARS, THE BOARD) may develop program categories and funding programs in television, film and other public media (, WHICH SHALL NOT BE LIMITED, PROHIBITED OR OTHERWISE AFFECTED BY THE BOARD'S SERVING THE SPECIFIC ADMINISTRATIVE FUNCTIONS UNDER THE TERMS OF SECTIONS 139.16 TO 139.18).

Sec. 323. Minnesota Statutes 1980, Section 139.19, Subdivision 3, is amended to read:

Subd. 3. [STATION ELIGIBILITY.] To qualify for a grant under this section, a noncommercial radio station shall:

(a) Hold a valid noncommercial educational radio station license or program test authority from the Federal Communications Commission;

(b) Have facilities adequate to provide local program production and origination;

(c) Employ a minimum of two full time professional radio staff persons or the equivalent in part-time staff and agree to employ a minimum of two full time professional radio staff persons or the equivalent in part-time staff throughout the fiscal year of the grant;

(d) Maintain a minimum daily broadcasting schedule of (1) the maximum allowed by its Federal Communications Commission license or (2) 12 hours a day during the first year of eligibility for state assistance, 15 hours a day during the second year of eligibility and 18 hours a day during the third and following years of eligibility;

(e) Broadcast 365 days a year or the maximum number of days allowed by its Federal Communications Commission license;

(f) Have a daily broadcast schedule devoted primarily to programming that serves ascertained community needs of an educational, informational or cultural nature within its primary signal area; however, a program schedule of a main channel carrier designed to further the principles of one or more particular religious philosophies or including 25 percent or more religious programming on a broadcast day does not meet this criterion, nor does a program schedule of a main channel carrier designed primarily for in-school or professional in-service audiences;

(g) Originate significant, locally produced programming designed to serve its community of license;

(h) Have a total annual operating income and budget of at least \$50,000;

(i) Have either a board of directors representing the community or a community advisory board that conducts advisory board meetings that are open to the public;

(j) Have a board of directors that: (1) holds the portion of any meeting relating to the management or operation of the radio station open to the public and (2) permits any person to attend any meeting of the board without requiring a person, as a condition to attendance at the meeting, to register the person's name or to provide any other information; and

(k) Have met the criteria in clauses (a) to (j) for six months before it is eligible for state assistance under this section.

The (BOARD OF THE ARTS) *commissioner* shall accept the judgment of Corporation for Public Broadcasting accepted audit when it is available on a station's eligibility for assistance under the criteria of this subdivision. If the applicant station is not qualified for assistance from the Corporation for Public Broadcasting, an independent audit is required.

Sec. 324. Minnesota Statutes 1980, Section 139.19, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION.] To be eligible for a grant under this section, a station shall submit an application to the (BOARD OF THE ARTS) *commissioner* within the deadline prescribed by the (BOARD) *commissioner*. It shall also submit, within the deadline prescribed by the (BOARD) *commissioner*, its audited financial records for the fiscal year preceding the year for which the grant will be made.

Sec. 325. Minnesota Statutes 1980, Section 139.19, Subdivision 5, is amended to read:

Subd. 5. [GRANTS.] (a) The (BOARD OF THE ARTS) *commissioner* shall determine eligibility for grants and the allocation of grant (FUNDS) *money* on the basis of audited financial records for the applicant station's fiscal year preceding the year in which the grant is made, as well as on the basis of the other requirements set forth in this section. The (BOARD) *commissioner* shall annually distribute grants to all stations that comply with the eligibility requirements and apply for a grant. The (BOARD OF THE ARTS) *commissioner* may promulgate rules to implement this section. For this purpose the (BOARD OF THE ARTS) *commissioner* may promulgate temporary rules pursuant to section 15.0412, subdivision 5. An applicant's share of the grant money shall be based on:

(1) The amount received in the preceding year by the station in private non-tax generated contributions from sources within the state; no contributions made for the purpose of capital expenditures shall be counted; and

(2) The dollar value in the preceding year of contributions of volunteer time to station operations, provided that the volunteer time was not used for the purpose of raising money for the station. Volunteer time shall be valued at the federal minimum wage per hour. A station's total allocation for volunteer time shall not exceed 20 percent of its total grant pursuant to this section.

(b) The (BOARD OF THE ARTS) *commissioner* shall match every verified contribution dollar under paragraph (a), clause (1) and volunteer time dollar, as calculated under paragraph (a), clause (2), with two state dollars for each eligible applicant until the applicant station has received \$10,000 in grant money under this section, and thereafter grant money shall be distributed on a dollar for dollar basis until the total amount appropriated for that year has been distributed equally among all applicants. A station may receive state matching money only until the station's total verified contribution and volunteer time has been matched or the amount of the grant received equals one-third of the station's total operating income for the previous fiscal year.

(c) A station may use grant money under this section for any radio station expenses.

Sec. 326. Minnesota Statutes 1980, Section 139.19, Subdivision 6, is amended to read:

Subd. 6. [AUDIT.] A station that receives a grant under this section shall have an audit of its financial records made by an independent auditor or Corporation for Public Broadcasting accepted audit at the end of the fiscal year for which it received the grant. The audit shall include a review of station promotion, operation, and management and an analysis of the station's use of the grant money. A copy of the audit shall be filed with the (BOARD OF THE ARTS) *commissioner*.

Sec. 327. Minnesota Statutes 1980, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner of labor and industry the sum of \$5,000 for the benefit of the special

compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for the dependency benefits and \$5,000; but in no event shall the employer pay the commissioner of labor and industry less than \$1,000;

(2) When an employee suffers a personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commissioner of labor and industry for the benefit of the special compensation fund a lump sum without interest deduction equal to seven percent of the total compensation, as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties and the amount is approved by the commissioner of labor and industry.

The provisions of clauses (1) and (2) shall apply to all workers' compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

The seven percent of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, through June 1, 1975, and thereafter on January 1, beginning in 1976, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year through 1975 and as of September 30, 1975, and each September 30 thereafter, is below \$1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least \$1,000,000 but below \$1,500,000, the rate will be increased by one percent. If the balance is at least \$1,500,000 but below \$2,000,000, there shall be no change. If the balance is at least \$2,000,000 but less than \$2,500,000, the rate shall be decreased by one percent. If the balance is at least \$2,500,000, the rate shall be decreased by two percent. If the balance is \$3,000,000 or more the commissioner of labor and industry shall within 30 days determine the percent of decrease, which shall be not less than two percent nor more than five percent.

Sums paid to the commissioner of labor and industry pursuant to the provisions hereof, shall be deposited with the state trea-

surer for the benefit of the special compensation fund and be used to pay the benefits provided by this chapter. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund. Any interest or profit accruing from investment of these sums shall be credited to the special compensation fund.

The state treasurer shall be the custodian of this special fund and the workers' compensation division and the workers' compensation court of appeals in cases before it shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under circumstances that justice requires a refund thereof, the state treasurer is authorized to refund the deposit under order of the workers' compensation division or the workers' compensation court of appeals. There is appropriated to the persons entitled to the refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department of labor and industry for the accounting, *investigation*, and legal procedures necessary for administration of the programs financed by the special compensation fund shall (BE PAID FROM THE MONEYS BIENNIALY APPROPRIATED TO THE DEPARTMENT AND NOT FROM THE SPECIAL COMPENSATION FUND) *come as appropriated from the fund during each biennium commencing July 1, 1981. Staffing and expenditures related to the administration of the special compensation fund shall be approved through the regular budget and appropriations process.*

Sec. 328. Minnesota Statutes 1980, Section 176.183, Subdivision 2, is amended to read:

Subd. 2. (UPON A WARRANT PREPARED BY) The commissioner (OF THE DEPARTMENT) of labor and industry (AND APPROVED BY THE COMMISSIONER OF FINANCE, AND), in accordance with the terms of the order awarding compensation, (THE STATE TREASURER) shall pay compensation to the employee or his dependent from the special compensation fund. The commissioner of (THE DEPARTMENT OF) labor and industry shall certify to the (STATE TREASURER) *commissioner of finance* and to the legislature (AT THE END OF EACH BIENNIUM) *annually* the total amount of compensation paid from the special compensation fund under subdivisions 1 and 1a. The (STATE TREASURER) *commissioner of finance* shall upon proper certification reimburse the special compensation fund *from the general fund* the total amount certified as paid under this section.

Sec. 329. Minnesota Statutes 1980, Section 179.71, Subdivision 2, is amended to read:

Subd. 2. The director shall accept and investigate all petitions for:

(a) certification or decertification as the exclusive representative of an appropriate unit;

(b) mediation services;

(c) any election or other voting procedures provided for in sections 179.61 to 179.76;

(d) certification to the board of arbitration;

(e) *upon the receipt of a \$10 filing fee*, to hear and decide all issues in a fair share fee challenge.

Sec. 330. Minnesota Statutes 1980, Section 223.03, as amended by Laws 1981, Chapter 90, Section 3, is amended to read:

223.03 [LICENSES, APPLICATION, BONDS, CONDITIONS.]

The application for license shall be in writing, state the commodities for which license to sell is wanted, also the cities or other location in the state where applicant intends to do business, and give the business address of the applicant and the estimated volume of business to be done monthly. The bond shall be conditioned for the faithful performance of (HIS) *the* duties (AS) of commission merchant. Separate licenses shall be required for each city or location at which consignments are received and disposed of by (SUCH) *the* commission merchant, and the licenses shall be kept posted in each office of licensee. All licenses shall expire (MAY THIRTY-FIRST) *June 30* of each year. The fee for each license shall be (\$50) *\$65*. (SUCH) A license may be revoked by the department for cause, upon notice and hearing. All moneys collected under this chapter shall be deposited in the state treasury.

Sec. 331. Minnesota Statutes 1980, Section 231.16, is amended to read:

231.16 [WAREHOUSEMAN TO OBTAIN LICENSE.]

Every person desiring to engage in the business of warehouseman, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application in (SUCH) *the* form (AS SHALL BE) prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, char-

acter, and equipment of the buildings or premises to be used by the warehouseman, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouseman making the application is qualified to carry on the business of warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of (SUCH) *the* decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for (SUCH) *the* license a fee based on the storage capacity of the warehouse as follows:

Storage capacity in square feet:

(1)	5,000 or less	.....	(\$ 50)	\$65
(2)	Over 5,000 to 10,000	.....	(\$100)	\$125
(3)	Over 10,000 to 20,000	.....	(\$150)	\$200
(4)	Over 20,000 to 100,000	.....	(\$200)	\$250
(5)	Over 100,000 to 200,000	.....	(\$250)	\$325
(6)	Over 200,000	.....	(\$300)	\$375.

(SUCH) *The* license (MAY) *shall* be renewed (FROM YEAR TO YEAR BUT SHALL NEVER BE VALID FOR A PERIOD OF MORE THAN ONE YEAR) *annually on June 30*, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. (SUCH) *The* license shall authorize the warehouseman to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which his original license was issued during the term thereof, upon his filing an application for (SUCH) *a* permit in (SUCH) *the* form (AS SHALL BE) prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing.

Sec. 332. Minnesota Statutes 1980, Section 232.02, Subdivision 1, is amended to read:

Subdivision 1. Any person, firm, or corporation, operating a public or private local grain warehouse shall be licensed to buy grain annually by the department. Application for license must be filed with the department and the license issued before transacting warehouse business. The fee shall be (\$25) *\$35* for each private local grain warehouse license issued and a license shall be required for each warehouse operated. (FOR THE PURPOSE OF DISTRIBUTING THE WORK OF ISSUING LICENSES, THE DEPARTMENT MAY, BEGINNING JULY 1, 1968, AND UNTIL JULY 1, 1970, ISSUE THE LICENSES PROVIDED FOR IN THIS SECTION FOR PERIODS OF NOT LESS THAN THREE MONTHS NOR MORE THAN TWELVE MONTHS AND PRORATE THE FEE FOR SUCH LICENSE ACCORDING TO THE LENGTH OF TIME FOR WHICH THE LICENSE IS ISSUED. THEREAFTER,) Licenses shall expire (ONE YEAR FROM THE DATE OF ISSUANCE) *annually on June 30.*

Sec. 333. Minnesota Statutes 1980, Section 232.02, Subdivision 2, is amended to read:

Subd. 2. Any person, firm or corporation operating a public local grain warehouse shall be licensed annually by the department; (SAID) *the* license shall cover both the buying and storing of grain. Application for (SUCH) *the* license must be filed with the department and the license issued before the licensee may either buy or store grain. (FOR THE PURPOSE OF DISTRIBUTING THE WORK OF ISSUING LICENSES, THE DEPARTMENT MAY, BEGINNING JULY 1, 1968, AND UNTIL JULY 1, 1970, ISSUE THE LICENSES PROVIDED FOR IN THIS SECTION FOR PERIODS OF NOT LESS THAN THREE MONTHS NOR MORE THAN TWELVE MONTHS AND PRORATE THE FEE FOR SUCH LICENSES ACCORDING TO THE LENGTH OF TIME FOR WHICH THE LICENSE IS ISSUED. THEREAFTER,) All licenses shall expire (ONE YEAR FROM THE DATE OF ISSUANCE) *annually on June 30.* The fee for the issuance of (SUCH) *the* license shall be as follows: for all warehouses under 100,000 bushels capacity—(\$30) *\$40*; if the capacity is 100,000 bushels or over but under 500,000 bushels—(\$45) *\$60*; if the capacity is 500,000 bushels or over—(\$60) *\$75.* The fees collected under this section shall be paid into the state treasury and credited to the general fund. (SUCH) A license shall be revocable by the department for cause upon notice and hearing. All licenses, grade rules, and all rules regulating public or private local grain warehouses shall,

upon receipt thereof by the warehouseman, be posted in a protected place in the driveway to (HIS) *the* warehouse.

Sec. 334. Minnesota Statutes 1980, Section 232.02, Subdivision 3, is amended to read:

Subd. 3. Any person, firm, or corporation, other than a licensed warehouseman, who shall purchase grain from the owner thereof for the purpose of resale shall first procure a license therefor from the department before transacting such business and shall be subject to the same laws, rules, and regulations as may govern local grain warehousemen insofar as they may apply. The fee for each such buyer's license shall be (\$20) **\$25.** (FOR THE PURPOSE OF DISTRIBUTING THE WORK OF ISSUING LICENSES, THE DEPARTMENT MAY, BEGINNING JULY 1, 1968, AND UNTIL JULY 1, 1970, ISSUE THE LICENSES PROVIDED FOR IN THIS SECTION FOR PERIODS OF NOT LESS THAN THREE MONTHS NOR MORE THAN TWELVE MONTHS AND PRORATE THE FEE FOR SUCH LICENSES ACCORDING TO THE LENGTH OF TIME FOR WHICH THE LICENSE IS ISSUED. THEREAFTER,) All licenses shall expire (ONE YEAR FROM THE DATE OF ISSUANCE) *annually on June 30.* Truck grain buyers using trucks or tractor-trailer units shall obtain a separate license for each truck or tractor-trailer unit used in such grain buying. Before any license shall be issued the applicant therefor shall file with the department a bond to the state with a corporate surety, approved by the department, in a penal sum to be prescribed by the department, but not less than \$3,000 for each such truck and not less than \$5,000 for each tractor-trailer unit used in grain buying, conditioned that the applicant will pay upon demand to (SUCH) *the* owner the purchase price of (SUCH) *the* grain. (SAID) *The* bond is to provide coverage or security for the protection of the public required with respect to truck grain buyers, regardless of whether the motor vehicles used by the licensee are specifically licensed as required by this section.

Sec. 335. Minnesota Statutes 1980, Section 233.08, is amended to read:

### 233.08 [LICENSE.]

No public terminal warehouse shall be operated or receive grain for storage, either to be mixed with the grain of other parties of like grade, or in separate bins, until the owners or parties in charge and operating (SUCH) *the* warehouse shall first obtain a license from the department authorizing (SUCH) *the* warehouseman to operate (SUCH) *a* warehouse under the provisions of this chapter. All licenses issued or renewed annually shall expire at midnight on the 30th day of June next following the date of issuance or renewal. Before any (SUCH) license

shall be issued, written application (UNDER OATH) shall be made to the department for license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating the same and each member of the firm or officer of the corporation and (SUCH) other facts as the department may require shall be contained in (SUCH) *the* application. The application shall be acted upon with reasonable dispatch by the department; and, if no reason exists for refusing the same, (SUCH) *a* license may be issued upon the payment of the fee of (\$50) \$60 for each elevator. (SUCH) *The* application shall be granted only upon the warehouseman furnishing to the department a bond to the state of Minnesota, to be approved by the department, in a penal sum to be fixed by the department but not less than \$50,000 for each warehouse, which shall be conditioned for the faithful discharge of (HIS) *the* duties (AS SUCH) of warehouseman and full compliance with all the laws of the state and rules of the department relative to the operation of public terminal warehouses and for the delivery to parties storing grain in such warehouses under the terms of this chapter of the grain or an equal amount of the same kind and grade so stored or the payment therefor of the value of (SUCH) *the* grain in case of failure to make (SUCH) *the* delivery. (SUCH) *The* license may be revoked by the department for violation of the law or any rule or regulation prescribed by the department, but shall only be revoked upon a written notice or complaint specifying the charges and after a hearing had before the department. A license may be refused to any warehouseman whose license has been revoked within the preceding year. All moneys collected for license fees shall be deposited with the state treasurer. If (SUCH) *a* warehouseman applies for a license for more than one warehouse in the same county, but one bond need be furnished but the same shall in all cases be in proportion to the capacity of (SUCH) *all* warehouses.

Sec. 336. [270.063] [COLLECTION OF DELINQUENT TAXES.]

*For the purpose of collecting delinquent state tax liabilities from taxpayers who do not reside or are not located in Minnesota, there is appropriated to the commissioner of revenue an amount representing the cost of collection, not to exceed one-third of the amount collected by contract with collection agencies to enable the commissioner to reimburse these agencies for this service. The commissioner shall report quarterly on the status of this program to the chairmen of the house tax and appropriation committees and senate tax and finance committees.*

Sec. 337. Minnesota Statutes 1980, Section 270.66, is amended to read:

270.66 [RIGHT OF SETOFF.]

Upon certification by the commissioner of revenue to the commissioner of finance that a taxpayer has an uncontested delinquent tax liability owed to the commissioner of revenue, and notice that the state has purchased personal services, supplies, contract service, or purchased property from said taxpayer, the commissioner of finance shall apply to such delinquent tax liability funds sufficient to satisfy such unpaid tax liability from funds appropriated for payment of said obligation of the state or any of its agencies that are due and owing the taxpayer, provided however, that such credit shall not be made against any funds exempt under section 550.37 or owed the taxpayer under the provisions of chapter 256 or 256B.

All funds, whether general or dedicated, shall be subject to setoff in the manner herein provided. Transfer of funds as herein provided is payment of the obligation of the state or any of its agencies to such taxpayer and any actions for said funds, if any, shall be had against the department of revenue on the issue of such tax liability. Nothing in this section shall be construed to limit the previously existing right of the state or any of its agencies to setoff.

*Notwithstanding any provision to the contrary, every person, organization, or corporation doing business (hereafter called vendor) with the state of Minnesota or any of its departments, agencies, or educational institutions including the University of Minnesota (all hereafter called agency) shall provide that agency with their social security number or Minnesota tax identification number. The agency shall maintain records of this information, and shall make these records available to the commissioner, upon his request, for the sole purpose of identifying people who have not filed state tax returns or who have not paid uncontested state tax liabilities (hereafter called delinquent taxpayer). When an agency is notified by the commissioner that a vendor is a delinquent taxpayer, payment shall not be made by the agency to the vendor until the commissioner notifies the agency that the vendor no longer is a delinquent taxpayer. The commissioner shall determine that a vendor no longer is a delinquent taxpayer when the vendor has filed all delinquent state tax returns, paid all uncontested state tax liabilities or entered into an agreement with the commissioner which provides for the payment of these liabilities. The commissioner may notify an agency concerning a vendor, notwithstanding the provisions of sections 290.61 or 297A.43.*

Sec. 338. Minnesota Statutes 1980, Section 271.02, is amended to read:

271.02 [OFFICERS.]

The judges of the tax court shall choose a chief judge of the tax court. The chief judge of the tax court shall appoint one of the judges to serve as the administrator, who shall be cus-

todian of the court's files and records and shall coordinate and make hearing assignments. The administrator may appoint (UP TO TWO) employees who shall be in the unclassified service. The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the assistant administrator. The clerk of district court in each county shall be the clerk of the tax court in that county. Filing fees and library fees deposited with the clerk of district court in his capacity as clerk of the tax court and in cases originally commenced in district court and transferred to the tax court shall be retained by the clerk of district court. The tax court clerk in each county shall be subject to the supervision of the administrator in tax court matters.

Sec. 339. Minnesota Statutes 1980, Section 284.28, Subdivision 8, is amended to read:

Subd. 8. There is established in the state treasury a real estate assurance account. This account is composed of money appropriated by the legislature for this purpose and all money deposited in the state treasury and credited to the account. Money in the state treasury credited to the real estate assurance account from all sources is annually appropriated to the state treasurer for the purpose of paying claims ordered by the district court to be paid from the fund. At the time of sale of a parcel of tax forfeited land, the county auditor shall charge and collect in full an amount equal to three percent of the total sale price of land. Before filing a notice of expiration of time for redemption, in cases where an auditor's certificate of sale or a state assignment certificate has been issued, the county auditor shall charge and collect in full from the holder of the certificate an amount equal to three percent of the appraised value of the property for tax purposes. The amounts so collected by the auditor shall be deposited in the state treasury and credited to the real estate assurance account. Income earned from moneys in the account shall be credited to the account. The state treasurer may separately invest account moneys. *The unobligated balance in the real estate assurance account in excess of \$100,000, as of July 1 of each fiscal year, shall be cancelled into the general fund.*

In determining compensation for the unjust deprivation suffered by the claimant, which may include severance damages sustained if the claimant owns adjoining land, the court shall take into account delinquent taxes, penalties, costs, and interest which would have been due and owing if the claimant had redeemed the land.

No claimant shall recover the value of improvements made to the land by other persons or the increment in value of land that occurs after the claimant has actual notice of the forfeiture proceeding. All claims against the real estate assurance account

and ordered by the district court to be paid therefrom shall be obligations of the state and shall be paid out of the first moneys coming into the assurance fund from legislative appropriations, the collection of money by county auditors or from any other sources as provided by law.

Sec. 340. Minnesota Statutes 1980, Section 290.431, is amended to read:

**290.431 [NON-GAME WILDLIFE CHECKOFF.]**

Effective with returns filed for taxable years beginning after December 31, 1979, every person who files an income tax return or property tax refund claim form may designate that \$1 or more shall be *added to the tax or* deducted from the refund that would otherwise be payable *by or to* that person and paid into (A FUND) *an account* to be established for the management of non-game wildlife. The commissioner of revenue shall, on the first page of the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their *tax or* refund shall be paid into the non-game wildlife management (FUND) *account*. The sum of the amounts so designated to be paid shall be (ANNUALLY APPROPRIATED FROM THE GENERAL FUND TO THE COMMISSIONER OF NATURAL RESOURCES AND) credited to the non-game wildlife management (FUND) *account* for use by the non-game section of the division of wildlife in the department of natural resources. *The commissioner of natural resources shall submit a work program for each fiscal year and semi-annual progress reports to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be expended unless the commission has approved the work program.*

Sec. 341. Minnesota Statutes 1980, Section 300.49, Subdivision 1, is amended to read:

Subdivision 1. [PAID TO STATE TREASURER.] Domestic corporations shall pay to the state treasurer the following fees:

(1) For filing articles of incorporation, (\$62.50) \$70 for the first \$25,000 or fraction thereof of the par value of its authorized shares, and \$1.25 for each additional \$1,000 or fraction thereof;

(2) For filing an instrument extending or renewing corporate existence, (\$10) \$15;

(3) For filing any amendment of articles of incorporation increasing the authorized number of shares, or the par value of shares previously authorized, or both, \$1.25 for each \$1,000 or fraction thereof of such increase.

Sec. 342. Minnesota Statutes 1980, Section 301.071, Subdivision 2, is amended to read:

Subd. 2. In addition to the fees prescribed in subdivision 1, a fee of (\$10) \$15 shall be paid to the secretary of state for filing any instrument required to be filed under the provisions of this chapter. The fee shall be paid at the time the service is performed.

Sec. 343. The bill enacted at the 1981 session of the legislature known as S. F. No. 120, Section 1, Subdivision 11, is amended to read:

Subd. 11. [FILED WITH THE SECRETARY OF STATE.] "Filed with the secretary of state" means that an original of a document meeting the applicable requirements of sections 1 to 125, signed, and acknowledged or verified in the manner provided in chapter 358, and accompanied by a filing fee of (\$10) \$15, has been delivered to the secretary of state of this state. The secretary of state shall endorse on the original the word "Filed" and the month, day, year, and time of filing, record the document in the office of the secretary of state, and return the document to the person who delivered it for filing.

Sec. 344. The bill enacted at the 1981 session of the legislature known as S. F. No. 120, Section 19, is amended to read:

Sec. 19. [302A.153] [EFFECTIVE DATE OF ARTICLES.]

Articles of incorporation are effective and corporate existence begins when the articles of incorporation are filed with the secretary of state accompanied by a payment of (\$60) \$85, which includes a (\$50) \$70 incorporation fee in addition to the (\$10) \$15 filing fee required by section 1, subdivision 11. Articles of amendment are effective when filed with the secretary of state or at another time within 30 days after filing if the articles of amendment so provide.

Sec. 345. Minnesota Statutes 1980, Section 322A.16, is amended to read:

322A.16 [FILING IN OFFICE OF SECRETARY OF STATE.]

(a) Two signed copies of the certificate of limited partnership and of any certificates of amendment or cancellation (or of any judicial decree of amendment or cancellation) shall be delivered to the secretary of state. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of his authority as a prerequisite to filing. Unless the secretary of state finds that any certificate does not conform to law, upon receipt

of (ALL FILING FEES REQUIRED BY LAW) a \$10 filing fee he shall:

(1) endorse on each duplicate original the word "Filed" and the day, month and year of the filing thereof;

(2) file one duplicate original in his office; and

(3) return the other duplicate original to the person who filed it or his representative.

(b) Upon the filing of a certificate of amendment (or judicial decree of amendment) in the office of the secretary of state, the certificate of limited partnership shall be amended as set forth therein, and upon the effective date of a certificate of cancellation (or a judicial decree thereof), the certificate of limited partnership is cancelled.

Sec. 346. Minnesota Statutes 1980, Section 322A.71, is amended to read:

**322A.71 [ISSUANCE OF REGISTRATION.]**

(a) If the secretary of state finds that an application for registration conforms to law and (ALL REQUISITE FEES HAVE) a \$10 filing fee has been paid, he shall:

(1) endorse on the application the word "Filed", and the month, day and year of the filing thereof;

(2) file in his office a duplicate original of the application; and

(3) issue a certificate of registration to transact business in this state.

(b) The certificate of registration, together with a duplicate original of the application, shall be returned to the person who filed the application or his representative.

Sec. 347. Minnesota Statutes 1980, Section 336.9-403, is amended to read:

**336.9-403 [WHAT CONSTITUTES FILING; DURATION OF FILING; EFFECT OF LAPSED FILING; DUTIES OF FILING OFFICER.]**

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later regardless of whether the financing statement filed as to that security interest is destroyed by the filing officer pursuant to subsection (3). Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. If insolvency proceedings are commenced by or against the debtor, the secured party shall notify the filing officer both upon commencement and termination of the proceedings, and the filing officer shall not destroy any financing statements filed with respect to the debtor until termination of the insolvency proceedings. The security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The secretary of state shall prescribe uniform forms for statements and samples thereof shall be furnished to all filing officers in the state. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be (\$2) \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be (\$3) \$10, plus in each case, if the financing statement is subject to subsection (5) of section 336.9-402, \$5. (THE UNIFORM FEE FOR EACH NAME MORE THAN ONE REQUIRED TO BE INDEXED SHALL BE \$1. THE SECURED PARTY MAY AT HIS OPTION SHOW A TRADE NAME FOR ANY PERSON AND AN EXTRA UNIFORM INDEXING FEE OF \$1 SHALL BE PAID WITH RESPECT THERETO.) *An additional fee of \$5 shall be collected if more than one name is required to be indexed or if the secured party, at his option, shows a trade name for any debtor listed. There shall be no fee collected for the filing of an amendment to a financing statement if the amendment is in the standard form prescribed by the secretary of state and otherwise it shall be \$5.*

(6) If the debtor is a transmitting utility (subsection (5) of section 336.9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 336.9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or, for filing offices other than the secretary of state, where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described. If requested of the filing officer on the financing statement, a financing statement filed for record as a fixture filing in the same office where nonfixture filings are made is

effective, without a dual filing, as to collateral listed thereon for which filing is required in such office pursuant to section 336.9-401 (1) (a); in such case, the filing officer shall also index the recorded statement in accordance with subsection (4) using the recording data in lieu of a file number.

(8) The fees provided for in this article shall supersede the fees for similar services otherwise provided for by law except in the case of security interests filed in connection with a certificate of title on a motor vehicle.

Sec. 348. Minnesota Statutes 1980, Section 336.9-404, is amended to read:

**336.9-404 [TERMINATION STATEMENT.]**

(1) If a financing statement covering consumer goods is filed on or after January 1, 1977, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

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

the files at any time after one year after receipt of the termination statement.

(3) *There shall be no fee collected for the filing of a termination* if the termination statement is in the standard form prescribed by the secretary of state (THE UNIFORM FEE FOR FILING AND INDEXING THE TERMINATION STATEMENT SHALL BE \$1) and otherwise shall be (\$2) \$5, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1). (AN ADDITIONAL FEE OF \$1 SHALL BE CHARGED FOR EACH NAME MORE THAN ONE AGAINST WHICH THE TERMINATION STATEMENT IS REQUIRED TO BE FILED.)

Sec. 349. Minnesota Statutes 1980, Section 336.9-405, is amended to read:

**336.9-405 [ASSIGNMENT OF SECURITY INTEREST; DUTIES OF FILING OFFICER; FEES.]**

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 336.9-403(4). The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment shall be (\$2,) the same as the fee prescribed in section 336.9-403, clause (5).

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement, and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing state-

ment under the name of the assignee. The uniform fee for filing, indexing, and furnishing filing data about such a separate statement of assignment shall be (\$2) \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be (\$3) \$10, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1). An additional fee of (\$1) \$5 shall be charged (FOR EACH NAME) *if there is more than one name* against which the statement of assignment is required to be indexed. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of section 336.9-402) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than Laws 1976, Chapter 135.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Sec. 350. Minnesota Statutes 1980, Section 336.9-406, is amended to read:

**336.9-406 [RELEASE OF COLLATERAL; DUTIES OF FILING OFFICER; FEES.]**

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. (THE UNIFORM) *There shall be no fee for filing and noting such a statement of release (SHALL BE \$2) if the statement is in the standard form prescribed by the secretary of state and otherwise shall be (\$3) \$5, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1). (AN ADDITIONAL FEE OF \$1 SHALL BE CHARGED FOR EACH NAME MORE THAN ONE AGAINST WHICH THE STATEMENT OF RELEASE IS REQUIRED TO BE INDEXED.)*

Sec. 351. Minnesota Statutes 1980, Section 336.9-407, is amended to read:

## 336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall (ISSUE HIS CERTIFICATE SHOWING WHETHER THERE IS ON FILE ON THE DATE AND HOUR STATED THEREIN ANY PRESENTLY EFFECTIVE FINANCING STATEMENT NAMING A PARTICULAR DEBTOR AND ANY STATEMENT OF ASSIGNMENT THEREOF AND, IF THERE IS, GIVING THE DATE AND HOUR OF FILING OF EACH SUCH STATEMENT AND THE NAMES AND ADDRESSES OF EACH SECURED PARTY THEREIN. THE UNIFORM FEE FOR SUCH A CERTIFICATE SHALL BE \$2 IF THE REQUEST IS IN THE STANDARD FORM PRESCRIBED BY THE SECRETARY OF STATE AND OTHERWISE SHALL BE \$3 PLUS 50 CENTS FOR EACH FINANCING STATEMENT AND FOR EACH STATEMENT OF ASSIGNMENT REPORTED THEREIN. UPON REQUEST THE FILING OFFICER SHALL FURNISH A COPY OF ANY FILED FINANCING STATEMENT OR STATEMENT OF ASSIGNMENT FOR A UNIFORM FEE OF 50 CENTS PER PAGE.) *conduct a search of his file for any effective financing statements naming a particular debtor and any statement of assignment thereof. He shall report what he finds as of that date and hour by issuing:*

(a) *His certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;*

(b) *Photocopies of the original documents on files; or,*

(c) *Upon request, both his certificate and photocopies of the statements.*

*The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings and for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. There shall be an additional fee of 50 cents for each financing statement and each statement of assignment listed on the certificate and for each photocopy that he prepares in excess of the first five.*

Sec. 352. Minnesota Statutes 1980, Section 345.42, Subdivision 1, is amended to read:

Subdivision 1. Within 120 days from the filing of the report required by section 345.41, the state treasurer shall cause notice to be published at least once (EACH WEEK FOR TWO SUCCESSIVE WEEKS) *but not more than twice* in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

Sec. 353. Minnesota Statutes 1980, Section 345.53, is amended to read:

345.53 [EXAMINATION OF RECORDS.]

*Subdivision 1.* The state treasurer may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that (SUCH) *the* person has failed to report property that should have been reported pursuant to sections 345.31 to 345.60.

*Subd. 2.* *If an examination of the records of a person results in the disclosure of property reportable and deliverable under sections 345.31 to 345.60, the treasurer may assess the cost of the examination against the holder at the rate of \$15 per hour per examiner, but in no case may the charges exceed the value of the property found to be reportable and deliverable.*

Sec. 354. Minnesota Statutes 1980, Section 352E.04, is amended to read:

352E.04 [DISBURSEMENTS.]

Upon certification to the governor by the administrator of any state or governmental subdivision employing peace officers that a peace officer employed by that state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workers' compensation court of appeals, pay \$50,000 as follows:

- (a) If there is no dependent child, to the spouse;
- (b) If there is no spouse, to the dependent child or children in equal shares;
- (c) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;

(d) If there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;

(e) If there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit fund. (FOR THE PURPOSE OF SECTIONS 352E.01 TO 352E.045, KILLED IN THE LINE OF DUTY SHALL NOT INCLUDE ANY PEACE OFFICER WHO DIES AS A RESULT OF A HEART ATTACK.)

Sec. 355. Minnesota Statutes 1980, Section 354.43, Subdivision 3, is amended to to read:

Subd. 3. Each school district, state university, community college and any other employing authority of members of the fund shall be obligated for employer contributions in accordance with the provisions of sections 354.42, subdivisions 3 and 5, and 355.46, subdivision 3, as provided in this section. *With respect to state employees, each department and agency shall pay the amounts required by section 354.42, subdivisions 3 and 5 from the accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing, for the payment of salaries and in the same proportion as it pays therefrom the amounts of the salaries. The payments shall be charged as an administrative cost by these units of state government. For other reporting units, that portion of (SUCH) the employer contributions based on salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27 shall be remitted to the teachers retirement association. (SUCH) The remittance shall be accompanied by a satisfactory certification which shows the total of all salaries paid which are subject to teachers retirement deductions. (SUCH) The certification shall also show the total amount of salaries paid from normal school operating funds and the total amount of salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27. For each individual salary included in the total of all salaries paid from sources other than normal school operating funds as defined in section 354.05, subdivision 27, the certification shall show each person's name, his salary or related portion of salary and remittance of employer contributions related to (SUCH) the salary for each person included in the actual remittance.*

Sec. 356. Minnesota Statutes 1980, Section 355.06, is amended to read:

355.06 [(REVOLVING FUND) COSTS OF ADMINISTRATION.]

*Subdivision 1. [REVOLVING FUND.] A revolving fund is hereby created to be known as the state agency revolving fund*

for the purpose of paying the costs of the administration of the state agency and to be used by it solely for that purpose. There shall be paid into such fund all amounts received in reimbursement of the state agency's costs of administration in carrying out the provisions of this chapter, as amended, and such reimbursements are hereby appropriated to said revolving fund.

*Subd. 2. [FEDERAL FUND POSITIONS: APPROPRIATION.] In the case of state departments, agencies, and institutions that are financed in whole or in part with federal money, the portion of the cost of collecting social security contributions that is chargeable to federal money shall be reimbursed from federal money, and the amount necessary is appropriated from federal money for that purpose.*

*Subd. 3. [DEDICATED FUND POSITIONS: APPROPRIATION.] The cost of collecting employees' social security contributions and the state's matching share for reimbursement to the U.S. Secretary of the Treasury for state departments, agencies, and institutions whose salaries are provided by open, standing, continuing, or revolving appropriations or so called dedicated receipt accounts shall be reimbursed to the state agency revolving fund from those appropriations or dedicated receipt accounts, and the amount necessary is appropriated from those appropriations and accounts for that purpose.*

Sec. 357. Minnesota Statutes 1980, Section 480.0595, is amended to read:

**480.0595 [JUVENILE COURT RULES.]**

The supreme court shall promulgate rules to regulate the pleadings, practice, procedure and the forms thereof in juvenile proceedings in all juvenile courts of the state in accordance with the provisions of section 480.059, except with respect to the composition of the advisory committee and the distribution of the proposed rules. Before adoption of the rules, the supreme court shall distribute copies of the proposed rules to such persons who register with the supreme court their desire to receive notice of hearings on the proposed rules. The rules shall be (PUBLISHED AND DISTRIBUTED) available for distribution to the judiciary and attorneys of the state on or before September 1, 1981.

**Sec. 358. [EXPENSES OF JUDGES.]**

*During the biennium ending June 30, 1983, judges of the district court shall be reimbursed for all sums, not reimbursed by counties. They shall necessarily hereafter pay out membership dues in state and local judges' associations.*

Sec. 359. Minnesota Statutes 1980, Section 546.27, is amended to read:

546.27 [DECISION BY THE COURT.]

Subdivision 1. When an issue of fact has been tried by the court, the decision shall be in writing, the facts found and the conclusion of law shall be separately stated, and judgment shall be entered accordingly. All questions of fact and law, and all motions and matters submitted to a judge for (HIS) a decision *in trial and appellate matters*, shall be disposed of and (HIS) the decision filed with the clerk within 90 days after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge shall be paid unless the voucher therefor be accompanied by a certificate of the judge that (HE HAS FULLY COMPLIED) *there has been full compliance* with the requirements of this section.

Subd. 2. The board on judicial standards shall annually review the compliance of each district, county, municipal, or probate judge with the provisions of subdivision 1. The board shall notify the (STATE COURT ADMINISTRATOR) *commissioner of finance* of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice. Upon notification that a judge is not in compliance, the commissioner of finance shall not pay the *salary of that judge* (HIS SALARY). The board may cancel a notice of noncompliance upon finding that a judge (HAS RETURNED HIS STATUS) *is in* (TO) compliance, but in no event shall a judge be paid (HIS) a salary for the period in which the notification of noncompliance was in effect.

Sec. 360. [611.215.] [STATE BOARD OF PUBLIC DEFENSE CREATED.]

*Subdivision 1. [CREATION; MEMBERSHIP.] There is created a state board of public defense as a part of, but not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members appointed by the governor including:*

- (a) *A district, county or county municipal court trial judge;*
- (b) *Four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not publicly employed as a prosecutor or defense counsel; and*
- (c) *Two public members.*

*All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. In making the four appointments of attorneys at law, the governor shall first consider a list of at least three nominees for each position submitted to the governor by the state bar association. The terms, compensation and removal of members shall be as provided in section 15.0575. The chairman shall be elected by the members from among the membership for a term of two years.*

*Subd. 2. [DUTIES AND RESPONSIBILITIES.] The state board of public defense shall have those duties and responsibilities imposed upon it by chapter 611.*

*Subd. 3. [LIMITATION.] In no event shall the board or its members interfere with the discretion, judgment or zealous advocacy of counsel in their handling of individual cases as a part of the judicial branch of government.*

Sec. 361. Minnesota Statutes 1980, Section 611.23, is amended to read:

**611.23 [APPOINTMENT; SALARY.]**

The state public defender shall be appointed by the state (JUDICIAL COUNCIL) board of public defense for a term of four years, except as otherwise provided herein, and until his successor is appointed and qualified. He shall be a qualified attorney, licensed to practice law in this state, (SHALL BE) serve in the unclassified service of the state, and (SHALL) be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by law. (THE FIRST STATE PUBLIC DEFENDER APPOINTED PURSUANT TO THIS SECTION SHALL BE APPOINTED FOR A TERM COMMENCING JULY 1, 1965, AND EXPIRING DECEMBER 31, 1969. SUBSEQUENT) Terms of the state public defender shall commence on January 1. The state public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law.

Sec. 362. Minnesota Statutes 1980, Section 611.24, is amended to read:

**611.24 [ORGANIZATION OF OFFICE; ASSISTANTS.]**

(SUBJECT TO THE APPROVAL OF THE JUDICIAL COUNCIL,) The state public defender may employ or retain assistant state public defenders and (SUCH) other personnel as may be necessary to discharge the function of the office. The

commissioner of administration shall provide (SUCH) *the* office with suitable quarters outside the capitol building. An assistant public defender shall be a qualified attorney, licensed to practice law in this state, (SHALL BE) *serve* in the unclassified service of the state if employed, and (SHALL) serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Sec. 363. Minnesota Statutes 1980, Section 611.26, Subdivision 1, is amended to read:

Subdivision 1. A majority of the judges of any judicial district not subject to the provisions of section 611.12, except the second *district*, may, by written order filed with the state (JUDICIAL COUNCIL) *board of public defense*, establish in (SUCH) *the* district the public defender system provided in Laws 1965, Chapter 869. (SUCH) *The* (AN) order shall be effective 30 days after its filing. Notwithstanding this subdivision the state public defender may assist the public defenders of the second and fourth judicial districts at their request.

Sec. 364. Minnesota Statutes 1980, Section 611.26, Subdivision 2, is amended to read:

Subd. 2. Upon the filing of an order pursuant to subdivision 1 the state (JUDICIAL COUNCIL) *board of public defense* shall appoint a district public defender after receiving recommendations from the judges of the district. Each district public defender shall be a qualified attorney, licensed to practice law in this state. He shall be appointed for a term of four years. The district public defender may be removed *for cause* upon the order of the state (JUDICIAL COUNCIL) *board of public defense* (FOR CAUSE). Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 365. Minnesota Statutes 1980, Section 611.26, Subdivision 3, is amended to read:

Subd. 3. The compensation of the district public defender for each judicial district shall be set by the (JUDICIAL COUNCIL) *board of public defense* at a specified sum per month or an hourly or per diem basis.

Sec. 366. Minnesota Statutes 1980, Section 611.26, Subdivision 4, is amended to read:

Subd. 4. A district public defender may appoint assistants, after receiving recommendations from the judges of the district, each of whom shall be a qualified attorney, licensed to practice

law in this state, (BUT ONLY WITH) *subject to the approval of the (JUDICIAL COUNCIL) board of public defense* and (IN ACCORDANCE WITH) the (OTHER) provisions of this section. Each assistant district public defender shall serve at the pleasure of the district public defender.

Sec. 367. Minnesota Statutes 1980, Section 611.26, Subdivision 5, is amended to read:

Subd. 5. The compensation of each assistant district public defender for each of the judicial districts shall be set by the district public defender with the approval of the (JUDICIAL COUNCIL) *board of public defense*, at a specified sum per month or an hourly or per diem basis.

Sec. 368. [TRANSITION.]

*A written order filed before July 1, 1981 with the state judicial council establishing a district public defender system shall remain in effect. A district public defender, serving on July 1, 1981, may continue in office until the expiration of the term to which he has been appointed. The state public defender, serving on July 1, 1981, may continue in office until the expiration of the term to which he has been appointed.*

Sec. 369. Minnesota Statutes 1980, Section 638.08, is amended to read:

638.08 [ISSUANCE OF PROCESS; WITNESSES; STANDING APPROPRIATION.]

The board of pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. When any person is summoned before the board by its authority, (HE) *the person* may be allowed such compensation for travel and attendance as it may deem reasonable. (THE SUM OF \$300 IS HEREBY APPROPRIATED ANNUALLY FOR CARRYING OUT THE PROVISIONS OF THIS CHAPTER.)

Sec. 370. Minnesota Statutes 1980, Section 648.39, is amended to read:

648.39 [MINNESOTA STATUTES AND SESSION LAWS; SALE AND DISTRIBUTION.]

Subdivision 1. [FREE DISTRIBUTION.] (TO THE EXTENT THAT APPROPRIATIONS ARE AVAILABLE THEREFOR,) The revisor of statutes shall *without charge* dis-

tribute each edition of Minnesota Statutes, *supplement to the Minnesota Statutes*, and (EACH EDITION OF) the (SESSION LAWS) *Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:*

- (a) 30 copies to the supreme court;
- (b) 1 copy to each judge of a district court;
- (c) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;
- (d) 100 copies to the state law library;
- (e) 100 copies to the law school of the University of Minnesota;
- (f) (35) 100 copies to the office of the attorney general;

(SUCH) (g) 10 copies (AS MAY BE NECESSARY BUT NOT EXCEEDING TEN) each to the governor's office, the departments of (ADMINISTRATION,) agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

(h) 1 copy each to (THE) other state departments, agencies, boards, and commissions (THAT MAY REQUEST A COPY) not specifically named in this subdivision;

- (i) 1 copy to each member of the legislature;

(THE NECESSARY NUMBER OF) (j) 100 copies (REQUIRED) for the use of the senate and 150 copies for the use of the house of representatives;

- (k) 4 copies to the secretary of the senate;

- (l) 4 copies to the chief clerk of the house of representatives;

(m) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state

of the United States, the library of congress, and the Minnesota historical society (.);

(SUBD. 1A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 1,) *(n)* 20 copies each to the (DEPARTMENTS) *department* of administration (AND), state auditor, and legislative auditor (MAY EACH RECEIVE NOT MORE THAN 20 COPIES OF EACH EDITION OF MINNESOTA STATUTES AND EACH EDITION OF THE SESSION LAWS.);

*(o)* 1 copy to each county library maintained pursuant to section 134.12 or 375.33, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy shall be provided to any public library in the county; and

*(p)* 50 copies to the revisor of statutes.

Subd. 2. [COUNTY OFFICERS.] Each county shall purchase from the revisor of statutes one copy each for the use of the judge of probate, county attorney, sheriff, auditor, treasurer, county recorder, and superintendent of schools.

Subd. 3. [CITY AND TOWN OFFICERS.] Each city and town shall purchase from the revisor of statutes, for the use of each justice of the peace, judge of the municipal court, clerk of the municipal court, and clerk of the city or town, as the case may be, (SUCH) *the* number of copies (AS) *the* city or town (SHALL DETERMINE) *determines* is needed.

Subd. 4. [STATE DEPARTMENTS.] A department, agency, board, commission, or other instrumentality of the state listed in this section may purchase from the revisor of statutes any additional copies which may be required.

Subd. 5. [SALE PRICE.] The sale price for each edition of Minnesota Statutes is (NOT LESS THAN) the actual cost (THEREOF) of *composition, printing, binding, and distribution of all books ordered*, but (IN NO EVENT) *not* less than (\$100) \$75. The sale (PRICE) *prices* of each edition of the *Laws of Minnesota (SESSION LAWS IS) and supplement to the Minnesota Statutes* are not less than the actual cost (THEREOF) of *composition, printing, binding and distribution of all books ordered*, but (IN NO EVENT) *not* less than (\$35) \$25. (NOTHING IN THIS SUBDIVISION) *The revisor of statutes shall (BE CONSTRUED TO) fix the sale prices of paper back editions of each of the publications (SHOULD THE REVISOR OF STATUTES DEEM IT DESIRABLE TO PUBLISH PAPER BACK COPIES) or pamphlets published pursuant to section 648.43. Receipts from the sale of the Minnesota Statutes, supple-*

*ment to the Minnesota Statutes, Laws of Minnesota, and any pamphlets shall be deposited in the general fund.*

(SUBD. 6. THE REVISOR OF STATUTES SHALL PROVIDE WITHOUT COST ONE COPY OF EACH EDITION OF MINNESOTA STATUTES AND ONE COPY OF EACH SUPPLEMENT TO MINNESOTA STATUTES TO EACH COUNTY LIBRARY MAINTAINED PURSUANT TO SECTION 375.33 OR 134.12, EXCEPT IN COUNTIES CONTAINING CITIES OF THE FIRST CLASS. IF A COUNTY HAS NOT ESTABLISHED A COUNTY LIBRARY PURSUANT TO SECTION 375.33 OR 134.12, THE COPIES SHALL BE PROVIDED TO A PUBLIC LIBRARY DESIGNATED BY THE COUNTY BOARD AFTER CONSULTATION WITH THE REGIONAL LIBRARY, IF ANY, ESTABLISHED PURSUANT TO SECTION 375.335 FOR THE REGION IN WHICH THE COUNTY IS LOCATED.)

Sec. 371. Laws 1976, Chapter 337, Section 1, Subdivision 2, as amended by Laws 1978, Chapter 793, Section 82, is amended to read:

Subd. 2. The council shall consist of five members of the house of representatives appointed by the speaker, five members of the senate appointed by the committee on committees, and twelve citizens appointed by the governor. At least 50 percent of those appointed by the governor and by the speaker of the house shall be women. Members shall serve for two years or until the expiration of their legislative terms; *except, in order to establish staggered membership terms for the citizen members, the governor shall appoint six citizens for three-year terms and six citizens for two-year terms starting July 1, 1981.* The compensation of non-legislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Sec. 372. Laws 1976, Chapter 337, Section 1, Subdivision 3, is amended to read:

Subd. 3. The council shall study all matters relating to the economic status of women in Minnesota, including (MATTERS OF CREDIT, FAMILY SUPPORT AND INHERITANCE LAWS RELATING TO ECONOMIC SECURITY OF THE HOMEMAKER, EDUCATIONAL OPPORTUNITIES, CAREER COUNSELING, CONTRIBUTION OF WOMEN TO MINNESOTA'S PER CAPITA AND FAMILY INCOME AND STATE REVENUES, JOB AND PROMOTION OPPORTUNITIES) *economic security of homemakers and women in the labor force, opportunities for education and vocational training, employment*

*opportunities, the contributions of women to the economy, their access to benefits and services provided to citizens of this state, and laws and business practices constituting barriers to the full participation by women in the economy. In addition, the council shall study the adequacy of programs (,) and services (AND FACILITIES) relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family.*

Sec. 373. Laws 1976, Chapter 337, Section 1, Subdivision 4, as amended by Laws 1978, Chapter 793, Section 83, is amended to read:

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15 (, 1977,) of each even-numbered year and shall supplement its findings and recommendations not later than (JUNE 30, 1978 AND JUNE 30, 1981) December 15 of each odd-numbered year. The report shall recommend (ANY NECESSARY CHANGES IN LAWS AND PROGRAMS) *legislation and administrative action* designed to enable women to achieve full participation in the economy. The report shall also recommend methods to encourage the development of coordinated, inter-departmental goals and objectives and the coordination of programs, services and facilities among all state departments and public and private providers of services related to children, youth and families.

Sec. 374. Laws 1978, Chapter 510, Section 2, is amended to read:

Sec. 2. [SPANISH-SPEAKING PEOPLE.]

For purposes of sections 3 to (8) 7, the term "Spanish-speaking person" means a person who uses Spanish as a primary method of communication, or who is a spouse of a person who does.

Sec. 375. Laws 1978, Chapter 510, Section 5, is amended to read:

Sec. 5. [POWERS.]

The council shall have power to contract in its own name. Contracts shall be approved by a majority of the members of the council and executed by the chairperson and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in sections 1 to 7.

The council shall appoint, subject to the approval of the governor, an executive director who shall be experienced in adminis-

trative activities and familiar with the problems and needs of Spanish-speaking people. The council may delegate to the executive director any powers and duties under sections 1 to 7 which do not require council approval. The executive director and council staff shall serve in the unclassified service (AND). *The executive director may be removed at any time by a majority vote of the entire council.* The executive director shall recommend to the council the appropriate staffing patterns necessary to carry out its duties. The commissioner of administration shall provide the council with necessary (ADDITIONAL STAFF AND) administrative services, and the council shall reimburse the commissioner for the cost of these services.

**Sec. 376. [ADVISORY TASK FORCE ON INDEPENDENT LIVING.]**

*Subdivision 1. [DEFINITION.] For the purposes of this section, "independent living programs and services" means any appropriate service or cluster of services that will maximize the ability of a handicapped individual to live independently or function within the family and community and, if appropriate, to secure and maintain appropriate employment.*

*Subd. 2. [MEMBERSHIP.] The advisory task force on independent living shall consist of the governor; the executive director of the council for the handicapped; the commissioners of economic security and public welfare; two members of the house of representatives appointed in the same manner as is customary in the case of members of standing committees of the house; two members of the senate appointed in the same manner as is customary in the case of members of standing committees of the senate; and seven advocates or disabled persons representing the areas of visual impairment, hearing impairment, mobility impairment, mental retardation, mental health, epilepsy and special learning disabilities, appointed to the task force by the chairperson of the council for the handicapped. The necessary administrative support shall be provided by the council for the handicapped. The executive director of the council for the handicapped shall chair the task force meetings.*

*Subd. 3. [DUTIES.] The task force shall study all existing and proposed independent living programs and services in order to ascertain how they may be better integrated or coordinated with each other and with community residential programs so that service gaps and duplications will be minimized and services will be equitably available to the various categories of disabilities. Programs and services to be studied shall include but need not be limited to: the division of vocational rehabilitation's independent living program, the department of public welfare's semi-independent living program, the regional service centers for the hearing impaired, and the mental health non-residential community programs. The task force shall report its findings and recommendations to the governor and the legislature by December 31, 1981. The task force report shall:*

(a) Describe each independent living program or service studied by the task force;

(b) Identify and describe any state plans, court decrees or interagency agreements relating directly to independent living programs or services;

(c) Identify current and potential funding resources for independent living programs and services and describe restrictions affecting the use of this funding;

(d) Identify significant service gaps that prevent independent living programs or services from achieving their full potential;

(e) Identify areas of service duplication;

(f) Identify inequities with regard to the availability of independent living programs and services available to the various categories of disabilities;

(g) Recommend specific improvements in integration or coordination that will minimize or eliminate identified service gaps, duplications, or inequities in independent living programs and that will foster closer cooperation with community residential services; and

(h) Recommend specific legislative, regulatory, or policy changes necessary to allow implementation of the recommended improvements.

Subd. 4. [EFFECTIVE DATE; REPEALER.] This section is effective the day following final enactment and is repealed January 1, 1982.

Sec. 377. [REPEALER.]

Minnesota Statutes 1980, Sections 3.86; 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 363.073, Subdivisions 1 and 2; 481.15, Subdivision 3; 480.053; 483.01; 483.02; 648.45; and 648.46 are repealed. Minnesota Statutes 1980, Section 473.556, Subdivision 15 is repealed, effective July 1, 1982.

Sec. 378. [REPEALER.]

Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, and Laws 1977, Chapter 310, Section 17, are repealed. Laws 1976, Chapter 337, Section 4, as amended by Laws 1978, Chapter 793, Section 84; Laws 1978, Chapter 510, Section 10; Laws 1981, Chapter 151, Section 1, are repealed, effective the day following enactment.

## Sec. 379. [EFFECTIVE DATE.]

*Sections 280 and 283 are effective the day following final enactment. Sections 345 to 351 are effective January 1, 1982. Sections 281, 282, and 284 to 312 are effective for the license year commencing March 1, 1982 and thereafter."*

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; creating a department of energy, planning and development; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of energy, planning and development; abolishing the state planning agency, energy agency, and department of economic development; creating an advisory committee on energy policy development; amending Minnesota Statutes 1980, Sections 3.3005, Subdivision 3; 3.304, by adding a subdivision; 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4, 5 and 8; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26, Subdivision 1; 4.27; 4.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 16A.123; 17.59, Subdivision 5, as amended; 17A.04, Subdivision 5; 17B.15; 18.023, Subdivision 11; 18.024, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 40.071; 43.09, Subdivision 2a; 43.46, Subdivisions 2 and 3; 60A.15, Subdivision 1; 84.023, Subdivision 2; 84.54; 85.016; 85.017; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 85A.04, Subdivision 1, and by adding a subdivision; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 89.43; 92.35; 92.36; 92.37; 97.40, Subdivision 1; 97.482, Subdivision 1; 98.45, Subdivision 6; 98.46, Subdivisions 2 to 12, 14 to 19, and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; 101.44; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdivisions 2, 3, and 4; 116C.69, Subdivisions 2, 2a and 3; 116F.06, Subdivision 2; 116H.05; 116H.06; 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1,

4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 16H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 139.16; 139.17, and by adding a subdivision; 139.18, Subdivisions 1, 3 and 4; 139.19, Subdivisions 3, 4, 5 and 6; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Subdivision 2; 204A.06, Subdivision 1b; 216B.241, Subdivision 2; 222.62; 222.65; 223.03, as amended; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 245.783, Subdivision 2; 268.014; 270.66; 271.02; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 284.28, Subdivision 8; 290.06, Subdivision 14; 290.431; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 300.49, Subdivision 1; 301.071, Subdivision 2; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 322A.16; 322A.71; 325F.19, Subdivisions 3 and 6; 325F.20, Subdivision 1; 325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 345.42, Subdivision 1; 345.53; 352E.04; 354.43, Subdivision 3; 355.06; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.095; 451.09, Subdivision 2; 453.52, Subdivision 3; 462.375; 462.384, Subdivision 7; 462.385, Subdivisions 1 and 3; 462.386, Subdivision 1; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b; 473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 480.0595; 546.27; 611.23; 611.24; 611.26, Subdivisions 1 to 5; 638.08; 641.24; and 648.39; proposing new law coded as Minnesota Statutes, Chapter 116J; proposing new law coded in Minnesota Statutes, Chapters 85, 97, 116H, 270 and 611; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; repealing Minnesota Statutes 1980, Sections 3.86; 4.11, Subdivisions 1, 2, 3, 6, and 7; 4.15; 4.16; 7.07; 16.014, Subdivision 3; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 168B.11; 254A.06; 299A.03; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.15; 362.17; 362.18; 362.19; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 462.711; 473.556, Subdivision 15; 473.571, Subdivisions 2, 3, and 4; 480.053; 481.15, Subdivision 3; 483.01; 483.02; 648.45; 648.46; Laws 1961, Chapter 66, Section 1, as amended; Laws 1976, Chapter 337, Section 4, as amended; Laws 1977,

Chapter 310, Section 17; Laws 1978, Chapter 510, Section 10; and Laws 1981, Chapter 151, Section 1."

We request adoption of this report and repassage of the bill.

House Conferees: PHYLLIS L. KAHN, MICHAEL R. SIEBEN, DAVID P. BATTAGLIA, DEAN E. JOHNSON and GARY W. LAIDIG.

Senate Conferees: WILLIAM P. LUTHER, GERALD L. WILLET, HUBERT H. HUMPHREY, III, FRANKLIN J. KNOLL and ROBERT O. ASHBACH.

The Speaker resumed the Chair.

Voss moved that the House refuse to adopt the Conference Committee report on H. F. No. 1443, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Voss motion and the roll was called. There were 22 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Ainley	Jennings	Nysether	Sherman	Wieser
Dempsey	Kvam	Osthoff	Sherwood	Wigley
Fjoslien	Ludeman	Piepho	Stowell	
Hanson	McDonald	Rees	Voss	
Hoberg	Niehaus	Schafer	Welker	

Those who voted in the negative were:

Aasness	Ellingson	Kahn	Nelson, K.	Shea
Anderson, B.	Erickson	Kaley	Norton	Sieben, M.
Anderson, G.	Esau	Kalis	Novak	Simoneau
Anderson, I.	Evans	Knickerbocker	O'Connor	Skoglund
Anderson, R.	Ewald	Kostohryz	Ogren	Stadum
Battaglia	Forsythe	Laidig	Olsen	Staten
Begich	Friedrich	Lehto	Onnen	Stumpf
Berkelman	Greenfield	Lemen	Otis	Sviggum
Blatz	Gruenes	Levi	Peterson, B.	Swanson
Brandl	Gustafson	Long	Peterson, D.	Tomlinson
Byrne	Halberg	Luknic	Pogemiller	Valan
Carlson, D.	Harens	Mann	Redalen	Valento
Carlson, L.	Hauge	Marsh	Reding	Vanasek
Clark, J.	Haukoos	McCarron	Reif	Vellenga
Clark, K.	Heap	McEachern	Rice	Weaver
Clawson	Heinitz	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Himle	Metzen	Rodriguez, F.	Wenzel
Dean	Hokanson	Minne	Rose	Wynia
Drew	Johnson, C.	Munger	Rothenberg	Zubay
Eken	Johnson, D.	Murphy	Sarna	Spkr. Sieben, H.
Elioff	Jude	Nelsen, B.	Searles	

The motion did not prevail.

Kahn moved that the report of the Conference Committee on H. F. No. 1443 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1443, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1980, Sections 3.005, Subdivision 3; 3.304, by adding a subdivision; 4.16, by adding subdivisions; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 16A.123; 17.59, by adding a subdivision; 17A.04, Subdivision 5; 17B.15, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 43.46, Subdivisions 2 and 3; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 97.49, Subdivision 1; 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19 and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; 101.44; 116C.69, Subdivisions 2 and 2a; 139.16; 139.17; 139.18; 139.19; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Subdivision 2; 179.72, Subdivision 3; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 270.66; 271.02; 284.28, Subdivision 8; 290.431; 299A.03, Subdivisions 1, 8 and 13; 322A.16; 322A.71; 352E.04; 354.43, Subdivision 3; 362.10; 362.12, Subdivisions 1a and 2; 362.121; 362.125; 362.13; 480.0595; 546.27; 638.08; and 648.39; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; proposing new law coded in Minnesota Statutes, Chapters 85; 116H; 270; 299A; and 362; repealing Minnesota Statutes 1980, Sections 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 299A.03, Subdivisions 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14; 362.07; 362.08; 362.09; 362.11; 362.12, Subdivisions 3 and 4; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 473.56, Subdivision 15; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 79 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Battaglia	Brandl	Clark, J.	Dahlvang
Anderson, G.	Berkelman	Byrne	Clark, K.	Eken
Anderson, I.	Blatz	Carlson, L.	Clawson	Elioff

Ellingson	Jude	Metzen	Peterson, D.	Stumpf
Ewald	Kahn	Minne	Pogemiller	Swanson
Forsythe	Kaley	Munger	Redalen	Tomlinson
Greenfield	Kalis	Murphy	Reding	Valan
Gustafson	Knickerbocker	Nelsen, B.	Rice	Vanasek
Halberg	Kostohryz	Nelson, K.	Rodriguez, C.	Vellenga
Harens	Laidig	Norton	Rodriguez, F.	Weaver
Hauge	Lehto	Novak	Sarna	Welch
Heinitz	Lemen	O'Connor	Shea	Wenzel
Himle	Long	Ogren	Sieben, M.	Wynia
Hokanson	Mann	Osthoff	Simoneau	Zubay
Johnson, C.	McCarron	Otis	Skoglund	Spkr. Sieben, H.
Johnson, D.	McEachern	Peterson, B.	Staten	

Those who voted in the negative were :

Aasness	Evans	Kvam	Piepho	Stadum
Ainley	Fjoslien	Levi	Rees	Stowell
Anderson, R.	Friedrich	Ludeman	Reif	Sviggung
Begich	Gruenes	Luknic	Rose	Valento
Carlson, D.	Hanson	Marsh	Rothenberg	Voss
Dean	Haukoos	McDonald	Schafer	Welker
Dempsey	Heap	Mehrkens	Schoenfeld	Wigley
Den Ouden	Hoberg	Niehaus	Schreiber	
Drew	Hokr	Nysether	Searles	
Erickson	Jennings	Olsen	Sherman	
Esau	Kelly	Onnen	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

### SPECIAL ORDERS

Eken moved that the remaining bills on Special Orders for today be continued for one day. The motion prevailed.

### GENERAL ORDERS

There being no objection the bills on General Orders were continued one day.

### MOTIONS AND RESOLUTIONS

Rice moved that the names of Gustafson, O'Connor and Clark, J., be added as authors on H. F. No. 1502. The motion prevailed.

Voss moved that his name be stricken as an author on H. F. No. 581. The motion prevailed.

Begich moved that the name of Clawson be added as an author on H. F. No. 581. The motion prevailed.

Haukoos, Knickerbocker, and Peterson, B., introduced :

House Resolution No. 19, A house resolution recognizing persons engaged in the law enforcement profession, and paying special tribute to peace officers who have sacrificed their lives in the course of performing law enforcement duties.

## SUSPENSION OF RULES

Haukoos moved that the Rules be so far suspended that House Resolution No. 19 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 19

A house resolution recognizing persons engaged in the law enforcement profession; and paying special tribute to peace officers who have sacrificed their lives in the course of performing law enforcement duties.

*Whereas*, the Congress of the United States has designated May 10 through 16 as Police Week by resolution and by the same resolution has designated May 15 as Peace Officers' Memorial Day; and

*Whereas*, law enforcement officers throughout the State of Minnesota and the United States do faithfully and unselfishly protect all citizens without regard to race, creed or religion; and

*Whereas*, the law enforcement profession is the front line of defense against crime in any form; and

*Whereas*, law enforcement officers without regard to their personal safety make possible the security and well-being of the citizenry at large; *Now, Therefore*,

*Be It Resolved* by the Minnesota House of Representatives that the State of Minnesota honors and recognizes persons engaged in the law enforcement profession and pays special tribute to those officers who have made the supreme sacrifice by giving their lives while performing law enforcement duties to insure the continuance of security and safety for all law abiding citizens.

*Be It Further Resolved* that two copies of this resolution shall be enrolled by the Chief Clerk of the House of Representatives, to be authenticated by his signature and that of the Speaker, with one copy to be transmitted to the Minnesota Police and Peace Officers Association and one copy to the Minnesota Law Enforcement Memorial Association.

Haukoos moved that House Resolution No. 19 be now adopted. The motion prevailed and the resolution was adopted.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Saturday, May 16, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Saturday, May 16, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**