

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1982

SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 11, 1982

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

Prayer was offered by Pastor Richard F. Goebel, Zion Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R.; Clark, J.; Dempsey; Elloff; Schoenfeld and Searles were excused.

Sieben, M., was excused until 4:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson 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. 1430, 1616, 1637, 776, 1166, 1341, 1484, 1580, 1589, 1602, 1635, 1523, 1668 and 1610 and S. F. Nos. 679, 860, 1068, 1231, 1364, 1408, 1503, 1514, 699, 16 and 429 have been placed in the members' files.

S. F. No. 1408 and H. F. No. 1479, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Berkelman moved that S. F. No. 1408 be substituted for H. F. No. 1479 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1151 and H. F. No. 1341, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark, K., moved that S. F. No. 1151 be substituted for H. F. No. 1341 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 275, A bill for an act relating to optometrists; requiring advice to patients under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 148.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [148.571] [USE OF TOPICAL OCULAR DRUGS.]

Subdivision 1. [AUTHORITY.] Subject to the provisions of sections 1 to 5, a licensed optometrist may administer topical ocular drugs to the anterior segment of the human eye during an eye examination in the course of his or her practice in his or her normal practice setting, solely for the purposes of determining the refractive, muscular, or functional origin of sources of visual discomfort or difficulty, and detecting abnormalities which may be evidence of disease.

Subd. 2. [DRUGS SPECIFIED.] *For purposes of sections 1 to 5, "topical ocular drugs" means:*

(1) *commercially prepared topical anesthetics as follows: proparacaine HC1 0.5 percent, tetracaine HC1 0.5 percent, and benoxinate HC1 0.4 percent;*

(2) *commercially prepared mydriatics as follows: phenylephrine HC1 in strength not greater than 2.5 percent and hydroxyamphetamine HBr in strength not greater than 1 percent; and*

(3) *commercially prepared cycloplegics/mydriatics as follows: tropicamide in strength not greater than 1 percent and cyclopentolate in strength not greater than 1 percent.*

Sec. 2. [148.572] [ADVICE TO SEEK DIAGNOSIS AND TREATMENT.]

Whether or not topical ocular drugs have been used, if any licensed optometrist is informed by a patient or determines from examining a patient, using judgment and that degree of skill, care, knowledge and attention ordinarily possessed and exercised by optometrists in good standing under like circumstances, that there is present in that patient signs or symptoms which may be evidence of disease, then the licensed optometrist shall (1) promptly advise that patient to seek evaluation by an appropriate licensed physician for diagnosis and possible treatment and (2) not attempt to treat such condition by the use of drugs or any other means.

Sec. 3. [148.573] [PREREQUISITES TO DRUG USE.]

Subdivision 1. [CERTIFICATE REQUIRED.] A licensed optometrist shall not purchase, possess or administer any topical ocular drugs unless, after the effective date of this section the optometrist has obtained a certificate from the board of optometry certifying that the optometrist has complied with the following requirements:

(a) *Successful completion of 60 classroom hours of study in general and clinical pharmacology as it relates to the practice of optometry, with particular emphasis on the use of topical ocular drugs for examination purposes. At least 30 of the 60 classroom hours shall be in ocular pharmacology and shall emphasize the systemic effects of and reactions to topical ocular drugs, including the emergency management and referral of any adverse reactions that may occur. The course of study shall be approved by the board of optometry, and shall be offered by an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council on Post-secondary Education or the United States Depart-*

ment of Education or their successors. The course shall be completed prior to entering the examination required by this section;

(b) Successful completion of an examination approved by the board of optometry on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular drugs, including emergency management and referral of any adverse reactions that may occur;

(c) Successful completion, after the effective date of this section, of a course in cardiopulmonary resuscitation offered or approved by the Red Cross, American Heart Association, an accredited hospital, or a comparable organization or institution; and

(d) Establishment, after the effective date of this section, of an emergency plan for the management and referral to appropriate medical services of patients who may experience adverse drug reactions resulting from the application of topical ocular drugs. The plan must be approved by the board of optometry and shall, at least, require the optometrist to:

(1) Refer patients who notify the optometrist of an adverse drug reaction to appropriate medical specialists or facilities;

(2) Routinely advise the patient to immediately contact the optometrist if the patient experiences an adverse reaction;

(3) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient, and the date and time that any referral was made; and

(4) Include in the plan the names of at least three physicians, physician clinics, or hospitals to whom the optometrist will refer patients who experience an adverse drug reaction. At least one of these physicians shall be skilled in the diagnosis and treatment of diseases of the eye.

Subd. 2. [EXCEPTION.] The course and examination required by clauses (a) and (b) of subdivision 1 shall be completed after the effective date of this section except that the board of optometry may certify applicants who have graduated from an accredited school of optometry within two years prior to the effective date of sections 1 to 5 if the school's curriculum includes a course and examination meeting the requirements of clauses (a) and (b) of subdivision 1.

Subdivision 3. [CONSULTATION REQUIRED.] Approvals of the course, examination and emergency plan required by clauses (a), (b) and (d) of subdivision 1 shall be given by the board of optometry only after consultation with the board of

medical examiners and board of pharmacy, provided that the recommendations of the board of medical examiners and board of pharmacy are made within 120 days after they are requested by the board of optometry.

Sec. 4. [148.574] [PROHIBITIONS RELATING TO LEG-END DRUGS; AUTHORIZING SALES BY PHARMACISTS UNDER CERTAIN CONDITIONS.]

An optometrist shall not purchase, possess, administer, prescribe or give any legend drug as defined in section 151.01 to any person except as is expressly authorized by sections 1 to 3. Nothing in Chapter 151 shall prevent a pharmacist from selling topical ocular drugs to an optometrist authorized to use such drugs pursuant to sections 1 to 3.

Sec. 5. Minnesota Statutes 1980, Section 148.57, Subdivision 3, is amended to read:

Subd. 3. [REVOCATION, SUSPENSION.] The board may revoke the license or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 1 to 4 or who is found by the board to be incompetent or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, free examination advertising, the loaning of his license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing the use of certain topical ocular drugs; providing for education, training and testing requirements; requiring an emergency treatment plan;"

Page 1, line 2 after "patients" insert "to seek evaluation by physician"

Page 1, line 3 after the semicolon insert "amending Minnesota Statutes 1980, Section 148.57, Subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 919, A bill for an act relating to real property; providing for the registration of certain possessory estates in real property without court proceedings; providing for a changeover from a certificate of possessory title to a certificate of title after a certain number of years; proposing new law coded as Minnesota Statutes, Chapter 508A.

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

The report was adopted.

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

H. F. No. 1176, A bill for an act relating to the environment; establishing an environmental response fund to pay for removal and remedial action associated with certain hazardous substances released into the environment; providing for liability for releases of hazardous substances; imposing penalties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 115B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

Sections 1 to 22 may be cited as the Environmental Response and Liability Act.

Sec. 2. [115B.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 22, the following terms have the meanings given them.

Subd. 2. [ACT OF GOD.] “Act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

Subd. 3. [AGENCY.] “Agency” means the pollution control agency.

Subd. 4. [DAMAGES.] "Damages" means damages for economic loss or personal injury or the loss of natural resources as specified in section 3.

Subd. 5. [DIRECTOR.] "Director" means the director of the pollution control agency.

Subd. 6. [FACILITY.] "Facility" means:

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;

(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

Subd. 7. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 8. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 16.

Subd. 9. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:

(a) Any substance designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321 (b)(2)(A);

(b) Any element, compound, mixture, solution, or substance designated pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9602;

(c) Any substance having the characteristics identified or listed pursuant to the Solid Waste Disposal Act, under 42 U.S.C. Section 6921, not including any waste the regulation of which under that act has been suspended by act of congress;

(d) Any toxic pollutant listed pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1317(a);

(e) *Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412;*

(f) *Any imminently hazardous chemical substance or mixture with respect to which the administrator of the federal environmental protection agency has taken action pursuant to the Toxic Substances Control Act, under 15 U.S.C. Section 2606;*

(g) *Any hazardous waste; and*

(h) *Any PCB as defined in section 116.36.*

Subd. 10. [HAZARDOUS WASTE.] *"Hazardous waste" has the meaning given it in section 116.06, subdivision 13, and includes those substances identified as hazardous wastes pursuant to rules adopted under section 116.07.*

Subd. 11. [NATURAL RESOURCES.] *"Natural resources" has the meaning given it in section 116B.02, subdivision 4.*

Subd. 12. [RELEASE.] *"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.*

"Release" does not include:

(a) *Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;*

(b) *Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;*

(c) *Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or*

(d) *The normal application of fertilizer or normal application of recommended levels of approved agricultural chemicals.*

Subd. 13. [REMEDY OR REMEDIAL ACTION.] *"Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent, minimize*

or eliminate the release of hazardous substances to protect the public health or welfare or the environment.

"Remedy" or "remedial action" includes, but is not limited to:

(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and

(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare.

"Remedy" or "remedial action" does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of hazardous substances or contaminated materials unless the agency determines that these actions:

(1) Are more cost effective than other remedial actions;

(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or

(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the substances or materials.

Subd. 14. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of released hazardous substances from the environment;

(b) Necessary actions taken in the event of a threatened release of hazardous substances into the environment;

(c) *Actions necessary to monitor, assess, and evaluate a release or threatened release of hazardous substances;*

(d) *Disposal or processing of removed material; or*

(e) *Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threatened release.*

"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 15. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 16. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

Sec. 3. [115B.03] [LIABILITY FOR RESPONSE COSTS AND DAMAGES.]

Subdivision 1. [GENERAL RULE.] Except as otherwise provided in subdivisions 3 to 7 and section 4, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility shall be strictly liable, jointly and severally, for:

(a) *All reasonable and necessary costs of removal, or remedial action incurred by the state, a political subdivision of the state or the United States;*

(b) *Any other reasonable and necessary costs or expenses incurred by any person to remove a hazardous substance; and*

(c) *All damages for economic loss or loss due to personal injury or disease or loss of natural resources resulting from such a release including:*

(1) *Any injury to, destruction of, or loss of any real or personal property, including relocation costs;*

(2) *Any loss of use of real or personal property;*

(3) *Any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;*

(4) *Any loss of income or profits or impairment of earning capacity resulting from personal injury or disease or from injury to or destruction of real or personal property or natural resources without regard to the ownership of such property or resources; and*

(5) *All medical expenses, rehabilitation costs or burial expenses due to personal injury or disease.*

Subd. 2. [RESPONSIBLE PERSON.] *For the purpose of subdivision 1, a person is responsible for a release or threatened release of a hazardous substance from a facility if the person:*

(a) *Owned or operated the facility at the time the hazardous substance was placed or came to be located in or on the facility, during the time of the release or threatened release, or at any time between those occurrences;*

(b) *Owned or possessed the hazardous substance and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance; or*

(c) *Accepted the hazardous substance for transport to a disposal or treatment facility and either selected the facility to which it was transported or disposed of the substance in a manner contrary to law.*

Subd. 3. [DEFENSES AVAILABLE TO RESPONSIBLE PERSONS.] *There shall be no liability under subdivision 1 for any person otherwise liable if the person establishes by a preponderance of the evidence that the release or threatened release was caused solely by:*

(a) *An act of God;*

(b) *An act of war; or*

(c) *An act or omission of a third party.*

"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant.

The defense provided in clause (c) applies only if the defendant establishes by a preponderance of the evidence that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances, and that he took precautions against foreseeable acts

or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 4. [DEFENSE AVAILABLE TO OWNER OF REAL PROPERTY.] *An owner of real property is not liable for damages under subdivision 1, clause (c), if he:*

(a) Shows by a preponderance of the evidence that he neither knew nor reasonably should have known that any hazardous substance was present on the property before the release or threatened release; and

(b) Notifies the agency of the release or threatened release as soon as practicable after he knows about it.

Subd. 5. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] *There is no liability under subdivision 1 for personal injury or disease of employees arising out of and in the course of employment, as those terms are used in chapter 176, if the defendant shows that no other personal injury or disease is known to have resulted from the release.*

Subd. 6. [NATURAL RESOURCES.] *No liability with respect to natural resources shall be imposed when the defendant has demonstrated that:*

(a) The damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis;

(b) The decision to grant a permit or license authorizes that commitment of natural resources; and

(c) The facility or project was operating within the terms of its permit or license.

Subd. 7. [LIABILITY FOR A THREATENED RELEASE.] *Liability for a threatened release of a hazardous substance is limited to the recovery by the agency of response costs pursuant to section 14, subdivision 6.*

Subd. 8. [LIABILITY OF POLITICAL SUBDIVISIONS.] *The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

Sec. 4. [115B.04] [EXEMPTION FROM LIABILITY.]

A person shall not be liable under sections 1 to 12:

(a) *For damages as a result of acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 14 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release or threatened release of a hazardous substance;*

(b) *For damages or response costs as a result of the release or threatened release of a hazardous substance from a hazardous waste facility as defined under section 115A.03, for which a permit has been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., if the hazardous substance is specifically identified in the permit and the release is within the limits allowed in the permit for release of that substance;*

(c) *For damages or response costs as a result of a release or threatened release of a hazardous substance if the substance is specifically identified in a federal or state permit and the release is within the limits allowed in the permit for release of that substance; or*

(d) *If his liability has been transferred to and assumed by the federal post-closure liability fund pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9607(k).*

Sec. 5. [115B.05] [PROVING CAUSATION OF PERSONAL INJURY OR DISEASE.]

Subdivision 1. [RELEVANT EVIDENCE.] *In adjudicating under sections 1 to 12 the question of whether a plaintiff's personal injury or disease was caused by the release of a hazardous substance, any evidence tending to establish that the hazardous substance causes, contributes to or increases the risk of injury or disease of the sort suffered by the plaintiff is relevant evidence on the issue of causation including:*

(a) *Evidence indicating an increase of incidence of that sort or injury or disease in the population exposed to the release of that substance above that which is otherwise probable;*

(b) *Results of epidemiological studies;*

(c) *Results of animal studies;*

(d) *Results of tissue culture studies; and*

(e) *Results of laboratory or toxicologic studies.*

Subd. 2. [BURDEN OF PRODUCING EVIDENCE.] In adjudicating under sections 1 to 12 the question of whether a plaintiff's personal injury or disease was caused by the release of a hazardous substance, the burden of producing evidence related to causation shifts to the defendant and the question shall be submitted to the trier of fact if the plaintiff shows evidence sufficient to enable the trier of fact to find that:

(a) There is a reasonable likelihood that the plaintiff was exposed to the hazardous substance found in the release;

(b) There is a reasonable likelihood that exposure to the hazardous substance causes or significantly contributes to injury or disease of the sort suffered by the plaintiff; and

(c) There is a reasonable likelihood that the quantity or duration of the plaintiff's exposure to the hazardous substance is sufficient to cause or significantly contribute to injury or disease of the sort suffered by the plaintiff.

Nothing in this subdivision affects the burden of persuasion on the question of whether the release of a hazardous substance caused a personal injury or disease. That burden remains with the plaintiff.

Sec. 6. [115B.06] [APPORTIONMENT OF LIABILITY; LIMITATION; CONTRIBUTION.]

Subdivision 1. [APPORTIONMENT FACTORS.] For the purposes of subdivisions 2 and 3, any person held jointly and severally liable under section 3 may seek an apportionment of the common liability. In apportioning the liability of any party under this section, the trier of fact shall consider the following:

(a) The ability of the party to demonstrate that his contribution to a release of a hazardous substance can be distinguished;

(b) The amount of hazardous substance involved;

(c) The degree of toxicity of the hazardous substance involved;

(d) The degree of involvement and care exercised in manufacturing, treating, transporting, and disposing of the hazardous substance;

(e) The degree of cooperation with federal, state, or local officials to prevent any harm to the public health or the environment; and

(f) Knowledge of the hazardous nature of the substance.

Subd. 2. [LIMITATION OF LIABILITY.] *If a person who is held jointly and severally liable under section 3 is able to demonstrate by a preponderance of evidence that his share of the common liability can be apportioned and that his actions were not a significant factor in causing or contributing to the release or the damages resulting from it, then the liability of that person shall be limited to his proportionate share of the common liability.*

Subd. 3. [CONTRIBUTION.] *Any person held jointly and severally liable under section 3 who is required to pay more than that person's proportionate share of the common liability is entitled to seek contribution from any other person liable for the damages to the extent of their proportionate liability.*

Sec. 7. [115B.07] [CIVIL PENALTIES; FAILURE TO TAKE REQUESTED ACTIONS.]

The agency may impose a civil penalty of up to \$10,000 per day on any person responsible for a release or threatened release of a hazardous substance, pollutant, or contaminant for each day that the person fails to take response actions or to make reasonable progress in completing response actions requested as provided in this section. A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. The request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.

Any penalty imposed under this section may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 14, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this section shall be deposited in the fund.

Sec. 8. [115B.08] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]

No indemnification, hold harmless, conveyance, or similar agreement shall be effective to transfer the liability imposed under section 3 from the owner or operator of a facility or from any person who may be liable under section 3 to any other person. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under section 3 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or

(c) To bar any cause of action brought by a party who may be liable under section 3 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 9. [115B.09] [STATUTE OF LIMITATIONS.]

No person may recover for any injury or loss pursuant to sections 3 to 11 unless the action is commenced within six years from the date of discovery of the injury or loss.

Sec. 10. [115B.10] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 12 shall affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for injury, disease or economic loss resulting from a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance.

Sec. 11. [115B.11] [DOUBLE RECOVERY PROHIBITED.]

A person who recovers response costs or damages pursuant to sections 1 to 12 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 12.

Sec. 12. [115B.12] [APPLICATION OF SECTIONS 1 TO 11.]

Sections 1 to 11 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1982, including any release which began before July 1, 1982 and continued after that date. Sections 1 to 11 do not apply to a release or threatened release which occurred wholly before July 1, 1982, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 13. [115B.13] [DISPOSITION OF FACILITIES.]

Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.] *No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:*

(a) *Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

(b) *Is necessary to reduce a threat to human health or the environment.*

Subd. 2. [RECORDING OF AFFIDAVIT AND NOTATION.] *Before any transfer of ownership of any property on which a hazardous substance has been disposed of or which has been contaminated by release of a hazardous substance the owner shall record with the county recorder of the county in which the property is located an affidavit that discloses to any potential transferee:*

(a) *That the land has been used to dispose of hazardous waste or that the land has been contaminated by a release of a hazardous substance;*

(b) *The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or ascertainable; and*

(c) *That the use of the property may be restricted as provided in subdivision 1.*

An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.

When an affidavit is recorded, the owner shall record with the county recorder a notation on the deed to the property which states the existence of a hazardous substance on the property and the place where the recorded affidavit may be found.

If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record a notation to the deed indicating the removal of the hazardous substance.

Failure to record an affidavit or notation as provided in this subdivision does not affect or prevent any transfer of ownership of the property.

Subd. 3. [DUTY OF COUNTY RECORDER.] *The county recorder shall record all affidavits and notations presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.*

Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil fine of not more than \$100,000, and shall be liable under section 3 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any person who knowingly fails to record an affidavit or notation as required by subdivision 2 shall be liable under section 3 for any release or threatened release of any hazardous substance from a facility located on that property.

(c) A civil fine may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.

(d) Any civil fines recovered under this subdivision shall be deposited in the fund.

Sec. 14. [115B.14] [STATE RESPONSE TO RELEASES OF HAZARDOUS SUBSTANCES.]

Subdivision 1. [REMOVAL AND REMEDIAL ACTION.] Whenever there is a release or substantial threat of release into the environment of any pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance into the environment:

(a) The agency may take any removal or remedial action relating to the hazardous substance, pollutant, or contaminant which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:

(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health, welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health, welfare and environment, and the intention of the agency to take action if the requested actions are not taken as requested; and

(2) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.

(b) The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, wel-

fare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

Subd. 2. [POLLUTANT OR CONTAMINANT.] For the purposes of this section, "pollutant" or "contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

Subd. 3. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, pollutant or contaminant has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other information gathering necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs thereof, and to enforce the provisions of sections 1 to 14.

Subd. 4. [DUTY TO PROVIDE INFORMATION.] Any person who is responsible for a release or threatened release as provided in section 3, subdivision 2, including a release or threatened release of a pollutant or contaminant, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

Subd. 5. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who the agency has reason to believe is responsible for a release or threatened release as provided in

section 3, subdivision 2, including a release of a pollutant or contaminant; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information, examining records, conducting surveys or investigations, and taking removal or remedial action.

Subd. 6. [RECOVERY OF EXPENSES.] Any reasonable and necessary expenses incurred by the agency or director pursuant to this section including administrative and legal expenses may be recovered in a civil action brought by the attorney general under sections 1 to 12 or under any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to sections 3 to 11 or any other law shall be deposited in the fund and may be appropriated only for additional response actions as provided in section 16, subdivision 2, clause (b) or (c).

Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to sections 1 to 12 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to sections 1 to 12 or any other law for injury to, or loss or loss of use of natural resources resulting from the release of a hazardous substance shall be deposited in the fund and may be appropriated only for rehabilitation or restoration of natural resources as provided in section 16, subdivision 2, clause (c).

Subd. 8. [ACTIONS RELATING TO PESTICIDES.] When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37, and the agency determines that the incident constitutes a release of a hazardous substance, pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 11, to take any action which the agency would be authorized to take under subdivisions 1 to 5. Subject to the provisions of section 16, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.

Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.] The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened

release affecting the safety of any conditions or place of employment.

Subd. 10. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.] *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

Subd. 11. [PRIORITIES; RULES.] *By August 1, 1982, the agency shall adopt a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until nine months after criteria for determining priorities are published in the national contingency plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605. By that date, the agency shall adopt rules establishing state criteria for determining priorities among releases and threatened releases. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules.*

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the agency, and other appropriate factors.

Sec. 15. [PURPOSES OF FUND, TAXES AND FEES.]

In establishing the environmental response, compensation and compliance fund and imposing the taxes in sections 18 and 19, it is the purpose of the legislature to:

(a) *Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health and welfare and the environment;*

(b) *Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;*

(c) *Encourage the use of alternatives to land disposal of solid and hazardous waste including resource recovery, recycling, neutralization and reduction;*

(d) *Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;*

(e) *Compensate local units of government for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A; and*

(f) *Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state waste management activities on those whose products and services contribute to waste management problems and increase the risks of harm to the public and the environment.*

Sec. 16. [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:

(a) *Preparation by the agency for taking removal or remedial action under section 14, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances;*

(b) *Removal and remedial actions taken or authorized by the agency or director under section 14 and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than those located under the siting authority of chapter 115A;*

(c) *Removal and remedial actions taken or authorized by the agency or director under section 14 and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(d) *Compensation to local units of government as provided by law after submission by the waste management board of the report required under section 115A.08, subdivision 5 to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;*

(e) *Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;*

(f) *Inspection and monitoring by the agency of commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(g) *Grants by the agency or the waste management board to demonstrate alternatives to land disposal of solid and hazardous waste, for education of persons involved in regulating and handling solid and hazardous waste, and to assist counties to develop comprehensive waste management plans; and*

(h) *Intervention and environmental mediation by the legislative commission on waste management under chapter 115A.*

Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.] *The director or agency may not spend any money under subdivision 2, clause (b) or (c) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion taking into account:*

(a) *The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;*

(b) *The availability of money in the funds established under the Federal Superfund Act; and*

(c) *The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.*

Subd. 4. [REVENUE SOURCES.] *Revenue from the following sources shall be deposited in the environmental response, compensation and compliance fund:*

(a) *The proceeds of the taxes imposed pursuant to sections 18 and 19, including interest and penalties;*

(b) *All money recovered by the state under section 14, subdivisions 6 and 7;*

(c) *All money paid to the agency in matters relating to the enforcement of sections 1 to 13 or any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement;*

(d) *All interest attributable to investment of money deposited in the fund; and*

(e) *All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.*

Subd. 5. [RECOMMENDATION BY LCWM.] *The legislative commission on waste management shall make recommendations on appropriations from the fund to the standing legislative committees on finance and appropriations.*

Subd. 6. [REPORT TO LEGISLATURE.] *At the end of each fiscal year, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during that year.*

Sec. 17. [TAXES AND FEES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] *The definitions provided in this section apply to sections 17 to 22.*

Subd. 2. [COMMISSIONER.] *"Commissioner" means the commissioner of revenue.*

Subd. 3. [MIXED MUNICIPAL SOLID WASTE.] *"Mixed municipal solid waste" means the waste defined in section 115A.02, subdivision 21.*

Subd. 4. [SOLID WASTE DISPOSAL FACILITY.] *"Solid waste disposal facility" means real or personal property which is primarily used for the land disposal of mixed municipal solid waste.*

Subd. 5. [GENERATOR.] *"Generator" means a person who generates hazardous waste in this state and who is required*

to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.

Subd. 6. [OPERATOR.] "Operator" means the permittee, owner, or other person in control of the facility under a lease, contract, or other arrangement.

Sec. 18. [SOLID WASTE DISPOSAL TAX.]

Subdivision 1. [AMOUNT OF TAX; APPLICATION.] The operator of any solid waste disposal facility shall pay a tax on solid waste accepted at the facility as follows:

(a) A solid waste disposal facility that weighs the waste which it accepts shall pay a tax of \$2 per ton of solid waste accepted;

(b) A solid waste disposal facility which does not weigh the waste which it accepts but which measures the volume of the waste shall pay a tax of 80 cents per cubic yard of waste accepted;

(c) A solid waste disposal facility which does not measure the weight or volume of waste accepted shall pay an annual tax of \$1.80 per capita based on the population served by the facility.

The tax imposed under clause (a), (b), or (c) may be reduced by the amount of tax which is attributable to waste accepted by the facility which is separated for recycling or re-use and is not land disposed.

The tax imposed under clause (a), (b), or (c) applies to a solid waste disposal facility operated by a political subdivision only if the political subdivision imposes a charge for the use of the facility on or after January 1, 1982.

Subd. 2. [CONSOLIDATED HEARING ON POPULATION OF SERVICE AREAS.] The tax imposed under subdivision 1, clause (c) shall be based on the population of the area served by a solid waste facility as determined by the agency under this subdivision. By July 1, 1982, the agency shall publish in the state register a list showing each facility subject to tax under subdivision 1, clause (c) and the population of its service area as determined by the agency. By July 1 in each succeeding even-numbered year the agency shall publish a list of those facilities subject to tax under subdivision 1, clause (c) for which the agency has determined a new population figure. For a facility which receives a modified landfill permit under the rules of the agency adopted pursuant to section 116.07, the population shall not be less than the number determined in the permitting process.

The list shall be published with a notice of the right of any operator of a facility subject to tax under subdivision 1, clause (c) to challenge the population determination upon which its tax will be based. A copy of the list and notice shall be sent to each operator subject to tax under subdivision 1, clause (c).

An operator who wishes to challenge the determination of the agency shall notify the agency of his intention and shall provide written evidence to the agency to support his challenge within 30 days of receipt of notice. The agency shall hold a single contested case hearing as necessary to determine any and all challenges to its determination under this subdivision. The hearing shall be completed and the decision of the agency shall be rendered not later than December 1 after the list and notice are published.

The population of a service area as determined under this subdivision shall be conclusive for the purpose of the tax imposed under subdivision 1, clause (c).

Subd. 3. [DISPOSITION OF PROCEEDS.] The proceeds of the tax imposed under this section including any interest and penalties, less the commissioner's costs of administration, shall be deposited in the fund.

Sec. 19. [HAZARDOUS WASTE GENERATOR TAX.]

Subdivision 1. [TAX IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the tax imposed by this section based upon the volume and destination of the hazardous wastes generated. The generator disclosure forms, annual reports, and hazardous waste management plans required under rules of the agency adopted pursuant to section 116.07 shall be prima facie evidence of the volume and destination of hazardous wastes generated. The tax imposed by this section does not apply to hazardous wastes destined for recycling and reuse or to waste oil.

Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment, including land disposal and long term storage, shall be taxed at the rate of five cents per gallon of liquid or \$5 per cubic yard of solid.

Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of four cents per gallon of liquid or \$4 per cubic yard of solid.

Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for chemical treatment to produce a material which is not hazardous or which is destined for destructive treatment by incineration or other means shall be taxed at the rate of two cents per gallon of liquid or \$2 per cubic yard of solid.

Subd. 5. [ON-SITE TREATMENT; REDUCED TAX.] *Hazardous wastes which are treated in a manner provided in subdivision 3 or 4 before the wastes are transported along any public street or highway as defined in section 169.01, subdivision 29, shall be taxed at one-half the rate at which they would otherwise be taxed.*

Subd. 6. [DISPOSITION OF PROCEEDS.] *The proceeds of the tax imposed under this section including any interest and penalties, less the commissioner's costs of administration, shall be deposited in the fund and may be appropriated for any purpose provided in section 16, subdivision 2, except the purposes provided in clauses (b) and (c) of that subdivision.*

Sec. 20. [SEVERABILITY.]

If any tax imposed under section 18 or 19 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 16, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 16, subdivision 2.

Sec. 21. [TAX ADMINISTRATION AND ENFORCEMENT.]

Subdivision 1. [DECLARATION, RETURN AND PAYMENT OF TAX.] *Any person required to pay a tax under section 18 or 19 shall file declarations of estimated tax and tax returns, and shall pay estimated and actual taxes due under section 18 or 19 in the manner and at the times provided for payment of corporate income taxes under sections 290.931 to 290.936, as far as practicable. The taxpayer shall file all declarations, returns, taxes, penalties and interest with the commissioner and shall file a copy of the declarations and returns with the agency. The commissioner shall prescribe forms and instructions necessary to implement this subdivision.*

Subd. 2. [DUTIES OF THE AGENCY.] *The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 18 or 19, together with any information which the agency possesses concerning the amount of solid waste accepted or hazardous waste generated and disposed of by those persons. The agency shall notify the commissioner of any suspected inaccurate or fraudulent declaration or return and may audit any person subject to tax under section 18 or 19 when requested by the commissioner.*

Subd. 3. [PENALTIES; ENFORCEMENT.] *The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under sections 18*

and 19 and those provisions shall be administered by the commissioner.

Subd. 4. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section. The agency may adopt temporary and permanent rules necessary to implement the provisions of sections 18 and 19.

Sec. 22. [SOLID AND HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish fee schedules pursuant to subdivisions 2 and 3 at the beginning of each fiscal year which will raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for administrative expenses of the solid and hazardous waste division of the agency, excluding any portion of the appropriation for which the legislature provides that fees need not be collected and any amount appropriated under section 16, subdivision 2, clauses (a) and (f). Fees collected from solid waste and hazardous waste activities shall approximate the expenses of the agency for regulation of solid waste and hazardous waste respectively. All fees collected by the agency under this section shall be deposited in the general fund.

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid quarterly commencing with the first day of the calendar quarter after the date of the statement.

The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee which generally reflects the quantity of wastes generated by the generator.

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency shall not exceed the fees charged by those counties and the agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. Metropolitan counties shall remit the proceeds of the surcharge to the agency.

Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any solid waste or hazardous waste facility permitted by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any solid waste or hazardous waste facility.

Sec. 23. Minnesota Statutes 1980, Section 466.01, is amended by adding a subdivision to read:

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.

Sec. 24. Minnesota Statutes 1980, Section 466.04, Subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence;

(c) *Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 12 or under any other law.*

No award for damages on any such claim shall include punitive damages.

Sec. 25. [APPROPRIATION.]

Subdivision 1. [FUND.] The appropriations in this section are from the environmental response, compensation and compliance fund, and are available until July 1, 1983.

Subd. 2. [RESPONSE ACTIONS.] All revenues deposited in the fund before July 1, 1983, except the proceeds of the tax imposed under section 19, and any money recovered under section 14, subdivision 7, are appropriated to the agency for actions under section 16, subdivision 2, clause (b).

Subd. 3. [PREPARATION FOR RESPONSE.] All revenues deposited in the fund before July 1, 1983 as proceeds of the tax imposed under section 19 are appropriated to the agency for the purposes of section 16, subdivision 2, clause (a).

Sec. 26. [EFFECTIVE DATE.]

Sections 18 to 21 are effective the day following final enactment except that the taxes imposed by sections 18 and 19 are effective January 1, 1983. Section 22 is effective July 1, 1983. The remaining sections of this act are effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B."

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1262, A bill for an act relating to workers' compensation; permitting political subdivisions to provide additional benefits; amending Minnesota Statutes 1980, Section 176.021, Subdivision 5.

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

The report was adopted.

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

H. F. No. 1442, A bill for an act relating to crimes; eliminating the defenses of mental illness and mental deficiency; amending Minnesota Statutes 1980, Section 611.026.

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

The report was adopted.

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

H. F. No. 1690, A bill for an act relating to public welfare; establishing foster care maintenance payments by the state; establishing a state goal for the reduction of the number of children in residential facilities for more than 24 months; requiring the commissioner of public welfare to comply with the requirements of Title IV-E of the federal Social Security Act in order to obtain adoption assistance funds for eligible children; expanding the eligibility for medical assistance to include children receiving foster care maintenance payments under Title IV-E of the federal Social Security Act; amending Minnesota Statutes 1980, Sections 256.82; 257.071, by adding a subdivision; and 259.40, Subdivisions 2, 3, and 10; Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1.

Reported the same back with the following amendments:

Page 2, delete lines 20 to 26 and insert:

"Subd. 5. [RULES; CHILDREN IN RESIDENTIAL FACILITIES.] The commissioner of public welfare shall promulgate all rules necessary to carry out the provisions of public law 96-272 as regards the establishment of a state goal for the reduction of the number of children in residential facilities beyond 24 months."

Pages 4 to 6, delete Section 6 and insert:

"Sec. 6. Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 32; and Chapter 3, Section 17 is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the social security act; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the social security act; or

((1)) (3) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; or

((2)) (4) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

((3)) (5) 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)) (6) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

((5)) (7) 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)) (8) 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)) (9) 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 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07. 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)) (10) Who individually does not own more than \$2,000 in cash or liquid assets, 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. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to 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; and

((9)) (11) 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 (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)) (12) 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)) (13) 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."

Amend the title as follows:

Page 1, line 3, delete "establishing" and insert "requiring the commissioner of public welfare to promulgate rules which establish"

Page 1, line 16, after "1" insert ", as amended"

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1710, A bill for an act relating to commerce; petroleum products; providing specifications for fuel oil sold as kerosene; amending Minnesota Statutes 1980, Section 296.05, Subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1712, A bill for an act relating to public welfare; amending the community social services act; removing certain requirements related to biennial plans and the sliding fee for child care; amending Minnesota Statutes 1980, Section 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; and 256E.03, Subdivision 2; repealing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 4, after line 22, insert:

"Sec. 3. Minnesota Statutes 1981 Supplement, Section 256E.-05, Subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) *Identify and then* eliminate or revise the portions of all applicable department rules which mandate counties to pro-

vide specific community social services or programs, unless (THE) state or federal law requires the commissioner to mandate a service or program (; IN ADDITION TO NOTICE REQUIRED PURSUANT TO SECTION 15.0411, THE COMMISSIONER SHALL GIVE). *When the commissioner determines that any community social service or program is not specifically required by law, he shall immediately notify county boards that the service is optional, to be provided at county discretion. The commissioner shall be exempt from the rule-making provisions of chapter 15 in eliminating or revising rules pursuant to this clause;*

(c) *Provide to the chairman of each county board, in addition to notice required pursuant to section 15.0411, timely advance notice and a written summary of the fiscal impact (IN WRITING) of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;*

((C)) (d) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

((D)) (e) Design and implement a method of monitoring and evaluating the social services delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

((E)) (f) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

((F)) (g) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 3, is amended to read:

Subd. 3. [PRIORITIES.] If any proposed federal block grant program affecting title XX funds becomes operative, the state shall, within the limits set by federal law, adopt the following priority when allocating funds: provide that in each calendar year 1982 and 1983, each county shall, for the purposes of providing the same or similar services, receive priority for an allocation of title XX funds (THAT IS EQUAL TO OR GREATER THAN THE AMOUNT RECEIVED BY THE COUNTY IN 1981)."

Page 4, line 34, delete "Subdivisions" and insert "Subdivision" and delete "and 3, are" and insert "is"

Renumber the sections

Amend the title as follows :

Page 1, line 5, after the semicolon insert "providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for allocation of funds to counties;"

Page 1, line 7, delete "and"

Page 1, line 8, after the semicolon insert "256E.05, Subdivision 3; and 256E.07, Subdivision 3;"

Page 1, line 9, delete "Subdivisions" and insert "Subdivision" and delete "and 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred :

H. F. No. 1732, A bill for an act relating to athletics; regulating boxing activities; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 341.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. [341.011] [DEFINITIONS; TOUGH MAN CONTEST OR BATTLE OF THE BRAWLERS.]

As used in sections 341.01 to 341.15, the following term shall have the meaning given it. "Tough man contest" or "battle of the brawlers" means any competition which involves any physical contact bout between two or more individuals, none of whom has had professional boxing or wrestling experience nor has trained in the martial arts, who attempt to knock out their opponent by employing boxing, wrestling, martial arts tactics, or any combination thereof and by using techniques including, but not limited to, punches, kicks, and choking. This term shall not apply to amateur or professional contests of the martial arts and any collegiate or scholastic boxing, wrestling, or martial arts contest.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 341.05, Subdivision 1, is amended to read :

Subdivision 1. The board of boxing shall have charge and supervision of all boxing and sparring exhibitions held in the state and have power:

(1) To promulgate rules governing the conduct of boxing and sparring exhibitions and the time and place thereof;

(2) To issue licenses to individuals or organizations desiring to promote or conduct boxing or sparring exhibitions, 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.

Notwithstanding the provisions of any other law, rule, or agreement to the contrary, the board shall not issue a license to any person or organization to promote, sponsor, or to participate in any manner in the staging of, or the conduct of, any competition referred to as a tough man contest or a battle of the brawlers or in any similar competition.

The commissioner of revenue shall collect five percent of the gross receipts from admission to every boxing and sparring exhibition other than an amateur 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 boxing and sparring exhibition other than an amateur 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.

Sec. 3. [341.115] [PROFESSIONAL BOXING.]

Any contest, match or exhibition in which prizes or compensation worth five dollars or more are offered to any boxer shall comply with all rules of the board of boxing governing professional boxing. No boxer participating in these contests, matches, or exhibitions shall engage in consecutive contests with less than a seven day interval. No boxer shall participate in these contests unless the boxer has submitted an affidavit of physical fitness to the board and has been examined by a physician designated by the board. The affidavit shall state: (a) that the boxer has previously participated in ten amateur or professional matches sanctioned by the board of boxing or sanctioned by a board which regulates boxing in another jurisdiction; or (b) that the boxer has trained for at least 90 days under the supervision of a trainer licensed by the board of boxing. The examination shall include, but not be limited to, an electrocardiogram. The examination shall be performed at the expense of the promoter.

Sec. 4. Minnesota Statutes 1981 Supplement, 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, *tough man or battle of the brawlers contests*, or engage in any public 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) *the* 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 boxing or sparring exhibitions held or to be held under license issued by the board of boxing and in compliance with the rules issued by it.

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Amend the title as follows:

Page 1, delete line 2, and insert "relating to boxing; prohibiting certain boxing activities; establishing certain conditions for participation in professional matches;"

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1981 Supplement, Sections 341.05, Subdivision 1; and 341.13;"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1919, A bill for an act relating to agriculture; formulating a state agricultural land preservation policy; imposing duties on state agencies regarding agency actions adversely affecting agricultural land; continuing the existence of the joint legislative committee on agricultural land preserva-

tion; allocating certain state cost-sharing funds for high priority soil erosion, sedimentation and water control problems identified by local soil and water conservation districts; imposing duties on state and local soil and water conservation boards; providing technical and administrative assistance grants to local districts; requiring coordination of state soil and water conservation programs with other public agencies; establishing a conservation tillage demonstration program; appropriating money; amending Minnesota Statutes 1980, Sections 15.0412, by adding a subdivision; 40.03, Subdivision 4; 40.036; 40.07, Subdivision 9; and Laws 1979, Chapter 315, Section 2; proposing new law coded in Minnesota Statutes, Chapters 17 and 40; repealing Minnesota Statutes 1980, Section 473H.13; and Laws 1979, Chapter 315, Section 1.

Reported the same back with the following amendments:

Page 1, line 26, after "PRESERVATION" insert "AND CONSERVATION"

Page 3, delete lines 22 to 29 and insert *"land which is in agricultural use, and which has been identified as agricultural land by a local unit of government pursuant to sections 394.21 to 394.37, 462.351 to 462.364, 366.10 to 366.19 or 473H.04, or which is composed of predominantly class I, II, III, or IV soils as identified in the land capability classification system of the United States Department of Agriculture Soil Conservation Service and the county soil survey, if completed."*

Page 3, delete lines 31 to 34 and insert *"use of land for the production of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock which is under sections 18.44 to 18.61, fruit of all kinds, vegetables, forage, grains, bees, and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be considered to be in agricultural use."*

Page 5, line 18, after "2," insert "as amended by Laws 1981, Chapter 78, Section 1,"

Page 5, line 22, after "preservation" insert "and conservation"

Page 8, line 28, delete "and" and insert "or"

Page 8, line 29, delete "identified in" and insert "based on"

Page 8, line 30, before the period insert *"and statewide priorities established by the board"*

Page 8, line 34, before "grants" insert *"administrative expenses and for"*

Page 8, line 35, delete "*expenses*" and insert "*assistance*"

Page 9, line 35, delete everything after "(b)"

Page 9, delete line 36

Page 10, line 1, delete everything before "*standards*"

Page 13, line 5, delete "*cultivation and*"

Page 13, after line 9, insert:

"The board may establish guidelines for the implementation of this section. The guidelines need not be adopted as rules under chapter 15."

Page 13, delete section 13

Page 13, line 24, in the blank insert "*150,000*"

Page 13, line 25, in the blank insert "*100,000*"

Page 13, after line 25, insert:

| | |
|-----------------------------------------------------------------|------------------|
| <i>"(c) For staff support to implement sections 8 to 12</i> | <i>\$50,000"</i> |
|-----------------------------------------------------------------|------------------|

Page 13, line 33, delete "*15*" and insert "*14*"

Renumber the sections

Amend the title as follows:

Page 1, line 3, after "*preservation*" insert "*and conservation*"

Page 1, line 20, before the semicolon insert "*, as amended*"

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

The report was adopted.

POINT OF ORDER

Knickerbocker raised a point of order pursuant to rule 5.8 that H. F. No. 1919 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order not well taken.

SECOND READING OF HOUSE BILLS

H. F. Nos. 275, 919, 1262, 1442, 1710, 1712 and 1732 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1408 and 1151 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Battaglia, Munger, Begich, Hanson and Skoglund introduced:

H. F. No. 1961, A bill for an act relating to natural resources; authorizing the acquisition of certain state water access sites.

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

Jacobs, Sarna, Metzen, Minne and Peterson, D., introduced:

H. F. No. 1962, A bill for an act relating to taxation; income; adopting certain federal income tax amendments relating to retirement savings; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended.

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

Gustafson, Schoenfeld, Ogren, O'Connor and Hauge introduced:

H. F. No. 1963, A bill for an act relating to residential energy credits; extending the effective date; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14.

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

McEachern introduced:

H. F. No. 1964, A bill for an act relating to taxation; extending class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 4.

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

Minne introduced:

H. F. No. 1965, A bill for an act relating to the city of Hibbing; providing for the size of the Hibbing public utilities commission.

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

Munger, Lehto, Sherwood, Laidig and Anderson, G., introduced:

H. F. No. 1966, A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau; Clark, K.; Heinitz; Rose and Norton introduced:

H. F. No. 1967, A bill for an act relating to state government; improving the state's personnel management functions; amending Minnesota Statutes 1980, Sections 6.582; 11A.07, Subdivision 4; 12.04, Subdivision 1; 15.0575, Subdivision 3; 15.059, Subdivision 3; 15.43, Subdivision 1; 60B.09, Subdivision 2; 84.028, Subdivision 3; 84.081, Subdivision 1; 85A.03, Subdivision 2; 86.51; 124.645, Subdivision 3; 128A.02, Subdivision 3; 136A.55, Subdivision 4; 144A.52, Subdivision 2; 168.325, Subdivision 1; 171.015, Subdivision 1; 216A.04, Subdivision 3; 241.64, Subdivision 3; 241.65; 246.017, Subdivision 2; 268.14, Subdivision 6; 299E.01, Subdivision 1; 299F.01, Subdivision 2; amending Minnesota Statutes 1981 Supplement, Sections 3.855, Subdivision 3; 43A.02, Subdivision 28; 43A.04, Subdivisions 3, 4, and by adding a subdivision; 43A.08, Subdivisions 1, 3, and by adding subdivisions; 43A.11, Subdivisions 3, 4, 7 and 8; 43A.13, Subdivisions 1, 4 and 5; 43A.15, Subdivisions 6 and 10; 43A.17, Subdivision 4; 43A.18, Subdivisions 3 and 4; 43A.19, Subdivision 1; 43A.27, Subdivision 3; 43A.33, Subdivisions 1, 3 and 4; 43A.37, Subdivision 1; 43A.38; 43A.39; 43A.42; 43A.44, Subdivision 2; 124.41, Subdivision 3; 254A.03, Subdivision 1; Laws 1971, Extra Session, Chapter 3, Section 19, Subdivision 5; Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6; Laws 1981, Chapter 210, Section 55; repealing Minnesota Statutes 1980, Sections 12.05; 124.615, Subdivision 3; 190.081; and 190.095; and Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2.

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

Begich and Elioff introduced:

H. F. No. 1968, A bill for an act relating to workers' compensation; regulating reports of injury or death; providing a penalty; amending Minnesota Statutes 1980, Section 176.231, Subdivision 10.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich and Elioff introduced:

H. F. No. 1969, A bill for an act relating to workers' compensation; regulating interest rates on payments; amending Minnesota Statutes 1981 Supplement, Section 176.221, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich and Elioff introduced:

H. F. No. 1970, A bill for an act relating to workers' compensation; redefining the term "daily wage"; amending Minnesota Statutes 1980, Section 176.011, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich and Elioff introduced:

H. F. No. 1971, A bill for an act relating to workers' compensation; redefining the term "weekly wage;" amending Minnesota Statutes 1980, Section 176.011, Subdivision 18.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich and Elioff introduced:

H. F. No. 1972, A bill for an act relating to labor; extending the time period for wage claim actions; amending Minnesota Statutes 1980, Sections 541.05, Subdivision 1; and 541.07.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Ogren, Stumpf and Nelsen, B., introduced:

H. F. No. 1973, A bill for an act relating to local government; providing for the examination of town accounts by the state auditor pursuant to petition or resolution; amending Minnesota Statutes 1980, Sections 6.54; and 6.55.

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

McEachern and Anderson, B., introduced:

H. F. No. 1974, A bill for an act relating to education; allowing a school district flexibility in scheduling hours and days of attendance; requiring state board approval; amending Minnesota Statutes 1980, Section 124.19, by adding a subdivision.

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

McEachern introduced:

H. F. No. 1975, A bill for an act relating to local government; permitting towns to issue off-sale liquor licenses; amending Minnesota Statutes 1980, Section 368.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, B., introduced:

H. F. No. 1976, A bill for an act relating to retirement; Edgerton volunteer ambulance service retirement fund; authorizing the establishment and maintenance of the retirement fund; validating prior municipal contributions and prior pension payments.

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

Kaley and Levi introduced:

H. F. No. 1977, A bill for an act relating to highway traffic regulations; prescribing minimum mandatory terms in jail and other sanctions for driving while under the influence of alcohol; requiring permanent revocation of a driver's license, permit or nonresident driving privilege upon a second refusal to submit to chemical testing; authorizing limited licenses for drivers whose licenses have been revoked under the implied consent law only for travel to work; amending Minnesota Statutes 1980, Sections 169.121, by adding subdivisions; 169.123, Subdivisions 2,

4, and 9; and 169.129; Minnesota Statutes 1981 Supplement, Section 169.121, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Section 169.121, Subdivisions 3 and 4.

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

Jude; Ellingson; Sieben, H.; Halberg and Rothenberg introduced:

H. F. No. 1978, A bill for an act relating to professional records; providing for ownership and control of medical records by their individual subjects; providing for client ownership of certain records in the hands of an attorney; amending Minnesota Statutes 1980, Sections 144.335, Subdivision 2, and by adding a subdivision; 144.651; and 481.14.

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

Voss, Simoneau, Jacobs and McCarron introduced:

H. F. No. 1979, A bill for an act relating to education; changing the dates relating to maximum effort debt service levy; amending Minnesota Statutes 1981 Supplement, Section 124.38, Subdivision 7.

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

Simoneau introduced:

H. F. No. 1980, A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1981 Supplement, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Sherwood introduced:

H. F. No. 1981, A bill for an act relating to Independent School District No. 176, Pillager; authorizing the school board to transfer money from the capital expenditure fund to the general fund before June 30, 1983.

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

Anderson, I.; Begich; Munger; Battaglia and Carlson, D., introduced:

H. F. No. 1982, A bill for an act relating to forestry; establishing a forest research management policy and plan; realignment of forestry boundaries; establishing a forest management fund and accounting system; making various changes in forestry laws; amending Minnesota Statutes 1980, Sections 16A.125, Subdivision 5; 89.001, Subdivision 6, and by adding subdivisions; 89.01, Subdivision 6; 89.021, Subdivision 1; 89.036; 89.37, Subdivisions 2, 3, 3a, and 4; 90.251, Subdivisions 1 and 4; 197.447; 282.01, Subdivisions 1 and 3; 282.02; and 282.132; Minnesota Statutes 1981 Supplement, Section 282.04, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 88, 89, 90, and 282; repealing Minnesota Statutes 1980, Sections 282.031; 282.032; 282.033; 282.034; 282.035; 282.036; and 282.037.

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

Schreiber, Brinkman, Onnen, Dempsey and Johnson, D., introduced:

H. F. No. 1983, A bill for an act relating to taxation; adopting ACRS for individuals and corporations, with certain limitations; limiting the investment credit subtraction; amending Minnesota Statutes 1980, Sections 290.16, Subdivisions 15, as amended, and 16, as amended; Minnesota Statutes 1981 Supplement, Sections 290.01, Subdivision 20, as amended; 290.09, Subdivision 7, as amended; and 290.091, as amended.

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

Minne; Elioff; Jacobs; Anderson, I., and Begich introduced:

H. F. No. 1984, A bill for an act relating to taxation; imposing a tax on the gross earnings of individuals, estates, and trusts; reducing the rate of income tax on individuals, estates, and trusts; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivisions 2c and 3d; proposing new law coded in Minnesota Statutes, Chapter 290.

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

Heinitz, Jude and Ellingson introduced:

H. F. No. 1985, A bill for an act relating to probate; validating certain contract, gift, conveyance and trust provisions; proposing new law coded in Minnesota Statutes, Chapter 524.

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

Voss and Brinkman introduced:

H. F. No. 1986, A bill for an act relating to insurance; group health and accident; including certain debtors under the provisions relating to this insurance; amending Minnesota Statutes 1980, Section 62A.10, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wynia; Novak; Greenfield; Carlson, L., and Vellenga introduced:

H. F. No. 1987, A bill for an act relating to taxation; eliminating the reduction of certain property tax refunds; repealing Laws 1981, Third Special Session Chapter 2, Article IV, Section 14.

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

Sieben, M.; Sviggum; Haukoos; Fjoslien and Anderson, B., introduced:

H. F. No. 1988, A bill for an act relating to education; authorizing a special grandfather levy for certain school districts; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision.

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

Welch and Clawson introduced:

H. F. No. 1989, A bill for an act relating to public improvements; providing for a therapeutic pool at the Cambridge state hospital; authorizing issuance of state bonds; appropriating money.

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

Rodriguez, C.; Kahn; Vellenga and Laidig introduced:

H. F. No. 1990, A resolution memorializing Congress to establish a National Academy of Peace and Conflict Resolution.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Long; Nelson, K.; Otis and Vellenga introduced:

H. F. No. 1991, A bill for an act relating to education; imposing affirmative action duties on school districts and the state board of education; providing a penalty for school districts which fail to fulfill the duties; authorizing a program of grants for certain administrative interns; appropriating money; amending Minnesota Statutes 1980, Sections 124.15, Subdivision 2; 125.12, Subdivision 6b; proposing new law coded in Minnesota Statutes, Chapter 123.

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

O'Connor, Metzen, Byrne, Dempsey and Ogren introduced:

H. F. No. 1992, A bill for an act relating to crimes; prohibiting the sale or dissemination of obscene materials to minors; prohibiting false representation of age or parental status to procure obscene materials harmful to minors; prohibiting public display of obscene materials harmful to minors; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 260; repealing Minnesota Statutes 1980, Sections 617.291 to 617.297.

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

Osthoff; Anderson, I.; Samuelson; McCarron and Peterson, D., introduced:

H. F. No. 1993, A bill for an act relating to intoxicating liquor; veteran's organization licenses in first class cities; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wynia, Metzen, Kelly, Heinitz and Valan introduced:

H. F. No. 1994, A bill for an act relating to financial institutions; authorizing bank or trust company investment in community welfare projects; amending Minnesota Statutes 1980, Section 48.61, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Osthoff, Dempsey, Wenzel, Sherwood and Harens introduced:

H. F. No. 1995, A bill for an act relating to education; establishing a demonstration grant program for elementary pupils; appropriating money.

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

Brinkman introduced:

H. F. No. 1996, A bill for an act relating to economic development; exempting certain licenses from the state uniform business licensing policy; amending Minnesota Statutes 1981 Supplement, Section 362.452, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wynia, Berkelman, Dempsey, Forsythe and Jude introduced:

H. F. No. 1997, A bill for an act relating to bankruptcy exemptions; providing that married couples filing petitions in bankruptcy must both select either the state or the federal bankruptcy exemptions; proposing new law coded in Minnesota Statutes, Chapter 550.

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

Stowell, Kaley and Zubay introduced:

H. F. No. 1998, A bill for an act relating to public welfare; clarifying the scope of coverage of the severance plan for employees stationed at the Rochester state hospital; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

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

Shea, Aasness, Niehaus, Hauge and Nelson, K., introduced :

H. F. No. 1999, A resolution memorializing the President of the United States and the Secretary of the Navy to have the nuclear attack submarine U.S.S. Corpus Christi rechristened.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Greenfield; Rodriguez, F.; Clark, K., and Byrne introduced :

H. F. No. 2000, A bill for an act relating to public welfare; clarifying certain provisions of the general assistance program; modifying the eligibility standards for emergency general assistance; providing that grants of emergency general assistance be made in the form of vouchers or vendor payments; amending Minnesota Statutes 1981 Supplement, Sections 256D.05, Subdivision 1; 256D.06, Subdivision 2; and 256D.09, Subdivision 1.

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

Marsh, Niehaus, Aasness, Battaglia and Begich introduced :

H. F. No. 2001, A bill for an act relating to air pollution; allowing certain cities and towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

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

Anderson, I.; Battaglia and Munger introduced :

H. F. No. 2002, A bill for an act relating to pollution; providing a delay in the implementation of certain air pollution standards to certain sawmill operations.

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

Simoneau; Rose; Sieben, H.; Sieben, M., and Stadum introduced:

H. F. No. 2003, A bill for an act relating to state government; ratifying state employee and University of Minnesota labor agreements and compensation plans; amending Minnesota Statutes 1980, Sections 15A.081, Subdivision 7; 15A.083, Subdivisions 1 and 2; 299D.03, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

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

Clawson, Lehto, Vanasek, Hokr and Johnson, D., introduced:

H. F. No. 2004, A bill for an act relating to controlled substances; defining "hashish"; adding new substances to the schedules of controlled substances; amending Minnesota Statutes 1980, Sections 152.01, Subdivision 16, and by adding a subdivision; 152.02, Subdivisions 2, 3, 4, and 5.

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

Simoneau; Greenfield; Rodriguez, C.; Luknic and Pogemiller introduced:

H. F. No. 2005, A bill for an act relating to employment; providing for equitable compensation relationships among certain government employees; appropriating money; amending Minnesota Statutes 1981 Supplement, Sections 43A.01, by adding a subdivision; 43A.02, by adding subdivisions; 43A.05, by adding a subdivision; and 43A.18, Subdivision 8; proposing new law coded in Minnesota Statutes, Chapter 137.

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

Hoberg and Searles introduced:

H. F. No. 2006, A bill for an act relating to local government; providing for the proration of local government aids in proportion to sales tax revenues; proposing new law coded in Minnesota Statutes, Chapter 477A.

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

Clawson, Jude, Byrne, Rose and O'Connor introduced :

H. F. No. 2007, A bill for an act relating to metropolitan government; providing a salary maximum for metropolitan government employees; amending Minnesota Statutes 1980, Section 15A.081, Subdivision 7.

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

Wynia, Vellenga, Forsythe, Brandl and Hokr introduced :

H. F. No. 2008, A bill for an act relating to crimes; providing for the protection of the victims of criminal sexual conduct and intrafamilial sexual abuse; amending Minnesota Statutes 1981 Supplement, Section 15.791, Subdivision 9; proposing new law coded in Minnesota Statutes, Chapter 631.

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

Welker introduced :

H. F. No. 2009, A bill for an act relating to the city of Madison; authorizing the city to make certain loans from its public utilities fund to promote economic development in the city; repealing Laws 1967, Chapter 239.

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

Stumpf; Anderson, I.; Eken and Simoneau introduced :

H. F. No. 2010, A bill for an act relating to unemployment compensation; creating an acute local unemployment benefits program; establishing eligibility for benefits; imposing duties upon the commissioner of economic security; proposing new law coded in Minnesota Statutes, Chapter 268.

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

Dempsey, Sarna, Dahlvang, Metzen and Kvam introduced:

H. F. No. 2011, A bill for an act relating to commerce; motor vehicle sale and distribution; providing for the termination or cancellation of franchise agreements; specifying conditions that do not establish good cause for refusal to honor a succession; limiting a manufacturer's ability to withhold consent to a proposed transfer, assignment or sale of a dealership; specifying certain circumstances establishing good cause for entering into or relocating an additional franchise for the same line make; amending Minnesota Statutes 1981 Supplement, Sections 80E.07, Subdivision 1; 80E.09, Subdivision 1; 80E.10, Subdivision 5; 80E.11, Subdivision 1; 80E.13; and 80E.14, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Onnen introduced:

H. F. No. 2012, A bill for an act relating to public welfare; requiring audits of nursing home cost reports; amending Minnesota Statutes 1980, Sections 256B.27, Subdivision 2a; and 256B.-35, Subdivision 4.

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

Rothenberg and Blatz introduced:

H. F. No. 2013, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the use of a dangerous weapon or firearm in crimes committed against the elderly and handicapped; prescribing penalties; amending Minnesota Statutes 1981 Supplement, Section 609.11, Subdivisions 4, 5, 7, and 8; and by adding a subdivision.

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

Rothenberg and Blatz introduced:

H. F. No. 2014, A bill for an act relating to crimes; providing for additional sentences for theft against the elderly; requiring the sentencing guidelines commission to modify the sentencing guidelines to require application of incarcerative sanctions for theft against the elderly; prescribing penalties; amending Minnesota Statutes 1980, Section 609.52, by adding a subdivision.

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

Long, Brandl, Berkelman, Schreiber and Laidig introduced:

H. F. No. 2015, A bill for an act relating to housing and re-development authorities; amending the method of determining a quorum when a conflict of interest exists; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivision 2.

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

Murphy and Battaglia introduced:

H. F. No. 2016, A bill for an act relating to Carlton County; permitting the county to spend a certain sum for promotion of development.

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

Nelsen, B.; Stadum; Stumpf; Brinkman and Valan introduced:

H. F. No. 2017, A bill for an act relating to agriculture; changing certain deadlines; eliminating certain duties of the commissioner of agriculture and county agricultural agents; allowing the sale of certain flowers, canning compounds and butter; eliminating certain presumptions relating to dairy industry discrimination; amending Minnesota Statutes 1980, Section 38.02, Subdivisions 1 and 3; repealing Minnesota Statutes 1980, Sections 17.031; 17.032; 17.23; 31.401 to 31.406; 32.12; 32.472; and 32.473.

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

Nelson, K., introduced:

H. F. No. 2018, A bill for an act relating to education; establishing programs for youth who leave or are likely to leave high school before graduation; authorizing the department of education to award grants and perform certain other duties; appropriating money.

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

Schoenfeld, Dempsey, Jacobs and Anderson, I., introduced:

H. F. No. 2019, A bill for an act relating to taxation; permitting transfer of income tax excess interest deduction under certain circumstances; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended; proposing new law coded in Minnesota Statutes, Chapter 290.

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

Carlson, L.; Welch and Swanson introduced:

H. F. No. 2020, A bill for an act relating to hospitals; promoting price competition by requiring hospitals to report certain diagnostic and price information to the commissioner of health; requiring the commissioner of health to analyze and disseminate the information; proposing new law coded in Minnesota Statutes, Chapter 144.

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

Wenzel introduced:

H. F. No. 2021, A bill for an act relating to local government; creating the Morrison County rural development finance authority; authorizing the establishment of a development and redevelopment program and the authorization of powers for it.

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

Rose, Valento and Stadum introduced:

H. F. No. 2022, A bill for an act relating to unemployment compensation; altering provision as to advance of federal funds; altering "triggers" relating to extended benefits; altering eligibility requirements for extended benefits; altering eligibility and disqualifying provisions for individuals whose training is approved under the federal trade act of 1974; providing for the interception of unemployment benefits to satisfy child support obligations; amending Minnesota Statutes 1980, Sections 268.05, Subdivision 6; 268.071, Subdivisions 1, 3, 5, and 6, and by adding subdivisions; 268.08, Subdivision 1; and 268.09, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Section 268.07, Subdivision 4.

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

Wenzel, Welch and Kostohryz introduced:

H. F. No. 2023, A bill for an act relating to education; authorizing aid for driver education courses offered by school districts; appropriating money; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

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

Anderson, I.; Jacobs; Sieben, H.; Tomlinson and Berkelman introduced:

H. F. No. 2024, A bill for an act relating to taxation; establishing state paid tax credits for designated commercial and industrial properties in economically distressed areas; exempting certain equipment from sales tax; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 15a; 297A.25, as amended; proposing new law coded in Minnesota Statutes, Chapter 273.

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

Wenzel, Stumpf, Ogren and Shea introduced:

H. F. No. 2025, A resolution memorializing the President and Congress of the United States and the Farmers Home Administration to stop foreclosures on loans by the Farmers Home Administration.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Anderson, I.; Begich; Battaglia; Elioff and Minne introduced:

H. F. No. 2026, A bill for an act relating to Independent School District 319; permitting the district to issue bonds for school buildings; providing the district with taxing authority.

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

Wenzel, Jude and Brinkman introduced:

H. F. No. 2027, A bill for an act relating to natural resources; setting a limit on acquisition of land from a single owner as an activity area for land disposal of hazardous waste; proposing new law coded in Minnesota Statutes, Chapter 115A.

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

Aasness introduced:

H. F. No. 2028, A bill for an act relating to agriculture; establishing an apiary account in the state treasury; appropriating money; amending Minnesota Statutes 1980, Section 19.19, Subdivision 3.

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

Simoneau, Harens, Evans, Stowell and Hanson introduced:

H. F. No. 2029, A bill for an act relating to the military; precluding the payment of workers' compensation when a member is not paid from state funds; amending Minnesota Statutes 1981 Supplement, Section 176.011, Subdivision 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Peterson, B., and Himle introduced:

H. F. No. 2030, A bill for an act relating to education; authorizing school districts to transfer money from their capital expenditure fund to the general fund.

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

Kahn, Greenfield, Sarna and Metzen introduced:

H. F. No. 2031, A bill for an act relating to alcoholic beverages; extending the on-sale closing hour to three a.m.; amending Minnesota Statutes 1980, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1; Minnesota Statutes 1981 Supplement, Section 340.14, Subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Sviggum, Ludeman, Stumpf, Ogren and Redalen introduced:

H. F. No. 2032, A bill for an act relating to agriculture; transferring the state soil and water conservation board to the department of agriculture; amending Minnesota Statutes 1980, Section 40.03, Subdivisions 1, 2 and 4.

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

Anderson, G.; Kalis; Jennings; Johnson, D., and Mann introduced:

H. F. No. 2033, A bill for an act relating to agriculture; providing for the licensing and regulation of certain grain buyers; providing a penalty; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 223; repealing Minnesota Statutes 1980, Chapter 223, as amended; and Sections 232.01; 232.02, as amended; 232.04; and 232.06, Subdivision 5.

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

Anderson, G.; Kalis; Jennings; Johnson, D., and Mann introduced:

H. F. No. 2034, A bill for an act relating to agriculture; providing for the regulation of grain storage warehouse operators; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 232; repealing Minnesota Statutes 1980, Sections 232.06, Subdivisions 2, 3, 4, 6 and 7; 232.-07 to 232.19; Minnesota Statutes 1981 Supplement, Section 232.-06, Subdivision 1.

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

Wynia introduced:

H. F. No. 2035, A bill for an act relating to financial institutions; shared appreciation mortgages; limiting a lender or mortgagee's right to receive future appreciation; providing that the mortgage becomes due and payable upon its sale or transfer; amending Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4b.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rice, Minne, Murphy and McCarron introduced:

H. F. No. 2036, A bill for an act relating to labor; including sheltered workers within definition of employee in the labor relations act; amending Minnesota Statutes 1980, Section 179.01, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Frerichs, Reding, Ludeman, Berkelman and Stowell introduced:

H. F. No. 2037, A bill for an act relating to regional development; clarifying procedures for the dissolution of regional development commissions; amending Minnesota Statutes 1980, Section 462.398, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 462.398, Subdivision 2.

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

Nelson, K., introduced:

H. F. No. 2038, A bill for an act relating to taxation; providing energy credits for property providing a certain thermal integrity factor; extending the time when the credit will be available; amending Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 14.

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

Laidig; Schreiber; Sieben, H.; McCarron and Novak introduced:

H. F. No. 2039, A bill for an act relating to municipal industrial development; defining development projects; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1b.

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

Anderson, G.; Ogron; Valan and Anderson, B., introduced:

H. F. No. 2040, A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded in Minnesota Statutes, Chapter 4.

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

Kostohryz introduced:

H. F. No. 2041, A bill for an act relating to the city of Maplewood; authorizing a project and the issuance of revenue bonds.

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

Kvam; Peterson, B.; Halberg; Onnen and Dempsey introduced:

H. F. No. 2042, A bill for an act relating to taxation; providing for the collection of taxes; imposing penalties; amending Minnesota Statutes 1980, Sections 270.06; 270.07, Subdivision 1; 270.10, Subdivision 1; 270.70, Subdivisions 1, 2, 3, and 5, and by adding subdivisions; 290.45, Subdivision 2; 290.48, Subdivisions 3, 4, 6, and 8; 290.53, Subdivisions 2 and 5; 290.54; 290.92, Subdivision 23; 296.01, Subdivision 8; 296.14, Subdivision 1; 296.17, Subdivision 11; 297A.33, Subdivision 2; 297A.39, Subdivisions 2 and 5; 508.25; 559.21, by adding a subdivision; 580.-15; Minnesota Statutes 1981 Supplement, Sections 270.063; 270.-66; 270.75, by adding a subdivision; 290.92, Subdivisions 6 and 15; 296.12, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 270; repealing Minnesota Statutes 1980, Sections 290.48, Subdivisions 1 and 9; 290.51; 290.97; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 290.48, Subdivision 2.

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

Kvam, Searles, Dempsey, Halberg and Evans introduced:

H. F. No. 2043, A bill for an act relating to taxation; income; deleting certain provisions relating to the taxation of unitary business income; amending Minnesota Statutes 1980, Section 290.34, Subdivision 2, as amended; Minnesota Statutes 1981 Supplement, Section 290.17, Subdivision 2, as amended; 290.21, Subdivision 4, as amended.

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

Welker introduced:

H. F. No. 2044, A bill for an act relating to health; providing criteria for renewal of certain certificates related to basic life support transportation services; amending Minnesota Statutes 1980, Section 144.804, Subdivision 1.

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

McEachern introduced:

H. F. No. 2045, A bill for an act relating to local government; allowing cities to impose gravel taxes; amending Minnesota Statutes 1981 Supplement, Section 298.75, as amended.

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

Peterson, D.; Jacobs; Anderson, I.; Levi and Stowell introduced:

H. F. No. 2046, A bill for an act relating to taxation; providing for the imposition of sales tax on certain retail sales of manufactured homes; amending Minnesota Statutes 1981 Supplement, Sections 297A.01, Subdivision 3; 297A.02; and 297A.25, Subdivision 1.

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

Weaver, Novak, Searles, Heinitz and Brinkman introduced:

H. F. No. 2047, A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings; proposing new law coded in Minnesota Statutes, Chapter 273.

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

Olsen, Rothenberg, Jacobs, Brinkman and Blatz introduced:

H. F. No. 2048, A bill for an act relating to taxation; providing for conformity to federal income tax treatment of contributions to individual retirement accounts and Keogh plans; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended.

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

Nelson, K.; Novak; Otis; Evans and Tomlinson introduced:

H. F. No. 2049, A bill for an act relating to taxation; income; providing a credit for certain energy management training expenditures; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

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

Greenfield, Vanasek, Kelly, Novak and Blatz introduced:

H. F. No. 2050, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

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

Clawson introduced:

H. F. No. 2051, A bill for an act relating to human rights; prohibiting employment discrimination against members of the national guard and the armed forces reserve; amending Minnesota Statutes 1980, Sections 363.01, Subdivision 24; 363.03, Subdivision 1; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 2052, A bill for an act relating to occupations and professions; providing for the licensing of painting and decorating contractors; establishing the board of painting and decorating contractors; prescribing powers and duties; providing penalties; amending Minnesota Statutes 1980, Sections 326.01, by adding a subdivision; and 326.53, by adding a subdivision; proposing new law coded in Minnesota Statutes 1980, Chapter 326.

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

Piepho, Brinkman, Metzen and Dahlvang introduced :

H. F. No. 2053, A bill for an act relating to commerce; requiring the commissioner of public safety to adopt fire extinguisher licensing and certification rules; providing exceptions; proposing new law coded in Minnesota Statutes, Chapter 299F.

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

Evans, Frerichs, Knickerbocker, Wieser and Carlson, D., introduced :

H. F. No. 2054, A bill for an act relating to crimes; providing that motor vehicles of persons convicted of a second violation of driving under the influence of alcohol or a controlled substance are subject to forfeiture; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 169.

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

McDonald and Rees introduced :

H. F. No. 2055, A bill for an act relating to Carver County; permitting the county to make electronic funds transfers.

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

Wenzel, Ogren, Stumpf, Shea and Erickson introduced :

H. F. No. 2056, A bill for an act relating to agriculture; increasing the complement of the agricultural statistics service in the department of agriculture; appropriating money.

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

Stowell introduced :

H. F. No. 2057, A bill for an act relating to state government; allowing for disclosures of information between the commissioner of revenue and the department of economic security; amending Minnesota Statutes 1980, Section 268.12, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 290.61.

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

Hokanson, Onnen, Byrne, Hokr and Samuelson introduced:

H. F. No. 2058, A bill for an act relating to public welfare; providing for classification, access, and destruction of certain child abuse report records; clarifying the classification of reports regarding vulnerable adults; amending Minnesota Statutes 1980, Sections 626.556, Subdivisions 3, 7, and by adding a subdivision; 626.557, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 11.

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

Jacobs and Voss introduced:

H. F. No. 2059, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; proposing new law coded in Minnesota Statutes, Chapter 272.

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

Ellingson, Norton, Heinitz, Brinkman and Hokr introduced:

H. F. No. 2060, A bill for an act relating to commerce; providing for a determination of when certain property held by a financial institution or business organization is presumed abandoned; amending Minnesota Statutes 1980, Sections 345.32, as amended; and 345.39, as amended.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Osthoff introduced:

H. F. No. 2061, A bill for an act relating to agriculture; clarifying the food handling license requirements applicable to carnivals, circuses, and fairs; proposing new law coded in Minnesota Statutes, Chapter 28A.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Laidig, Kahn and Norton introduced:

H. F. No. 2062, A bill for an act relating to health; establishing a permanent council on health promotion and wellness; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 145.

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

Clark, K.; Greenfield; Byrne and Welch introduced:

H. F. No. 2063, A bill for an act relating to public welfare; requiring preadmission screening for patients entering nursing homes from hospitals; requiring hospital discharge planners to attend certain preadmission screening assessments; allowing recipient choice between long term care and alternative care; modifying cost limits for alternative care; amending Minnesota Statutes 1980, Section 256B.091, Subdivisions 2, 4, and 6; and Minnesota Statutes 1981 Supplement, Section 256B.091, Subdivision 8.

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

Clark, K.; Tomlinson; Greenfield and Anderson, I., introduced:

H. F. No. 2064, A bill for an act relating to taxation; providing for the creation of urban shelter preserves in which property taxes on residential property rented to low income persons would be reduced; proposing new law coded in Minnesota Statutes, Chapter 273.

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

Clark, K.; Clawson and Welch introduced:

H. F. No. 2065, A bill for an act relating to public welfare; providing for regulation of aversive or deprivation procedures for behavior modification of mentally retarded, mentally ill, or chemically dependent individuals in order that the procedures are appropriately selected, planned, and implemented with due regard for human rights and needs; establishing a penalty; proposing new law coded in Minnesota Statutes, Chapter 245.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Jacobs; Anderson, I.; Minne and Peterson, D., introduced :

H. A. No. 48, A proposal to study enactment of a tax on the gross income of individuals.

The advisory was referred to the Committee on Taxes.

Byrne, Swanson, Clawson, Hokr and Onnen introduced :

H. A. No. 49, A proposal to study out-of-home placements of juveniles.

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

Byrne, Clawson, Kelly, Gustafson and Levi introduced :

H. A. No. 50, A proposal to investigate use of secure detention in juvenile correctional facilities.

The advisory was referred to the Committee on Criminal Justice.

Frerichs; Aasness; Kalis; Anderson, G., and Mehrkens introduced :

H. A. No. 51, A proposal to study the present Minnesota rail system and its future in the next decade.

The advisory was referred to the Committee on Transportation.

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 :

S. F. No. 818.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 818

A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

February 3, 1982

The Honorable Jack Davies
President of the Senate

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

We, the undersigned conferees for S. F. No. 818, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 818 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 84.111, is amended by adding a subdivision to read:

Subd. 5. Notwithstanding the provisions of subdivisions 1 to 3, any person holding fee title to all property surrounding a body of public waters may use mechanical harvesting devices to harvest wild rice in those waters. This subdivision does not apply to:

- (a) Any body of public waters greater than 125 acres in size;*
- (b) Any body of public waters to which the public has access directly or through a channel or watercourse; or*
- (c) Harvesting of wild rice for use or sale by any person other than the owner of the surrounding property.*

Sec. 2. Minnesota Statutes 1980, Section 97.48, Subdivision 24, is amended to read:

Subd. 24. The commissioner may limit the number of persons who may hunt deer *or bear*, when he determines that the game supply or area open to hunting is too small for unrestricted hunting, and he may establish by order any practicable method, including a drawing, for impartially determining the persons who may hunt in such areas.

Sec. 3. Minnesota Statutes 1980, Section 97.4841, Subdivision 2, is amended to read:

Subd. 2. [STAMP REQUIRED.] *Except for residents under the age of 18 and over the age of 65 years*, no person (OVER THE AGE OF 18 AND UNDER THE AGE OF 65 YEARS) who is otherwise required to possess a Minnesota small game license shall hunt or take migratory waterfowl within this state without first purchasing a stamp and having the stamp in (HIS) possession while hunting or taking migratory waterfowl. 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 nonhunters who are interested in the preservation and development of habitat for migratory waterfowl. People who are hunting on their own property shall not be required to possess a Minnesota waterfowl stamp.

Sec. 4. Minnesota Statutes 1980, Section 97.49, Subdivision 1a, is amended to read:

Subd. 1a. (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least (\$1) \$2 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement.

Sec. 5. Minnesota Statutes 1980, Section 98.45, Subdivision 1, is amended to read:

Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for a year beginning on the first day of March and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. Except as provided in this section, no license to take deer with firearm or with bow and arrow may be issued after the day prior to the first day of the

regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of such season. *A license to take deer with bow and arrow issued after the opening of the bow and arrow deer season shall not be valid until the fifth day after it is issued.* A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except as authorized by order of the commissioner adopted pursuant to section 97.53 and except the non-resident short term angling license, may be issued to a person in any licensing year. No license may be transferred except as expressly authorized.

Sec. 6. Minnesota Statutes 1980, Section 98.47, Subdivision 7, is amended to read:

Subd. 7. No license *to buy or sell fish or to take fish commercially* in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of (HIS) *the person's* household, or employee, engaged in the business of conducting a summer resort.

Sec. 7. Minnesota Statutes 1980, Section 98.52, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no big game license of any kind shall be issued to such person for three years after the date of:

(1) A conviction for a violation relating to big game which is classified as a gross misdemeanor, or for doing any act without a big game license for which chapters 97 to 102 require a big game license, or;

(2) A second conviction within a three year period for any other violation of chapters 97 to 102 relating to big game; or

(3) A conviction for taking any big game animal out of season.

No license of the kind related to the conviction shall be issued to (SUCH) a person for one year after the date of conviction if the license is other than a big game license. Every person convicted of doing anything without a license for which chapters

97 to 102 require a license, shall forfeit (HIS) *their* right to secure (SUCH A) *that* license for a period of one year from a conviction other than a conviction related to big game.

Sec. 8. Minnesota Statutes 1980, Section 99.27, Subdivision 1, is amended to read:

Subdivision 1. Breeding and propagating fur-bearing animals, game birds, *bear* or deer, shall be authorized under license only upon privately owned or leased lands and waters. "Private waters," as used herein, includes all bodies of waters or streams, whether meandered or not, of a shallow, swampy, marshy, or boggy nature, not navigable in fact, and of no substantial beneficial use to the general public. The owner or lessee, applying for the license, shall have first enclosed the area, in the manner approved by the commissioner, sufficiently to confine the respective birds or animals to be raised thereon. Licenses shall be granted only in cases where the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and where the facilities, in his judgment, are adequate therefor.

Sec. 9. Minnesota Statutes 1980, Section 100.27, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, *cougar*, or wolverine.

Sec. 10. Minnesota Statutes 1980, Section 100.29, Subdivision 3, is amended to read:

Subd. 3. (IT SHALL BE UNLAWFUL TO HAVE IN POSSESSION OUT OF DOORS, EXCEPT UPON TARGET RANGES OPERATED UNDER A PERMIT FROM THE COMMISSIONER, UNLESS UNLOADED AND CONTAINED IN A GUN CASE, OR UNLOADED AND BROKEN DOWN:)

((1) ANY RIFLE OR HANDGUN, EXCEPT A 22 CALIBER RIM-FIRE RIFLE OR HANDGUN CARRIED FOR THE SOLE PURPOSE OF TAKING SMALL GAME WHEN LAWFUL AND USING 22 CALIBER SHORT, LONG, OR LONG RIFLE BULLETS, OR ANY SHOTGUN WITH SLUGS, IN ANY TERRITORY WHEREIN THERE IS AN OPEN SEASON FOR TAKING DEER WITH FIREARMS, FOR A PERIOD OF TEN DAYS PRECEDING AND FIVE DAYS SUCCEEDING SUCH SEASON;)

((2) ANY RIFLE, EXCEPT THOSE DESCRIBED IN THIS CLAUSE, IN A TERRITORY OPEN FOR THE TAKING OF DEER WITH SHOTGUNS AND SLUGS BUT NOT WITH

RIFLES, DURING SUCH SEASON; (A) SMOOTH-BORE MUZZLE LOADING MUSKETS OF NOT LESS THAN 45 CALIBER AND RIFLE MUZZLE LOADING MUSKETS OF NOT LESS THAN 40 CALIBER THAT ARE INCAPABLE OF BEING LOADED AT THE BREECH, MAY BE POSSESSED AND USED FOR THE HUNTING OF DEER DURING SUCH OPEN SEASON AND (B) 22 CALIBER RIM-FIRE RIFLES OR HANDGUNS CARRIED FOR THE SOLE PURPOSE OF TAKING SMALL GAME WHEN LAWFUL AND USING 22 CALIBER SHORT, LONG, OR LONG RIFLE BULLETS, MAY BE POSSESSED AND USED DURING SUCH OPEN DEER SEASON;)

((3) ANY SLUGS FOR USE IN A SHOTGUN IN ANY TERRITORY OPEN FOR THE TAKING OF DEER WITH FIREARMS DURING THE OPEN SEASON, EXCEPT FOR SLUGS CARRIED FOR THE SOLE PURPOSE OF TAKING DEER OR BEAR.) *Within any area where deer may be taken by firearms, it shall be unlawful during the period beginning the tenth day before the open firearms season and ending the fifth day after the close of the season, inclusive, to have any firearm or ammunition in possession out of doors other than:*

(1) *Shotguns using shot;*

(2) *Handguns and rifles using .22 caliber short, long and long rifle cartridges; and*

(3) *Firearms described in subdivision 9, as legal for taking big game subject to weapon zone restrictions as prescribed by the commissioner, provided the bearer has a big game license on his person and is afield during the time and within the area the big game license is valid.*

Except for pistols and revolvers carried in compliance with sections 624.714 to 624.715 and firearms in possession upon target ranges operated under a permit from the commissioner, all firearms carried out of doors other than in conformity with this subdivision must be unloaded and contained in a case or unloaded and contained in the trunk of a car with the trunk door closed.

Sec. 11. Minnesota Statutes 1980, Section 100.29, Subdivision 9, is amended to read:

Subd. 9. (EXCEPT AS PROVIDED IN SUBDIVISION 3, AND IN THIS SUBDIVISION, IT SHALL BE UNLAWFUL TO TAKE DEER, MOOSE, OR ANY OTHER WILD ANIMAL DURING DEER OR MOOSE SEASON IN OPEN DEER OR MOOSE HUNTING TERRITORY WITH A RIFLE OR FIREARM WHICH DISCHARGES A PROJECTILE, THE DIAMETER OF WHICH IS LESS THAN TWENTY-THREE HUN-

DREDTHS OF AN INCH, OR TO USE ANY CARTRIDGE LESS THAN 1-3/4 INCHES IN LENGTH, AND NOT CONTAINING A SOFT POINT OR EXPANDING BULLET, THE MEASUREMENT TO INCLUDE THE CARTRIDGE OR SHELL AND THE BULLET SEATED IN THE USUAL MANNER, PROVIDED CARTRIDGES OF 35 CALIBER OR LARGER MAY BE USED, REGARDLESS OF LENGTH, OR TO USE SHELLS CONTAINING BUCKSHOT, OR FINE SHOT EXCEPT FOR GAME BIRDS, AND EXCEPT THAT SMOOTH-BORE MUZZLE LOADING MUSKETS OF NOT LESS THAN 45 CALIBER AND RIFLED MUZZLE LOADING MUSKETS OF NOT LESS THAN 40 CALIBER THAT ARE INCAPABLE OF BEING LOADED AT THE BREECH MAY BE USED, AND PROVIDED FURTHER THAT HANDGUNS OF THE .357, .41, AND .44 MAGNUM CALIBER, USING AMMUNITION WITH A CASE LENGTH OF NOT LESS THAN 1.285 INCHES, AND OTHER CALIBERS OF SIMILAR PERFORMANCE AS DETERMINED BY THE COMMISSIONER, MAY BE USED TO TAKE DEER, MOOSE, BEAR, OR ANY WILD ANIMAL.) *A firearm or ammunition may be used to take big game if it meets the following requirements:*

(1) Handguns, rifles, shotguns and all projectiles used therein shall be at least 23/100ths of an inch in caliber;

(2) All firearms shall be loaded only with ammunition containing single projectiles;

(3) All projectiles shall be of a soft point or an expanding bullet type;

(4) All ammunition shall have a case length of at least 1.285 inches; and

(5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take big game with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements provided in clauses (1) to (5).

Sec. 12. Minnesota Statutes 1981 Supplement, 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;

(2) To trap fur bearing animals (, EXCEPT BEAVER,) for residents 18 years of age and older, \$13;

(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, \$100, provided that any employee, partner or officer buying or selling at the established place of business only for the licensee may secure a supplemental license for \$50;

(4) (TO TRAP BEAVER DURING AN OPEN SEASON OR BY PERMIT WHEN DOING DAMAGE, \$2.50;)

((5)) To guide bear hunters, \$75.

Sec. 13. Minnesota Statutes 1981 Supplement, 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, \$35;

(2) To take deer and unprotected quadrupeds with firearms (AND BOW AND ARROWS), \$75;

(3) To take deer and unprotected quadrupeds with a bow and arrows only, (\$35) \$75;

(4) To take bear, \$100;

(5) To take turkeys, \$30, in addition to a small game license;

(6) To hunt raccoon, *bobcat*, *fox*, *coyote*, or *Canada lynx*, with or without dogs, \$100, in addition to nonresident small game license.

Sec. 14. Minnesota Statutes 1980, Section 98.46, Subdivision 21, is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag *any fur bearing animal* at the place where (TRAPPED, BEAVER, FISHER OR OTTER) *taken*. The tag (WILL) *shall* be of a type prescribed by the commissioner and bearing (THE LICENSE NUMBER OF THE OWNER AND) the year of its issue. Tags (WILL) *shall* be issued (WITH THE LICENSE) *upon request of the licensee in a manner prescribed by the commissioner* at no additional cost. (DURING THE

CALENDAR YEARS 1977 AND 1978 THE COMMISSIONER SHALL REQUIRE THE TAGGING OF FISHER IN THE MANNER DESIGNATED IN THIS SUBDIVISION.)

Sec. 15. Minnesota Statutes 1980, Section 98.46, Subdivision 26, is amended to read:

Subd. 26. No nonresident shall possess or transport a raccoon, bobcat, *Canada lynx*, or fox taken in this state unless a tag of a type prescribed by the commissioner is affixed to the carcass. The number of tags which the commissioner shall prescribe by order will be issued with every nonresident license to take raccoon, bobcat, *Canada lynx*, or fox provided no such license or tags shall be issued after the fifth day from the commencement of the season for that licensing year.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 97.4842, Subdivision 1, is amended to read:

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) *angle* in any stream designated by the commissioner as a trout stream (WITHIN THIS STATE) without first purchasing a stamp and having the stamp in his possession while angling for trout in any such 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.

Sec. 17. Minnesota Statutes 1981 Supplement, 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 \$1 for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and 75 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841, the trout stamp required by section 97.4842, and any other similar state stamp required by statute, each shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game or other appropriate license are issued in the same transaction in which case the stamp shall be considered a part of the (SMALL GAME) appropriate

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. 18. Minnesota Statutes 1980, Section 101.42, Subdivision 7, is amended to read:

Subd. 7. Except as otherwise specifically permitted, it shall be unlawful to buy or sell any fish taken from the waters of this state, except rough fish and minnows, fish raised in a private hatchery when tagged or labeled as prescribed by the commissioner, fish taken under licensed commercial fishing operations, or lawfully taken and subject to sale from other states or countries; provided, black bass, rock bass, muskellunge, and sunfish may not be bought or sold in this state *except when bought or sold by a private hatchery in accordance with procedures and restrictions prescribed by order of the commissioner for the purpose of stocking waters for recreational fishing.*

Sec. 19. Minnesota Statutes 1980, Section 100.29, Subdivision 5, is amended to read:

Subd. 5. Except as permitted by section 98.48, subdivision 10, it (SHALL BE) is unlawful to take any wild animal by (MEANS OF) discharging any firearm or bow and arrow (THEREAT) from a motor vehicle or airplane or snowmobile (, OR TO TRANSPORT ANY FIREARM). Except for a pistol or revolver

carried in compliance with sections 624.714 and 624.715, it is unlawful to transport any firearm, including a muzzle loading firearm, in a motor vehicle or airplane or snowmobile, unless (1) the (SAME) firearm is unloaded in both barrels and magazine and (COMPLETELY) contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the firearm exposed, or (UNLESS) (2) the firearm is unloaded and (CONTAINED) in the trunk of (THE) a car with the trunk door closed. It is also unlawful to transport (THE FOLLOWING) a bow and arrow in a motor vehicle, airplane, or snowmobile (: (1) A BOW AND ARROW) unless (1) unstrung (OR) , (2) completely contained in a case, or (UNLESS) (3) contained in the trunk of the car with the trunk door closed (; (2) A MUZZLE LOADING FIREARM UNLESS FULLY UNLOADED AND COMPLETELY CONTAINED IN A GUN CASE EXPRESSLY MADE FOR THAT PURPOSE WHICH IS FULLY ENCLOSED BY BEING ZIPPED, SNAPPED, BUCKLED, TIED, OR OTHERWISE FASTENED, WITH NO PORTION OF THE FIREARM EXPOSED, AND IN THE CLOSED TRUNK OF A CAR OR REARMOST LOCATION OF A VEHICLE). A muzzle loading firearm with a flintlock ignition is fully unloaded if it has no priming powder in any pan and a muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple. Subject to the requirements of subdivision 17, migratory waterfowl may be taken from a floating craft including those propelled by motor, sail and wind, or both, if the motor is shut off and the sails are furled, the progress of the craft caused by such propulsion has ceased, and the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole.

Sec. 20. Minnesota Statutes 1980, Section 101.42, is amended by adding a subdivision to read:

Subd. 1a. No muskellunge less than 36 inches in length may be taken in any waters north of trunk highway No. 210.

Sec. 21. [REPEALER.]

Minnesota Statutes 1980, Sections 98.46, Subdivision 20 and 101.42, Subdivision 10, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1, 3, 5, 7, 9, 10, 11, 12, and 17 are effective August 1, 1982. Sections 8, 16, 18, 19, 20, and 21 are effective the day after final enactment. Sections 2, 4, 6, 13, 14, and 15 are effective for licensing years beginning March 1, 1982."

Delete the title and insert:

"A bill for an act relating to game and fish; altering requirements for taking and possession; increasing the deer license habitat amount; prescribing requirements for carrying and use of firearms and ammunition; prescribing penalties; restricting the season on cougar; restricting the taking of bear; removing a license fee for beaver; establishing nonresident fees for bobcat, fox, coyote and Canada lynx, allowing tagging for fur bearing animals; clarifying the trout stamp requirement; permitting certain fish to be bought or sold by private hatcheries; clarifying the transportation of firearms; clarifying the use of mechanical harvesting devices for wild rice; restricting the taking of certain muskellunge in certain areas of the state; amending Minnesota Statutes 1980, Sections 84.111, by adding a subdivision; 97.48, Subdivision 24; 97.4841, Subdivision 2; 97.49, Subdivision 1a; 98.45, Subdivision 1; 98.46, Subdivisions 21 and 26; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; 100.27, Subdivision 1; 100.29, Subdivisions 3, 5 and 9; 101.42, Subdivision 7 and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 97.4842, Subdivision 1; 98.46, Subdivisions 4 and 14; and 98.50, Subdivision 5; repealing Minnesota Statutes 1980, Sections 98.46, Subdivision 20; and 101.42, Subdivision 10."

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

Senate Conferees: COLLIN C. PETERSON and STEVE ENGLER.

House Conferees: LEO J. REDING, DAVID P. BATTAGLIA and JOHN DREW.

Reding moved that the report of the Conference Committee on S. F. No. 818 be adopted and that the bill be repassed as amended by the Conference Committee. The motion did not prevail.

Reding moved that S. F. No. 818 be returned to the Conference Committee. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted.

S. F. Nos. 786, 787, 1239 and 1538.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 786, A bill for an act relating to retirement; volunteer firefighters relief associations; authorizing relief associations to increase retirement benefit and service pension amounts

without municipal ratification in certain instances; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 6; 69.773, Subdivision 6; and 424A.02, Subdivision 10.

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

S. F. No. 787, A bill for an act relating to retirement; volunteer firefighters relief associations; financing and benefit amounts; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 2a; 424.01; 424.02; 424.04; 424.16; 424.17; and 424A.02, Subdivisions 3, 7 and 9.

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

S. F. No. 1239, A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

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

S. F. No. 1538, A bill for an act relating to peace officers; providing for appointment of peace officers, constables and deputy constables in towns; requiring towns to notify the peace officers standards and training board before employing law enforcement officers; amending Minnesota Statutes 1980, Sections 367.03, Subdivisions 1, 2, and 3; 367.22; 367.40, Subdivisions 3 and 4; 367.41; Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1; repealing Minnesota Statutes 1981 Supplement, Section 382.28.

The bill was read for the first time.

Lehto moved that S. F. No. 1538 and H. F. No. 1587, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1603, A bill for an act relating to education; requiring the board of teaching and the state board of education to accept certain life experiences in lieu of a training program con-

taining human relations components for issuance or renewal of a license in education; amending Minnesota Statutes 1980, Section 125.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 12 to 25 and insert:

"Subd. 4. [HUMAN RELATIONS.] The board of teaching and the state board of education shall accept training programs completed through Peace Corps, VISTA, and Teacher Corps in lieu of completion of the human relations component of the training program for purposes of issuing or renewing a license in education."

Amend the title as follows:

Page 1, line 3, before "certain" insert "completion of"

Page 1, delete lines 4 and 5 and insert "training programs in lieu of the human relations components required for licensure"

Page 1, line 6, delete "renewal of a license in education"

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1664, A bill for an act relating to education; establishing limitations on appropriations for higher education interstate tuition reciprocity agreements; declaring legislative intention to discontinue appropriating money for higher education interstate tuition reciprocity agreements; providing that continuing students shall remain eligible for remission on non-resident tuition; requiring the higher education coordinating board to determine categories of students eligible for remission of nonresident tuition; encouraging discontinuance of courses of study and schools when duplication exists in this state and adjacent states when economically advantageous; amending Minnesota Statutes 1980, Sections 136A.04, Subdivision 1; and 136A.08; Laws 1981, Chapter 359, Section 3, Subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1981, Chapter 359, Section 3, Subdivision 6, is amended to read:

Subd. 6. Interstate Tuition Reciprocity

\$ 5,300,000 \$ 5,669,000

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations *but only for the following categories of students: students who have been accepted and are now eligible for nonresident tuition remission, and as many students seeking first-time approval for nonresident tuition remission as possible within the appropriation.*

Sec. 2. Minnesota Statutes 1980, Section 136A.04, Subdivision 1, is amended to read:

Subdivision 1. The higher education coordinating board shall:

(a) Continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state (IN RESPECT THERETO);

(b) Continuously engage in long range planning of the needs of higher education and (, IF NECESSARY,) cooperatively engage in (SUCH) planning with neighboring states and agencies of the federal government;

(c) Act as successor to any committee or commission heretofore authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(d) Review, make recommendations and identify priorities with respect to all plans and proposals for new or additional programs of instruction or substantial changes in existing programs to be established in or offered by (,) the University of Minnesota, (THE) state universities, (THE) community colleges, (AND PUBLIC) area vocational-technical institutes, and private collegiate and non-collegiate institutions offering post-secondary education, and periodically review existing programs offered in or by (THE ABOVE) *these* institutions and recommend discontinuing or modifying any existing program, the continuation of which is judged by the board as being unnecessary or a (NEEDLESS) duplication of existing programs;

(e) Develop, in cooperation with the post-secondary systems, committee on appropriations of the house of representatives, committee on finance of the senate, and the departments of administration and finance, a compatible budgetary reporting format (DESIGNED) to provide data (OF A NATURE TO

FACILITATE) for systematic review of (THE) budget submissions of the University of Minnesota, (THE) state university system, (THE) state community college system and (THE PUBLIC) area vocational-technical schools; and which includes the relating of dollars to program output;

(f) Review budget requests, including plans for construction or acquisition of facilities, of the University of Minnesota, (THE) state (COLLEGES) universities, (THE) state community colleges, and (PUBLIC) area vocational-technical schools (FOR THE PURPOSE OF RELATING) to relate present resources and higher educational programs to the state's present and long range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including (THE) assessments (AS TO) of the extent to which (THE) expenditures and accomplishments are consistent with legislative intent;

(g) Obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(h) Continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts.

Sec. 3. Minnesota Statutes 1980, Section 136A.08, is amended to read:

136A.08 [RECIPROCAL AGREEMENTS RELATING TO NONRESIDENT TUITION WITH OTHER STATES.]

Subdivision 1. [AUTHORIZATION FOR AGREEMENTS.] The Minnesota higher education coordinating board (HEREIN REFERRED TO AS THE BOARD), in addition to its general responsibility for cooperatively engaging in planning higher education needs with neighboring states pursuant to section 136A.04, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education and public area vocational-technical institutes with appropriate state agencies and institutions of higher education in other states to facilitate utilization of public higher education institutions in this state and other states. (SUCH) These agreements shall have as their purpose the mutual improvement of educational advantages for residents of this state and (SUCH) other states or institutions of other states with whom agreements are made.

Subd. 2. [APPROPRIATION LIMITATION.] *It is the intention of the legislature to discontinue appropriating money in biennia beginning after June 30, 1985 for nonresident tuition remission agreements except in accordance with the provisions*

of this section. Agreements and understandings shall be subject to actions of the legislature and legislative appropriation.

Subd. 3. [CONTINUING STUDENTS.] A student who is eligible for remission of nonresident tuition shall continue to remain eligible as long as the student remains in good standing and is a full-time student.

Subd. 4. [DESIGNATED CATEGORIES.] The board may determine students eligible for remission of nonresident tuition to meet the limitation in subdivision 2 by designation of categories of students according to a method selected by the board.

The board may give priority to a student whose residence in Minnesota is within 30 miles of the school the student wishes to attend.

The board may give priority to a student who is admitted to a course of study leading to a degree, associate degree, or certificate in another state when that course of study is not available at an educational institution in this state. The eligibility shall cease when the student changes that course of study or when the student completes the degree in that course of study.

The board may terminate the eligibility of a student who is not in good standing at the school attended.

If necessary to prevent burdensome enrollments in Minnesota post-secondary schools, the total number of students eligible for any school year may decline according to the previous year's decline in enrollment in Minnesota post-secondary schools.

Subd. 5. [AGREEMENT WITH WISCONSIN.] At the discretion of the board, a higher education reciprocity agreement with the state of Wisconsin may include provision for the transfer of funds between Minnesota and Wisconsin provided that an income tax reciprocity agreement between Minnesota and Wisconsin is in effect for the period of time included under the higher education reciprocity agreement. If provision for transfer of funds between the two states is included in a collegiate education reciprocity agreement, the amount of funds to be transferred shall be determined according to a formula which is mutually acceptable to the board and a duly designated agency representing Wisconsin. (SUCH) The formula shall recognize differences in tuition rates between the two states and the number of students attending institutions in each state under the agreement. Any payments to Minnesota by Wisconsin shall be deposited by the board in the general fund of the state treasury. The amount required for the payments shall be certified by the executive director of the higher education coordinating board to the commissioner of finance annually.

Subd. (2) 6. [AGREEMENTS WITH NORTH DAKOTA AND SOUTH DAKOTA.] At the discretion of the board, a reciprocity agreement with North Dakota may include provision for the transfer of funds between Minnesota and North Dakota. If provision for transfer of funds between the two states is included in an agreement, the amount of funds to be transferred shall be determined according to a formula which is mutually acceptable to the board and a duly designated agency representing North Dakota. In adopting a formula, the board shall consider tuition rates in the two states and the number of students attending institutions in each state under the agreement. Any payment to Minnesota by North Dakota shall be deposited by the board in the general fund. The amount required for the payments shall be certified by the executive director of the higher education coordinating board to the commissioner of finance annually. All provisions in this subdivision pertaining to North Dakota shall also be applied to South Dakota and all authority and conditions granted for higher education reciprocity with North Dakota are also granted for higher education reciprocity with South Dakota.

Subd. (3) 7. [STUDENT AID.] The board may enter into an agreement, with a state with which it has negotiated a reciprocity agreement for tuition, to permit students from both states to receive student aid awards from the student's state of residence for attending an eligible institution in the other state.

Subd. (4) 8. [APPROVAL BY VARIOUS BOARDS.] No agreement made by the board pursuant to this section shall be valid as to an area vocational-technical institute without the approval of the state board for vocational education, as to a state university without the approval of the state university board, as to a community college without the approval of the state board for community colleges, and as to the university of Minnesota without the approval of the board of regents of the university of Minnesota.

Subd. 9. [BALANCE IN EACH BIENNIUM.] *The board shall administer approval of students for remission of nonresident tuition so that at the end of each biennium beginning after June 30, 1985, no deficit exists between this state and any state with which there is an agreement.*

Delete the title and insert:

"A bill for an act relating to education; establishing limitations on appropriations for higher education interstate tuition reciprocity agreements; declaring legislative intention to discontinue appropriating money for higher education interstate tuition reciprocity agreements; providing that continuing students shall remain eligible for remission on nonresident tuition; requiring the higher education coordinating board to determine categories of students eligible for remission of nonresident tuition;

amending Minnesota Statutes 1980, Sections 136A.04, Subdivision 1; and 136A.08; Laws 1981, Chapter 359, Section 3, Subdivision 6."

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1699, A bill for an act relating to education; requiring all public elementary and secondary schools to provide instruction in chemical dependency prevention; amending Minnesota Statutes 1980, Section 126.03; and proposing new law coded in Chapter 126.

Reported the same back with the following amendments:

Page 1, line 15, delete "[126.56]" and insert "[126.031]"

Page 1, line 15, delete "DEPENDENCY PREVENTION" and insert "ABUSE PROGRAMS"

Page 1, line 18, delete "*and the prevention of chemical*"

Page 1, line 19, delete "*dependency*"

Page 1, after line 26, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1982."

Amend the title as follows:

Page 1, line 3, delete "instruction" and insert "instructional programs"

Page 1, line 4, delete "dependency prevention" and insert "abuse"

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1603 and 1699 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced :

Blatz ; Sieben, H., and Kostohryz introduced :

H. F. No. 2066, A bill for an act relating to local government; providing for city facilities related to armories; authorizing issuance of bonds; proposing new law coded in Minnesota Statutes, Chapter 193.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

CONSENT CALENDAR

H. F. No. 1430, A bill for an act relating to the city of Hibbing; fixing the amount of the mayor's contingent fund; amending Laws 1939, Chapter 329, Section 1.

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

The bill was passed and its title agreed to.

H. F. No. 1602, A bill for an act relating to counties; providing for meetings of the county board of commissioners; amending Minnesota Statutes 1980, Section 375.07.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1616, A bill for an act relating to counties; fixing the maximum amount of county money that may be spent by development organizations for certain county developments; amending Minnesota Statutes 1980, Section 395.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|-------------|-----------|-----------|
| Aasness | Battaglia | Brinkman | Clawson | Eken |
| Ainley | Begich | Byrne | Dahlvang | Ellingson |
| Anderson, B. | Berkelman | Carlson, D. | Dean | Erickson |
| Anderson, G. | Blatz | Carlson, L. | Den Ouden | Esau |
| Anderson, I. | Brandl | Clark, K. | Drew | Evans |

| | | | | |
|-------------|---------------|--------------|---------------|------------------|
| Ewald | Jude | Mehrkens | Redalen | Stumpf |
| Fjoslien | Kahn | Metzen | Reding | Sviggum |
| Forsythe | Kaley | Minne | Rees | Swanson |
| Frerichs | Kalis | Munger | Reif | Tomlinson |
| Greenfield | Kelly | Murphy | Rodriguez, C. | Valan |
| Gruenes | Knickerbocker | Nelsen, B. | Rodriguez, F. | Valento |
| Gustafson | Kostohryz | Nelson, K. | Rose | Vanasek |
| Halberg | Kvam | Niehaus | Rothenberg | Vellenga |
| Hanson | Laidig | Novak | Samuelson | Voss |
| Harens | Lehto | Nysether | Sarna | Weaver |
| Hauge | Lemen | O'Connor | Schafer | Welch |
| Haukoos | Levi | Ogren | Schreiber | Welker |
| Heinitz | Long | Olsen | Shea | Wenzel |
| Himle | Ludeman | Onnen | Sherman | Wieser |
| Hoberg | Luknic | Osthoff | Sherwood | Wigley |
| Hokanson | Mann | Otis | Simoneau | Wynia |
| Jacobs | Marsh | Peterson, B. | Skoglund | Zubay |
| Jennings | McCarron | Peterson, D. | Stadum | Spkr. Sieben, H. |
| Johnson, C. | McDonald | Piepho | Staten | |
| Johnson, D. | McEachern | Pogemiller | Stowell | |

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

H. F. No. 1637, A bill for an act relating to the standard of time; providing that the Minnesota standard of time conform to the federal standard of time; amending Minnesota Statutes 1980, Section 645.071.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|---------------|------------|---------------|
| Aasness | Eken | Hoberg | Ludeman | Olsen |
| Ainley | Ellingson | Hokanson | Luknic | Onnen |
| Anderson, B. | Erickson | Hokr | Mann | Osthoff |
| Anderson, G. | Esau | Jacobs | Marsh | Otis |
| Anderson, I. | Evans | Jennings | McCarron | Peterson, B. |
| Battaglia | Ewald | Johnson, C. | McDonald | Peterson, D. |
| Begich | Fjoslien | Johnson, D. | McEachern | Piepho |
| Berkelman | Forsythe | Jude | Mehrkens | Pogemiller |
| Blatz | Frerichs | Kahn | Metzen | Redalen |
| Brandl | Greenfield | Kaley | Minne | Reding |
| Brinkman | Gruenes | Kalis | Munger | Rees |
| Byrne | Gustafson | Kelly | Murphy | Reif |
| Carlson, D. | Halberg | Knickerbocker | Nelsen, B. | Rice |
| Carlson, L. | Hanson | Kostohryz | Nelson, K. | Rodriguez, C. |
| Clark, K. | Harens | Kvam | Niehaus | Rodriguez, F. |
| Clawson | Hauge | Laidig | Norton | Rose |
| Dahlvang | Haukoos | Lehto | Novak | Rothenberg |
| Dean | Heap | Lemen | Nysether | Samuelson |
| Den Ouden | Heimitz | Levi | O'Connor | Sarna |
| Drew | Himle | Long | Ogren | Schafer |

| | | | | |
|-----------|---------|-----------|--------|------------------|
| Schreiber | Stadum | Tomlinson | Welch | Zubay |
| Shea | Staten | Valan | Welker | Spkr. Sieben, H. |
| Sherman | Stowell | Valento | Wenzel | |
| Sherwood | Stumpf | Vanasek | Wieser | |
| Simoneau | Sviggum | Vellenga | Wigley | |
| Skoglund | Swanson | Weaver | Wynia | |

The bill was passed and its title agreed to.

S. F. No. 699, A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 1250, A bill for an act relating to children; amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; amending Minnesota Stat-

utes 1980, Sections 260.015, Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5, 6, and by adding a subdivision; 260.172, Subdivision 1; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Berkelman was excused for the remainder of today's session.

S. F. No. 429, A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.411, Subdivision 3; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 33 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|---------------|------------------|
| Aasness | Forsythe | Kalis | Niehaus | Shea |
| Anderson, G. | Greenfield | Kelly | O'Connor | Sherman |
| Anderson, I. | Gruenes | Knickerbocker | Ogren | Skoglund |
| Battaglia | Gustafson | Kostohryz | Olsen | Staten |
| Begich | Halberg | Kvam | Otis | Stowell |
| Blatz | Hanson | Laidig | Peterson, B. | Valan |
| Carlson, D. | Harens | Lehto | Redalen | Weaver |
| Carlson, L. | Haukoos | Lemen | Rees | Welch |
| Clark, K. | Heap | Long | Reif | Wenzel |
| Clawson | Heinitz | Luknic | Rice | Wieser |
| Dahlvang | Himle | Mann | Rodriguez, C. | Wigley |
| Dean | Hoberg | McEachern | Rodriguez, F. | Zubay |
| Drew | Jacobs | Mehrkens | Rose | Spkr. Sieben, H. |
| Esau | Johnson, D. | Minne | Rothenberg | |
| Evans | Jude | Munger | Samuelson | |
| Ewald | Kahn | Murphy | Sarna | |
| Fjoslien | Kaley | Nelson, K. | Schreiber | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|--------------|------------|---------|
| Ainley | Frerichs | Metzen | Pogemiller | Valento |
| Anderson, B. | Jennings | Nelsen, B. | Reding | Vanasek |
| Byrne | Johnson, C. | Novak | Schafer | Voss |
| Den Ouden | Ludeman | Onnen | Sherwood | Welker |
| Eken | Marsh | Osthoff | Stumpf | Wynia |
| Ellingson | McCarron | Peterson, D. | Sviggum | |
| Erickson | McDonald | Piepho | Swanson | |

The bill was passed and its title agreed to.

H. F. No. 1283, A bill for an act relating to crimes; lengthening the statute of limitations for prosecutions for certain crimes; amending Minnesota Statutes 1980, Section 628.26.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|------------|-------------|---------------|
| Aasness | Carlson, L. | Ewald | Heap | Kaley |
| Ainley | Clark, K. | Fjoslien | Heinitz | Kalis |
| Anderson, B. | Clawson | Forsythe | Himle | Kelly |
| Anderson, G. | Dahlvang | Frerichs | Hoberg | Knickerbocker |
| Anderson, I. | Dean | Greenfield | Hokanson | Kostohryz |
| Battaglia | Den Ouden | Gruenes | Hokr | Kvam |
| Begich | Drew | Gustafson | Jacobs | Laidig |
| Blatz | Eken | Halberg | Jennings | Lehto |
| Brandl | Ellingson | Hanson | Johnson, C. | Lemen |
| Brinkman | Erickson | Harens | Johnson, D. | Levi |
| Byrne | Esau | Hauge | Jude | Long |
| Carlson, D. | Evans | Haukoos | Kahn | Ludeman |

| | | | | |
|------------|--------------|---------------|-----------|------------------|
| Luknic | Norton | Reding | Sherwood | Voss |
| Mann | Novak | Rees | Simoneau | Weaver |
| Marsh | Nysether | Reif | Skoglund | Welch |
| McCarron | O'Connor | Rice | Stadum | Welker |
| McDonald | Ogren | Rodriguez, C. | Staten | Wenzel |
| McEachern | Olsen | Rodriguez, F. | Stowell | Wieser |
| Mehrkens | Onnen | Rose | Stumpf | Wigley |
| Metzen | Osthoff | Rothenberg | Sviggunn | Wynia |
| Minne | Otis | Samuelson | Swanson | Zubay |
| Munger | Peterson, B. | Sarna | Tomlinson | Spkr. Sieben, H. |
| Murphy | Peterson, D. | Schafer | Valan | |
| Nelsen, B. | Piepho | Schreiber | Valento | |
| Nelson, K. | Pogemiller | Shea | Vanasek | |
| Niehaus | Redalen | Sherman | Vellenga | |

The bill was passed and its title agreed to.

H. F. No. 1546, A bill for an act relating to juveniles; providing for the detention of juveniles for whom a motion to refer for prosecution is pending before the court; amending Minnesota Statutes 1980, Section 260.173, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1573, A bill for an act relating to crimes; prohibiting the manufacture, sale, transfer and delivery of simulated con-

trolled substances; prohibiting their manufacture, sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 152.

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

The bill was passed and its title agreed to.

H. F. No. 1579, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Brainerd.

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 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|-------------|-----------|----------|
| Aasness | Battaglia | Byrne | Den Ouden | Esau |
| Ainley | Begich | Carlson, D. | Drew | Evans |
| Anderson, B. | Blatz | Clark, K. | Eken | Ewald |
| Anderson, G. | Brandl | Clawson | Ellingson | Forsythe |
| Anderson, I. | Brinkman | Dean | Erickson | Frerichs |

| | | | | |
|--------------|---------------|--------------|---------------|------------------|
| Greenfield | Johnson, D. | McDonald | Redalen | Stowell |
| Gruenes | Jude | Minne | Rees | Stumpf |
| Gustafson | Kaley | Murphy | Reif | Sviggunn |
| Halberg | Kalis | Nelsen, B. | Rice | Swanson |
| Hanson | Kelly | Niehaus | Rodriguez, C. | Valan |
| Harens | Knickerbocker | Norton | Rodriguez, F. | Valento |
| Hauge | Kostohryz | Nysether | Rose | Vanasek |
| Haukoos | Kvam | O'Connor | Rothenberg | Vellenga |
| Heap | Lehto | Ogren | Samuelson | Weaver |
| Heinitz | Lemen | Olsen | Sarna | Welker |
| Himle | Levi | Onnen | Schreiber | Wenzel |
| Hoberg | Long | Osthoff | Shea | Wieser |
| Hokanson | Ludeman | Otis | Sherman | Wigley |
| Hokr | Luknic | Peterson, B. | Sherwood | Wynia |
| Jacobs | Mann | Peterson, D. | Skoglund | Zubay |
| Jennings | Marsh | Piepho | Stadum | Spkr. Sieben, H. |
| Johnning, C. | McCarron | Pogemiller | Staten | |

The bill was passed and its title agreed to.

H. F. No. 1610, A bill for an act relating to juveniles; expanding definition of "dependent child;" expanding the rights of victims of juvenile delinquency; restricting out-of-state placements of children; making juvenile traffic offenders subject to the same legal consequences and rights as adults; providing evidentiary standards for contributing to delinquency or neglect; increasing parental liability of minors willful or malicious conduct; amending Minnesota Statutes 1980, Sections 260.015, Subdivisions 5 and 6; 260.155, Subdivision 1; 260.315; and 540.18; proposing new law coded in Minnesota Statutes, Chapter 260; repealing Minnesota Statutes 1980, Section 260.193.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|---------------|------------|---------------|
| Aasness | Ellingson | Hokanson | Luknic | Onnen |
| Ainley | Erickson | Hokr | Mann | Osthoff |
| Anderson, B. | Esau | Jacobs | Marsh | Otis |
| Anderson, G. | Evans | Jennings | McCarron | Peterson, B. |
| Anderson, I. | Ewald | Johnson, C. | McDonald | Peterson, D. |
| Battaglia | Fjoslien | Johnson, D. | McEachern | Piepho |
| Begich | Forsythe | Jude | Mehrkens | Pogemiller |
| Blatz | Frerichs | Kahn | Metzen | Redalen |
| Brandl | Greenfield | Kaley | Minne | Reding |
| Brinkman | Gruenes | Kalis | Munger | Rees |
| Byrne | Gustafson | Kelly | Murphy | Reif |
| Carlson, D. | Halberg | Knickerbocker | Nelsen, B. | Rice |
| Carlson, L. | Hanson | Kostohryz | Nelson, K. | Rodriguez, C. |
| Clark, K. | Harens | Kvam | Niehaus | Rodriguez, F. |
| Clawson | Hauge | Laidig | Norton | Rose |
| Dahivang | Haukoos | Lehto | Novak | Rothenberg |
| Dean | Heap | Lemen | Nysether | Samuelson |
| Den Ouden | Heinitz | Levi | O'Connor | Sarna |
| Drew | Himle | Long | Ogren | Schafer |
| Eken | Hoberg | Ludeman | Olsen | Schreiber |

| | | | | |
|----------|-----------|----------|--------|------------------|
| Shea | Staten | Valan | Welch | Zubay |
| Sherman | Stowell | Valento | Welker | Spkr. Sieben, H. |
| Sherwood | Stumpf | Vanasek | Wenzel | |
| Simoneau | Sviggum | Vellenga | Wieser | |
| Skoglund | Swanson | Voss | Wigley | |
| Stadum | Tomlinson | Weaver | Wynia | |

The bill was passed and its title agreed to.

Rees was excused at 3:15 p.m. Swanson was excused at 4:35 p.m. Novak was excused at 4:50 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1786 and 1668 which it recommended to pass.

H. F. No. 1166 which it recommended progress.

H. F. No. 879 which it recommended to pass with the following amendment offered by Levi:

Page 5, line 14 to page 6, line 17, delete Section 7 from the bill.

Renumber sections accordingly

Page 13, line 6, after "Sections 1 to" delete "11" and insert "10"

Amend the title as follows:

Page 1, line 11, after "Subdivisions 1 and 2;" delete "260.151;"

H. F. No. 776 which it recommended to pass with the following amendment offered by Nysether:

Page 3, after line 9, insert:

"Sec. 2. [65B.495] [NOTIFICATION OF PAYMENT OF LIABILITY CLAIMS.]

No reparation obligor shall pay any claim under residual liability coverage without prior notification to the insured that

the claim has been submitted and that the reparation obligor intends to pay the claim."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "prohibiting payment of certain claims unless notice is given to the insured;"

H. F. No. 1484 which it recommended to pass with the following amendments:

Offered by Forsythe:

Page 2, line 14, delete "10" and insert "7"

Offered by Wieser:

Page 4, line 4, delete "shall" insert "may"

H. F. No. 1523 which it recommended to pass with the following amendment offered by Byrne:

Page 1, line 20, after "section." insert "*No cause of action may be brought against any physician for not making a report pursuant to this section.*"

H. F. No. 1589 which it recommended progress with the following amendment offered by Stowell:

Page 2, line 1, after "permit" insert "*, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5*"

On the motion of Simoneau the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Fjoslien moved to amend H. F. No. 1668, the first engrossment, as follows:

Page 42, line 12, delete "*the sheltering or*"

Page 42, line 16, delete "*shelter or*"

The question was taken on the amendment and the roll was called. There were 17 yeas and 74 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|----------|----------|----------|--------|
| Aasness | Fjoslien | Laidig | Schafer | Wigley |
| Ainley | Frerichs | Ludeman | Sherwood | |
| Erickson | Halberg | Nysether | Welker | |
| Esau | Jennings | Piepho | Wieser | |

Those who voted in the negative were:

| | | | | |
|--------------|---------------|------------|---------------|------------------|
| Anderson, G. | Gruenes | Luknic | O'Connor | Sherman |
| Anderson, I. | Hanson | Mann | Olsen | Sieben, M. |
| Battaglia | Hauge | Marsh | Onnen | Simoneau |
| Begich | Himle | McCarron | Osthoff | Skoglund |
| Blatz | Hokanson | McEachern | Otis | Stowell |
| Carlson, L. | Jacobs | Mehrkens | Peterson, D. | Stumpf |
| Clark, K. | Johnson, C. | Metzen | Pogemiller | Tomlinson |
| Clawson | Johnson, D. | Minne | Reding | Valento |
| Dahlvang | Jude | Munger | Rice | Vanasek |
| Den Ouden | Kahn | Murphy | Rodriguez, C. | Vellenga |
| Eken | Kelly | Nelsen, B. | Rodriguez, F. | Voss |
| Ellingson | Knickerbocker | Nelson, K. | Rose | Wenzel |
| Ewald | Kostohryz | Niehaus | Samuelson | Wynia |
| Forsythe | Lemen | Norton | Sarna | Spkr. Sieben, H. |
| Greenfield | Levi | Novak | Schreiber | |

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 353:

Schoenfeld, Jude, Shea, Kalis and Erickson.

ADJOURNMENT

Simoneau moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 15, 1982. The motion prevailed.

Simoneau moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 15, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives