

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1982

SEVENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 24, 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 Sister Jane McDonald, Basilica Parish, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R.; Harens and Knickerbocker were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Kelly moved that further reading of the Journals

be dispensed with and that the Journals 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. 492, 1698, 1796, 1848, 1915, 2136, 205, 1455, 1498, 1622, 1652, 1657, 1751, 1765, 1811, 1907, 1939, 2050, 1278, 1576, 1726, 1803, 1819, 1849 and 1850 and S. F. Nos. 1422, 1256, 1499, 1510, 233, 709, 1621 and 787 have been placed in the members' files.

S. F. No. 709 and H. F. No. 275, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 709 be substituted for H. F. No. 275 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 233 and H. F. No. 205, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Berkelman moved that the rules be so far suspended that S. F. No. 233 be substituted for H. F. No. 205 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 342, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1980, Section 593.01, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 612, A bill for an act relating to cable communications; changing the definition of cable communications systems;

reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; 238.12, by adding a subdivision; repealing Minnesota Statutes 1980, Section 238.12, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 30, strike "50" and insert "1,000"

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 1980, Section 238.03, is amended to read:

238.03 [APPLICATION.]

The provisions of sections 238.01 to 238.17 shall apply to every cable communications system and every cable communications company as defined in section 238.02, operating within the state, including a cable communications company which constructs, operates and maintains a cable communications system in whole or in part through the facilities of a person franchised to offer common or contract carrier services. Persons possessing (FRANCHIGES) *franchises* for any of the purposes contemplated by the provisions of sections 238.01 to 237.17 shall be deemed to be subject to the provisions of sections 238.01 to 238.17 although no property may have been acquired, business transacted or franchises exercised. *Provided, however, that three years after commencement of operations, the municipalities which issued the franchise may regulate the franchised systems without regard to the rules of the board and the provisions of chapter 238.*"

Page 2, line 18, after "18." delete the balance of the line

Page 2, delete lines 19 and 20 and insert "*The board shall adopt rules which would assure reasonable access by cable systems to multiple unit dwellings and to manufactured homes located in manufactured home parks as defined in section 327.14, subdivision 3.*"

Page 3, delete lines 11 to 19 and insert:

"Sec. 8. Minnesota Statutes 1980, Section 238.12, Subdivision 1, is amended to read:

"Subdivision 1. (EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,) The rates charged by a cable communications company (SHALL BE THOSE SPECIFIED IN THE FRANCHISE, WHICH MAY ESTABLISH, OR PROVIDE FOR THE ESTABLISHMENT OF REASONABLE CLASSIFICATIONS OF SERVICE AND CATEGORIES OF SUBSCRIBERS, OR SPECIFY DIFFERENT RATES FOR DIFFERING SERVICES OR FOR SUBSCRIBERS IN DIFFERENT CATEGORIES) *may be established in the franchise by the municipality.*"

Page 3, delete lines 20 to 22 and insert :

"Sec. 9. Minnesota Statutes 1980, Section 238.12, Subdivision 2, is amended to read :

"Subd. 2. (SUCH RATES MAY NOT BE CHANGED EXCEPT AS PROVIDED FOR IN THE APPROVED FRANCHISE) *Procedures for rate changes may be established in the approved franchise by the municipality.*"

Renumber the sections

Amend the title as follows :

Page 1, line 12, after "Subdivision 3;" insert "238.03;"

Page 1, line 14, after the semicolon delete the balance of the line

Page 1, delete line 15

With the recommendation that when so amended the bill pass.

Osthoff moved that the House refuse to adopt the committee report on H. F. No. 612 and that it be returned to the Committee on Regulated Industries.

A roll call was requested and properly seconded.

The question was taken on the Osthoff motion and the roll was called. There were 19 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Byrne	Kaley	McCarron	Osthoff	Swanson
Dean	Kalis	Metzen	Reif	Valan
Haukoos	Laidig	O'Connor	Rose	Wenzel
Heinitz	Levi	Olsen	Stadum	

Those who voted in the negative were:

Aasness	Ellingson	Johnson, D.	Ogren	Skoglund
Ainley	Erickson	Jude	Onnen	Staten
Anderson, B.	Esau	Kelly	Otis	Stowell
Anderson, G.	Evans	Kvam	Peterson, B.	Stumpf
Anderson, I.	Fjoslien	Lehto	Piepho	Sviggum
Berkelman	Forsythe	Lemen	Redalen	Tomlinson
Blatz	Frerichs	Ludeman	Rees	Valento
Brandl	Gruenes	Luknic	Rodriguez, F.	Vanasek
Brinkman	Halberg	Mann	Rothenberg	Vellenga
Carlson, D.	Hauge	McDonald	Samuelson	Weaver
Carlson, L.	Heap	McEachern	Sarna	Welch
Clark, K.	Himle	Minne	Schoenfeld	Welker
Clawson	Hoberg	Munger	Schreiber	Wieser
Dahlvang	Hokanson	Murphy	Shea	Wigley
Dempsey	Hokr	Nelsen, B.	Sherman	Zubay
Den Ouden	Jacobs	Niehaus	Sherwood	Spkr. Sieben, H.
Eken	Jennings	Norton	Sieben, M.	
Elioff	Johnson, C.	Novak	Simoneau	

The motion did not prevail.

The committee report on H. F. No. 612 was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 716, A bill for an act relating to insurance; regulating policies of automobile insurance providing comprehensive coverage; requiring full coverage of windshield glass damage; proposing new law coded in Minnesota Statutes, Chapter 65B.

Reported the same back with the following amendments:

Page 1, line 14, after "provide" insert "*the insured with the option to purchase*"

Amend the title as follows:

Page 1, line 4, after "requiring" insert "an option to purchase"

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. 773, A bill for an act relating to marriage dissolution; adopting the revised uniform reciprocal enforcement of support act; proposing new law coded as Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41 to 518.53.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 950, A bill for an act relating to minors; permitting blood donation by minors; providing circumstances under which minors are emancipated; providing procedures for a declaration of emancipation; amending Minnesota Statutes 1980, Section 145.41; and proposing new law coded in Minnesota Statutes, Chapter 260.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 145.41, is amended to read:

145.41 [BLOOD DONATIONS, AGE OF DONOR.]

(ANY PERSON OF THE AGE OF 17 YEARS OR OVER SHALL BE ELIGIBLE TO DONATE BLOOD IN ANY VOLUNTARY AND NONCOMPENSATORY BLOOD PROGRAM WITHOUT THE NECESSITY OF OBTAINING PARENTAL PERMISSION OR AUTHORIZATION.) *A minor aged 15 or 16 years with parental consent or aged 17 years without parental consent may donate blood in any voluntary and noncompensatory blood program. The minor's consent shall not be subject to disaffirmance on grounds of minority.*

Sec. 2. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 19. "Designated county agency" is the agency designated by the county board pursuant to section 256E.08, subdivision 3 to provide social services.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 260.111, Subdivision 2, is amended to read:

Subd. 2. [JURISDICTION OVER OTHER MATTERS RELATING TO CHILDREN.] Except as provided in clause (d), the juvenile court has original and exclusive jurisdiction in proceedings concerning:

(a) The termination of parental rights to a child in accordance with the provisions of sections 260.221 to 260.245.

(b) The appointment and removal of a juvenile court guardian of the person for a child, where parental rights have been terminated under the provisions of sections 260.221 to 260.245.

(c) Judicial consent to the marriage of a child when required by law.

(d) Adoptions. The juvenile court in those counties in which the judge of the probate-juvenile court has been admitted to the practice of law in this state shall proceed under the laws relating to adoptions in all adoption matters. In those counties in which the judge of the probate-juvenile court has not been admitted to the practice of law in this state the district court shall proceed under the laws relating to adoptions in all adoption matters.

(e) The review of the foster care status of a child who has been placed in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by his parent or parents.

(f) Petitions for emancipation and for the rescission of emancipation.

Sec. 4. Minnesota Statutes 1980, Section 260.131, Subdivision 2, is amended to read:

Subd. 2. The petition shall be verified by the person having knowledge of the facts and may be on information and belief. Unless otherwise provided by rule or order of the court, *and except in the case of petitions for emancipation or rescission of emancipation*, the county attorney shall draft the petition upon the showing of reasonable grounds to support the petition.

Sec. 5. Minnesota Statutes 1980, Section 260.135, Subdivision 3, is amended to read:

Subd. 3. If a petition alleging neglect, or dependency, or a petition to terminate parental rights is initiated by a person other than a representative of the department of public welfare or *the designated county (WELFARE BOARD) agency, or if a petition for emancipation or rescission of emancipation is filed*, the clerk of the court shall notify the *designated county (WELFARE BOARD) agency* of the pendency of the case and of the time and place appointed.

Sec. 6. Minnesota Statutes 1980, Section 260.141, Subdivision 1, is amended to read:

Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made upon the following persons in

the same manner in which personal service of summons in civil actions is made:

(1) in all delinquency matters, upon the person having custody or control of the child and upon the child; and

(2) in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age. *In a proceeding for emancipation or rescission of emancipation involving a minor who is an Indian under the Indian Child Welfare Act of 1978, service also shall be made upon the minor's tribe, which shall be a party to the proceeding. In a proceeding for emancipation or rescission of emancipation involving a minor who is under the supervision of a probation officer or social worker, service shall be made on the probation officer or social worker, and the department or agency employing the probation officer or social worker shall be a party. In all proceedings for emancipation or rescission of emancipation service shall be made on the minor's parents or guardian.*

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy (THEREOF) to (SUCH) the person personally outside the state. (SUCH) Service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in (SUCH) the summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of (SUCH) the persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the *designated county (WELFARE BOARD) agency* required by section 260.135, subdivision 3, shall be in such manner as the court may direct. *The designated county agency shall be a party to any emancipation proceeding in which it has reasonable cause to believe that child abuse or neglect has occurred.*

Sec. 7. Minnesota Statutes 1980, Section 260.155, Subdivision 3, is amended to read:

Subd. 3. [COUNTY ATTORNEY.] Except in adoption *and emancipation or rescission of emancipation proceedings*, the county attorney shall present the evidence upon request of the court.

Sec. 8. Minnesota Statutes 1980, Section 260.185, Subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of (SAID) *the* commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The *designated* county (WELFARE BOARD) *agency*; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of

another, the court may order the child to make reasonable restitution for (SUCH) *the* damage;

(f) Require the child to pay a fine of up to \$500; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his 18th birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel (SUCH) *the* license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize;

(i) *Issue the minor a declaration of emancipation pursuant to sections 11 to 14.*

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 9. Minnesota Statutes 1980, Section 260.191, Subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) Place the child under the protective supervision of the *designated* county (WELFARE BOARD OR CHILD PLACING) agency in his own home under conditions prescribed by the court directed to the correction of the neglect or dependency of the child;

(b) Transfer legal custody to one of the following:

(1) A child placing agency; or

(2) The *designated* county (WELFARE BOARD) agency;

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(d) *Issue the minor a declaration of emancipation pursuant to sections 11 to 14.*

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 10. Minnesota Statutes 1980, Section 260.191, Subdivision 2, is amended to read:

Subd. 2. All orders under this section shall be for a specified length of time set by the court not to exceed one year, *except that a declaration of emancipation shall be final unless rescinded pursuant to section 14.* However, before the order has expired and upon its own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.

Sec. 11. [260.47] [EMANCIPATED MINOR DEFINED.]

An individual under the age of 18 years is an emancipated minor if the individual:

(a) *has entered into a valid marriage, whether or not the marriage is terminated by dissolution before the individual reaches the age of 18;*

(b) *is or has been on active duty with any branch of the armed forces of the United States; or*

(c) *has received a declaration of emancipation pursuant to section 13.*

Sec. 12. [260.471] [EFFECT OF EMANCIPATION.]

An emancipated minor shall be treated as an adult for the purposes specified in this section. He shall have the same capacity as an adult

(a) *to consent to or withhold consent from medical, dental, mental, or other health services;*

(b) *to enter a binding contract;*

(c) *to buy or sell real or personal property;*

(d) *to sue or be sued in his own name;*

(e) *to establish a residence; and*

(f) *to participate in evaluation, testing, enrollment or certification for any educational program.*

To the same extent as an adult, he shall be free from parental control of his person and earnings and shall have no right to receive parental support, except child support awarded pursuant to a marriage dissolution or child custody order while the child pursues a course of education.

He shall not be subject to the jurisdiction of the juvenile court based on allegations that he is delinquent, as defined by section 260.015, subdivision 5, clauses (c) and (d), dependent as defined by section 260.015, subdivision 6, or neglected as defined by section 260.015, subdivision 10. Outstanding court orders issued pursuant to any of these provisions shall terminate upon emancipation of the minor.

The parents of an emancipated minor shall have no liability for his torts, except that a parent shall still be subject to liability arising from an agency relationship.

Sec. 13. [260.472] [DECLARATION OF EMANCIPATION.]

Subdivision 1. [PETITION.] A minor who is 16 or more years of age may petition the juvenile court in the county where he resides for a declaration of emancipation. The petition shall state in addition to the requirements of section 260.131, subdivision 3:

- (a) the minor's age;*
- (b) that the minor has an acceptable plan for independent or partially independent living apart from his parents or guardian;*
- (c) that the minor is managing his own financial affairs or that the parents or guardian are not supporting the minor, unless the minor is in a partially independent living situation in which his financial needs will be adequately provided for;*
- (d) that the parents or guardian consent to emancipation or, if not, what reasons justify award of the declaration without the parents' or guardian's consent; or that the parents are incompetent or there is no parent or guardian;*
- (e) the source of the minor's income; and*
- (f) that the minor understands the consequences of being free from parental control and protection.*

Subd. 2. [GROUNDS FOR DECLARATION.] The court shall grant a petition for emancipation if it finds that

- (a) the provisions of subdivision 1, clauses (b) and (c) are met;*
- (b) the minor's income is not derived from any activity prohibited by state or federal law; and*
- (c) the minor is sufficiently mature to assume responsibility for his own care and that it is in the minor's best interest to do so. The parents' or guardian's consent or lack of consent shall not be conclusive on the question of the minor's best interests.*

Before granting a petition for emancipation the court shall determine that the minor has a plan for room, board, health care, and education, vocational training, or employment. The plan shall identify community resources and agencies necessary to assist in the minor's plan and shall demonstrate that the resources and agencies have agreed to provide support.

If the court grants the petition it shall issue the minor a declaration of emancipation. A copy of the declaration shall be filed with the clerk of court.

Subd. 3. [PARTIAL EMANCIPATION.] The court may grant in part and deny in part a petition for emancipation if it finds that it is in the minor's best interests to withhold one or more of the legal rights or responsibilities enumerated in section 12 from the minor. The court shall state in its declaration of emancipation the rights or responsibilities enumerated in section 12 which it is granting to the minor and which rights and responsibilities the court is withholding from the minor. The court shall issue findings of fact and conclusions of law showing its reasons for denying full emancipation to the minor.

Subd. 4. [EMANCIPATION WITHOUT PETITION.] The court may grant full or partial emancipation to a minor who has not filed a petition for emancipation if the minor is before the court.

Sec. 14. [260.473] [RESCISSION OF DECLARATION.]

A minor or the parents or guardian of a minor emancipated pursuant to section 13 may petition the court to rescind the declaration if the minor is in circumstances which present an immediate danger to physical or mental health and which may not be remedied by revision of the minor's plan. Service shall be made in the manner and on the parties provided by section 6; provided that if the minor files the petition service also shall be made on the parents or most recent previous guardian, who shall be parties. If the court sustains the petition it shall issue an order rescinding the declaration. A copy of the rescission order shall be filed with the clerk of court.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 525.6192, is amended to read:

525.6192 [TERMINATION OF APPOINTMENT OF GUARDIAN; GENERAL.]

A guardian's authority and responsibility terminates upon the death, resignation or removal of the guardian or upon the minor's death, adoption, marriage (OR), attainment of majority or emancipation pursuant to sections 11 to 14, but termination does not affect his liability for prior acts, nor his obligation to account for funds and assets of his ward. A guardian may be discharged without notice or hearing on petition and acceptance of the guardian's accounts by the ward after the ward marries or attains majority, or, in the case of the ward's death, by the personal representative of the ward's estate. In other cases the court may discharge the guardian upon approval of his accounts after notice and a hearing. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding."

Delete the title and insert:

"A bill for an act relating to minors; permitting blood donation by minors; providing circumstances under which minors are emancipated; providing procedures for a declaration of emancipation; amending Minnesota Statutes 1980, Sections 145.41; 260.015, by adding a subdivision; 260.131, Subdivision 2; 260.135, Subdivision 3; 260.141, Subdivision 1; 260.155, Subdivision 3; 260.185, Subdivision 1; 260.191, Subdivisions 1 and 2; Minnesota Statutes 1981 Supplement, Sections 260.111, Subdivision 2; and 525.6192; and proposing new law coded in Minnesota Statutes, Chapter 260."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1176, 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.

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

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

(e) *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;*

(f) *Any hazardous waste; and*

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

Subd. 10. [HAZARDOUS WASTE.] "Hazardous waste" means:

(a) *Hazardous waste as defined in section 116.06, subdivision 13, and those substances identified as hazardous wastes pursuant to rules adopted by the agency under section 116.07; and*

(b) *Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of congress.*

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 9 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 which he knew or should have known, 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.] *Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under subdivision 1 for personal injury or disease of employees arising out of and in the course of employment which is compensable under chapter 176.*

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; and

(b) 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 reasonable and necessary response costs pursuant to section 14, subdivision 7.*

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.*

Subd. 9. [ACTS OF EMPLOYEES.] When a person who is responsible for a release or threatened release as provided in subdivision 2 is an employee who is acting in the scope of his employment:

(a) The employee is liable under subdivision 1 only if he failed to exercise due care with respect to the hazardous substance; and

(b) His employer shall be considered a person responsible for the release or threatened release and shall be liable under subdivision 1 regardless of the degree of care exercised by the employee.

Subd. 10. [AWARD OF COSTS.] Upon motion of a party prevailing in an action under sections 1 to 11 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.

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 damage or response costs as a result of the release of a hazardous substance: (1) if the hazardous substance is specifically identified in a federal or state permit held by the person and the release is within the limits allowed therein, (2) if the release results from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit held by the person, and the permit was issued or modified under federal or state law, and the release was subject to a condition of the permit, (3) if the release is any emission into the air subject to a permit held by the person or is in

compliance with control rules or regulations adopted pursuant to state or federal law, or (4) if the release is the introduction of any pollutant into a publicly owned treatment works when the pollutant is specified in, and is in compliance with, applicable pretreatment standards under state or federal law; 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 having a tendency to make it more probable or less probable 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 concerning the incidence of that sort of injury or disease in the population exposed to the release of that substance;

(b) Evidence of epidemiological studies;

(c) Evidence of animal studies;

(d) Evidence of tissue culture studies; and

(e) Evidence 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.]

Any person responsible for a release or threatened release of a hazardous substance, pollutant, or contaminant from a facility shall forfeit and pay to the state a penalty in an amount to be determined by the court of not more than \$10,000 per day 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.

The penalty provided 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 7, 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 the owner knew or should have known that a hazardous substance was disposed of or which the owner knew or should have known was 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 from a facility 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 from a facility:

(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, welfare 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 and section 7, "pollutant" or "contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release from a facility into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by inges-*

tion 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 of the response action, 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. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 4 or 5 is public data as defined in section 15.162. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of produc-

tion unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 15.162. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 14, or to other public agencies concerned with the implementation of sections 1 to 14.

Subd. 7. [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. 8. [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 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 (e).

Subd. 9. [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 13, 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 7.

Subd. 10. [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. 11. [ACTIONS RELATING TO HEALTH.] *The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, 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 7.*

Subd. 12. [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. 13. [PRIORITIES; RULES.] *By August 1, 1982, the agency shall establish 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. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*

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.

Subd. 14. [REWARDS FOR INFORMATION.] *The agency may, subject to the availability of legislative appropriation, es-*

establish an informer fund for the purpose of rewarding persons furnishing information regarding violations of sections 1 to 14, which information leads to the arrest and conviction of a violator or the imposition of a civil fine or punitive damages pursuant to sections 1 to 14. No official or employee of the agency shall be entitled to a reward pursuant to this subdivision. The agency shall maintain confidential the identity of the informant in all instances wherein disclosure is not essential to prosecution of the violation or recovery of civil penalties.

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 ac-

count 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, pollutants or contaminants;

(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, or by local units of government with agency approval, 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 including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling solid and hazardous waste, and to as-

sist 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 7 and 8;

(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 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.

Subd. 7. [PAYMENT BY OUT OF STATE GENERATORS.] A generator of any hazardous waste which is generated outside of this state and is transported into this state for

long term containment or treatment as described in subdivisions 2 to 4 shall pay the tax imposed by this section at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

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. [REQUIREMENT OF DECLARATIONS OF ESTIMATED TAX.] Except as provided in subdivision 7, any person required to pay a tax under section 18 or 19 shall file with the commissioner of revenue a declaration of his estimated tax for the calendar year. For the purpose of this section, "estimated tax" means the amount which the person estimates as the sum of the taxes imposed on him by section 18 or 19 for the calendar year. The declaration shall be in the form and contain the information required by the commissioner of revenue.

Subd. 2. [DATES OF DECLARATIONS.] Declarations of estimated tax required by subdivision 1 shall be filed by April 15 each year, except that if the person initially accrues a tax liability under section 18 or 19

(a) After April 1 and before June 2, the declaration shall be filed by June 15, or

(b) After June 1 and before September 2, the declaration shall be filed by September 15, or

(c) After September 1, the declaration shall be filed by January 15 of the succeeding year.

An individual may make amendments of a declaration filed during the taxable year, under regulations prescribed by the commissioner of revenue.

The commissioner may grant a reasonable extension of time for filing the declaration and paying the estimated tax, but for no more than six months.

Subd. 3. [DATES OF PAYMENTS.] (1) The amount of estimated tax with respect to which a declaration is required by subdivision 1 shall be paid as follows:

(a) If the declaration is filed on or before April 15, it shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the year during which the liability accrues, and the fourth on January 15 of the succeeding year.

(b) If the declaration is filed after April 15 and not after June 15, and is not required by subdivision 2 to be filed on or before April 15, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15, and the third on January 15 of the succeeding year.

(c) If the declaration is filed after June 15 and not after September 15, and is not required by subdivision 2 to be filed on or before June 15, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding year.

(d) If the declaration is filed after September 15, and is not required by subdivision 2 to be filed on or before September 15, the estimated tax shall be paid in full at the time of the filing of the declaration.

(e) If the declaration is filed after the time prescribed in subdivision 2 including cases in which an extension of time for filing the declaration has been granted, subparagraphs (b), (c), and (d) of this paragraph shall not apply, and there shall be paid at the time of the filing all installments of estimated tax which would have been payable on or before that time if the declaration had been filed within the time prescribed in subdivision 2, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(2) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased to reflect the increase or decrease in the estimated tax under amendment, and if the amendment is made after September 15, any increase in the estimated tax by reason thereof shall be paid at the time of making the amendment.

(3) *At the election of the taxpayer any installment of the estimated tax may be paid prior to the date prescribed for its payment.*

(4) *Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the taxes imposed upon the person by section 18 or 19, for the year.*

Subd. 4. [OVERPAYMENT OF ESTIMATED TAX.] If the amount of an installment payment of estimated tax exceeds the amount determined to be the correct amount of the installment payment, the overpayment shall be credited against the unpaid installments, if any. If the total amount of the estimated tax payments exceeds by \$1 or more the taxes, and any penalties and interest, reported in the return of the taxpayer or imposed upon him by section 18 or 19, the amount of the excess shall be refunded to the taxpayer. If the amount of the excess is less than \$1 the commissioner shall not be required to refund that amount. If the amount of the excess to be refunded exceeds \$10, it shall bear interest at the rate of six percent per annum, computed from 90 days after (a) the due date of the return of the taxpayer or (b) the date on which his return is filed, whichever is later, until the date the refund is paid to the taxpayer. The provisions of section 270.10, shall not be applicable.

Any action of the commissioner in refunding the amount of the excess shall not constitute a determination of the correctness of the return of the taxpayer.

The commissioner of finance shall cause any refund of tax and interest to be paid out of the fund established in section 16, and so much of that fund as may be necessary is hereby appropriated for that purpose.

Subd. 5. [UNDERPAYMENT OF ESTIMATED TAX.] (1) In the case of any underpayment of estimated tax, except as provided in paragraph (4), there may be added to and become a part of the taxes imposed by section 18 or 19, for the year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment for the period of the underpayment.

(2) *For purposes of the preceding paragraph, the amount of underpayment shall be the excess of*

(a) *The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent of the taxes shown on the return for the year or the taxes for the year if no return was filed, over*

(b) *The amount, if any, of the installment paid on or before the last day prescribed for payment.*

(3) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(a) April 15; or

(b) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this subparagraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under paragraph (2) (a) for the installment date.

(4) The addition to the tax shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were whichever of the following is the lesser:

(a) The total tax liability shown on the return of the person for the preceding year, if a return showing a liability for taxes was filed by the person for the preceding year; or

(b) An amount equal to 80 percent of the tax for the tax liability computed by placing on an annualized basis the tax liability for the months in the year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the tax liability shall be placed on an annualized basis by:

(i) Multiplying by 12 (or in the case of a taxable year when a tax liability accrued during a period shorter than 12 months, the number of months in the period when the liability accrued) the tax liability computed for the months in the year ending before the month in which the installment is required to be paid; and

(ii) Dividing the resulting amount by the number of months in the year ending before the month in which the installment date falls.

Subd. 6. [FAILURE TO PAY.] Any person required under this section to pay an estimated tax, who wilfully fails to pay the estimated tax at the time required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a gross misdemeanor.

Subd. 7. [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 hazard-

ous 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. 8. [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. 9. [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 the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 in order to raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for permitting, inspection, monitoring and enforcement expenses of the solid and hazardous waste division of the agency, excluding 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. The legislature may appropriate additional amounts which need not be raised by fees or may provide that the fees shall cover a proportion of the appropriation for the division in order to assure adequate funding for the regulatory and enforcement functions of the division. 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 outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. 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. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the form and manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.

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 116.03, Subdivision 3, is amended to read:

Subd. 3. The director of the pollution control agency is the state agent to apply for, receive, and disburse federal funds made available to the state by federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the pollution control agency or the director. He shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder to enable him to apply for, receive, and disburse such funds. All such moneys received by the director shall be deposited in the state treasury and are hereby annually appropriated to him for the purposes for which they are received. None of such moneys in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

(NO APPLICATION FOR FEDERAL FUNDS UNDER THIS SUBDIVISION SHALL BE SUBMITTED TO FEDERAL AUTHORITIES FOR APPROVAL UNLESS THE PROPOSED BUDGET FOR THE EXPENDITURE OF FEDERAL FUNDS IS APPROVED BY THE GOVERNOR AND REPORTED TO THE LEGISLATIVE COMMITTEES DESIGNATED IN SECTION 16.165 AND, WHEN THE LEGISLATURE IS NOT IN SESSION, REPORTED TO THE STANDING COMMITTEE

ON FINANCE OF THE SENATE AND THE STANDING
COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF
REPRESENTATIVES.)

The provisions of section 3.3005 shall not apply to emergency response moneys available without requirement of a state match under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C., Sections 9601 to 9657. The receipt of the moneys shall be reported to the legislative advisory commission.

Sec. 24. [116.102] [PIPELINE TESTING.]

Subdivision 1. [TEST REQUIRED.] Any pipeline from which a release occurs or has occurred after January 1, 1981, shall be tested for integrity and shall be operated at no more than 90 percent of maximum operating pressure until integrity is certified.

Subd. 2. [DETAILS; REPORTS; CERTIFICATION.] Testing shall be conducted within the section of the pipeline from which the release occurred and shall conform with the requirements of the United States Department of Transportation Regulations for Transportation of Liquids by Pipeline, Code of Federal Regulations, title 42, part 195, subpart E—Hydrostatic Testing, except that only water shall be used as a test medium and the test pressure shall be maintained for at least three hours throughout the part of the system being tested. Appropriation and disposal of the test medium shall conform with the requirements of applicable law. Any pipeline failures occurring during testing shall be reported immediately to the agency. In addition, a written report containing all relevant information regarding the extent of any pollution of land or water resulting from a failure during testing as well as information regarding recovery of the material lost during testing and reclamation of the affected area shall be submitted to the agency within a reasonable period.

Certification of integrity as demonstrated by successful testing, including a written report containing all pertinent data from the test, shall be submitted to the agency within eight months after the discovery of the release or within eight months after the effective date of this section, whichever occurs later.

Subd. 3. [ADDITIONAL TESTING.] In addition to any tests required under subdivisions 2 and 3, the agency may require testing of any pipeline on the basis of relevant factors including but not limited to age of the pipe, measures taken to protect the pipe, location, potential effect of a release on health or welfare or the environment, and past incidence of releases.

Subd. 4. [DEFINITIONS.] As used in this section, the following term has the meaning given:

"Maximum operating pressure" means the maximum operating pressure allowable under the United States Department of Transportation Regulations for Transportation of Liquids by Pipeline, Code of Federal Regulations, title 42, part 195, subpart F—Operation and Maintenance.

Sec. 25. 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. 26. 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. 27. [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 8, 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. 28. [EFFECTIVE DATE.]

Sections 18 to 21 and 23 and 24 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."

Amend the title as follows:

Page 1, line 9, after the first semicolon insert "authorizing rewards for information on violations; providing for pipeline testing;"

Page 1, line 11, after "Sections" insert "116.03, Subdivision 3;"

Page 1, line 13, before the period insert "; proposing new law coded in Minnesota Statutes, Chapter 116"

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

The report was adopted.

Halberg moved that H. F. No. 1176 be recalled from the Committee on Taxes and be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Halberg motion and the roll was called. There were 60 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Johnson, D.	Metzen	Sherman
Ainley	Forsythe	Jude	Nelsen, B.	Sherwood
Blatz	Frerichs	Kaley	Niehaus	Stadum
Brinkman	Halberg	Kvam	Nysether	Stowell
Carlson, D.	Haukoos	Lemen	Onnen	Sviggum
Dahlvang	Heap	Levi	Peterson, B.	Valan
Dempsey	Heinitz	Ludeman	Piepho	Valento
Den Ouden	Himle	Luknic	Rodalen	Weaver
Erickson	Hoberg	Mann	Reif	Welker
Esau	Hokr	McDonald	Samuelson	Wieser
Evans	Jennings	McEachern	Schreiber	Wigley
Ewald	Johnson, C.	Mehrkins	Searles	Zubay

Those who voted in the negative were:

Anderson, B.	Elioff	Lehto	Pogemiller	Stumpf
Anderson, G.	Ellingson	Long	Reding	Swanson
Battaglia	Greenfield	McCarron	Rice	Tomlinson
Begich	Gruenes	Minne	Rodriguez, C.	Vanasek
Berkelman	Gustafson	Munger	Rodriguez, F.	Vellenga
Brandl	Hanson	Murphy	Rose	Voss
Byrne	Hauge	Nelson, K.	Rothenberg	Welch
Carlson, L.	Hokanson	Norton	Sarna	Wenzel
Clark, J.	Jacobs	Novak	Schoenfeld	Wynia
Clark, K.	Kahn	O'Connor	Shea	Spkr. Sieben, H.
Clawson	Kalis	Ogren	Sieben, M.	
Dean	Kelly	Olsen	Simoneau	
Drew	Kostohryz	Otis	Skoglund	
Eken	Laidig	Peterson, D.	Staten	

The motion did not prevail.

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

H. F. No. 1220, A bill for an act relating to unemployment compensation; clarifying that quitting work due to sexual harassment does not result in benefit disqualification; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 268.09, Subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of his unemployment and until he has earned four times his weekly benefit amount in insured work if he is separated from employment under any of the following conditions:

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made

a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older; or

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment and provided further that the commissioner is empowered to impose a total disqualification for the benefit year and to cancel part or all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery or the malicious destruction of property or the theft of money or property of a value of \$100 or more or arson or sabotage or embezzlement. However, no person shall be deemed to have been discharged for gross misconduct for purposes of this chapter unless (1) the person makes an admission to the conduct in writing or under oath, or (2) the person is found to have engaged in such conduct by an appeals tribunal established pursuant to section 268.10, or (3) the person has been convicted by a court of competent jurisdiction of acts constituting gross misconduct.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to any separation from employment occurring thereafter."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1234, A bill for an act relating to employees and officials of the state; hospital and medical benefits for retired or disabled state officials and employees; amending Minnesota Statutes 1980, Section 471.61, Subdivision 2a.

Reported the same back with the following amendments:

Page 1, line 10, delete "*Notwithstanding*"

Page 1, line 11, delete "*section 179.63, subdivision 18,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1428, A bill for an act relating to agriculture; regulating commerce in seed; establishing fees; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 21.47; 21.48; 21.49; 21.50; 21.51; 21.52; 21.53; 21.54, Subdivision 3; 21.55; 21.58; and proposing new law coded in Minnesota Statutes, Chapter 21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.]

It is the policy of the legislature that consumers should be able to purchase truthfully and adequately labeled seeds for planting. Sections 2 to 14 establish a uniform labeling system for agricultural, vegetable, flower, tree or shrub seeds whereby consumers can be protected from inadequately or illegally labeled seed and also whereby fair competition can be achieved.

Sec. 2. [21.80] [MINNESOTA SEED LAW.]

Sections 2 to 14 may be cited as the Minnesota seed law.

Sec. 3. [21.81] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 2 to 14 the terms defined in this section have the meanings given them.

Subd. 2. [ADVERTISEMENT.] "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 2 to 14.

Subd. 3. [AGRICULTURAL SEEDS.] "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds or mixtures of those seeds, including noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.

Subd. 4. [BLEND.] "Blend" means seed consisting of more than one variety of seed of a kind, each in excess of five percent of the whole.

Subd. 5. [CERTIFIED SEED.] "Certified seed" means certified, registered or foundation seed, or any other seed treated in a similar fashion that has been produced, conditioned and labeled in accordance with the procedures and in compliance with the rules of an officially recognized seed certification agency.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his authorized agent, including a county agricultural inspector.

Subd. 7. [CONDITIONING.] "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter and other crop seeds, scarifying, blending to obtain uniform quality or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, blending uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.

Subd. 8. [FLOWER SEEDS.] "Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

Subd. 9. [GENUINE GROWER'S DECLARATION.] A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment and to whom it was sold, shipped or delivered.

Subd. 10. [GERMINATION.] "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed or abnormal seedlings shall not be considered as having germinated.

Subd. 11. [HYBRID.] "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 12. [KIND.] "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats or sweet clover.

Subd. 13. [LABEL.] "Label" includes tag or other device attached to or written, stamped or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds therein contained, or any other information in relation to a lot of bulk seeds and includes invoices under which any seed is imported into the state.

Subd. 14. [LOT.] "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 15. [MIXTURE.] "Mixture" means seeds consisting of more than one kind or variety, each in excess of five percent of the whole.

Subd. 16. [NOXIOUS WEED SEEDS.] "Noxious weed seeds" includes prohibited noxious weed seeds and restricted noxious weed seeds.

Subd. 17. [PERSON.] "Person" means an individual, partnership, corporation, company, society, association or firm.

Subd. 18. [PROHIBITED NOXIOUS WEED SEEDS.] "Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides and which not only reproduce by seed, but also may spread by underground reproductive parts such as roots and rootstocks, and above ground reproductive parts such as runners and stolons.

Subd. 19. [PURE LIVE SEED.] "Pure live seed" means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.

Subd. 20. [PURE SEED.] "Pure seed" means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the association of official seed analysts.

Subd. 21. [RECORD.] "Record" includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.

Subd. 22. [RESTRICTED NOXIOUS WEED SEEDS.] "Restricted noxious weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns and gardens of this state, and can be controlled by good cultural practice and use of herbicides.

Subd. 23. [SCREENINGS.] "Screenings" means chaff, sterile florets, immature seed, weed seeds, inert matter and other material removed from seed in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.

Subd. 24. [SEIZURE.] "Seizure" means a legal process carried out by a court order against a definite amount of seed.

Subd. 25. [SELL.] "Sell," when applying to agricultural, vegetable, flower, tree or shrub seed and seed samples, includes:

- (a) selling or transferring ownership;
- (b) offering and exposing for sale, exchange, distribution, giving away and transportation in or into this state;
- (c) having in possession with intent to sell, exchange, distribute, give away or transport in or into this state;
- (d) storing, carrying and handling in aid of traffic in seeds, whether done in person or through an agent, employee or other person; and
- (e) receiving, accepting and holding on consignment for sale.

Subd. 26. [STOP SALE.] "Stop sale" means an administrative order, restraining the sale, use, disposition and movement of a definite amount of seed.

Subd. 27. [TREATED.] "Treated" means that the seed has received an application of a substance, or that it has been subjected to a conditioning procedure for which a claim is made.

Subd. 28. [TREE AND SHRUB SEEDS.] "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 29. [TREE SEED COLLECTOR'S DECLARATION.] A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation and quantity of tree and shrub seed.

Subd. 30. [TYPE.] "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 31. [VEGETABLE SEEDS.] "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 32. [VARIETY.] "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 33. [WEED SEEDS.] "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Sec. 4. [21.82] [LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE OR FLOWER SEEDS.]

Subdivision 1. [FORM.] Each container of agricultural, vegetable or flower seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language, giving the information required by this section. This statement shall not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. [CONTENT.] For agricultural, vegetable or flower seeds, except as otherwise provided in subdivisions 3 to 8, the label shall contain:

(a) *The name of the kind or kind and variety for each agricultural or vegetable seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. If the variety of those kinds generally labeled as to variety is not stated, the label shall show the name of the kind and the words: "Variety not stated."*

(1) *The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent by more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed. No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind designation.*

(2) *Blends shall be listed on the label, using the term "blend" in conjunction with other identifying terms in the variety designation.*

(3) *Mixtures shall be listed on the label, using the term "mixture," "mix" or "mixed" in conjunction with the kind designation.*

(4) *Seed of a certified class shall be specified on the label in conjunction with and preceding the name of the variety.*

(b) *Lot number or other lot identification.*

(c) *Origin, if known, of alfalfa, red clover, white clover, grass seed and field corn. If the origin is unknown, that fact shall be stated.*

(d) *Percentage by weight of all weed seeds present in agricultural, vegetable or flower seed. This percentage may not exceed one percent. If weed seeds are not present in vegetable or flower seeds, the heading "weed seeds" may be omitted from the label.*

(e) *Name and rate of occurrence per pound of each kind of restricted noxious weeds seeds present. They shall be listed under the heading "noxious weed seeds." If noxious weed seeds are not present in vegetable or flower seeds, the heading "noxious weed seeds" may be omitted from the label.*

(f) *Percentage by weight of agricultural or vegetable seeds which may be described as "crop seeds," other than those required to be named on the label.*

(g) *Percentage by weight of inert matter.*

(h) *Net weight of contents, to appear on either the container or the label, except that in the case of vegetable or flower seed containers with contents of 200 seeds or less, a statement indicating the minimum number of seeds in the container may be listed along with or in lieu of the net weight of contents.*

(i) *For each named agricultural or vegetable seed:*

(1) *Percentage of germination, exclusive of hard seed;*

(2) *Percentage of hard seed, if present; and*

(3) *The calendar month and year the percentages were determined by test.*

(j) *Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.*

Subd. 3. [TREATED SEED.] For all named agricultural, vegetable or flower seeds which are treated, for which a separate label may be used, the label shall contain:

(a) *A word or statement indicating that the seed has been treated;*

(b) *The commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the conditioning procedure used;*

(c) *If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "do not use for food or feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement and symbol; and*

(d) *If the seed is treated with an inoculant, the date from which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)."*

Subd. 4. [HYBRID SEED CORN.] For hybrid seed corn purposes a label shall contain:

(a) *A statement indicating the minimum number of seeds in the container listed along with or in lieu of the net weight of contents;*

(b) *The state in which it was grown; and*

(c) *For each grain variety of hybrid seed field corn, the zone and day classification as determined by the originator or owner. The day classification shall approximate the number of days of growing season necessary from emergence of the corn plant above ground to maturity and shall conform to the day classification established by the director of the Minnesota agricultural experiment station for the designated zone. If recommended for other than grain production, the tag or label shall state "for forage" and carry the approximate zone classification. For the purposes of this section, silage blends shall be considered for grain production.*

Subd. 5. [GRASS SEED.] For grass seed and mixtures of grass seeds intended for lawn and turf purposes the label shall contain:

(a) *Percentage by weight of each kind or kind and variety named on the label in the order of their predominance;*

(b) *Percentage by weight of agricultural seeds other than those required to be named on the label which shall be described as "crop seed." If the mixture contains no crop seed, the following statement may be used and may be flagged: "contains no other crop seed"; and*

(c) *Percentage by weight of inert matter, up to ten percent by weight. The percentage by weight of foreign material not common to grass seed shall be listed as a separate item in close association with the inert matter percentage.*

The labeling requirements for grass seed and mixtures of grass seeds intended for lawn or turf purposes which are sold outside their original containers shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 6. [COATED AGRICULTURAL SEEDS.] For coated agricultural seeds the label shall contain:

(a) *Percentage by weight of pure seeds with coating material removed;*

(b) *Percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and*

(c) *Percentage of germination determined on 400 pellets with or without seeds.*

Subd. 7. [VEGETABLE SEEDS.] For vegetable seeds prepared for use in home gardens or household plantings the label shall contain:

(a) The year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentages were determined by test; and

(b) For vegetable seeds which germinate less than the standard last established by the commissioner:

(1) Percentage of germination, exclusive of hard seed;

(2) Percentage of hard seed, if present; and

(3) The words "below standard" in not less than eight point type and the month and year these percentages were determined by test.

The labeling requirements for vegetable seeds sold outside of the original container are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 8. [FLOWER SEEDS.] All flower seed labels shall contain:

(a) The name of the kind and variety or a statement of type and performance characteristics as prescribed by rules;

(b) The year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentage was determined by test; and

(c) For seeds of those kinds for which standard testing procedures are described and which germinate less than the germination standard last established, the percentage of germination exclusive of hard seed, and the words "below standard" in not less than eight point type and the month and year this was determined by test.

Sec. 5. [21.83] [LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.]

Subdivision 1. [FORM.] Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language, giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label at-

tached to the container, except that labeling of seed supplied under a contractual agreement may be modified or denied by invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so stenciled must carry complete labeling.

Subd. 2. [LABEL CONTENT.] For all tree or shrub seed subject to this section the label shall contain:

(a) The common name of the species, and the subspecies if appropriate;

(b) The scientific name of the genus and species, and the subspecies if appropriate;

(c) The lot number or other lot identification;

(d) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;

(e) For seed collected from a predominantly non-indigenous stand, the identity of the area of collection and the origin of the stand or state along with the words "origin not indigenous";

(f) The elevation or the upper and lower limits of elevation within which the seed was collected;

(g) The percentage of pure seed by weight;

(h) For those kinds of seed for which standard testing procedures are prescribed:

(1) The percentage of germination exclusive of hard seed;

(2) The percentage of hard seed, if present; and

(3) The calendar month and year seed percentages were determined by test.

In lieu of the requirements of clauses (h)(1) to (3), the seed may be labeled "test is in process, results will be supplied upon request."

(i) For those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and

(j) *The name and address of the person who labeled the seed or who sells the seed within this state.*

Subd. 3. [TREATED SEED.] For all treated tree and shrub seeds for which a separate label may be used the label shall contain:

(a) *A word or statement indicating that the seed has been treated;*

(b) *The generic or commonly accepted, coined, chemical or abbreviated chemical name of the applied substance or a description of the conditioning procedure used;*

(c) *If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "do not use for food, feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement and symbol; and*

(d) *If the seed has been treated with an inoculant, the date from which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)."*

Sec. 6. [21.84] [RECORDS.]

Each person whose name appears on the label of agricultural, vegetable, flower, tree or shrub seeds subject to section 4 or 5 shall keep for three years complete records of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state, and shall keep for one year a file sample of each lot of seed after disposition of the lot. In addition, the grower shall have as a part of the record a "genuine grower's declaration" or a "tree seed collector's declaration." All records and samples pertaining to the shipment involved shall be accessible for inspection by the commissioner during customary business hours.

Sec. 7. [21.85] [DUTIES OF THE COMMISSIONER.]

Subdivision 1. [ENFORCEMENT.] The commissioner shall administer and enforce sections 2 to 14.

Subd. 2. [SEED LABORATORY.] The commissioner shall establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 2 to 14, none of whom, except those who are employed on a regular full time basis, shall come within or be governed by chapter 43. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the director of civil service.

Subd. 3. [ENTRY UPON PREMISES.] For the purpose of administering and enforcing sections 2 to 14 the commissioner may enter upon any public or private premises during regular business hours in order to have access to seeds and the records concerning the seeds that are subject to sections 2 to 14, and to enter any truck or other conveyer by land, water or air at any time when the conveyer is accessible, for the same purpose.

Subd. 4. [INSPECTION AND SAMPLING.] The commissioner shall sample, inspect, make analysis of and test seeds subject to sections 2 to 14 that are offered for sale for sowing purposes at the time and place and to the extent necessary to determine whether the seeds are in compliance with sections 2 to 14.

Subd. 5. [NOTICE OF VIOLATION.] The commissioner shall promptly notify the person who sold, labeled or transported seed that has been:

- (1) found to be in violation of sections 2 to 14;*
- (2) placed under a stop sale order; or*
- (3) seized on complaint of the commissioner to a court of competent jurisdiction.*

Subd. 6. [STOP SALE ORDERS.] The commissioner may issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed which he finds to be in violation of sections 2 to 14. The order shall prohibit further sale, conditioning and movement of the seed, except on approval of the enforcing officer, until the officer has evidence that the law has been complied with and has issued a release from the "stop sale" order. With respect to seed which has been denied sale, conditioning or movement, the owner or custodian of the seed may appeal from the order to a court where the seeds are found, for the discharge of the seeds from the order prohibiting the sale, processing or movement in accordance with the findings of the court. This subdivision does not limit the right of the enforcement officer to proceed in a different fashion.

Subd. 7. [SEIZURE.] Any lot of seed not in compliance with sections 2 to 14 is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality where the seed is located. If the court finds the seed to be in violation and orders the condemnation of the seed, it shall be denatured, destroyed, relabeled or otherwise disposed of in compliance with law. In no instance shall the court order dispose of the seed without first giving the claimant an opportunity to apply to the court for the release of the seed or permission to condition or relabel it into compliance.

Subd. 8. [INJUNCTION.] When the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate sections 2 to 14, the injunction shall be issued without requiring a bond.

Subd. 9. [PROSECUTIONS.] When the commissioner finds that a person has violated sections 2 to 14 he may institute proceedings in the locality in which the violation occurred. No prosecution shall be instituted without a person having an opportunity to appear in person or by a representative before the commissioner to provide evidence. Either a county attorney or the attorney general may prosecute actions under sections 2 to 14.

Subd. 10. [COMMISSIONER MAY ALTER REQUIREMENTS IN EMERGENCIES.] In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which, in the opinion of the commissioner, create an emergency which would make impractical the enforcement of any requirement of sections 2 to 14 relating to the percentage of purity and weed seed content of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity and weed seed content for the duration of the emergency.

Subd. 11. [RULES.] The commissioner may make necessary rules for the proper enforcement of sections 2 to 14.

Subd. 12. [SERVICE TESTING AND IDENTIFICATION.] The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers and others. He may establish and collect fees for testing and identification in excess of the number of free tests and identifications allowed. Every resident of this state is entitled to six free tests and identifications each year. No free tests and identifications are allowed between March 15 and June 30 of each year.

Subd. 13. [SAMPLING EXPORT SEED.] The commissioner may sample agricultural, vegetable, flower, tree or shrub seeds which are destined for export to other countries. He may establish and collect suitable fees from the exporter for this service.

Subd. 14. [COOPERATION WITH UNITED STATES DEPARTMENT OF AGRICULTURE.] The commissioner shall cooperate with the United States department of agriculture in seed law enforcement.

Sec. 8. [21.86] [UNLAWFUL ACTS.]

Subdivision 1. [PROHIBITIONS.] A person may not sell any agricultural, vegetable, flower or tree and shrub seed if:

(a) A test to determine the percentage of germination required by sections 4 and 5 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to the sale, exposure for sale or offering for sale or transportation of the seed. This prohibition does not apply to tree, shrub, agricultural or vegetable seeds packaged in hermetically sealed containers. Agricultural or vegetable seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed, immediately prior to the sale, exposure for sale or offering for sale or transportation of the seed;

(b) It is not labeled in accordance with sections 4 and 5 or has false or misleading labeling;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious weed seeds;

(e) It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound, or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(f) It contains more than one percent by weight of all weed seeds;

(g) It contains less than the stated net weight of contents;

(h) It contains less than the stated minimum number of seeds in the container;

(i) It contains any labeling, advertising or other representation subject to sections 4 and 5 representing the seed to be certified unless:

(1) It has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, if appropriate, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed;

(2) The seed bears an official label issued for it by a seed certifying agency certifying that the seed is of a specified class

and a specified kind, species, subspecies, if appropriate, and variety; and

(3) It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or

(j) The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 6.

Subd. 2. [MISCELLANEOUS VIOLATIONS.] No person may:

(a) Detach, alter, deface or destroy any label required in sections 4 and 5, or alter or substitute seed in a manner that may defeat the purposes of sections 4 and 5;

(b) Disseminate any false or misleading advertisement concerning seed subject to sections 4 and 5 in any manner or by any means;

(c) Hinder or obstruct in any way any authorized person in the performance of duties under sections 2 to 14;

(d) Fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(e) Use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(f) Use the word "trace" as a substitute for any statement which is required; or

(g) Plant any agricultural seed which the person knows contains weed seeds and noxious weed seeds in excess of the limits for that seed.

Sec. 9. [21.87] [EXEMPTION.]

Sections 4 and 5 do not apply:

(a) To seed or grain not intended for sowing purposes;

(b) *To seed in storage in or being transported or consigned to a seed cleaning or conditioning establishment for cleaning or conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for conditioning," and provided that any labeling or other representation which may be made with respect to the uncleaned or unconditioned seed is subject to the provisions of sections 4 and 5; or*

(c) *To any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning or marketing seeds subject to sections 4 and 5.*

Sec. 10. [21.88] [PENALTIES.]

Subdivision 1. [MISDEMEANOR.] A violation of sections 2 to 14 is a misdemeanor. Each additional day of violation is a separate offense.

Subd. 2. [PENALTIES NOT TO APPLY.] (a) A person is not subject to the penalties in subdivision 2 for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to insure the identity is as stated. A genuine grower's declaration shall affirm that the grower holds records of proof concerning parent seed, such as invoices and labels.

Sec. 11. [21.89] [SEED TAX PERMITS.]

Subdivision 1. [SEED FEE.] In order to pay for administering and enforcing sections 2 to 14, the commissioner shall set by rule the fees charged for various seeds and shall collect the fees on all seeds covered by sections 2 to 14.

Subd. 2. [PERMITS; ISSUANCE, REVOCATION.] The commissioner shall issue a permit to any person who labels for sale in Minnesota agricultural, vegetable, flower, tree or shrub seeds which conform to and are labeled under sections 2 to 14. The person shall furnish to the commissioner semiannual statements of all seeds sold in Minnesota for the periods ending June 30 and December 31 of each year. A statement must be itemized to show the number of each class of seeds referred to in subdivision 4, and shall be delivered, along with the payment of the fee, to the commissioner no later than 30 days after the end of each semiannual period. Any person holding a permit shall show as

part of the analysis labels or invoices on all agricultural, vegetable, flower, tree or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules. The commissioner may at all reasonable times examine the records of applicants to verify the correctness of their statements.

Subd. 3. [PENALTY.] A penalty of \$10 shall be assessed any permit holder who fails to submit a semiannual statement and pay the fee due within the 30 days following the end of each semiannual period.

Subd. 4. [ANNUAL APPROPRIATION.] There is annually appropriated to the commissioner \$10,000 to audit the records of permit holders in order to verify the correctness of their statements. Unused portions of this appropriation shall be returned to the general fund at the end of each fiscal year.

Subd. 5. [EXEMPTIONS.] A person who labels for sale agricultural, vegetable, flower, tree or shrub seeds must have a seed fee permit unless:

(a) The person labels and sells less than 50,000 pounds of agricultural seed in Minnesota each calendar year. If more than 50,000 pounds are labeled and sold in Minnesota by any person, the person must have a seed fee permit and pay fees on all seed sold. A person who labels and sells grass seeds and mixtures of grass seeds intended for lawn or turf purposes is not exempted from having a permit and paying seed fees on all seeds in this category sold in Minnesota; or

(b) The agricultural, vegetable, flower, tree or shrub seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

Sec. 12. [21.90] [HYBRID SEED FIELD CORN VARIETY REGISTRATION.]

Subdivision 1. [GROWING ZONES.] The director of the agricultural experiment station at the University of Minnesota shall determine, establish and number or otherwise identify corn growing zones of the state and determine and publish a list of day classifications for each zone which will approximate the number of days growing season necessary for corn from emergence of the corn plants above ground after planting to maturity.

Subd. 2. [FEES.] A record of each hybrid seed field corn grain variety to be sold in Minnesota shall be registered with the commissioner by February 1 of each year by the originator or owner. The annual fee for registration is \$22.50 per variety. The record shall include the permanent designation of the

hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which the variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn grain variety, the originator or owner shall include a sworn statement that his declaration of the zone of adaptation was based on actual field trials in that zone and that the field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The name or number used to designate a hybrid seed field corn variety in the registration is the only name of all seed corn covered by or sold under that registration.

Subd. 3. [TESTS OF VARIETIES.] If the commissioner needs to verify that a hybrid seed field corn grain variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested has more than six percentage points of moisture over the standard variety, it must have the maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested, it can be sold the third year with the same maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator or owner of a hybrid seed field corn grain variety wish to offer hybrid seed for sale or distribution in this state, the person, firm, originator or owner not having distributed any products in Minnesota during the past ten years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of the variety the commissioner is required to have the variety tested for one year by the director of the Minnesota experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn grain variety be guilty of two successive violations with respect to the declaration of maturity date and zone number, then the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural

experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed law account to the agricultural experiment station the sum of \$35,000.

Sec. 13. [21.91] [SEED CERTIFICATION AGENCIES.]

Subdivision 1. [MINNESOTA.] The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Subd. 2. [OTHER JURISDICTIONS.] The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Sec. 14. [21.92] [SEED LAW ACCOUNT.]

There is established in the state treasury a seed law account. Fees and penalties collected by the commissioner under sections 2 to 14 shall be paid into the seed law account. Money in the seed law account, including interest earned and any appropriations made by the legislature for the purposes of sections 2 to 14, is annually appropriated to the commissioner for the administration and enforcement of sections 2 to 14. If, at any time after June 30, 1983, the seed law account contains more than \$200,000 at the end of a fiscal year, the amount in excess of \$200,000 shall be paid into the general fund.

Sec. 15. [APPROPRIATION.]

There is appropriated from the general fund in the state treasury to the commissioner of agriculture \$150,000, for the fiscal year ending July 1, 1983, for the purpose of establishing the seed law account pursuant to section 14.

Sec. 16. [REPEALER.]

Minnesota Statutes 1980, Sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; and 21.58, are repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and

service testing of seeds; appropriating money; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 21; repealing Minnesota Statutes 1980, Sections 21.47 to 21.58."

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1456, A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Section 525.03.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 525.03, is amended to read:

525.03 [(BOOKS OF RECORD) *RECORDS*.]

The court shall keep the following (BOOKS OF RECORD) *records*:

(1) An index (IN WHICH FILES PERTAINING TO ESTATES OF DECEASED PERSONS SHALL BE INDEXED) *to the court records, in which all proceedings shall be entered in alphabetical order under the name of the (DECEDENT, THOSE PERTAINING TO GUARDIANSHIPS UNDER THE NAME OF THE WARD, THOSE PERTAINING TO A MENTALLY ILL, INEBRIATE, MENTALLY DEFICIENT, OR EPILEPTIC PERSON UNDER THE NAME OF SUCH PERSON, THOSE PERTAINING TO WILLS DEPOSITED PURSUANT TO SECTION 525.22, UNDER THE NAME OF THE TESTATOR; AFTER THE NAME OF EACH FILE SHALL BE SHOWN THE FILE NUMBER AND, IF ORDERED BY THE COURT, THE BOOK AND PAGE OF THE REGISTER IN WHICH THE DOCUMENTS PERTAINING TO SUCH FILE ARE LISTED,) subject person, together with the case number and the date of the filing of the first document;*

(2) A register, (PROPERLY INDEXED, IN WHICH SHALL BE LISTED UNDER THE NAME OF THE DECEDENT, WARD, MENTALLY ILL, INEBRIATE, MENTALLY DEFICIENT, OR EPILEPTIC PERSON, OR TESTATOR, ALL) *in which shall be entered the title of each proceeding, the case number and a listing of each (DOCUMENT) documents, filed (PERTAINING THERETO AND IN THE ORDER*

FILED; SUCH LIST SHALL SHOW THE NAME OF THE DOCUMENT,) *with* the date of the filing (THEREOF, AND SHALL GIVE A REFERENCE TO THE VOLUME AND PAGE OF ANY OTHER BOOK IN WHICH ANY RECORD SHALL HAVE BEEN MADE OF SUCH DOCUMENT;)

((3) A RECORD OF WILLS, PROPERLY INDEXED, IN WHICH SHALL BE RECORDED ALL PROBATED WILLS WITH THE ORDER OF PROBATE THEREOF;)

((4) A RECORD OF BONDS, IF ORDERED BY THE COURT, PROPERLY INDEXED, IN WHICH MAY BE RECORDED SUCH BONDS AS MAY BE ORDERED BY THE COURT TO BE RECORDED;)

((5) A RECORD OF LETTERS, PROPERLY INDEXED, IN WHICH SHALL BE ENTERED ALL LETTERS TESTAMENTARY, OF ADMINISTRATION, AND OF CONSERVATORSHIP OR GUARDIANSHIP ISSUED;)

((6) A RECORD OF ORDERS, PROPERLY INDEXED, IN WHICH SHALL BE RECORDED ALL ORDERS AUTHORIZING, OR REFUSING TO AUTHORIZE, THE SALE, MORTGAGE, OR LEASE OF REAL ESTATE, OR CONFIRMING, OR REFUSING TO CONFIRM, THE SALE OR LEASE OF REAL ESTATE; ALL ORDERS DIRECTING, OR REFUSING TO DIRECT, A CONVEYANCE OR LEASE OF REAL ESTATE UNDER CONTRACT; ALL ORDERS VACATING A PREVIOUS APPEALABLE ORDER, JUDGMENT, OR DECREE; ALL ORDERS REFUSING TO VACATE A PREVIOUS APPEALABLE ORDER, JUDGMENT, OR DECREE ALLEGED TO HAVE BEEN PROCURED BY FRAUD OR MISREPRESENTATION, OR THROUGH SURPRISE OR EXCUSABLE INADVERTENCE OR NEGLIGENCE; ALL JUDGMENTS OR DECREES OF PARTIAL OR FINAL DISTRIBUTION; ALL ORDERS OF DISTRIBUTION AND GENERAL PROTECTION; AND ALL ORDERS GRANTING OR DENYING RESTORATION TO CAPACITY).

Sec. 2. Laws 1979, Chapter 303, Article III, Section 43, is amended to read:

Sec. 43. [EFFECTIVE DATE.]

The provisions of section 5 which relate to payments for military service while the decedent was missing in action shall be effective for estates of decedents declared dead after January 1, 1975. The provisions of section 26 shall be effective the day following final enactment and shall relate to returns filed pursuant to chapters 291 and 292 prior to and after the effective date of this article. *The provisions of section 32 shall be effective for estates of decedents dying after January 1, 1975.* The

remainder of this article is effective for estates of decedents dying after December 31, 1979 and gifts made after December 31, 1979.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, before the period insert "; Laws 1979, Chapter 303, Article III, Section 43"

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. 1459, A bill for an act relating to education; requiring schools to offer certain subjects; exempting nonpublic schools from the requirement of offering certain subjects; requiring classroom teachers in nonpublic schools to be licensed; excluding licensed nonpublic school teachers from certain duties and benefits; requiring nonpublic schools to report certain information to school district superintendents; providing additional remedies to enforce the compulsory attendance laws; prohibiting the state board of education from promulgating rules pursuant to this act; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2 and 3; 125.03, Subdivision 1, and by adding a subdivision; and 125.04; proposing new law coded in Minnesota Statutes, Chapter 120.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must (BE ONE) *meet all of the following requirements:*

(a) *Programs are offered which allow development of basic skills in the following areas: language arts, including reading, for elementary pupils; mathematics; and social studies, including citizenship.*

(b) Courses are taught in the English language from learning materials in the English language.

(c) The courses supporting the programs required in clause (a) are taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects.

(d) School is in session each school year for at least 175 days or the equivalent.

(e) Information required to be reported according to section 2 or 3 is submitted.

((1) IN WHICH ALL THE COMMON BRANCHES ARE TAUGHT IN THE ENGLISH LANGUAGE, FROM TEXTBOOKS WRITTEN IN THE ENGLISH LANGUAGE, AND TAUGHT BY TEACHERS WHOSE QUALIFICATIONS ARE ESSENTIALLY EQUIVALENT TO THE MINIMUM STANDARDS FOR PUBLIC SCHOOL TEACHERS OF THE SAME GRADES OR SUBJECTS AND ((2) WHICH IS IN SESSION EACH SCHOOL YEAR FOR AT LEAST 175 DAYS OR THEIR EQUIVALENT; PROVIDED THAT IN) A school may offer a program of instruction for children of limited English proficiency (.). Instruction and textbooks may be in the primary language of the children of limited English proficiency (ENROLLED THEREIN). Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262.

Sec. 2. Minnesota Statutes 1980, Section 120.12, Subdivision 2, is amended to read:

Subd. 2. [(PRIVATE SCHOOLS) PARENT OR GUARDIAN NONPUBLIC SCHOOL REPORT.] (IT SHALL BE THE DUTY OF) The (PRINCIPAL, TEACHER, OR OTHER PERSON) parent or guardian of a pupil enrolled in (CHARGE OF ANY PRIVATE) a nonpublic school (TO MAKE REPORTS AT SUCH TIMES AND CONTAINING SUCH INFORMATION AS IS HEREIN REQUIRED RESPECTING PUBLIC SCHOOLS. SUCH) shall annually report (SHALL BE MADE) to the (DISTRICT) superintendent (IN WHOSE) of the district (SUCH PRIVATE SCHOOL IS LOCATED) in which the pupil resides all of the following information:

(a) the name and date of birth of each child of that parent or guardian enrolled in a nonpublic school;

(b) the name and address of the parent or guardian;

(c) *the name and address of each nonpublic school attended by each child;*

(d) *the name of the person in charge of the school; and*

(e) *a certification that the school is in session 175 days or the equivalent.*

Sec. 3. Minnesota Statutes 1980, Section 120.12, is amended by adding a subdivision to read:

Subd. 2a. [NONPUBLIC SCHOOL REPORT.] The provisions of this subdivision shall apply to schools which agree to provide the information required by section 1, clause (e) for the parents or guardians. The person in charge of a nonpublic school shall annually report to the superintendent of the district in which the pupil resides all of the following information:

(a) *the name and date of birth of each pupil from that district enrolled in the nonpublic school;*

(b) *the name and address of the parent or guardian;*

(c) *the name and address of the nonpublic school;*

(d) *the name of the person in charge of the nonpublic school; and*

(e) *a certification that the school is in session 175 days or the equivalent.*

Sec. 4. Minnesota Statutes 1980, Section 120.12, Subdivision 3, is amended to read:

Subd. 3. [(CRIMINAL COMPLAINT;) PROSECUTION; ACTIONS.] *The (DISTRICT) superintendent of the district in which the pupil resides shall (MAKE AND) file a (CRIMINAL COMPLAINT AGAINST PERSONS NEGLECTING OR REFUSING TO COMPLY WITH THE PROVISIONS OF LAW RELATING TO THE SENDING OF CHILDREN TO SCHOOL, IN ANY COURT IN THE COUNTY EXERCISING CRIMINAL JURISDICTION AND, UPON THE MAKING OF SUCH COMPLAINT, A WARRANT SHALL BE ISSUED AND PROCEEDINGS AND TRIAL BE HAD AS PROVIDED BY LAW IN CASES OF MISDEMEANOR AND SHALL BE PROSECUTED BY THE COUNTY ATTORNEY OF THE COUNTY WHEREIN THE OFFENSE IS COMMITTED) notice with the county attorney of the names of parents or guardians neglecting or refusing to comply with the provisions of section 120.10. If the county attorney of the county in which the notice is filed determines that a violation of section 120.10 has occurred, the county attorney may bring a civil action to require the parent or guard-*

ian to send the child to a school which meets the requirements of section 120.10. In all such actions, the defendant shall have the right to trial by jury on the question of whether a violation of section 120.10 has occurred. In the alternative a county attorney may commence an action pursuant to section 127.20."

Delete the title and insert:

"A bill for an act relating to education; requiring schools to offer certain subjects; requiring nonpublic schools or parents or guardians to report certain information to school superintendents; changing proceedings against parents or guardians who neglect or refuse to comply with the provisions of law governing schools and compulsory attendance; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2, 3, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1469, A bill for an act relating to commerce; revising and modernizing laws relating to hotels; providing for the rights and duties of innkeepers and their guests; prohibiting certain practices; imposing penalties; amending Minnesota Statutes 1980, Section 363.03, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Sections 327.01 to 327.095.

Reported the same back with the following amendments:

Page 1, line 20, after "*motel*," insert "*resort*,"

Page 2, line 17, delete "*, printed in at least ten point type*,"

Page 2, line 27, delete "\$3,000" and insert "\$1,000"

Page 2, line 29, delete "\$3,000" and insert "\$1,000"

Page 3, line 4, delete "\$1,500" and insert "\$1,000"

Page 3, line 18, delete "\$2,000" and insert "\$1,000"

Page 3, line 22, delete "*room*" and insert "*bedroom*"

Page 3, line 22, delete "*assigned*" and insert "*registered*"

Page 4, line 1, before the period insert "*and upon payment of the costs of storage. The innkeeper may also dispose of abandoned, unclaimed property in the manner provided in sections 345.01 to 345.07*"

Page 4, line 20, after "*guest*" insert "*or other person*"

Page 5, line 13, delete "*printed in at least ten point type*"

Page 6, lines 2 and 3, delete "*Except as provided in subdivision 2,*"

Page 6, line 14, delete "*3*" and insert "*2*"

Page 6, line 15, delete "*4*" and insert "*3*"

Page 6, delete lines 16 to 19

Page 6, line 20, delete "*3*" and insert "*2*"

Page 7, line 7, delete "*4*" and insert "*3*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1477, A bill for an act relating to snowmobiles; increasing the registration fee and appropriating the proceeds thereof for stated purposes; amending Minnesota Statutes 1980, Sections 84.82, Subdivision 3; and 84.83.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1980, Section 84.82, is amended by adding a subdivision to read:

Subd. 9. [COLLECTORS' SNOWMOBILES.] Any snowmobile that is at least 15 model years old and originally licensed as a separate identifiable make as designated by the manufacturer, and owned and operated solely as a collector's snowmobile, shall be listed for registration as follows: An affidavit shall be executed stating the make of the snowmobile, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner

pays a one-time fee of \$25, in lieu of the fees required by subdivision 3, the registrar shall list such vehicle. The registration number so issued shall bear the most recent applied registration number. These numbers are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such registration for failure to comply with this subdivision. The provisions of sections 84.84 to 84.90 shall apply to snowmobiles registered pursuant to this subdivision."

Page 2, delete the new language in lines 3 to 11 and insert "shall be expended only as may be authorized by law for a grants-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails and administration and enforcement of sections 84.81 to 84.90, including but not limited to the following:

(a) snowmobile safety programs and enforcement of winter recreational laws;

(b) snowmobile registration administrative expenses.

The department of natural resources shall study the means of determining a more accurate accounting for the gasoline used in motorboats and snowmobiles in this state and shall report to the legislature by January 1, 1983, with a proposed revision of section 296.16 to reflect the results of this study

Page 2, after line 11, insert:

"Sec. 5. [APPROPRIATION.] *There is appropriated from the general fund \$400,000 to the department of natural resources for the purposes of section 3.*"

Renumber the section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "registration of collectors' snowmobiles; requiring a study; appropriating money;"

Page 1, line 5, after "Subdivision 3" insert ", and by adding a subdivision"

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1492, A bill for an act relating to natural resources; authorizing an addition to Split Rock Creek Recreation Area and authorizing land acquisition in relation thereto.

Reported the same back with the following amendments:

Page 1, line 12, delete "*commissioner of administration for the*"

Page 2, after line 12, insert:

"That part of the Northwest Quarter of Section 15, Township 105 North, Range 46 West, being a strip of land 100 feet in width lying northeasterly of, parallel with, adjacent and contiguous to the following described line: Commencing at a point on the east-west quarter line of said Section 15 distance 2120 feet east of the west line of said Section 15; thence north parallel to said west line 1097.25 feet; thence west parallel to the north line of said Section 15, a distance of 267 feet to the point of beginning of the line to be described; thence northwesterly, a distance of 877.55 feet and there terminating, along a line which runs to a point which is 92 feet south and 33 feet east of the northwest corner of said Section 15.

That part of the Northeast Quarter of the Southwest Quarter of Section 15, Township 105 North, Range 46 West, described as follows: Beginning at a point on the south line of said Northeast Quarter of the Southwest Quarter 520 feet west of the southeast corner thereof; thence northerly to a point on the north line of said Northeast Quarter of the Southwest Quarter 2120 feet east of the west line of said Section 15; thence westerly along the north line of said Northeast Quarter of the Southwest Quarter to the northwest corner thereof; thence southeasterly to the point of beginning."

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. 1499, A bill for an act relating to the hospitalization and commitment of persons who are mentally ill, mentally ill and dangerous, mentally retarded, or chemically dependent; providing for informal hospitalization by consent, involuntary emergency hospitalization and for involuntary commitment by civil judicial procedures; providing for rights of persons hospitalized under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening; providing for commitment hearings and procedures in conformance with due

process; requiring a final hearing within 60 days before final determination of commitment; providing for commitment for determinate periods; providing for provisional discharge and partial hospitalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 253A; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.23.

Reported the same back with the following amendments:

Page 5, line 15, delete "*and subject to the*"

Page 5, delete lines 16 and 17

Page 5, line 18, delete "*restrictions*"

Page 7, line 36, delete "*relevant to commitment proceedings*" and insert "*of any admission to a treatment facility under this chapter or its predecessor*"

Page 10, line 23, delete "*Any*" and insert "*No*"

Page 10, line 23, after "*person*" insert "*may be*"

Page 10, line 24, delete "*may be held up to*" and insert "*longer than*"

Page 12, line 35, delete "*When requested to*"

Page 12, delete line 36

Page 13, delete line 1

Page 13, line 2, delete "*Upon completion of the investigation,*"

Page 13, delete lines 4 and 5 and insert "*investigation does not disclose evidence sufficient to support*"

Page 13, line 31, after "*contain*" insert "*only*"

Page 14, line 2, after "*opinion*" insert "*for stated reasons*"

Page 14, line 3, delete "*should*" and insert "*may*"

Page 14, line 3, delete "*committed*" and insert "*in need of commitment*"

Page 14, line 14, after the period insert "*At least one of the examiners shall be a licensed physician.*"

Page 15, line 21, delete "PROBABLE CAUSE" and insert "PRELIMINARY"

Page 18, line 13, after "*hearing*" insert "*pursuant to the rules of evidence*"

Page 18, line 15, delete "*pursuant to the rules of*" and insert a period

Page 18, delete line 16

Page 19, line 6, delete "(a)" and insert "Subdivision 1. [STANDARD OF PROOF.]"

Page 19, line 9, delete "*the court, after careful*"

Page 19, delete lines 10 to 31 and insert "*and, after careful consideration of reasonable alternative dispositions, including but not limited to, dismissal of petition, voluntary out-patient care, informal hospitalization in a private or public treatment facility, appointment of a guardian or conservator or release before commitment as provided for in section 10, finds that there is no suitable alternative to judicial commitment, the court shall commit the patient to the least restrictive available treatment facility which can meet the patient's treatment needs consistent with section 3, subdivision 6, and which, in the case of a private treatment facility, consents to receive him.*"

Subd. 2. [INITIAL TIME PERIOD.] *For persons committed as mentally ill, mentally retarded, or chemically dependent the initial commitment shall not exceed six months. At least 60 days, but not more than 90 days, after the commencement of the initial commitment of a person as mentally ill, mentally retarded, or chemically dependent, the head of the facility shall file a written report with the committing court with a copy to the patient and his counsel. This first report shall set forth the same information as is required in section 12, subdivision 1, but no hearing shall be required at this time. If no written report is filed within the required time, or if it describes the patient as not in need of further institutional care and treatment, the proceedings shall be terminated by the committing court, and the patient shall be discharged from the treatment facility."*

Page 20, line 12, after the period insert "*The county attorney shall be given notice of the hearing and may represent the interests of the county.*"

Page 23, line 4, delete "60-day" and insert "*initial commitment*"

Page 23, line 12, delete "SIXTY-DAY" and insert "TREATMENT"

Page 23, delete lines 14 to 19

Page 23, line 20, delete "*Within 60 days from the date of the*" and insert:

"Subdivision 1. [REPORT.] Prior to the termination of the initial"

Page 23, line 21, after "a" insert "second"

Page 23, line 21, after "*written*" insert "*report*"

Page 23, line 21, before "*court*" insert "*committing*"

Page 23, line 22, delete "*issuing said order, and*" and insert "*with*"

Page 23, line 22, delete "*thereof with*" and insert "*to*"

Page 24, delete line 1

Page 24, line 2, delete "*Subdivision 1.*" and insert "*Subd. 2.*"

Page 24, line 3, delete "*60 days*" and insert "*the required time*"

Page 24, line 8, delete "2" and insert "3"

Page 24, line 13, delete "*Subd. 3. [HEARING; STANDARD OF PROOF.]*" and insert:

"Sec. 15. [253A.61] [CONTINUED COMMITMENT OF MENTALLY ILL AND CHEMICALLY DEPENDENT PERSONS.]

Subdivision 1. [HEARING.]"

Renumber the subdivisions

Page 24, line 14, after "*of*" insert "*the need to continue*"

Page 24, line 16, delete the comma

Page 24, line 17, delete "*mentally retarded*"

Page 25, line 2, after "*Where*" insert "*continued*"

Page 25, line 11, delete "Sec. 16. [253A.62]" and insert "Subd. 7."

Page 25, line 11, after "OF" insert "CONTINUED" and after "COMMITMENT" insert "FOR MENTALLY ILL AND CHEMICALLY DEPENDENT PERSONS"

Page 25, delete lines 12 to 36 and insert:

"If at the conclusion of a hearing held pursuant to section 15, it is found that the criteria for continued commitment have been satisfied, the court shall determine the probable length of commitment necessary. No period of commitment shall exceed this length of time or 18 months, whichever is less, unless the court determines that there is no significant probability that the person will be ready for discharge within 18 months, in which case the period of commitment shall not exceed 36 months. The court shall base its determinations of probable length of commitment upon the assumption that the treatment to be provided to the person meets the standards of section 3, subdivision 6. At the conclusion of the prescribed period, commitment may be not continued unless a new petition is filed pursuant to section 7 and hearing and determination made on it.

Sec. 16. [253A.62] [CONTINUED COMMITMENT OF MENTALLY RETARDED PERSONS.]

If the court finds upon review of the treatment report that the person continues to be mentally retarded within the meaning of section 2, it shall order commitment of the person for an indeterminate period of time, subject to the administrative review required by section 3, subdivision 5, and subject to the right of the patient to seek judicial review of continued commitment."

Page 26, delete lines 1 to 25

Page 27, delete lines 9 to 12

Renumber the clause

Page 27, delete lines 24 to 36 and insert:

"Subd. 2. [REVOCATION OF PROVISIONAL DISCHARGE.] (a) *The head of the treatment facility may revoke a provisional discharge, as set forth in this subdivision.*

(b) *No patient's provisional discharge may be revoked unless:*

(i) *The patient has violated material conditions of the provisional discharge, and the violation creates the need to return the patient to the facility; or,*

(ii) *There exists a serious likelihood that the safety of the patient or others will be jeopardized, in that either the patient's need for food, clothing, shelter, or medical care are not being met, or will not be met in the near future, or the patient has attempted or threatened to seriously physically harm himself or others.*

(c) *When the possibility of revocation becomes apparent, the designated agency shall notify the patient and all participants in the plan, and every effort shall be made to prevent revocation.*

(d) *Any interested person, including the designated agency, may request that the head of the facility revoke the patient's provisional discharge. Any person making such a request shall provide to the head of the facility a written report setting forth the specific facts, including witnesses, dates and locations, supporting a revocation, demonstrating that every effort has been made to avoid revocation and that revocation is the least restrictive alternative available.*

(e) *Revocation shall be commenced by a notice of intent to revoke provisional discharge, which shall be served upon the patient, his attorney, and the designated agency. The notice shall set forth the grounds upon which the intention to revoke is based, and shall inform the patient of his rights under this chapter.*

(f) *Any interested person, including the patient, may request review of the intended revocation by notifying the head of the facility within 14 days of service of the notice upon the patient. Upon receipt of such a request, the head of the facility shall immediately file with the committing court a petition for review of the notice of intent to revoke. Any interested person, including the patient, may file a petition. The court shall hold a hearing on the petition. The hearing shall be held within 14 days of the filing of the petition, unless the patient requests an immediate hearing, in which case it shall be held within five days of the request. At the hearing, the burden of proof shall be upon the party seeking revocation. At the conclusion of the hearing, the court shall find the facts specifically, and may order that the patient's provisional discharge should be revoked and the patient returned to the facility.*

(g) *The head of the facility may apply to the committing court for an order directing that the patient be returned to the facility. The court may order the patient returned to the facility prior to a review hearing only upon finding that immediate*

return to the facility is necessary to avoid serious, imminent harm to the patient or others.

(h) If neither the patient nor others requests a review hearing within the time specified in this subdivision, the revocation shall become final and the court, without hearing, may order the patient returned to the facility.

(i) During the first 60 days of a provisional discharge, the head of the treatment facility, upon finding that either of the conditions set forth in clause (b) exists, may revoke the provisional discharge without being subject to the provisions of clauses (f), (g) and (h) of this subdivision."

Page 28, delete lines 1 to 36

Page 29, delete lines 1 to 18 and insert:

"Subd. 3. [VOLUNTARY RETURN.] With the consent of the patient on provisional discharge and the head of the treatment facility, a patient may return to inpatient status at the treatment facility as follows:

(a) As an informal patient, in which case the patient's commitment is discharged;

(b) As a committed patient, in which case the patient's provisional discharge is voluntarily revoked; or

(c) On temporary return from provisional discharge, in which case both the commitment and the provisional discharge remain in effect.

Prior to readmission, the patient shall be informed of his status upon readmission."

Page 30, line 11, delete "16" and insert "15"

Page 32, delete lines 25 and 26

Renumber the subdivision

Page 33, line 8, before the period insert " , subject to review as provided in this section"

Page 33, delete lines 11 to 18 and insert:

"Subd. 3. [REVIEW.] (a) Within 60 days from the date of the commitment order, the treatment facility shall file with the court a statement as required by section 14, and a copy there-

of with the patient, the patient's attorney and the county attorney.

(b) Within 14 days after receipt by the court of the statement or within 14 days after the end of the 60 day period, whichever is earlier, the court shall hold a hearing concerning continued commitment.

(c) The patient, his counsel, the petitioner, and such other persons as the court directs shall be given at least five days notice by the court of the time and place of the hearing.

(d) A patient, after consultation with his attorney, may waive the hearing. The waiver must be submitted to the probate court and must be in writing and signed by both the patient and his attorney.

(e) The court shall appoint an examiner or examiners in accordance with provisions of section 7, subdivision 3.

(f) If the court finds by clear and convincing evidence that (1) the person continues to be mentally ill and dangerous to the public; (2) involuntary hospitalization is necessary for the protection of the patient or others; and (3) there is no less restrictive alternative to involuntary commitment, the court shall commit the person for an indeterminate period to a treatment facility.

(g) Where the court finds that the patient qualifies for commitment as mentally ill, but not as mentally ill and dangerous to the public, the court may commit the person as a mentally ill person under section 15, subdivision 3, and the person shall thereafter be deemed, for the purposes of subdivisions 5 to 10 of this section, not to have been found to be dangerous to the public.

(h) Where commitment is ordered, the findings of fact and conclusions of law shall specifically state the conduct of the proposed patient which is the basis for the final determination, that the statutory criteria of section 2 continue to be met, and that less restrictive alternatives have been considered and rejected by the court. Reasons for rejecting each alternative shall be stated. A copy of the final order for commitment shall be forwarded to the head of the treatment facility."

Page 34, line 35, delete "Persons who have been" and insert "Any person"

Page 35, line 7, delete "In those instances" and insert "If the patient is also committed"

Page 35, line 8, delete "where a commitment also exists"

Page 35, line 11, delete "*are to*" and insert "*shall*"

Page 35, line 14, after the semicolon insert "*and*"

Page 35, delete lines 15 to 18

Reletter the subclause

Page 35, line 22, delete "*Persons who have been*" and insert "*Any person*"

Page 35, line 28, delete "*is capable of*" and insert "*will be provisionally discharged under such conditions that he will not create an unreasonable risk of harm to others.*"

Page 35, delete line 29

Page 35, line 30, delete "*are to*" and insert "*shall*"

Page 35, line 32, after the colon insert "*(i) whether the patient's course of hospitalization and present mental status indicate there is no longer a need for inpatient treatment and supervision; and (ii)*"

Page 35, line 32, after "*whether*" insert "*the*"

Page 35, line 32, delete "*are such as to*" and insert "*of the provisional discharge plan will*"

Page 35, line 33, delete "*to assist*" and insert "*will enable*"

Page 35, line 34, delete "*in adjusting*" and insert "*to adjust*"

Page 35, line 34, delete everything after "*community*" and insert a period

Page 35, delete lines 35 and 36

Page 36, delete line 1

Page 36, delete lines 18 to 36 and insert:

"(e) A provisional discharge under this section may be revoked if any of the following grounds exist:

(i) the patient has departed from the conditions of the provisional discharge plan;

(ii) the patient is exhibiting signs of a mental illness which may require in-hospital evaluation or treatment; or

(iii) *the patient is exhibiting behavior which may be dangerous to self or others.*

(f) *When the possibility of revocation becomes apparent, the designated agency shall notify the patient and all participants in the plan, and every effort shall be made to prevent revocation.*

(g) *Any interested person, including the designated agency, may request that the head of the facility revoke the patient's provisional discharge. Any person making such a request shall provide to the head of the facility a written report setting forth the specific facts, including witnesses, dates and locations, supporting a revocation, demonstrating that every effort has been made to avoid revocation.*

(h) *Revocation shall be commenced by a notice of intent to revoke provisional discharge, which shall be served upon the patient, his attorney, and the designated agency. The notice shall set forth the grounds upon which the intention to revoke is based, and shall inform the patient of his rights under this chapter.*

(i) *If the head of the facility determines that an emergency exists, he may, prior to receiving a written recommendation to revoke, order that the patient be immediately returned to the treatment facility. The patient must be informed of his rights under this chapter immediately upon his return to the facility. In such cases, a notice of intent to revoke provisional discharge and the written report described in clause (g) of the subdivision shall be served upon the patient, his attorney and the designated agency within 72 hours after the patient is returned to the treatment facility, exclusive of Saturdays, Sundays and holidays.*

(j) *Any interested person, including the patient, may request review of the intended revocation by notifying the head of the facility within 14 days of service of the notice upon the patient. Upon receipt of such a request, the head of the facility shall immediately file with the commissioner a petition for review of the notice of intent to revoke. The commissioner shall convene the special review board which shall hold a hearing on the petition. The hearing shall be held within 14 days of the filing of the petition. The special review board shall review the circumstances leading to the revocation and shall recommend to the commissioner whether or not the revocation shall be upheld. The special review board may also recommend a new provisional discharge at the time of a revocation hearing.*

(k) *If neither the patient nor others requests a review hearing within the time specified in clause (j) of this subdivision, the revocation shall become final and the head of the facility may order the patient returned to the facility.*

(1) With the consent of the head of the treatment facility, a patient may voluntarily return from provisional discharge for a period of up to 30 days and be released from the treatment facility without a further review by the special review board provided that all the terms and conditions of the provisional discharge order remain unchanged."

Page 37, delete lines 1 to 36

Page 38, delete lines 1 and 2

Page 38, delete lines 11 to 16

Page 39, line 30, delete everything after the period

Page 39, delete line 31

Page 39, line 32, delete "*special review board.*"

Page 40, line 6, delete "*department of public welfare*" and insert "*commissioner*"

Page 42, line 13, delete "*released,*"

Page 42, line 28, after "*the*" insert "*discharge,*"

Page 42, line 28, before "*partial*" insert "*or*"

Page 42, line 29, delete "*, or release*"

Page 42, line 33, delete everything after the period

Page 42, delete lines 34 to 36

Page 43, delete lines 1 to 3

Page 43, line 5, before "*partial*" insert "*or*"

Page 43, line 5, after "*hospitalization*" delete "*, or*"

Page 43, line 6, delete "*release*"

Amend the title as follows:

Page 1, line 2, delete "*hospitalization and*"

Page 1, line 5, delete "*hospitalization*" and insert "*admissions*"

Page 1, line 6, delete "*hospitalization*" and insert "*admissions*"

Page 1, line 8, delete "hospitalized" and insert "admitted"

Page 1, line 12, delete "final"

Page 1, line 13, delete "within 60 days" and insert "and review"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1547, A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

Reported the same back with the following amendments:

Page 2, after line 34, insert:

"Sec. 2. Minnesota Statutes 1980, Section 340.119, is amended by adding a subdivision to read:

Subd. 10. Notwithstanding any other provision of law, the governing body of any city may issue a one-day intoxicating liquor consumption and display permit to any non-profit organization in conjunction with a social activity occurring within the city and sponsored by the organization. Not more than two such licenses shall be issued to any organization in any city in any year. The fee for the license shall not exceed \$25. The permit shall allow the consumption or display of intoxicating liquor and the serving of liquids for the purpose of mixing with intoxicating liquor, but shall not allow the sale of intoxicating liquor. The permit shall be valid only for the day indicated on it. No permit issued pursuant to this subdivision shall be valid unless first approved by the commissioner of public safety."

Renumber the section

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1980, Section 340.119, by adding a subdivision; and"

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

The report was adopted.

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

H. F. No. 1558, A bill for an act relating to unemployment compensation; altering provisions with respect to the 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; 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 269.09, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 14, insert sections to read:

"Section 1. Minnesota Statutes 1980, Section 268.04, Subdivision 25, is amended to read:

Subd. 25. "Wages" means all remuneration for services, including commissions and bonuses, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(1) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds (\$7,000) \$9,000 during the calendar year of (1977) 1982, (\$7,500) \$10,000 during the calendar year of (1978 AND \$8,000 DURING THE CALENDAR YEAR OF 1979) 1983 and all subsequent calendar years, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer

which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (a) retirement or (b) sickness or accident disability or (c) medical and hospitalization expenses in connection with sickness or accident disability, or (d) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (a) of the tax imposed upon an employee under section 3101 of the federal internal revenue code, or (b) of any payment required from an employee under a state unemployment compensation law;

(4) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (a) from or to a trust described in section 401(a) of the federal internal revenue code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (b) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal internal revenue code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal internal revenue code.

Sec. 2. Minnesota Statutes 1980, Section 268.04, Subdivision 29, is amended to read:

Subd. 29. "Credit week" with respect to any claim for benefits which establishes a benefit year subsequent to July 2, 1977, is any week for which wages have been paid and wages are due and payable but not paid of (\$50) \$75 or more by or from one or more employers to an employee for insured work."

Page 1, after line 27, insert:

"Sec. 4. Minnesota Statutes 1980, Section 268.06, Subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] Notwithstanding the provisions of subdivision 2, each employer, subsequent to December 31, (1971) 1982, who becomes subject to this law, shall pay contributions at a rate (, NOT EXCEEDING TWO AND SEVEN-TENTHS PERCENT,) that is the higher of (a) one percent (AND) or (b) the (STATE'S THREE-YEAR BENEFIT COST) *average rate for the 36 consecutive month period immediately preceding July 1 of (EACH) the preceding year for that employer's industry, as determined by the commissioner, provided that 36 months shall become 48 months for 1983, 60 months for 1984, and 72 months for 1985 and years thereafter.* (FOR PURPOSES OF THIS SUBDIVISION, THE STATE'S THREE-YEAR BENEFIT COST RATE SHALL BE COMPUTED ANNUALLY AND SHALL BE DERIVED BY DIVIDING THE TOTAL DOLLAR AMOUNT OF BENEFITS PAID TO CLAIMANTS UNDER THIS LAW DURING THE 36 CONSECUTIVE CALENDAR MONTHS IMMEDIATELY PRECEDING JULY 1 OF EACH YEAR BY THE TOTAL DOLLAR AMOUNT OF WAGES SUBJECT TO CONTRIBUTIONS UNDER THIS LAW DURING THE SAME PERIOD. THE RATE SO DETERMINED SHALL BE APPLICABLE FOR THE CALENDAR YEAR NEXT SUCCEEDING EACH COMPUTATION DATE.) *For the purposes of this subdivision "industry" shall mean (1) agriculture, forestry and fishing, (2) mining, (3) construction, (4) manufacturing, (5) transportation and public utilities, (6) trade, (7) finance, insurance and real estate, (8) services, or (9) public administration.*

Sec. 5. Minnesota Statutes 1980, Section 268.06, Subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF EACH EMPLOYER'S EXPERIENCE RATIO.] The commissioner shall, for the calendar year (1966) 1982, and for each calendar year thereafter, compute an experience ratio for each employer whose account has been chargeable with benefits during the 36 consecutive calendar months immediately preceding July 1 of the preceding calendar year, *provided that 36 months shall become 48 months for 1983, 60 months for 1984, and 72 months for 1985 and years thereafter*; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 36 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1 of the preceding calendar year. Such experience ratio shall be the quotient obtained by dividing $1\frac{1}{4}$ times the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 36, 48, 60, or 72 consecutive calendar months *period provided above* ending on June 30 of the preceding calendar year, by his total taxable payroll for the same period on which all contributions due have been paid to the department of economic security on or

before July 31 of the preceding calendar year. Such experience ratio shall be computed to the nearest one-tenth of a percent.

Sec. 6. Minnesota Statutes 1980, Section 268.06, Subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio, except that if the ratio for the current calendar year exceeds *or falls short of* the experience ratio for the preceding calendar year by more than (ONE AND ONE-HALF) *three* percentage points, the increase *or decrease, respectively*, for the current year shall be limited to (ONE AND ONE-HALF) *three* percentage points. The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than (\$80,000,000) *\$40,000,000* on (JUNE 30) *December 31* of the preceding calendar year; or nine-tenths of one percent if the fund is more than (\$80,000,000) *\$40,000,000* but less than (\$90,000,000) *\$45,000,000*; or eight-tenths of one percent if the fund is more than (\$90,000,000) *\$45,000,000* but less than (\$110,000,000) *\$55,000,000*; or seven-tenths of one percent if the fund is more than (\$110,000,000) *\$55,000,000* but less than (\$130,000,000) *\$65,000,000*; or six-tenths of one percent if the fund is more than (\$130,000,000) *\$65,000,000* but less than (\$150,000,000) *\$75,000,000*; or five-tenths of one percent if the fund is more than (\$150,000,000) *\$75,000,000* but less than (\$170,000,000) *\$85,000,000*; or three-tenths of one percent if the fund is more than (\$170,000,000) *\$85,000,000* but less than (\$200,000,000) *\$100,000,000*; or one-tenth of one percent if the fund is (\$200,000,000) *\$100,000,000* or more; provided that no employer shall have a contribution rate of more than (7.5) *nine* percent.

For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. No employer first assigned an experience ratio in accordance with subdivision 6, shall have his contribution rate increased *or decreased* by more than (ONE AND ONE-HALF) *three* percentage points over the contribution rate assigned for the preceding calendar year in accordance with subdivision 3a.

Sec. 7. Minnesota Statutes 1980, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 15, or more, credit weeks, and (\$750) *\$1,125* or more in wage credits, within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual, computed to the nearest whole dollar, subject to a maximum of 62 percent of the average weekly wage paid to individuals by employers subject to the provisions of sections 268.03 to 268.24 as to claims for benefits which establish a benefit year subsequent to June 30, 1977 and prior to July 1, 1978. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to June 30, 1978 and prior to July 1, 1979 shall be 64 percent of said average weekly wage. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be 66 $\frac{2}{3}$ percent of said average weekly wage.

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1975.

Sec. 8. Minnesota Statutes 1980, Section 268.07, is amended by adding a subdivision to read:

Subd. 4a. [ADDITIONAL BENEFITS.] During periods of high unemployment, additional benefits shall be payable under the following conditions:

(1) [DEFINITIONS.] As used in this subdivision, unless the context clearly requires otherwise:

(a) "Additional benefit period" means a period which

(i) begins with the third week after any week for which the rate of insured unemployment as determined by section 268.071, subdivision 1, clause (4), equaled or exceeded 120 percent of the average of such rates for the corresponding 13 week period ending in each of the preceding two calendar years, and equaled or exceeded four percent;

(ii) ends the third week after any week for which the rate of insured unemployment as determined by section 268.071 is less than four percent provided that no additional benefit period may begin before the 13th week following the end of any prior additional benefit period.

(b) "Extended benefits" means benefits payable under the provisions of section 268.071.

(c) "Eligibility period" for an individual means the period consisting of the weeks in his benefit year which begins in an additional benefit period and if his benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(d) "Exhaustee" means an individual who with respect to any week of employment in his eligibility period:

(i) has received prior to such week all of the regular benefits that were available to him in his current benefit year; or

(ii) his benefit year having expired prior to such week, has no or insufficient wages to establish a new benefit year that would include such week; and

(iii) has no right to benefits under any other state law, the unemployment compensation law of Canada, the Railroad Unemployment Insurance Act or the Trade Act of 1974.

(e) "Regular benefits" means benefits payable to an individual under this law or any other state law including benefits pursuant to 5 U.S.C., Chapter 85.

(f) "State law" means the unemployment insurance law of any state.

(2) [EFFECT OF STATE LAW.] *Except where the result would be inconsistent with other provisions of this act, the provisions of this chapter which apply to claims for regular benefits shall apply to claims for and the payment of additional benefits.*

(3) [ELIGIBILITY REQUIREMENTS FOR ADDITIONAL BENEFITS.]

An individual shall be eligible to receive additional benefits with respect to any week in his eligibility period only if the commissioner finds with respect to such week:

(a) *he is an exhaustee; and*

(b) *he has satisfied the requirements of this law for receipt of regular benefits including not being subject to a disqualification from the receipt of benefits; and*

(c) *he is not in an extended benefit eligibility period as defined by section 268.071.*

(4) [WEEKLY ADDITIONAL BENEFIT AMOUNT.] *The weekly additional benefit amount payable to an individual for a week of total unemployment shall equal the weekly benefit amount payable to him during his benefit year.*

(5) [TOTAL ADDITIONAL BENEFIT AMOUNT.] *The total additional benefit amount payable to any individual with respect to his applicable benefit year shall be 25 percent of the total amount of regular benefits which were payable to him in his benefit year reduced by the amount of any extended benefits paid as a result of such applicable benefit year.*

(6) [BENEFITS CHARGED.] *Additional benefits paid to an individual shall be charged against the account of his employer unless expressly removed by other provisions of this chapter."*

Page 6, line 8, after "year" insert "reduced by the amount of any additional benefits paid as a result of such benefit year"

Page 10, line 22, delete "1" and insert "3"

Page 10, line 23, delete "2 and 5" and insert "9 and 12"

Page 10, line 24, delete "2" and insert "9"

Page 10, line 26, delete "3" and insert "10"

Page 10, line 27, delete "4" and insert "11"

Page 10, line 28, delete "6" and insert "13"

Page 10, line 29, delete "7" and insert "14"

Page 10, line 30, delete "8 and 9" and insert "15 and 16"

Page 10, line 30, after the period insert "*Sections 1, 4, 5 and 6 are effective retroactive to January 1, 1982. Sections 1, 7 and 8 are effective the day after final enactment.*"

Renumber the sections

Amend the title as follows:

Page 1, line 9, after the semicolon insert:

"modifying employer contribution provisions; providing maximums and minimums; altering tax rates; increasing wage requirements for credit weeks; creating an additional benefit program in times of high unemployment;"

Page 1, line 9, after "sections" insert "268.04, Subdivisions 25 and 29;"

Page 1, line 10, after "6;" insert "268.06, Subdivisions 3a, 6, and 8; 268.07, Subdivision 2, and by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1625, A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1980, Section 353.30, Subdivisions 1 and 1a; Minnesota Statutes 1981 Supplement, Section 353.30, Subdivision 1c; repealing Minnesota Statutes 1980, Section 353.30, Subdivision 1b.

Reported the same back with the following amendments:

Page 2, line 2, delete "85" and insert "90"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1646, A bill for an act relating to retirement; Buhl school district; altering the effective date of retirement for the payment of the post-retirement increase; requiring payment of necessary reserves.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1663, A bill for an act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 140.34; 140.35; 140.36; 140.37; 140.38; 140.39; 140.40; 140.44; 140.45; and 140.46; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

Reported the same back with the following amendments:

Page 2, line 31, after "county," insert "or such person as he or she may select,"

Page 4, after line 32, insert:

"Provided further that in all other counties where services cannot be provided by the Minnesota state law library, the board of trustees shall have authority to contract with regional library systems for services."

Page 5, line 25, after "district." insert "All law library fees shall be published in the state register."

Page 8, after line 2, insert a new section to read:

"Sec. 17. Minnesota Statutes 1980, Section 480.09, Subdivision 5, is amended to read:

Subd. 5. All moneys collected shall be paid into the state treasury and shall be added to the current *biennial* appropriation for the library."

Renumber the section

Page 8, after line 10, insert a new section to read:

"Sec. 19. [EFFECTIVE DATE.]

Section 17 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "and"

Page 1, line 6, after "140.46;" insert "and 480.09, Subdivision 5;"

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1685, A bill for an act relating to the military; providing for the administration of oaths and acknowledgments by a member of the armed forces of the United States; amending Minnesota Statutes 1980, Sections 192.205, by adding a subdivision; and 358.32.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1687, A bill for an act relating to crimes; defining "complainant" for purposes of criminal sexual misconduct offenses; amending Minnesota Statutes 1980, Section 609.341, Subdivision 13.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1700, A bill for an act relating to the military; prohibiting entry to Camp Ripley without authorization of the adjutant general; imposing a penalty; amending Minnesota Statutes 1980, Sections 609.60 and 609.605.

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

The report was adopted.

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

H. F. No. 1701, A bill for an act relating to the city of Hibbing; authorizing increases in certain firefighters service pensions and survivor benefits; amending Laws 1977, Chapter 169, Section 1 and Laws 1971, Chapter 614, Section 1, Subdivision 2.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1725, A bill for an act relating to the military; increasing the minimum pay for enlisted personnel called into active service; amending Minnesota Statutes 1980, Section 192.51, Subdivision 2.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1768, A bill for an act relating to historic sites; adding the Consumers Pure Ice and Storage Company Building in St. Cloud to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.58, 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.

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

H. F. No. 1779, A bill for an act relating to environment; abolishing the water planning board; transferring certain duties of

the water planning board to the environmental quality board and the department of energy, planning and development; providing for board membership and staff; providing for the appointment of a chairman; amending Minnesota Statutes 1980, Sections 116C.03, Subdivision 2a, and by adding subdivisions; 116C.04, by adding a subdivision; 362.12, by adding a subdivision; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 105.401; 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

Reported the same back with the following amendments:

Page 3, line 5, delete "*department*" and insert "*board*"

Page 3, line 29, delete "*except for the position of the*"

Page 3, line 30, delete "*chairperson,*" and "*division of planning,*"

Page 3, delete line 31 and insert "*board.*"

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

The report was adopted.

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

H. F. No. 1784, A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1981 Supplement, Sections 256D.03, Subdivision 4; and 256D.05, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 1791, A bill for an act relating to the city of Minneapolis; permitting the city to change the name of the housing and redevelopment authority; permitting the transfer of certain employees to employment of the housing and redevelopment authority; establishing terms for transfer of the employees; permitting certain employees to purchase service credit from the

Minneapolis employees retirement fund; amending Laws 1980, Chapter 595, Section 2, Subdivision 1 and Section 3, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, after line 24, insert:

"Authority to make a lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1983."

Page 5, after line 20, insert:

"Sec. 3. Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended by Laws 1973, Chapter 132, Section 1; Laws 1974, Chapter 105, Section 1; Laws 1978, Chapter 652, Section 1; and Laws 1980, Chapter 448, Section 1, is amended to read:

Section 1. [MINNEAPOLIS, CITY OF; PERSONNEL.] Subdivision 1. Notwithstanding any provisions of the Minneapolis city charter, veterans preference act, or civil service rule, law, or regulation to the contrary, the positions referred to in subdivisions 2 to (8) 18 of this section shall be in the unclassified service of the city of Minneapolis, and any person presently holding or who shall hereafter be appointed to any of such positions shall serve at the pleasure of the appointing authority indicated in the respective subdivision. Except as herein otherwise provided such persons shall be eligible for the same employee benefits as persons in the classified service.

Sec. 4. Laws 1969, Chapter 937, Section 1, is amended by adding subdivisions to read:

Subd. 9. The city coordinator of the city of Minneapolis may appoint a person to the following positions to perform the duties and services he may direct:

- (a) *purchasing agent;*
- (b) *management information services director;*
- (c) *director of labor relations;*
- (d) *director of affirmative action;*
- (e) *manager of auditorium;*
- (f) *director of federal programs;*
- (g) *legislative liaison;*

- (h) director of energy programs;
- (i) manager of licenses and consumer services; and
- (j) manager, finance—city council

Subd. 10. The city assessor of the city of Minneapolis may appoint a director of assessments to perform the duties and services he may direct.

Subd. 11. The city clerk of the city of Minneapolis may appoint an assistant city clerk to perform the duties and services he may direct.

Subd. 12. The civil service commission of the city of Minneapolis may appoint a civil service personnel director to perform the duties and services they may direct.

Subd. 13. The director, emergency communications, of the city of Minneapolis may appoint an assistant director, emergency communications to perform the duties and services he may direct.

Subd. 14. The city engineer of the city of Minneapolis may appoint nine public works division heads to perform the duties and services he may direct.

Subd. 15. The comptroller/treasurer of the city of Minneapolis may appoint an assistant comptroller/treasurer to perform the duties and services he may direct.

Subd. 16. The health commissioner of the city of Minneapolis may appoint seven bureau directors to perform the duties and services he may direct.

Subd. 17. The board of estimate and taxation of the city of Minneapolis may appoint an executive secretary, board of estimate and taxation to perform the duties and services they may direct.

Subd. 18. By majority vote, the city council of the city of Minneapolis may appoint a person to the following positions to perform the duties and services they may direct:

(a) Chief engineer of the fire department, and this subdivision shall only apply to a chief engineer appointed pursuant to this subdivision.

(b) Executive secretary, capital long range improvement committee."

Page 5, line 21, delete "3" and insert "5"

Page 5, line 24, after the period insert "Sections 1 and 2 of"

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing for positions in the unclassified service;"

Page 1, line 11, after "subdivision" insert "and Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1795, A bill for an act relating to the city of Minneapolis; changing limitations on housing programs in two Minneapolis development districts; amending Laws 1971, Chapter 677.

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. 1799, A bill for an act relating to health; providing for evaluation of certain changes in certificate of need review; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 145.833, Subdivision 5; and 145.835, Subdivisions 3 and 4; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Section 62D.22, Subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.]

The legislature finds that Minnesota has had certificate of need review since 1971 and that there is a need to evaluate the requirements of this law, the effect of the law on the current health care delivery system, and the effect of repeal of the law

on the cost and quality of health care in Minnesota. The legislature further finds that the public may benefit from certain changes in the health care system but that supporting documentation, data, and information are lacking. It is the intent of the legislature that the Minnesota certificate of need act not be repealed prior to full consideration of the effects of such an action on the issue of cost for health care services. Alternative cost containment measures should be in place and documentation available that those measures will benefit the public interest and encourage the benefits of a price-competitive health care system for the citizens of Minnesota.

Sec. 2. [144.705] [COLLECTION, ANALYSIS AND DISSEMINATION OF DIAGNOSTIC AND PRICE INFORMATION.]

Subdivision 1. [HOSPITAL REPORTS.] *The commissioner of health may periodically establish a list of illnesses, injuries and medical conditions which is representative of the diagnoses for which the citizens of the state are hospitalized. The establishment of this list shall not be subject to the provisions of sections 15.0412 to 15.0417. The commissioner may add to or delete from this list. For each of these illnesses, injuries and medical conditions, every hospital shall, within 90 days of the close of its fiscal year, report to the commissioner the following information for that fiscal year:*

(a) *the number of patients discharged;*

(b) *the shortest and longest lengths of patient stay in the hospital, the mean length of stay, and the respective lengths of stay at the 25th, 50th and 75th percentiles of the total range of lengths of stay;*

(c) *the lowest and highest prices for hospital services, the mean price, and the respective prices at the 25th, 50th and 75th percentiles of the total range of prices;*

(d) *a separation of the mean price into mean component prices for routine room and board, special care unit room and board, nursery services, delivery room use, operating room use, anesthesia services, pharmacy services, laboratory services, radiology services, supplies and other services; and*

(e) *any additional information influencing prices that is specified in rules promulgated by the commissioner pursuant to this section.*

Subd. 2. [HEALTH PROVIDER REPORTS.] *For each health profession regulated by the health-related licensing boards as defined in section 214.01, subdivision 2, or by the commissioner of health pursuant to section 214.13, the commissioner of health shall periodically establish a list of procedures and*

services which are representative of the diagnoses and conditions for which citizens of the state seek treatment. The establishment of this list shall not be subject to the provisions of section 15.0412 to 15.0417. For each of these procedures and services, every regulated health care provider shall post in a public area the established prices or provide a notice of the availability of the established prices of the procedures or services.

Subd. 3. [SOURCE OF INFORMATION.] The information described in subdivisions 1 and 2 may be directly compiled and submitted to the commissioner by the hospital or regulated health care provider, or in the interests of efficiency and at the hospital's or provider's option, the information may be submitted through any entity which collects or compiles all or portions of the information for several hospitals or providers. When information is furnished through such an entity, the commissioner shall pay the entity a reasonable fee for the costs of organizing and providing the information in the form called for by this section. In both cases, the information shall be provided in such a manner as to adequately differentiate among patient characteristics which may influence the consumption of resources during treatment, such as:

- (a) the presence of secondary diagnoses;
- (b) medical complications;
- (c) the need for surgery;
- (d) the age of patients; or
- (e) any additional patient characteristics which affect the consumption of resources during treatment and which are specified in rules promulgated by the commissioner pursuant to this section.

If the information described in subdivision 1 is submitted to the commissioner after having been adjusted to reflect the factors specified in clauses (a) to (e) of this subdivision, the hospital or entity furnishing this adjusted information shall simultaneously furnish both the methodology by which the adjustments have been made and the information described in subdivision 1 in its form prior to the adjustments.

Subd. 4. [SAMPLES.] The commissioner may, in the interests of efficiency, permit a hospital to submit the information described in subdivisions 1 and 2 in the form of statistically valid samples of the patients discharged from the hospital during the fiscal year.

Subd. 5. [FOSTERING PRICE COMPETITION.] The commissioner shall analyze the information provided under this section and shall disseminate the information and analyses so

as to foster the development of price competition among hospitals and regulated health care providers. Prior to dissemination of any hospital-specific information, the commissioner shall give the hospital opportunity for review and comment.

Subd. 6. [RULES.] The commissioner may promulgate such rules pursuant to chapter 15 as are necessary to implement the provisions of this section.

Sec. 3. Minnesota Statutes 1980, Section 145.833, Subdivision 5, is amended to read:

Subd. 5. "Construction or modification" means:

(a) Any erection, building, alteration, reconstruction, modernization, improvement, extension, lease or other acquisition, or any purchase, lease or other acquisition of diagnostic or therapeutic equipment, by or on behalf of a health care facility which:

(1) Requires, or would require if purchased, a total capital expenditure, *under generally accepted accounting principles*, in excess of (\$150,000 AND WHICH, UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, IS NOT PROPERLY CHARGEABLE AS AN EXPENSE OF OPERATION AND MAINTENANCE) \$600,000; or

(2) Changes the bed capacity of a health care facility in a manner which increases the total number of beds, or distributes beds among various categories, or relocates beds from one physical facility or site to another, by more than ten beds or more than ten percent of the licensed bed capacity, whichever is less, over a two year period;

(b) (ANY EXPANSION OR EXTENSION OF THE SCOPE OR TYPE OF EXISTING HEALTH SERVICES RENDERED BY A HEALTH CARE FACILITY IF EXPANSIONS OR EXTENSIONS OF THE SCOPE OR TYPE OF EXISTING HEALTH SERVICES REQUIRES A CAPITAL EXPENDITURE IN EXCESS OF \$50,000 DURING ANY CONTINUOUS 12 MONTH PERIOD FOR THAT SERVICE;)

((C)) The establishment of a new health care facility or any predevelopment activity by or on behalf of a health care facility which may result in a proposal reviewable according to sections 145.832 to 145.845;

((D)) (c) Any establishment of a new institutional health service, excluding home health services, by a health care facility which is to be offered in or through a health care facility and which was not offered on a regular basis in or through that facility within the 12 month period prior to the time when that service is intended to be offered; (AND)

((E)) (d) The purchase, lease or other acquisition of diagnostic or therapeutic equipment by a licensed medical doctor, a group of licensed medical doctors, or a professional corporation of licensed medical doctors organized pursuant to chapter 319A, which requires, or would require if purchased, a capital expenditure in excess of (\$150,000) \$400,000 for any one item of equipment and is determined by the state commissioner of health to be designed to circumvent the provisions of sections 145.832 to 145.845; and

(e) The purchase, lease or other acquisition of diagnostic or therapeutic equipment by, or on behalf of, a health care facility which requires, or would require if purchased, a total capital expenditure in excess of \$400,000 for any one item of equipment.

Sec. 4. Minnesota Statutes 1980, Section 145.835, Subdivision 3, is amended to read:

Subd. 3. [PHYSICIANS; NOTICE OF ACQUISITION OF EQUIPMENT.] A licensed medical doctor, a group of licensed medical doctors, or a professional corporation of licensed medical doctors organized pursuant to chapter 319A, proposing to purchase, lease or otherwise acquire one or more items of diagnostic or therapeutic equipment which require a capital expenditure in excess of (\$150,000) \$400,000 shall, prior to purchasing or acquiring the equipment, notify the health systems agency and the commissioner of health of the proposed acquisition or purchase.

The commissioner of health shall within 60 days of receipt of the notice determine whether or not the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.832 to 145.845. A hearing shall be held if requested by the applicant or the health systems agency. The commissioner of health shall notify the applicant and the health systems agency in writing of its determination. If the commissioner of health determines that the proposed acquisition or purchase is not designed to circumvent the provisions of sections 145.832 to 145.845, no certificate of need shall be required of the applicant. If the commissioner of health determines that the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.832 to 145.845, the applicant must obtain a certificate of need.

Sec. 5. Minnesota Statutes 1980, Section 145.835, Subdivision 4, is amended to read:

Subd. 4. [WAIVERS.] A proposed construction or modification may be granted a waiver from the requirements of section 145.834 by the commissioner of health if, based on the recommendation of the health systems agency, the commissioner determines that:

(a) The proposed capital expenditure is less than three percent of the annual operating budget of the facility applying for a waiver (, AND THE EXPENDITURE IS REQUIRED SOLELY TO MEET MANDATORY FEDERAL OR STATE REQUIREMENTS OF LAW); (OR)

(b) The construction or modification is not related to direct patient care services, such as parking lots, sprinkler systems, heating or air conditioning equipment, fire doors, food service equipment, building maintenance, or other constructions or modifications of a like nature;

(c) *The construction or modification is exclusively for ambulatory care services; or*

(d) *The construction or modification is for an experimental or demonstration project.*

The commissioner of health, after consultation with the state planning agency and the health systems agencies, may by rule provide for the granting of waivers under other situations the commissioner of health deems appropriate and not inconsistent with sections 145.832 to 145.845 and 42 U.S.C., Section 300k, et seq.

Proposed criteria for waivers in clauses (c) and (d) of this section shall be published in the state register by June 1, 1982 and the public shall be given an opportunity to review and comment on the proposed criteria prior to implementation. The criteria are not subject to the requirements of sections 15.0412 to 15.0417. The criteria shall be published in the state register and implemented by August 15, 1982.

The request for a waiver shall be submitted by the applicant to the health systems agency at the same time the applicant submits a notice of intent to the health systems agency pursuant to subdivision 1. Within 30 days of the request, the health systems agency shall submit its recommendation on the issue of the waiver to the commissioner of health, but the recommendation shall not be binding on the commissioner of health. The commissioner of health shall notify the applicant and the health systems agency of the decision to grant or deny the waiver within 30 days of receipt of the recommendation from the health systems agency.

Sec. 6. [MONITORING THE EFFECTS; TRANSITIONAL PERIOD.]

Subdivision 1. [DEVELOPMENT OF PERFORMANCE INDICATORS.] The commissioner of health shall consult with the commissioner of energy, planning and development and the commissioner of public welfare and other interested persons

to define industry economic performance indicators to be used to monitor the effect of the amendments to the certificate of need act on the costs of health care.

Subd. 2. [PUBLIC REVIEW AND COMMENT.] By August 15, 1982, the commissioner of health shall publish in the state register proposed industry economic performance indicators to be used to monitor the effect of sections 3 to 5 on the health care system. These indicators shall not be subject to the requirements of sections 15.0412 to 15.0417 but the public shall be given the opportunity to review and comment on the indicators prior to their implementation. Final industry economic performance indicators shall be published in the state register and implemented by October 15, 1982.

Subd. 3. [MONITOR; REPORT.] The commissioner shall monitor the economic performance of the industry and shall provide the legislature with a report concerning the preliminary effects, especially the financial impact, on the health care system created by sections 3 to 5.

Subd. 4. [FACILITY REPORTS.] All health care facilities which commence construction or modification projects not now reviewable pursuant to sections 3 to 5, but which would have been reviewed prior to implementation of this section, shall submit to the commissioner of health at the time of project commencement the following information:

(a) an estimate of capital expenditures associated with the construction or modification; and

(b) an estimate of expenses and revenues projected to be associated with the construction or modification for a period of five years after initial operation of the project involved.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 250.05, Subdivision 4, is amended to read:

Subd. 4. The Gillette hospital board, acting through its board of directors, may contract with the governing body and the owners of the Ramsey county hospital and of any other hospital or institution, for the joint maintenance and operation of the Gillette children's hospital in conjunction with existing or contemplated facilities at the Ramsey county hospital. Contracts may include agreements for the joint employment and utilization of personnel, the joint purchase of supplies and equipment, and joint construction, acquisition, or leasing of space for offices, outpatient facilities, operating rooms, and other medical facilities for use in training in the care and treatment of crippled and handicapped children, the operation of a brace shop, and the conduct of patient education programs. No contract shall however, provide for the expenditure of funds

for additional patient bed capacity. (THE GILLETTE HOSPITAL BOARD SHALL BE SUBJECT TO THE CERTIFICATE OF NEED ACT PROVIDED IN SECTIONS 145.832 TO 145.845. IN ANY CASE WHEREIN A CERTIFICATE OF NEED IS REQUIRED, THE GILLETTE HOSPITAL BOARD SHALL, AT THE TIME OF APPLICATION, NOTIFY THE HOUSE COMMITTEE ON APPROPRIATIONS AND THE SENATE FINANCE COMMITTEE, WHOSE OPINION SHALL BE ADVISORY ONLY.)

Sec. 8. Minnesota Statutes 1981 Supplement, Section 447.45, Subdivision 1, is amended to read:

Subdivision 1. Any county, city, or hospital district, except cities of the first class and counties in which are located any cities of the first class, is authorized, in addition to and not in substitution for any other power granted to it by law, to issue revenue bonds by resolution or resolutions of its governing body to finance the acquisition and betterment of hospital, nursing home and related medical facilities, or any of them, including but without limitation the payment of interest during construction and for a reasonable period thereafter and the establishment of reserves for bond payment and for working capital, and, in connection with the acquisition of any existing hospital or nursing home facilities, to retire outstanding indebtedness incurred to finance the construction of the existing facilities. (THE AUTHORITY GRANTED BY THIS SECTION SHALL NOT APPLY TO ANY FACILITY TO WHICH SECTIONS 145.832 TO 145.845 APPLY, UNLESS A CERTIFICATE OF NEED HAS BEEN ISSUED.)

Sec. 9. Minnesota Statutes 1981 Supplement, Section 474.03, is amended to read:

474.03 [POWERS.]

Any municipality or redevelopment agency, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

(1) Acquire, construct, and hold any lands, buildings, easements, water and air rights, improvements to lands and buildings, and capital equipment to be located permanently or used exclusively on a designated site and solid waste disposal and pollution control equipment, and alternative energy equipment and inventory, regardless of where located, which are deemed necessary in connection with a project to be situated within the state, whether wholly or partially within or without the municipality or redevelopment agency, and construct, reconstruct, improve, better, and extend such project;

(2) Issue revenue bonds, in anticipation of the collection of revenues of such project, to finance, in whole or in part, the cost

of the acquisition, construction, reconstruction, improvement, betterment, or extension thereof and, in the case of an alternative energy project, in addition to the other powers granted by this chapter, to finance the acquisition and leasing or sale of equipment and products to others;

(3) Issue revenue bonds to pay, purchase or discharge all or any part of the outstanding indebtedness of a contracting party engaged primarily in the operation of one or more non-profit hospitals or nursing homes, theretofore incurred in the acquisition or betterment of its existing hospital or nursing home facilities, including, to the extent deemed necessary by the governing body of the municipality or redevelopment agency, any unpaid interest on such indebtedness accrued or to accrue to the date on which such indebtedness is finally paid; and any premium the governing body of the municipality or redevelopment agency determines to be necessary to be paid to pay, purchase or defease such outstanding indebtedness; if revenue bonds are issued for this purpose, the refinancing and the existing properties of the contracting party shall be deemed to constitute a project under section 474.02, subdivision 1c. Industrial revenue bonds shall only be available under this provision if the commissioner of securities and real estate has been shown that a reduction in debt service charges to patients and third party payors will occur. All reductions in debt service charges pursuant to this program shall be passed on to patients and third party payors. These industrial revenue bonds may not be used for any purpose not consistent with the provisions of (SECTIONS 145.832 TO 145.845 OR) chapter 256B;

Nothing in this subdivision is intended to prohibit the use of revenue bond proceeds to pay outstanding indebtedness of a contracting party to the extent now permitted by law;

(4) Enter into a revenue agreement with any person, firm, or public or private corporation or federal or state governmental subdivision or agency in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all bonds issued hereunder when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement, during which term a tax shall be imposed and collected pursuant to the provisions of section 272.01, subdivision 2, for the privilege of using and possessing the project, in the same amount and to the same extent as though the contracting party

were the owner of all real and personal property comprising the project;

(5) Pledge and assign to the holders of such bonds or a trustee therefor all or any part of the revenues of one or more projects and define and segregate such revenues or provide for the payment thereof to a trustee, whether or not such trustee is in possession of the project under a mortgage or otherwise;

(6) Mortgage or otherwise encumber such projects in favor of the municipality or redevelopment agency, the holders of such bonds, or a trustee therefor, provided that in creating any such mortgages or encumbrances a municipality or redevelopment agency shall not have the power to obligate itself except with respect to the project;

(7) Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of its bonds; including, but without limitation, a contract entered into prior to the construction of the project authorizing the contracting party, subject to such terms and conditions as the municipality or redevelopment agency shall find necessary or desirable and proper, to provide for the construction, acquisition, and installation of the buildings, improvements, and equipment to be included in the project by any means available to the contracting party and in the manner determined by the contracting party and without advertisement for bids as may be required for the construction or acquisition of other municipal facilities;

(8) Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities, and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, purchase, mortgaging or other acquisition, and the financing of a project, and the maintenance thereof, including an agreement whereby one municipality issues its revenue bonds in behalf of one or more other municipalities pursuant to revenue agreements with the same or different contracting parties, which contracts and agreements may establish a board, commission, or such other body as may be deemed proper for the supervision and general management of the facilities of the project; provided, no municipality or redevelopment agency shall enter into or perform any contract or agreement with any school district under which the municipality or redevelopment agency issues its revenue bonds or otherwise provides for the construction of school facilities and the school leases or otherwise acquires these facilities;

(9) Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, purchase, or other provision of any project, and

enter into agreements with such agency respecting such loans or grants;

(10) Sell and convey all properties acquired in connection with such projects, including without limitation the sale and conveyance thereof subject to such mortgage as herein provided, and the sale and conveyance thereof under an option granted to the lessee of the project, for such price, and at such time as the governing body of the municipality or redevelopment agency may determine, provided, however, that no sale or conveyance of such properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this chapter;

(11) Issue revenue bonds to refund, in whole or in part, bonds previously issued by such municipality or redevelopment agency under authority of this chapter;

(12) If so provided in the revenue agreement, terminate the agreement and re-enter or repossess the project upon the default of the contracting party, and operate, lease, or sell the project in such manner as may be authorized or required by the provisions of the revenue agreement or of the resolution or indenture securing the bonds issued for the project; any revenue agreement which includes provision for a conveyance of real estate to the contracting party may be terminated in accordance with the revenue agreement, notwithstanding that such revenue agreement may constitute an equitable mortgage provided that no municipality or redevelopment agency shall have power otherwise to operate any project referred to in this chapter as a business or in any manner whatsoever, and nothing herein authorizes any municipality or redevelopment agency to expend any funds on any project herein described, other than the revenues of such projects, or the proceeds of revenue bonds and notes issued hereunder, or other funds granted to the municipality or redevelopment agency for the purposes herein contemplated, except as may be otherwise permitted by law and except to enforce any right or remedy under any revenue agreement or related agreement for the benefit of the bondholders or for the protection of any security given in connection with a revenue agreement, provided that the public cost of redevelopment of land paid by a city or its redevelopment agency shall not be deemed part of the cost of any project situated on such land;

(13) Invest or deposit, or authorize a trustee to invest or deposit, any money on hand in funds or accounts established in connection with a project or payment of bonds issued therefor, to the extent they are not presently needed for the purposes for which such funds or accounts were created, in accordance with section 471.56, as amended; and

(14) Waive or require the furnishing of a contractors payment and performance bond of the kind described in section 574.-

26 and if such bond shall be required, then the provisions of chapter 514 relating to liens for labor and materials, shall not be applicable in respect of any work done or labor or materials supplied for the project, and if such bond be waived then the said provisions of chapter 514 shall apply in respect of work done or labor or materials supplied for the project.

Sec. 10. [REGIONAL HEALTH PLANNING REPORT.]

The commissioner of energy, planning and development shall address the discontinuance of health systems agencies due to the elimination of federal funds and prepare recommendations to the legislature by January 2, 1983 concerning alternative organizational arrangements and funding sources which could maintain statewide or statewide and regional participation in a state health planning system.

Sec. 11. [REPEALER.]

Minnesota Statutes 1980, Sections 145.832; 145.833; 145.835, as amended by Laws 1981, Chapter 356, Section 172; 145.836, as amended by Laws 1981, Chapter 356, Section 173; 145.837, as amended by Laws 1981, Chapter 356, Section 174; 145.838, as amended by Laws 1981, First Special Session, Chapter 4, Article I, Section 80; 145.839; 145.84; 145.841; 145.842; 145.843; 145.844; Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845, are repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 1, 3 to 6 and 10 are effective the day following enactment. Section 2 shall become effective for a specified provider group 60 days after the commissioner of health certifies to the health and welfare committees of the house and senate that the voluntary efforts by the provider group to promote price competition and to implement the reporting requirements of section 2 have not made satisfactory progress. This certification shall take the form of a written report delivered to the chairmen of the house and senate committees by January 2, 1983. Notice of the date of the delivery shall be published in the state register. Sections 7 to 9 and 11 are effective March 15, 1984."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "requiring certain price information to be reported and disseminated;"

Page 1, line 7, delete "and"

Page 1, line 8, after the semi-colon insert "Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivi-

sion 1; and 474.03; proposing new law coded in Minnesota Statutes, Chapter 144;”

Page 1, line 10, after “Subdivision 6” insert “; 145.834; and 145.845”

Page 1, line 10, delete “Section” and insert “Sections”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1812, A bill for an act relating to state historic sites; the Old Federal Courts building; amending Minnesota Statutes 1980, Section 138.56, Subdivision 7.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1830, A bill for an act relating to securities; removing the exemption from filing fees for an agent who is a primary officer, partner, or director of a licensed broker-dealer; amending Minnesota Statutes 1981 Supplement, Section 80A.28, Subdivision 2.

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

The report was adopted.

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

H. F. No. 1832, A bill for an act relating to the operation of state government; authorizing the legislative auditor to approve contracts for auditing state agencies; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.972; and 462A.22, Subdivision 10.

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. 1840, A bill for an act relating to public welfare; allowing payment of claims for medical assistance to be made against homestead property which is part of an estate; amending Minnesota Statutes 1980, Sections 510.05; 524.3-805; and Minnesota Statutes 1981 Supplement, Section 525.145.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 1852, A bill for an act relating to waters; making the water well contractors and exploratory borers advisory council permanent; amending Minnesota Statutes 1980, Section 156A.06, Subdivision 1.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1863, A bill for an act relating to credit unions; providing for approval of amendments to certificates of organization and bylaws; authorizing the board of directors to appoint a credit committee or a credit manager; prescribing the powers of a credit committee and credit manager; amending Minnesota Statutes 1980, Sections 52.02; 52.08; 52.09, Subdivision 2; and 52.10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 52.02, is amended to read:

52.02 [BYLAWS AND AMENDMENTS, APPROVAL.]

Subdivision 1. [AMENDMENTS BY MEMBERS.] To amend the certificate of organization or bylaws, proposed amendments shall be set forth as follows:

((A)) (1) if balloting by mail has not been authorized by the board of directors, then the proposed amendments shall be set forth in the notice of the meeting; or

((B)) (2) if balloting by mail has been authorized by the board of directors as either the exclusive means of voting or in conjunction with voting in person, the proposed amendments shall be set forth in a notice mailed to all members eligible to vote at least ten days prior to the close of balloting by mail. Any amendments to the certificate of organization or bylaws shall be approved by two-thirds vote of the members actually voting, (PROVIDED) if the members actually voting constitute a quorum.

Subd. 2. [BYLAW AMENDMENTS BY DIRECTORS.] The members may, pursuant to subdivision 1, provide for the bylaws to be amended by the board of directors. If the bylaws permit amendment by the directors, any amendments shall be approved by a two-thirds vote of the total number of directors authorized. The board of directors shall not adopt, amend, or repeal a bylaw fixing a quorum for meetings of members, prescribing procedures for removing directors or filling vacancies in the board, or fixing the number of directors or their classifications, qualifications, or terms of office, but may adopt or amend a bylaw to increase the number of directors. If three percent or more of all members propose a resolution for action by the members to adopt, amend, or repeal bylaws adopted, amended, or repealed by the board and the resolution sets forth the provisions proposed for adoption, amendment, or repeal, the resolution shall be submitted to the members for a vote as provided in subdivision 1.

Subd. 3. [APPROVAL.] (ANY AND ALL) Amendments to the certificate of organization or bylaws must be approved by the commissioner of banks before they become operative. The commissioner shall not unreasonably withhold (SUCH) approval if (SUCH) the amendments do not violate any provision of this chapter or other state law. In any event, the commissioner shall approve or disapprove the proposed amendment within (90) 60 days of the date the proposed amendment is submitted to (HIM) the commissioner by the credit union. In case of disapproval the credit union shall have the right to appeal to a court of competent jurisdiction within the time limits (AS) stated in (CLAUSE (5) OF) section 52.01, clause (5). In case (THE) any amendment to the certificate of organization is adopted, the resolution, containing a full text (THERE-OF) of the amendment and verified by its president and treasurer and approved by the commissioner of banks, shall be recorded in the office of the county recorder in the county in which the credit union is located. If the amendment proposes to change the place of business from one county to another, it shall be recorded in the office of the county recorder of the county of the place of business immediately prior to the amendment and a

certified copy of the original certificate of organization and all amendments (THERETO) *to it* shall be recorded in the office of the county recorder in the county in which the credit union desires to do business.

Sec. 2. Minnesota Statutes 1980, Section 52.08, is amended to read:

52.08 [ANNUAL MEETING.]

At the annual meeting ((THE ORGANIZATION MEETING SHALL BE THE FIRST ANNUAL MEETING)) the credit union shall elect a board of directors of not less than five members, (A CREDIT COMMITTEE OF NOT LESS THAN THREE MEMBERS, AND) a supervisory committee of *three members, and may elect a credit committee of not less than three members,* all to hold office for (SUCH) *the* terms (, RESPECTIVELY, AS) *provided in* the bylaws (PROVIDE) and until successors qualify. Some or all of (SUCH) *the* terms of office may be staggered, as *provided in* the bylaws (PROVIDE). A record of the names and addresses of the members of the board and committees and the officers shall be filed with the commissioner of banks within ten days of their election. No full time manager of a credit union shall be a director of (SUCH) a credit union operating under this chapter.

The organization meeting shall be the first annual meeting.

Sec. 3. Minnesota Statutes 1980, Section 52.09, Subdivision 2, is amended to read:

Subd. 2. [PARTICULAR DUTIES.] It shall be the duty of the directors to have general management of the affairs of the credit union, particularly:

(1) to act on applications for membership (, PROVIDED THAT). This power may be delegated to a membership chairman who (SHALL SERVE) *serves* at the pleasure of the board of directors and is subject to its rules (, HOWEVER SUCH). *The* application shall contain a certification signed by the membership chairman or a member of the board showing the basis of membership;

(2) to determine interest rates on loans and on deposits. The interest period on deposits may be on a daily, monthly, quarterly, semi-annual or annual basis, and may be paid on all deposits whether or not (SAID) *the* deposits have been withdrawn during the interest period. Interest may be computed on a daily basis. At the discretion of the board of directors interest may not be paid on deposit accounts of less than \$10;

(3) to fix the amount of the surety bond which shall be required of all officers and employees handling money;

(4) to declare dividends, and to transmit to the members, recommended amendments to the bylaws;

(5) to fill vacancies in the board and in the credit committee until successors are chosen and qualify at the next annual meeting;

(6) to limit the number of shares and deposits which may be owned by a member, not to exceed (10) *ten* percent of the outstanding shares and deposits, or \$2,000, whichever is larger, and the maximum individual loan which can be made with and without security, including liability indirectly as a co-maker, guarantor, or endorser to (10) *ten* percent of outstanding shares and deposits (; PROVIDED, HOWEVER, THAT). The (10) *ten* percent share and deposit limitation shall not be applicable to the Minnesota Central Credit Union, or to credit unions insured by the National Credit Union Administration;

(7) to have charge of investments (OTHER THAN) *including* loans to members, *unless a credit committee is established pursuant to section 52.08 or clause (13)*;

(8) to fix the salaries of the treasurer and other employees, which shall be on a fixed monthly or annual basis, in dollars (not percentage);

(9) to designate the bank or banks in which the funds of the credit union shall be deposited;

(10) to authorize the officers of the credit union to borrow money from any source, as provided in section 52.15;

(11) with the permission of the commissioner of banks to suspend any member (OR MEMBERS) of the credit committee or supervisory committee if it deems (SUCH) *this* action to be necessary to the proper conduct of the credit union, and to call the members together to act on the suspension within a reasonable time after the suspension. The members at the meeting may, by majority vote of those present, sustain the suspension and remove the committee members permanently or may reinstate the committee members; (AND)

(12) to provide financial assistance to the supervisory committee in carrying out its audit responsibilities; *and*

(13) *if the bylaws so provide and no credit committee has been elected pursuant to section 52.08, to appoint a credit manager or a credit committee of not less than three members.*

Sec. 4. Minnesota Statutes 1980, Section 52.09, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS, BYLAWS; COMPENSATION.] The duties of the officers shall be as determined in the bylaws, except that the treasurer may be the general manager. No member of the board (OR OF EITHER), *the supervisory committee or an elected credit committee* shall receive a salary as such, but may be compensated for time actually spent in his official duties at an hourly rate as determined by the annual meeting of members.

Sec. 5. Minnesota Statutes 1980, Section 52.10, is amended to read:

52.10 [CREDIT COMMITTEE; *CREDIT MANAGER*; POWERS.]

Subdivision 1. [AUTHORITY OF CREDIT COMMITTEE.] The credit committee shall have the general supervision of all loans to members as provided herein. Applications for loans shall be on a form prepared by the credit committee, shall set forth the purpose for which the loan is desired, the security, if any, offered and such other data as may be required. Within the meaning of this section, an assignment of shares or deposits or the endorsement of a note may be deemed security. Except where the credit committee approves the extension of a self-replenishing line of credit pursuant to section 52.16, subdivision 2, at least a majority of the members of the credit committee shall pass on all loans and approval must be in writing and by unanimous vote of the members present. The credit committee shall meet as often as may be necessary after due notice to each member (THEREOF) *of the committee*. (PROVIDED, HOWEVER,) In the case of any credit union having total assets in excess of \$10,000, the board of directors may authorize the credit committee to appoint one or more loan officers. Loan officers, subject to the supervision of the committee, may be delegated authority by the credit committee (,) to act on all or some applications for loans and to approve them, reporting thereon to the credit committee at their next meeting or within 15 days. The credit committee and the board of directors, meeting jointly and acting collectively as a whole, shall have the general supervision of all loans to a member who is a director, officer, or a member of the credit or supervisory committee whenever the application exceeds the amount of the member's holdings in shares and deposits. Application for these loans shall be in similar form as may be required to be furnished to the credit committee for a loan in the case of any other member. At least a majority of the members of the credit committee and of the board of directors at a joint meeting and acting collectively as a whole, shall pass on all such loans in the absence of the applicant, and the approval of the loan must be in writing and by unanimous vote of all members present. The credit committee and the board of directors shall meet for this purpose as often as may be necessary after due notice to each member (THEREOF) *of the board and credit committee*.

Subd. 2. [AUTHORITY OF CREDIT MANAGER.] If a credit manager is appointed, the board shall have the powers and responsibilities described in subdivision 1 for a credit committee. The board may delegate in writing any or all of these powers and responsibilities to a credit manager.

Sec. 6. Minnesota Statutes 1980, Section 52.135, is amended to read:

52.135 [INDIVIDUAL RETIREMENT ACCOUNTS.]

A credit union, upon approval of the commissioner of banks of an application in the prescribed form filed with him together with a filing fee of \$100, may act as trustee or custodian within the contemplation of the federal self-employed individuals tax retirement act of 1962, as amended and may act as trustee or custodian within the contemplation of the federal employee retirement income security act of 1974, as amended, to establish an individual retirement account. The funds shall be invested only in savings, or time deposits, except that this restriction shall not prevent a credit union from accepting and retaining, as a deposit, property or investments derived from any qualified plan from which the applicant desires to transfer the property.

Funds held in the fiduciary capacity may be commingled for purposes of investment or for other purposes approved by the commissioner of banks, but individual records shall be maintained by the fiduciary for each participant and show in detail all transactions engaged in under authority of this section. In passing upon applications the commissioner shall take into consideration all pertinent facts that relate to a credit union's financial responsibility and may grant or refuse the application accordingly.

Notwithstanding the provisions of sections 52.04, subdivision 1, clause (1), and 52.05, a credit union may receive payment as deposits to establish an individual retirement account for the spouse of a blood or adoptive relative of a regularly qualified member if the blood or adoptive relative is a member of the credit union."

Delete the title and insert:

"A bill for an act relating to credit unions; providing for approval of amendments to certificates of organization and bylaws; authorizing the board of directors to appoint a credit committee or a credit manager; prescribing the powers of a credit committee and credit manager; allowing certain non-members to establish individual retirement accounts; amending Minnesota Statutes 1980, Sections 52.02; 52.08; 52.09, Subdivisions 2 and 3; 52.10; and 52.135."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1902, A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

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

The report was adopted.

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

H. F. No. 1909, A bill for an act relating to the legislature; repealing the reduction in membership of the council on the economic status of women; amending Minnesota Statutes 1981 Supplement, Section 3.9222, Subdivision 2, as amended; repealing Laws 1981, Third Special Session Chapter 2, Article I, Section 8.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1920, A bill for an act relating to economic development; excepting motor carriers from the definition of "business license;" amending Minnesota Statutes 1981 Supplement, Section 362.452, Subdivision 2a.

Reported the same back with the recommendation that 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. 1941, A bill for an act relating to agriculture; setting a standard of proof and procedures for decision and appeal for claims of damage to livestock by endangered species; amending Minnesota Statutes 1980, Section 3.737, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1946, A bill for an act relating to administrative procedures; providing for notice of temporary rulemaking; amending Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 1948, A bill for an act relating to retirement; Richfield firefighters relief association; eliminating various obsolete special law provisions; validating certain prior payments or actions; amending Extra Session Laws 1961, Chapter 28, Section 14; repealing Extra Session Laws 1961, Chapter 28, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; and Laws 1963, Chapter 464.

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

The report was adopted.

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

H. F. No. 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.

Reported the same back with the following amendments:

Page 8, line 33, delete "*twice*" and insert "*by January 1 and July 1 of*"

Page 9, after line 2, insert:

"Sec. 12. Minnesota Statutes 1981 Supplement, Section 43A.-05, Subdivision 4, is amended to read:

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

Page 9, line 14, delete the comma

Page 11, line 3, after "*agencies;*" insert "*the state board of investment;*"

Page 11, line 22, after "*head*" insert "*, or the employing constitutional officer*"

Page 27, after line 24, insert:

Sec. 37. Minnesota Statutes 1981 Supplement, Section 43A.-41, Subdivision 4, is amended to read:

Subd. 4 [SHARED POSITION.] "Shared position" means a (CLASSIFIED) position which has been converted from a full-time position into part-time positions of equivalent class for purposes of sections 43A.40 to 43A.46."

Pages 34 and 35, delete section 51

Page 35, delete section 52

Pages 38 and 39, delete section 55

Page 39, after line 26, insert:

"Sec. 58. Minnesota Statutes 1981 Supplement, Section 352D.02, Subdivision 1, is amended to read:

Subdivision 1. The following employees, *if they are* in the unclassified service of the state (WHO) *and* are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless (SUCH) *an* employee gives notice to the executive director of the state retirement system within one year following the commencement of (HIS) employment *in the unclassified service* that (HE) *the employee* desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file (SUCH) notice with the executive director shall be deemed to have exercised (HIS) *the* option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute *in the unclassified service*, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section (43.09) 43A.08, subdivision (2A) 1, *clause (c), or subdivision 1a*, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, (AND)

(7) The clerk of the Minnesota supreme court appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota, and

(8) *The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of public welfare.*

Sec. 59. Minnesota Statutes 1980, Section 352D.02, is amended by adding a subdivision to read:

Subd. 1a. Any person who on the day before the effective date of this section is a participant in the state unclassified employees retirement program, whose position is placed in the classified service pursuant to this act, may elect to maintain membership in the unclassified program as long as the person holds that position or a position in a higher class in the same agency. When an unclassified position which entitles a person to participate in the unclassified retirement program is placed in the classified service, the commissioner of employee relations shall send written notice to the incumbent of the position, and to the director of the Minnesota state retirement system. This notice shall state the incumbent's option under this subdivision. A person eligible to maintain membership in the unclassified plan shall notify the executive director of the state retirement system of the person's election to maintain membership in the unclassified plan within 60 days of the date on which the commissioner sends the notice stating that the position has been placed in the classified service. A person who does not file this notice shall be deemed to have waived the right to remain in the unclassified plan.

Sec. 60. Minnesota Statutes 1981 Supplement, Section 462A.-04, Subdivision 8, is amended to read:

Subd. 8. The agency shall be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 15.06.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of employee relations. All permanent employees of the agency, except the executive director, deputy

director, and (FIVE) additional positions (REPORTING DIRECTLY TO THE DIRECTOR) established pursuant to section 43A.08, subdivision 1a are in the classified civil service. Notwithstanding section 16A.752 or any other provision of law to the contrary, any approved complement established by law for the agency shall not be reduced as a result of vacancies in approved positions. (THE FIVE ADDITIONAL UNCLASSIFIED POSITIONS PERMITTED BY THIS SUBDIVISION SHALL ONLY BE FILLED IN THE MANNER AND PURSUANT TO THE PROCEDURES AND CONDITIONS SPECIFIED IN SECTION 43.09, SUBDIVISION 2A; PROVIDED, THAT) No additional deputy commissioner positions may be created."

Page 41, lines 33 and 35, delete "14" and insert "15"

Page 42, after line 3, insert:

"Subd. 3. Any person who on the day prior to the effective date of sections 13 and 14 is the incumbent of a position in the classified service which pursuant to section 13 or 14 is placed or is subject to being placed in the unclassified service may elect to continue to serve in the classified service so long as the person remains in that position.

Subd. 4. The commissioner of employee relations, shall, within 30 days of the date on which the position is placed in the unclassified service pursuant to section 13 or 14, notify the incumbent of the position of his or her rights under subdivision 3. Any person who elects to remain in the classified service shall notify the commissioner in writing of this election within 60 days after the commissioner's notice is sent. A person who fails to file this notice shall be deemed to have waived any rights under subdivision 3 to remain in the classified service.

Subd. 5. An employee who, on the effective date of this section, is on authorized leave of absence from a classified assistant agency head position, shall have the right to return to the position, and to continue to serve in the classified service so long as the employee remains in the position. An employee who elects to continue in the classified service shall notify the commissioner of employee relations of this choice within 60 days of the employee's return to the position from the leave of absence."

Page 42, line 6, delete "190.081; and 190.095;"

Page 42, after line 7, insert:

"Sec. 66. [EFFECTIVE DATE.]

Section 10 is effective the day following final enactment. The remaining sections are effective June 30, 1982."

Renumber the sections

Amend the title as follows :

Page 1, line 12, delete "241.64, Subdivision 3; 241.65;"

Page 1, line 13, delete "268.14, Subdivision 6;"

Page 1, line 14, after "Subdivision 2;" insert "352D.02, by adding a subdivision;"

Page 1, line 17, after "subdivision;" insert "43A.05, Subdivision 4;"

Page 1, line 24, after "43A.39;" insert "43A.41, Subdivision 4;"

Page 1, line 25, after "1;" insert "352D.02, Subdivision 1; and 462A.04, Subdivision 8;"

Page 1, line 30, delete "190.081; and"

Page 1, line 31, delete "190.095;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred :

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.

Reported the same back with the following amendments :

Page 1, line 7, delete "368.01" and insert "340.11"

Page 1, line 9, delete "*Subd. 31*" and insert "*Subd. 10b*"

Page 1, line 9, delete "[LIQUOR LICENSES.]" and insert "[OFF-SALE LICENSES; TOWNS.]"

Page 1, line 9, after "*board*" and insert "*of any town exercising powers pursuant to section 368.01*"

Page 1, line 10, delete "*liquor*"

Page 1, line 10, delete "*liquors*" and insert "*liquor*"

Amend the title as follows :

Page 1, line 4, delete "368.01" and insert "340.11"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

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.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

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.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4b, is amended to read:

Subd. 4b. Notwithstanding any other provision of this chapter including section (47.201) ~~47.203~~, with respect to any conventional loan pursuant to which the mortgagee or lender shall receive any share of future appreciation of the mortgaged property, the following limitations shall apply:

(1) The share of future appreciation of the mortgaged property which the lender or mortgagee may receive shall be limited to the proportionate amount produced by dividing the lesser of the acquisition cost or fair market value of the mortgaged property at the time the conventional loan is made into the original principal amount of the conventional loan; provided that in no event shall the annual rate of return obtained by the lender or mortgagee over the term of the conventional loan exceed the maximum lawful interest rate prescribed in subdivision 4a.

(2) The lender or mortgagee shall not receive any share of future appreciation of the mortgaged property except upon (a) sale or transfer of the mortgaged property or any interest therein, whether by lease, deed, contract for deed or otherwise, whether for consideration or by gift or in the event of death, or otherwise, and whether voluntarily, involuntarily, or by operation of law, provided that if the mortgagor or mortgagors own the mortgaged property as co-tenants, the transfer of the mortgaged property or any interest therein from one of such co-tenants to another co-tenant, whether by reason of death or otherwise, shall not be considered a sale or transfer, and a taking by eminent domain shall not be considered a sale or transfer unless it is a total taking for which payment is made for the full value of the mortgaged property, and a casualty loss shall not be considered a sale or transfer unless the proceeds of any insurance claim made in connection with such casualty loss are applied to prepay the principal of the conventional loan; or (b) upon the stated maturity of the loan, if the loan is made pursuant to or in connection with a specific housing program undertaken by a city, housing and rehabilitation authority, port authority, or other political subdivision or agency of the state.

(3) Before the loan is made, the lender shall disclose to the mortgagor or mortgagors the terms and conditions upon which the lender or mortgagee shall receive any share of future appreciation of the mortgaged property.

Section 47.20, Subdivision 6a shall not be construed to prohibit the lender or mortgagee from declaring the entire debt of a conventional loan subject to this subdivision due and payable upon a sale or transfer of the mortgaged property or any interest therein, as provided in clause (2).

The commissioner may from time to time make, amend and rescind rules, forms and orders necessary to carry out the provisions of this subdivision. The provisions of this subdivision shall not apply to loans made pursuant to the program authorized by Laws 1981, Chapter 97."

Renumber the section

Page 1, after line 18, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "permitting certain shared appreciation mortgages; providing that the mortgage becomes due and payable upon its sale or transfer;"

Page 1, line 5, after "subdivision" insert "; and Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4b"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 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.

Reported the same back with the following amendments:

Page 2, lines 22 to 25, strike the old language and delete the new

Page 5, lines 6 to 9, strike the old language and delete the new

Page 7, after line 24 insert:

"Sec. 5. Minnesota Statutes 1980, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the state court administrator has been consulted in advance and his approval obtained. Any salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the state court administrator.

Salary or Range

	Effective July 1, (1979) 1981	Effective July 1, (1980) 1982
Public defender	(\$37,500) \$42,700	(\$40,000) \$45,600
District administrator	(27,000-37,500) 30,400-42,700	(28,500-40,000) 32,500-45,600
County attorneys council executive director	(22,000-32,000) 25,100-36,300	(23,500-34,000) 26,800-38,800
Board on judicial standards executive director	(36,000) 40,600	(38,000) 43,400
State court administrator ...	(44,500) 50,200	(47,000) 53,600

Sec. 6. Minnesota Statutes 1981 Supplement, Section 15A.-083, Subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of judges of the workers' compensation court of appeals shall be (90 PERCENT OF) *equal to* the salary for district judges as provided in subdivision 1. Salaries of compensation judges shall be 75 percent of the salary of district court judges as provided in subdivision 1.

Sec. 7. Minnesota Statutes 1980, Section 179.66, Subdivision 7, is amended to read:

Subd. 7. The employer shall not meet and negotiate or meet and confer with any employee or group of employees who are at the time designated as a member or part of an appropriate employee unit except through the exclusive representative if one is certified for that unit or as provided for in section 179.69, subdivision 1, *provided that this subdivision shall not be deemed to prevent the communication to the employer, other than through the exclusive representative, of advice or recommenda-*

tions by professional employees, when such communication is a part of the employee's work assignment.

Sec. 8. Minnesota Statutes 1980, Section 179.72, Subdivision 7, is amended to read:

Subd. 7. The arbitration panel or arbitrator selected by the parties shall resolve the issues in dispute between the parties as submitted by the board, and the panel's decision and order shall be final and binding upon the parties. *The panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.* Provided, however, that no decision of the panel which violates any provision of the laws of Minnesota or rules or regulations promulgated thereunder or municipal charters or ordinances or resolutions enacted pursuant thereto, or which causes a penalty to be incurred thereunder, shall have any force or effect. In considering a dispute and issuing its order the panel shall give due consideration to the statutory rights and obligations of public employers to efficiently manage and conduct its operations within the legal limitations surrounding the financing of such operations. The panel's orders shall be issued by a majority vote of its members considering a given dispute. The panel shall have no jurisdiction over nor authority to entertain any matter or issue not within the definition stated in section 179.63, subdivision 18; provided, however, items not within terms and conditions of employment may be included in an arbitration decision if such items are contained in the employer's final position. Any issue or order or part thereof issued by the panel determining any matter not included under section 179.63, subdivision 18 or the employer's final position shall be void and of no effect. The panel shall render its decision within ten days from the date that all arbitration proceedings have been concluded, but in any event must issue its order by the last date the employer is required by statute, charter, ordinance or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for such period as the panel shall direct, except that orders determining contracts for teacher units shall be effective to the end of the contract period as determined by section 179.70, subdivision 1."

Page 10, lines 8 to 29, delete Section 6 and insert a section to read:

"Sec. 10. Laws 1979, Chapter 332, Article I, Section 116, as amended by Laws 1980, Chapter 617, Section 44, is amended to read:

Sec. 116. [EFFECTIVE DATE.]

The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. The provisions of section 63 shall expire on July 1, (1981) 1982, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1981-1983 biennium. The provisions of section 64 shall expire on July 1, (1981) 1982, but shall apply to all arbitration proceedings which are to determine contractual provisions for the next contract period. The provisions of sections 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111."

Page 13, after line 6, insert a section to read :

"Sec. 13. [CANCELLATION OF APPROPRIATION REDUCTION.]

Notwithstanding Laws 1981, Third Special Session Chapter 2, Article I, Section 2, Subdivision 1, clause (bb), there shall be a -0- reduction in the 1983 appropriation for Mediation Services."

Page 13, after line 9, insert a section to read :

"Sec. 15. [REPEALER.]

Minnesota Statutes 1980, Section 179.72, Subdivisions 7a and 7b are repealed."

Page 13, line 11, after the period insert "*Section 15 is effective July 1, 1982."*

Page 13, line 11, delete "9" and insert "14"

Renumber the sections

Amend the title as follows :

Page 1, line 4, after the semi-colon, insert "providing increases in statutory salaries for certain officers; clarifying meet and confer status for professional employees; providing final offer arbitration for all arbitrated public employee impasses under PELRA; cancelling an appropriation reduction;"

Page 1, line 6, delete "and 2" and insert ", 2, and 4; 179.66, Subdivision 7; 179.72, Subdivision 7"

Page 1, after line 7, insert "15A.083, Subdivision 7; Laws 1979, Chapter 332, Article I, Section 116, as amended;"

Page 1, line 8, after "Sections" insert "179.72, Subdivisions 7a and 7b;"

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

The report was adopted.

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

H. F. No. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 43A.01, is amended by adding a subdivision to read:

Subd. 3. [EQUITABLE COMPENSATION RELATIONSHIPS.] It is the policy of this state to establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees in the executive branch. Compensation relationships are equitable within the meaning of this subdivision when the primary consideration in negotiating, establishing, recommending, and approving total compensation is comparability of the value of the work in relationship to other positions in the executive branch.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 6a. [BALANCED CLASS.] "Balanced class" means any class in which no more than 80 percent of the incumbents are male and no more than 70 percent of the incumbents are female.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 14a. [COMPARABILITY OF THE VALUE OF THE WORK.] "Comparability of the value of the work" means the

value of the work measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of the work.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 22a. [FEMALE-DOMINATED CLASS.] "Female-dominated class" means any class in which more than 70 percent of the incumbents are female.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 43A.02, is amended by adding a subdivision to read:

Subd. 27a. [MALE-DOMINATED CLASS.] "Male-dominated class" means any class in which more than 80 percent of the incumbents are male.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 43A.05, is amended by adding a subdivision to read:

Subd. 5. [COMPARABILITY ADJUSTMENTS.] The commissioner shall compile and submit to the legislative commission on employee relations by January 1 of each odd-numbered year a list showing, by bargaining unit, and by plan for executive branch employees covered by a plan established pursuant to section 43A.18, those female-dominated classes and those male-dominated classes in state civil service for which a compensation inequity exists based on comparability of the value of the work. The commissioner shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for classes on the list. The commission shall review and approve, disapprove, or modify, the list and proposed appropriation. The commission's action shall be submitted to the full legislature in the same manner as provided in section 3.855 and section 43A.18 or section 179.74, subdivision 5. The commission shall allocate the proposed appropriation among the bargaining units and among the plans established under 43A.18. Each bargaining unit and each plan shall be allocated that proportion of the total proposed appropriation which equals the number of positions in the unit or plan approved by the commission for comparability adjustments divided by the total number of positions on the list approved by the commission for comparability adjustments. Distribution of funds within each bargaining unit or plan shall be determined by collective bargaining agreements or by plans.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 43A.18, Subdivision 8, is amended to read:

Subd. 8. [COMPENSATION RELATIONSHIPS OF POSITIONS.] In preparing management negotiating positions for

compensation which is established pursuant to subdivision 1, and in establishing, recommending and approving total compensation for any position within the plans covered in subdivisions 2, 3 and 4, the commissioner shall assure that:

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

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

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

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

(e) Compensations bear reasonable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable (KNOWLEDGE, ABILITIES, DUTIES, RESPONSIBILITIES AND ACCOUNTABILITIES) skill, effort, responsibility, and working conditions is comparable and if compensation for positions which require differing (KNOWLEDGE, ABILITIES, DUTIES, RESPONSIBILITIES AND ACCOUNTABILITIES) skill, effort, responsibility, and working conditions is proportional to the (KNOWLEDGE, ABILITIES, DUTIES AND RESPONSIBILITIES) skill, effort, responsibility, and working conditions required.

Sec. 8. [137.34] [COMPARABLE PAY.]

Subdivision 1. [POLICY.] It is the policy of this state to establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees at the University of Minnesota. Compensation relationships are equitable within the meaning of this subdivision when the primary consideration in negotiating, establishing, recommending, and approving total compensation is comparability of the value of the work in relationship to other positions at the University of Minnesota.

Subd. 2. [DEFINITIONS.] Unless the context clearly requires otherwise the terms used in this section shall have the meaning given them by section 43A.02.

Subd. 3. [COMPARABILITY ADJUSTMENTS.] The board of regents shall compile and submit to the legislative commission on employee relations by January 1 of each odd-numbered year, a list, by bargaining units, and by plan for unrepresented employees, showing those female-dominated classes and those male-

dominated classes at the University of Minnesota for which a compensation inequity exists based on comparability of the value of the work. The board of regents shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for those classes indicated on that list. The commission shall then review and approve, disapprove, or modify the list and proposed appropriation. This action shall be submitted to the full legislature in the same manner as provided in sections 3.855 and 179.74, subdivision 5. The commission shall allocate the proposed appropriation among the bargaining units and among the plans established by the regents. Each bargaining unit and each plan shall be allocated that proportion of the total proposed appropriation which equals the number of positions in the unit or plan on the list approved by the commissioner for comparability adjustments divided by the total number of positions on the list approved by the commission for comparability adjustments. Distribution of funds within each bargaining unit or plan shall be determined by collective bargaining agreements or by plans.

Sec. 9. [ALLOCATION.]

Subdivision 1. [STATE EMPLOYEES.] The amount approved by the legislative commission on employee relations pursuant to section 6, and approved by the full legislature, to make comparability adjustments shall be appropriated to the commissioner of finance from the various funds in the state treasury from which salaries are paid. The commissioner of finance, in consultation with the commissioner of employee relations, shall allocate these amounts to the proper accounts for distribution to incumbents of classes which have been approved for comparability adjustments.

Funds appropriated for purposes of comparability adjustments for state employees shall be distinct within the funds appropriated for salary supplements or other employee compensation. Funds not used for purposes of comparability adjustments shall revert to the appropriate fund.

Subd. 2. [UNIVERSITY EMPLOYEES.] The amount approved by the legislative commission on employee relations pursuant to section 8, and approved by the full legislature, to make comparability adjustments shall be appropriated from various funds in the state treasury from which salaries are paid. The commissioner of finance, in consultation with the board of regents, shall allocate these amounts to the proper accounts for distribution to incumbents of classes which have been approved for comparability adjustments.

Funds appropriated for purposes of comparability adjustments for University of Minnesota employees shall be distinct within the funds appropriated for salary supplements or other

employee compensation. Funds not used for purposes of comparability adjustments shall revert to the appropriate fund."

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

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.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 80E.03, Subdivision 8, is amended to read:

Subd. 8. [FRANCHISE.] "Franchise" means the *written* agreement or contract between any new motor vehicle manufacturer (, WRITTEN OR OTHERWISE,) and any new motor vehicle dealer which grants to the dealer the right to market motor vehicles and which purports to fix the legal rights and liabilities of the parties to the agreement or contract."

Page 2, line 5, after "campaigns" insert "*or perform warranty service*"

Page 2, line 15, after "reasonable" insert "*capital, credit, or*"

Page 2, line 29, after "manufacturer" insert "*, as limited in clause (g)*"

Page 3, line 15, after "The" insert "*manufacturer's liability as to rent shall in no event exceed a reasonable rent based upon the fair market value of the facilities. The*"

Page 3, line 33, after the second "dealer" insert "*, including transportation,*"

Page 3, line 33, after "all" insert "*new current model year motor vehicle inventory which has not been materially altered or substantially damaged, and all new motor vehicle inventory not of the current model year which has not been materially altered or substantially damaged; provided the non-current model year vehicles were acquired from the manufacturer within 120 days prior to the termination or cancellation. The manufacturer shall reimburse the dealer for*"

Page 3, line 34, delete "*new motor vehicles, including transportation and*"

Page 4, after line 3, insert:

"Sec. 4. Minnesota Statutes 1981 Supplement, Section 80E.09, Subdivision 2, is amended to read:

Subd. 2. [TIME IN WHICH PAYMENTS MUST BE MADE.] Fair and reasonable compensation shall be paid by the manufacturer when possible within 90 days of the effective date of termination or cancellation, *provided the dealer has clear title to the inventory and other items, is in a position to convey that title to the manufacturer and as long as this period will allow compliance with the notification requirements of sections 336.6-101 to 336.6-111 or any other state or federal laws relating to creditor notification.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 80E.09, Subdivision 3, is amended to read:

Subd. 3. [VOLUNTARY TERMINATIONS OR CANCELLATIONS.] For the purposes of reimbursement under this section, termination or cancellation includes a voluntary termination or cancellation by the dealer, *and the compensation provided for in section 80E.09, subdivision 1, except clauses (e) and (f) thereof, shall be paid to the dealer."*

Page 5, after line 3, insert:

"Sec. 8. Minnesota Statutes 1981 Supplement, Section 80E.11, Subdivision 2, is amended to read:

Subd. 2. [PERSONAL AND FINANCIAL DATA.] *As soon as possible after designating a family member pursuant to this section, the dealer shall inform the manufacturer, factory branch, distributor, or importer of the designation and, upon request, shall provide personal and financial data that is reasonably necessary to determine whether the succession should be*

honored. Failure to inform the manufacturer, factory branch, distributor or importer shall not affect the right of the designee to succeed to ownership of the dealership. At the time of serving notice under subdivision 1, the designated family member shall provide, upon the request of the manufacturer, distributor, factory branch, or importer, a current update of the personal and financial data (THAT IS REASONABLY NECESSARY TO DETERMINE WHETHER THE SUCCESSION SHOULD BE HONORED) described above.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 80E.11, Subdivision 6, is amended to read:

Subd. 6. [BURDEN OF PROOF.] In determining whether good cause for the refusal to honor the succession exists, the manufacturer, distributor, factory branch, or importer has the burden of proving that the successor is a person who is not of good moral character (AND) or does not meet the franchisor's existing and reasonable standards and, considering the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area."

Page 8, after line 7, insert:

"Sec. 12. [80E.18] [NO RETROACTIVE APPLICATION.]

The provisions of chapter 80E shall not apply to any action to terminate or cancel a motor vehicle franchise if the notice to terminate or cancel was given prior to May 1, 1981. Any such action to terminate or cancel shall be governed by the laws and regulations of the state of Minnesota in effect on the day notice to terminate or cancel was given.

Sec. 13. [LEGISLATIVE INTENT.]

The provisions of this act are a restatement and clarification of the legislative intent of chapter 80E and shall not be construed as a modification of existing law."

Page 8, line 9, delete "6" and insert "13"

Renumber the sections

Amend the title as follows:

Page 1, line 12, after "Sections" insert "80E.03, Subdivision 8;,"

Page 1, line 13, delete "Subdivision 1" and insert "Subdivisions 1, 2 and 3;,"

Page 1, line 14, delete "Subdivision 1" and insert "Subdivisions 1, 2 and 6"

Page 1, line 15, after "2" insert "; and proposing new law coded in Minnesota Statutes, Chapter 80E"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

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.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

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.

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. 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.

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. 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.

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

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

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.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2068, A bill for an act relating to intoxicating liquor; authorizing the city of International Falls to issue one short term on-sale liquor license.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2077, A bill for an act relating to insurance; increasing the percentage of the state comprehensive health plan premium that may be used to pay certain fees and expenses; amending Minnesota Statutes 1980, Section 62E.11, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 10, strike "87-1/2" and insert "85"

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

The report was adopted.

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

H. F. No. 2078, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to delegate certain powers; amending Minnesota Statutes 1980, Section 268.011, Subdivision 2.

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

The report was adopted.

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

H. F. No. 2079, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2134, A bill for an act relating to the city of Minneapolis; establishing uniformity in liquor licensing provisions applicable to nonprofit corporations within the city; amending Laws 1975, Chapter 305, Section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 340.11, Subdivision 11b, is amended to read:

Subd. 11b. [ON-SALE LICENSES TO CERTAIN NON-PROFIT CORPORATIONS.] “On-sale” licenses for the sale of intoxicating liquor may, in the discretion of the municipality, be issued in any city of the first class to any nonprofit corporation which was organized prior to January 1, 1972 to promote, stimulate, and support community education, appreciation and development of the theater and cultural arts through dramatic

performances and other means and which has operated a repertory theater in the city since at least January 1, 1972. Such licenses may be issued notwithstanding any limitations imposed by law, charter or ordinance relating to liquor patrol limits, zoning, or school or church distance limitations and such licenses shall be in excess of any limitations imposed by subdivision 6, or otherwise. All other laws, charter provisions, or ordinances relating to the licensing and regulation of on-sale liquor establishments, including the granting, renewal, suspension or revocation of licenses shall apply, *except that notwithstanding any other provision of law, the licenses shall authorize sales on all days of the week.* Any license issued pursuant to this subdivision shall authorize the sale of intoxicating liquor only to holders of tickets to dramatic performances presented by such nonprofit corporation and members of such nonprofit corporation and their guests.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to intoxicating liquor; providing that on-sale licenses issued to certain non-profit corporations shall authorize sales on all days of the week; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11b."

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

The report was adopted.

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

H. F. No. 2170, A bill for an act relating to state lands; authorizing sale and conveyance of a certain tract in order to correct a survey error.

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 2175, A bill for an act relating to Minnesota Statutes, correcting erroneous, ambiguous, omitted and obsolete references and text; etc.; amending Minnesota Statutes 1980, Sections 60C.02, Subdivision 1; etc.; Minnesota Statutes 1981

Supplement, Sections 11A.18, Subdivision 9; etc.; and Laws 1981, Chapter 224, Section 73; repealing Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b; Minnesota Statutes 1981 Supplement, Section 290.971, Subdivision 7; Laws 1980, Chapter 587, Article 1, Sections 31, 32, 33, 34, 35, 36, 37, 38 and 39; etc.

Reported the same back with the recommendation that 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. 1555, A bill for an act relating to education; extending the period for transferring money from operating to nonoperating funds; amending Minnesota Statutes 1980, Section 121.912, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE I

FOUNDATION AID

Section 1. Minnesota Statutes 1980, Section 121.904, Subdivision 4, is amended to read:

Subd. 4. (a) All current levies of local taxes, including portions assumed by the state, shall be recognized as receivable at the beginning of the calendar year during which collection normally takes place. *Except as provided in clause (b)*, such receivables shall be reserved for use in the subsequent fiscal year. (PAYMENTS OF CURRENT)

(b) *Of the estimated collection of taxes payable in the current year which are due prior to July 1, including March personal property tax payments and portions assumed by the state, the amount of the certified levy which is attributable to authorizations of levy revenue for the current fiscal year shall be recognized as revenue and available for expenditure in the current fiscal year. This clause shall apply only to levy authorizations governed by section 275.125, subdivision 1a as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 7.*

(c) *The remaining amount of the estimated collection of taxes payable in the current year which are due prior to July 1,*

including (BUT NOT LIMITED TO) March personal property tax settlements *and portions assumed by the state*, (RECEIVED PRIOR TO JULY 1,) shall be recorded as revenue to be earned as of July 1 with appropriate adjustments to the receivables and the reserves for such taxes. (ALL CURRENT TAXES RECEIVED PRIOR TO JULY 1) *This amount* plus the balance of the reserves shall be recognized as revenue on July 1.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 122.-531, Subdivision 6, is amended to read:

Subd. 6. [AID DEDUCTIONS.] (1) For purposes of determining deductions from basic foundation, grandfather, replacement, and discretionary aid pursuant to section 124.2128, subdivision 1, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, in the school year when the consolidation or dissolution and attachment becomes effective, (THERE SHALL BE USED IN LIEU OF THE RATIO OF THE DISTRICT'S ACTUAL LEVY TO ITS PERMITTED LEVY IN THE APPLICABLE YEAR, THE QUOTIENT OBTAINED BY DIVIDING) *the following quantities shall be used as specified:*

(a) *In lieu of the district's actual certified levy designated for use in that school year pursuant to section 1 of this article, there shall be used the amount actually certified by the district pursuant to the applicable subdivision for use in that school year plus the sum of the products derived for each component district by multiplying the amount of the component district's (ACTUAL) certified levy in the applicable year pursuant to the applicable subdivision which is attributable to the authorization of levy revenue for that school year, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district; (BY) and*

(b) *In lieu of the district's permitted levy for that school year, there shall be used the amount of the district's permitted levy which is attributable to the levy revenue authorization for that school year pursuant to the applicable subdivision, plus the sum of the products derived for each component district by multiplying the amount of component district's permitted levy in the applicable year pursuant to the applicable subdivision which is attributable to the levy revenue authorization for that school year, times the ratio of the amount of the adjusted assessed valuation of the property from the component district which is included in the new district to the total amount of the adjusted assessed valuation of the new district.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.-2121, Subdivision 2, is amended to read:

Subd. 2. [ADJUSTED ASSESSED VALUATION.] "Adjusted assessed valuation" or "EARC valuation" means the assessed valuation of the taxable property notwithstanding the provisions of section 275.49 of the school district as adjusted by the equalization aid review committee. The adjusted assessed valuation for any given calendar year shall be used to compute *authorized* levy (LIMITATIONS FOR LEVIES CERTIFIED IN THE SUCCEEDING CALENDAR YEAR) *revenue* and aid for the school year beginning in the second succeeding calendar year.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.2121, Subdivision 4, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 4, is amended to read:

Subd. 4. [EQUALIZING FACTOR.] "Equalizing factor" means a number equal to the minimum EARC valuation per actual and AFDC pupil unit which disqualifies a district from earning any basic foundation aid. The equalizing factor for each school year and for (LEVIES FOR USE IN) *the computation of authorized levy revenue* for that school year equals the ratio, rounded to the nearest dollar, of the foundation aid formula allowance for that school year to the basic maintenance mill rate for that school year. However, the equalizing factor for discretionary and replacement aids for the 1982-1983 school year shall be \$61,565.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.2121, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article IV, Section 4, is amended to read:

Subd. 5. [LEVY USE.] (A LEVY "FOR USE IN A PARTICULAR SCHOOL YEAR," "ATTRIBUTABLE TO A PARTICULAR SCHOOL YEAR," OR "RECOGNIZED AS REVENUE IN A PARTICULAR SCHOOL YEAR," MEANS LEVY AS RECOGNIZED PURSUANT TO SECTION 121.904) "*Authorized levy revenue*" for a particular school year means the amount of property taxes, including portions assumed by the state, which a district is permitted to levy for use in that school year.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.2122, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 5, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of (PERMISSIBLE LEVIES) *authorized levy revenue* for (USE IN) that school year. The formula allowance shall be \$1,333 for foundation aid for the 1981-1982 school year. The formula allowance shall be \$1,346 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. *The formula*

allowance shall be \$1,515 for levy revenue and foundation aid for the 1983-1984 school year.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 124.-2122, Subdivision 2, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 6, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of (THE) *authorized* basic maintenance levy revenue for (USE IN) that school year. (THE BASIC MAINTENANCE MILL RATE SHALL BE .021 FOR THE 1980 PAYABLE 1981 LEVY AND FOR FOUNDATION AID FOR THE 1981-1982 SCHOOL YEAR.) The basic maintenance mill rate shall be .024 for (1981 PAYABLE 1982 LEVIES) *levy revenue* and (FOR) foundation aid for the 1982-1983 school year. *The basic maintenance mill rate shall be .023 for levy revenue and foundation aid for the 1983-1984 school year.*

Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.-2123, Subdivision 1, is amended to read:

Subdivision 1. [GRANDFATHER GUARANTEE AND ALLOWANCE.] (a) A district's "basic grandfather amount" shall equal the amount per pupil unit which the district was permitted to levy in 1978 pursuant to Minnesota Statutes 1978, Section 275.125, Subdivisions 6 and 7.

(b) A district's "grandfather guarantee" shall equal its basic grandfather amount times its 1979-1980 actual, declining enrollment and growing enrollment pupil units.

(c) A district's "grandfather allowance" shall equal its grandfather guarantee divided by its 1979-1980 actual pupil units.

(d) A district's "*authorized* grandfather levy (LIMITATION) *revenue*" means its *authorized* levy (LIMITATION COMPUTED) *revenue* pursuant to section 275.125, subdivision 6b.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 124.-2123, Subdivision 3, is amended to read:

Subd. 3. [GRANDFATHER AID.] A district's grandfather aid for any school year shall equal its grandfather revenue for that school year minus its *authorized* grandfather levy (LIMITATION FOR THE LEVY) *revenue* for (USE IN) that school year.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.-2123 is amended by adding a subdivision to read:

Subd. 4. [SPECIAL GRANDFATHER ALLOWANCE.] (1) Each year in a district where the net unappropriated fund balance in all operating funds as of June 30 is less than \$316 per actual pupil unit, the grandfather allowance shall be increased and the grandfather revenue computed as provided in this subdivision.

(2) The amount added to the grandfather allowance shall be the lesser of

(a) \$54; or

(b) the difference between

(i) \$316, and

(ii) the district's net unappropriated fund balance in all operating funds per actual pupil unit as of June 30 in the year the levy is certified.

(3) The computation of the increase provided in this subdivision shall be performed each year. However, the increase in the grandfather allowance shall not be cumulative.

(4) In a district which qualifies for an increase in the grandfather allowance under this subdivision, the district's grandfather revenue for any school year shall equal the greater of

(a) the sum of

(i) the increase in its grandfather allowance authorized in this subdivision, times the number of actual pupil units in the district in the preceding school year, and

(ii) the district's grandfather guarantee; or

(b) the district's grandfather allowance as increased by this subdivision, times the number of actual pupil units in the district in the preceding school year.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.-2124, Subdivision 1, as amended by Laws 1981, Third Special Session Article II, Section 7, is amended to read:

Subdivision 1. [REPLACEMENT COMPONENTS.] (a) A district's "fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for

the 1980-1981 school year if declining or growing enrollment pupil units had been used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 2b or 2c.

(b) A district's "sparsity replacement component" shall equal the amount of additional aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, Section 124.224 had been effective for 1980-1981.

(c) A district's "basic replacement entitlement" shall equal the sum of its fluctuating enrollment replacement component and its sparsity replacement component, divided by its total pupil units in 1980-1981.

(d) "Replacement inflator" for any school year means the ratio of the foundation aid formula allowance for that school year to \$1,265. However for the 1981-1982 school year, the replacement inflator shall equal 107 percent, and for the 1982-1983 school year the replacement inflator shall equal 112 percent.

(e) A district's "replacement allowance" for each school year shall equal its basic replacement entitlement times the replacement inflator for that school year.

(f) A district's "*authorized replacement levy (LIMITATION) revenue*" means its *authorized levy (LIMITATION COMPUTED) revenue* pursuant to section 275.125, subdivision 6c.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.-2124, Subdivision 3, is amended to read:

Subd. 3. [REPLACEMENT AID.] A district's replacement aid for any school year shall equal its replacement revenue for that school year minus its *authorized replacement levy (LIMITATION FOR THE LEVY) revenue* for (USE IN) that school year.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 124.-2125, Subdivision 1, as amended by Laws 1981, Third Special Session Article II, Section 8, is amended to read:

Subdivision 1. [DISCRETIONARY ALLOWANCE; DEFINITION.] "Discretionary allowance" means the amount of revenue per pupil unit used to compute discretionary aid for a particular school year and (THE) *authorized discretionary levy revenue* for (USE IN) that school year. The discretionary allowance shall equal the formula allowance for the school year

times the ratio of the discretionary mill rate to the basic maintenance mill rate for (LEVIES) *authorized levy revenue* for (USE IN THAT) school year, rounded to the nearest cent. However, the discretionary allowance for the (1981-1982 SCHOOL YEAR SHALL EQUAL \$64.48, AND THE DISCRETIONARY ALLOWANCE FOR THE) 1982-1983 school year shall (EQUAL \$138.52) *be computed as though the formula allowance were \$1,416.*

Sec. 14. Minnesota Statutes 1981 Supplement, Section 124.2125, Subdivision 2, is amended to read:

Subd. 2. [DISCRETIONARY MILL RATE.] "Discretionary mill rate" means the mill rate used to compute the discretionary levy, the discretionary allowance, and discretionary aid for use in a particular school year. The discretionary mill rate shall equal .001 for 1981-1982 aid. For the 1981 payable 1982 levy and 1982-1983 aid, and for the levy and aid for succeeding years, the discretionary mill rate shall (EQUAL) *not exceed .00225* in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3). *For aid and levies for the 1983-84 school year and succeeding years, the discretionary mill rate shall not exceed .00275 in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3).*

Sec. 15. Minnesota Statutes 1981 Supplement, Section 124.2126, Subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

(1) The amount of the district's state school agricultural tax credit aid for that school year;

(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;

(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135; (AND)

(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;

(5) *The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;*

(6) *The amount by which property taxes of the district for use in that school year are reduced by the state paid native prairie credit provisions in section 273.116; and*

(7) *The amount by which property taxes of the district for use in that school year are reduced by the credit for reduced assessment provisions in section 273.139.*

The amount of property taxes for use in any school year shall equal the amount designated for use in that school year by section 1 of this article.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 124.2128, Subdivision 1, is amended to read:

Subdivision 1. [UNDERLEVIES.] A district's basic foundation, grandfather, replacement or discretionary aid, as applicable, for any school year when the actual amount of the corresponding (LEVY) *certified levies designated by section 1 of this article*, for use in that year is less than the permitted amount, shall be reduced by a percentage equal to the difference between the actual amount and the permitted amount, divided by the permitted amount. This provision shall apply to basic foundation aid only for a school year when the actual amount of (THE) *certified basic maintenance (LEVY) levies designated by section 1 of this article*, for use in that year is less than 95 percent of the permitted amount.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 124.2128, Subdivision 5, is amended to read:

Subd. 5. [TACONITE DEDUCTIONS.] (1) Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district.

(2) For districts which received payments under sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties or recognized revenue pursuant to section 477A.15; the foundation aid shall be reduced in the October adjustment payment by the difference between the dollar amount of the payments received pursuant to those sections, or revenue recognized pursuant to section 477A.15 (IN) for the fiscal year to which the October adjustment is attributable and the amount which was calculated, pursuant to section 275.125, subdivision 9, as a reduction of the levy (ATTRIBUTABLE TO THE FISCAL YEAR TO WHICH THE OCTOBER ADJUSTMENT IS ATTRIBUTABLE) *collected in the calendar year ending in that*

fiscal year. If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this negative amount in the following manner: there shall be withheld from each monthly scheduled foundation aid payment due the district in such fiscal year, 15 percent of the total negative amount, until the total negative amount has been withheld. The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.

Sec. 18. Minnesota Statutes 1981 Supplement, Section 124.-2129, is amended by adding a subdivision to read:

Subd. 5. [TEMPORARY PLACEMENTS OF NON-HANDICAPPED PUPILS.] The responsibility for special instruction and services for a non-handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of the child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) Prior to the placement of a child in another district for care and treatment, the district of residence shall be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the child is temporarily placed shall notify the district of residence of the emergency placement within 15 days of the placement.

(c) When a non-handicapped child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

(d) When a non-handicapped child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation within the district while the child is attending the educational program, and shall bill the district of the child's residence for the actual cost of providing the program, excluding transportation costs.

(e) *The district of residence shall pay tuition and other program costs, excluding transportation costs, to the district providing the instruction and services. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district within the limits provided by law. For purposes of computing state transportation aid, pupils governed by this subdivision shall be considered to be handicapped, as defined in section 120.03.*

Sec. 19. Minnesota Statutes 1981 Supplement, Section 124.-213, Subdivision 2, is amended to read:

Subd. 2. [STATE AID.] A school district's state school agriculture tax credit aid for each school year shall equal the amount by which the district's certified property taxes (CERTIFIED IN THE DISTRICT FOR COLLECTION IN THE CALENDAR YEAR ENDING) designated by section 1 of this article, for use in that school year are reduced pursuant to subdivision 1.

Sec. 20. Minnesota Statutes 1980, Section 275.125, Subdivision 1a, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 7, is amended to read:

Subdivision 1a. [(CERTIFIED) PROPERTY TAX SHIFT; LEVY LIMITATIONS.] (a) Beginning with taxes (ASSESSED) certified in (1983) 1982, payable in (1984) 1983, the (CERTIFIED) levy limitation for each (CALENDAR YEAR) levy authorization governed by this subdivision shall equal one-sixth of the (LOCAL) levy revenue (TO BE COLLECTED) authorized for the (CURRENT) fiscal year in which the levy is certified plus five-sixths of the (LOCAL) levy revenue (TO BE COLLECTED) authorized for the following fiscal year. (THE TOTAL CERTIFIED LEVY SHALL BE COMPUTED AS PROVIDED IN THIS SECTION.)

(b) *The levy authorizations in subdivisions 2a, 2d, 2e, 6b, 6c, 7a, 8, 11a, and 11b shall be governed by this subdivision. Of the levy authorizations in subdivision 4, only the amounts authorized by section 122.531 shall be governed by this subdivision. The levy authorization in subdivision 5, excluding the bus purchase levy authorization, shall also be governed by this subdivision.*

(c) *For purposes of computing authorized levy revenue for any school year pursuant to levy authorizations governed by this subdivision, the "applicable" adjusted assessed valuation shall be the adjusted assessed valuation for the calendar year second preceding the calendar year in which that school year begins.*

Sec. 21. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 2a, is amended to read:

Subd. 2a. [BASIC MAINTENANCE LEVY.] (1) *For each school year, a school district may levy for all general and special school purposes, an amount of revenue not to exceed the amount raised by the basic maintenance mill rate times the applicable adjusted assessed valuation of the district (FOR THE PRECEDING YEAR).*

(2) For purposes of this subdivision, the term "basic maintenance mill rate" shall have the meaning given it in section 124.2122.

Sec. 22. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 2d, is amended to read:

Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by subdivision 2a may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. (ONLY ONE SUCH ELECTION MAY BE HELD TO APPROVE A LEVY INCREASE WHICH WILL COMMENCE IN A SPECIFIC SCHOOL YEAR.) The question on the ballot shall state the maximum amount of the increased levy in mills, the amount of revenue that will be raised by that millage (IN) for the first school year it is (TO BE LEVIED) available, and that the millage shall be used to finance school operations. The question may designate a specific number of school years for which the referendum authorization shall apply. If approved, the school board may levy for each school year, the amount of revenue provided by the approved millage applied to (EACH YEAR'S) the district's taxable valuation (SHALL BE AUTHORIZED FOR CERTIFICATION) for the calendar year preceding the calendar year when that school year begins for the number of school years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum. For any district where an increased levy was approved before July 1, 1982, the department shall convert the authorized certification amount to an authorized amount of revenue per school year; provided, any district where the increase was limited to a specific number of certification years may levy the entire increased amount of revenue for the school year beginning in the calendar year succeeding the last calendar year when the ballot question authorized certification of the increase.

(2) A referendum on the question of revoking or reducing the increased levy amount authorized pursuant to clause (1) of this subdivision may be called by the school board and shall be

called by the school board upon the written petition of qualified voters of the district. A levy approved by the voters of the district pursuant to clause (1) of this subdivision must be made *for at least (ONCE) one school year* before it is subject to a referendum on its revocation *or reduction* for subsequent school years. Only one such revocation *or reduction* election may be held to revoke *or reduce* a levy for any specific school year and for school years thereafter.

(3) A petition authorized by (CLAUSES) *clause (1) (OR (2))* shall be effective if signed by a number of qualified voters in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(4) *A petition authorized by clause (2) shall be effective if signed by a number of qualified voters in excess of five percent of the residents of the school district as determined by the most recent census. A revocation or reduction referendum invoked by petition shall be held within three months of submission of the petition to the school board.*

(5) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

((5)) (6) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 23. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 2e, is amended to read:

Subd. 2e. [BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.] (1) (IN ANY YEAR WHEN) *If the amount of (THE MAXIMUM) levy (LIMITATION) revenue authorized under subdivision 2a for any school year* for any district, exceeds the product of the (DISTRICT'S) foundation aid formula allowance for (THE) *that school year* (IN WHICH THE LEVY IS RECOGNIZED AS REVENUE) times the estimated number of actual and AFDC pupil units for that district for that school year, the levy (LIMITATION) *revenue* for that district under subdivision 2a *for that school year* shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Statutes 1978, Section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy (LIMITATION) *revenue authorized* under subdivision 2a:

(a) the product of the district's foundation aid formula allowance for (THE) *that* school year (IN WHICH THE LEVY IS RECOGNIZED AS REVENUE), times the estimated number of actual and AFDC pupil units for that district for that school year, less

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.2128, subdivision 4 in (THE) *that* school year (IN WHICH THE LEVY IS RECOGNIZED AS REVENUE).

(2) A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, for purposes of statutory cross-reference.

Sec. 24. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 2g. [SUMMER SCHOOL LEVY.] Each year a district may levy for summer school programs an amount not to exceed one-half the sum of (a) foundation aid the district received in fiscal year 1982 for summer school, and (b) the amount levied in 1981, payable in 1982, by the district for summer school programs. This levy shall be used for summer school programs offered in the year following the year the levy is certified.

Sec. 25. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 6b, is amended to read:

Subd. 6b. [GRANDFATHER LEVY.] (1) For purposes of this subdivision, the (TERMS) term "grandfather (GUARANTEED) revenue" (AND "GRANDFATHER ALLOWANCE") shall have the (MEANINGS) meaning given (THEM) in section 124.2123.

(2) *For each school year, any district which (QUALIFIED IN 1979 FOR) qualifies to certify an excess levy under this subdivision, shall be allowed to levy an amount of revenue equal to the product obtained by multiplying*

(a) the lesser of

(i) one or

(ii) the ratio of the district's *applicable* adjusted assessed valuation (IN THE PRECEDING YEAR) per actual and AFDC pupil unit in the *preceding* school year (WHEN THE LEVY IS CERTIFIED), to the *applicable* state average adjusted assessed valuation (IN THE PRECEDING YEAR) per actual and AFDC pupil unit in the *preceding* school year (WHEN THE LEVY IS CERTIFIED), times

(b) (THE GREATER OF)

((I)) the district's grandfather (GUARANTEE, OR) *revenue*

((II)) THE PRODUCT OBTAINED BY MULTIPLYING)

((A) THE NUMBER OF ACTUAL PUPIL UNITS IN THE DISTRICT IN THE SCHOOL YEAR WHEN THE LEVY IS CERTIFIED, TIMES)

((B) THE DISTRICT'S GRANDFATHER ALLOWANCE.)

(3) For purposes of computing *authorized* levy (LIMITATIONS) *revenue* pursuant to this subdivision and the matching grandfather aid *for any school year*, the department shall use and shall not be required to subsequently adjust the state average adjusted assessed valuation per pupil unit determined as of (THE) September 1 (BEFORE THE LEVY IS CERTIFIED) *of the preceding school year*.

Sec. 26. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 6c, is amended to read:

Subd. 6c. [REPLACEMENT LEVY.] (1) For purposes of this subdivision, the term "replacement revenue" shall have the meaning given it in section 124.2124.

(2) *For each school year*, any district which qualified (FOR) *to certify* a levy under this subdivision in 1979 may levy an amount *of revenue* equal to

(a) the product obtained by multiplying

(i) the district's replacement revenue for (THE) *that* school year (TO WHICH THE LEVY IS ATTRIBUTABLE), times

(ii) the lesser of

(A) one or

(B) the ratio of the district's *applicable* adjusted assessed valuation (FOR THE PRECEDING YEAR) per actual and AFDC pupil unit in (THE) *that* school year (TO WHICH THE LEVY IS ATTRIBUTABLE), to the equalizing factor for (THE) *that* school year (TO WHICH THE LEVY IS ATTRIBUTABLE).

Sec. 27. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 7a, is amended to read:

Subd. 7a. [DISCRETIONARY LEVY.] (1) For purposes of this subdivision, the terms "discretionary allowance" and "discretionary mill rate" shall have the meanings given them in section 124.2125.

(2) (IN 1981 AND) *For each school year (THEREAFTER), a district which levies the maximum permissible amount of revenue for that school year pursuant to subdivision 2a and subdivision 6b may levy an additional amount of revenue which shall not exceed the lesser of (a) an amount equal to the discretionary mill rate times the district's applicable adjusted assessed valuation (FOR THE PRECEDING YEAR) or (b) the product obtained by multiplying the (APPLICABLE) discretionary allowance for that school year times the actual and AFDC pupil units in the district in the preceding school year (WHEN THE LEVY IS CERTIFIED).*

(3) (IN 1981 AND) *For each school year (THEREAFTER), a district which levies the maximum permissible amount of revenue for that school year pursuant to subdivision 2a and subdivision 6b, and where the net unappropriated balance in all operating funds as of (THE PRECEDING) June 30 of the second preceding school year is less than \$165 per actual and AFDC pupil unit in the district in the preceding school year (WHEN THE LEVY IS CERTIFIED), may levy an amount of revenue which shall not exceed the lesser of (a) one mill times the district's applicable adjusted assessed valuation (FOR THE PRECEDING YEAR) or (b) the product obtained by multiplying the (APPLICABLE) discretionary allowance for that school year times the total number of pupil units in the district in the preceding school year (WHEN THE LEVY IS CERTIFIED), without holding a public hearing or conducting a referendum pursuant to clause (5).*

(4) The board is not required to hold a public hearing or conduct a referendum on the levy authorized by this subdivision (IN) *for any school year (WHEN IT LEVIES) for which it is authorized to levy pursuant to clause (3) or (WHEN) for which the board proposes to levy an amount of revenue not to exceed an amount equal to the (PRECEDING YEAR'S) applicable adjusted assessed valuation times the largest number of EARC mills the district was previously (LEVIED BY THE DISTRICT) authorized to levy for any school year pursuant to this subdivision.*

(5) (a) Except as provided in clause (3), the provisions of clause (5) shall apply to the levy authorization in this subdivision (IN) *for any school year (WHEN) for which the board either proposes to levy pursuant to this subdivision for the first time or proposes to increase the number of mills which it levies against its adjusted assessed valuation pursuant to this subdivision to a number of mills greater than the largest num-*

ber of mills previously levied against its adjusted assessed valuation for any school year pursuant to this subdivision.

(b) By the July 15 (IN) preceding any school year (WHEN) to which clause (5) applies, the board of the district shall hold a public hearing on the need for the proposed levy or increase. At least three weeks published notice of the hearing in 10 point type or 5.0 agate type, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of revenue the proposed levy or increase (IN DOLLARS) would provide for that school year, the amount of the property levy or increase in EARC mills (AND) per school year, the estimated tax impact of the proposed levy or increase in the next two years in auditor's mills, and the estimated net unappropriated fund balance in the district's operating funds as of the June 30 (BEFORE THE LEVY OR INCREASE IS CERTIFIED) second preceding that school year.

(c) At the hearing on a proposed levy or increase for any school year, the district shall present its proposed revenue and expenditure budgets for (THE NEXT TWO SCHOOL YEARS) that school year and the school year preceding it, the estimated net unappropriated fund balances in all district funds as of the June 30 (BEFORE THE LEVY OR INCREASE IS CERTIFIED) second preceding that school year, and the estimated amount in dollars (,) and in EARC mills for that school year, and in auditor's mills in the next two years, of any reduction of the proposed levy revenue for that school year which may be required by subdivision 7c. At the hearing, the board shall also hear all parties requesting to give testimony for and against the proposed levy or increase. Upon receipt of a petition within 30 days after the hearing, the board shall call a referendum on the proposed levy or increase. A petition shall be effective if signed by a number of qualified voters in excess of three percent of the residents of the district (EQUAL TO THE GREATER OF 50 VOTERS OR 15 PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN THE DISTRICT AT THE MOST RECENT REGULAR SCHOOL BOARD ELECTION) as determined by the most recent census.

(d) The referendum shall be held on a date set by the school board, but no later than the September 20 (BEFORE THE LEVY IS CERTIFIED) preceding the school year for which the levy or increase is proposed.

The ballot shall state substantially the following, as appropriate:

The board of School District No. has proposed (a discretionary levy in a maximum amount of EARC mills which would raise) (to increase a discretionary levy from EARC mills to

EARC mills. This increase would provide an additional)
\$ (IN) for the first school year for which
it is levied.

Shall the (increase in the) discretionary levy
proposed by the Board of Yes
School District No. be approved? No

(e) The approval of a majority of those voting on the question is required to pass the referendum.

(f) If a petition is not received or if the proposed levy or increase is approved at a referendum, the district may levy the amount of revenue provided by the number of mills proposed by the school board, (IN) for the school year (WHEN) for which the hearing or referendum is held and (IN) for succeeding school years. If a proposed first time levy is not approved, except as provided in clause (3), the district may not levy pursuant to this subdivision (IN) for the school year (WHEN) for which the referendum is held and shall be required to comply with the provisions of clause (5) before levying pursuant to this subdivision (IN) for a subsequent school year. If a proposed increase is not approved, the district may levy an amount of revenue not to exceed the amount provided by the largest number of EARC mills the district was previously (LEVIED BY THE DISTRICT) authorized to levy for any school year pursuant to this subdivision, applied to the (PRECEDING YEAR'S) applicable adjusted assessed valuation.

Sec. 28. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 7c, is amended to read:

Subd. 7c. [DISCRETIONARY LEVY FUND BALANCE PROVISION.] (BEGINNING WITH THE 1981 LEVY,) For a district where the net unappropriated operating fund balance as of the June 30 (BEFORE THE LEVY IS CERTIFIED) second preceding any school year for which the district proposes to levy pursuant to subdivision 7a, exceeds \$500 per actual and AFDC pupil unit in the school year preceding that school year (WHEN THE LEVY IS CERTIFIED), the authorized discretionary levy (LIMITATION) revenue shall be reduced by the amount of the excess times the lesser of one or the ratio of the district's applicable EARC valuation (FOR THE PRECEDING YEAR) per actual and AFDC pupil unit in the school year (WHEN THE LEVY IS CERTIFIED) preceding that school year, to the equalizing factor. (BEGINNING WITH THE 1982-1983 SCHOOL YEAR,) The discretionary aid for (THE) that school year (WHEN THAT LEVY IS USED) shall be reduced by any amount of the excess which is not subtracted from the authorized levy revenue.

Sec. 29. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 9, is amended to read:

Subd. 9. [LEVY REDUCTIONS; TACONITE.] (1) Reductions in levies pursuant to subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 477A.15; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, or recognized revenue pursuant to section 477A.15; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year less the product of the same dollar amount of payments or revenue times the ratio of the maximum levy allowed the district under subdivision 2a, to the total levy allowed the district under this section in the year in which the levy is certified.

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, to an amount less than the amount raised by a levy of ten mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2d shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 7a shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by subdivision 11a, and the community service levy authorized by subdivision 8, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to subdivision 11a and for community services pursuant to subdivision 8. The reduction of the capital expenditure levy and the community services levy shall be computed on the basis of the amount so ascertained.

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124.2128, subdivision 5, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amount on the designated date: on or before March 15 of each year, 100 percent of the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section 124.2128, subdivision 5, which is in excess of the foundation aid earned for that fiscal year. The commissioner of finance shall deposit any amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

(6) *In determining levy reductions for levy authorizations governed by subdivision 1a as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 7, the department shall apply this subdivision after it applies the provisions of subdivision 1a, as added by Laws 1981, Third Special Session, Chapter 2, Article IV, Section 7. For purposes of computing the ratio in clause (2)(b) and applying the ten mill minimum in clause (3), the levy allowed the district and the levy made by the district under subdivision 2a shall be determined after the application of subdivision 1a, as added by Laws 1981, Third Special Session, Chapter 2, Article IV, Section 7.*

Sec. 30. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 19, is amended to read:

Subd. 19. [LEVY REDUCTION; MINIMUM AID.] Any district which it is estimated will receive an amount of minimum foundation aid pursuant to section 124.2126 or its successor provision in (THE) *any school year (TO WHICH THE LEVY IS ATTRIBUTABLE)*, shall reduce its *authorized levy (LIMITATION) revenue for that school year* pursuant to subdivision 2a by the amount of minimum foundation aid which it is estimated that the district will receive in (THE) *that school year (TO WHICH THE LEVY IS ATTRIBUTABLE)*.

Sec. 31. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 20, is amended to read:

Subd. 20. [ESTIMATES.] The computation of levy limitations pursuant to this section shall be based on estimates where necessary. If as a result of using estimates for these computations the amount of any levy is different from the amount which could actually have been levied if actual data had been available,

levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this subdivision shall be recognized as revenue in the school year *beginning in the calendar year* when the levy for which the levy limitation is so adjusted is (RECOGNIZED AS REVENUE) *collected*.

Sec. 32. Minnesota Statutes 1981 Supplement, Section 298.28, Subdivision 1, is amended to read:

Subdivision 1. The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite

was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.124 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its (PERMITTED) *certified* levy for the prior year, computed pursuant to section 275.125, comprises of the sum of (PERMITTED) *certified* levies for the prior year for all qualifying districts, computed pursuant to section 275.125. For purposes of distributions pursuant to this part, (PERMITTED) *certified* levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2d.

(c) On July 15, 1982 and on July 15 in subsequent years, an amount equal to the increase derived by increasing the amount determined by clause (3) (b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3) (b) where a levy increase pursuant to section 275.125, subdivision 2d, is authorized by referendum, according to the following formula. Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 275.125, subdivision 2d, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3) (c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3) (c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124.212 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be

increased in 1981 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection fund created in section 298.292 as follows: In 1981 and each year thereafter, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an

amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under section 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 33. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REDUCTION.] State aid due any school district in fiscal year 1983 for the 1982-1983 school year under the provisions enumerated in subdivision 3 shall be reduced by the amount the district levied for taxes (ASSESSED) *certified* in 1982, payable in 1983, which is to be recognized as revenue in fiscal year 1983 (PURSUANT TO) *because of section 1, clause (b), of this article.* The district levy (AGAINST WHICH THE REDUCTION IS APPLIED) *for this purpose* shall (NOT) include (ANY) levy portions that are assumed by the state. For purposes of computing this state aid reduction, the amount levied by the district shall not include the (AMOUNTS LEVIED TO MAKE PAYMENTS FOR BONDS ISSUED AND FOR INTEREST THEREON; THE AMOUNTS LEVIED FOR REPAYMENT OF DEBT SERVICE LOANS AND CAPITAL LOANS; THE AMOUNTS LEVIED TO PAY THE DISTRICT'S OBLIGATIONS UNDER SECTION 268.06, SUBDIVISION 25; AND AMOUNTS) *amount* levied pursuant to section 275.125, (SUBDIVISIONS) *subdivision 2d (, 6A, 9A, 14A, AND 20).*

Sec. 34. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 3, is amended to read:

Subd. 3. [SUBTRACTION FROM AIDS.] The amount specified in subdivision 2 shall be subtracted from the following state aid payments in the order listed in fiscal year 1983; *provided, any portion of the amount specified in subdivision 2 which is paid by the state shall be subtracted only from the corresponding state payment in the year specified:*

(a) Foundation aid as authorized in section 124.212, subdivision 1; *provided, any portion of the amount specified in subdivision 2 which is attributable to the agricultural tax credit shall be subtracted from the state agricultural tax credit aid portion of foundation aid for fiscal year 1983;*

- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- (g) Aid for improved learning programs authorized in section 124.251;
- (h) Aid for chemical use programs authorized in section 124.246;
- (i) Transportation aid authorized in section 124.225;
- (j) School lunch aid authorized in section 124.646;
- (k) Community education programs aid authorized in section 124.271;
- (l) Adult education aid authorized in section 124.26;
- (m) Capital expenditure equalization aid authorized in section 124.245;
- (n) Homestead credit payments authorized in section 273.13, (SUBDIVISIONS 6, 7, AND 14A) *subdivision 15a, for calendar year 1983*;
- (o) (TACONITE HOMESTEAD CREDIT) Payments for the reduced assessments on housing for the elderly authorized in section (273.135) *273.139 for calendar year 1983*;
- (p) Wetlands credit *payments for calendar year 1983* authorized in section 273.115;
- (q) Native prairie credit *payments for calendar year 1983* authorized in section 273.116; and
- (r) Attached machinery aid for *calendar year 1983* authorized in section 273.138, subdivision 3.

The commissioner of education shall schedule the timing of the reductions from state aid payments specified in subdivision 2 in such a manner that will minimize the impact of this article on the cash flow needs of the school districts.

Sec. 35. Laws 1981, Third Special Session Chapter 2, Article IV, Section 5, Subdivision 3, is amended to read:

Subd. 3. [APPROPRIATION.] There is appropriated from the general fund to the department of education for the cash flow loan fund the sum of (\$15,000,000) \$35,000,000. This sum shall be transferred to the cash flow loan fund as needed.

Sec. 36. Laws 1981, Third Special Session Chapter 2, Article IV, Section 5, is amended by adding a subdivision to read:

Subd. 4. [CANCELLATION.] *The cash flow loan fund shall expire on June 29, 1983, and the entire balance in the fund, including any loan amounts that have been repaid by school districts, shall revert to the general fund on that date. Any delinquent loan payments received after June 29, 1983, shall be placed in the general fund.*

Sec. 37. [ADDITIONAL SUMMER SCHOOL LEVY, 1982.]

In addition to the levy authorized in section 23 of this article, in 1982 a district may levy for 1982 summer school programs an amount not to exceed one-half the sum of (a) foundation aid the district received in fiscal year 1982 for summer school, and (b) the amount levied in 1981, payable in 1982, by the district for summer school programs.

Sec. 38. [LEVY ADJUSTMENTS.]

In 1982, the maximum levy limitation under Minnesota Statutes, Section 275.125, Subdivision 2a or 2e, as applicable, shall be reduced by any difference between the amount of the basic maintenance levy certified by the district in 1981 and the amount of the 1981 basic maintenance levy limitation which would have been computed for the district using a formula allowance for the 1982-1983 school year of \$1,346.

Sec. 39. [BASIC MAINTENANCE UNDERLEVIES.]

In fiscal year 1983, the deduction from basic foundation aid pursuant to Minnesota Statutes 1981 Supplement, Section 124.-2128, Subdivision 1, shall be computed as though the basic maintenance mill rate for tax levies attributable to that school year were .023, and without regard to whether a district levied an additional amount for basic maintenance as authorized by Laws 1981, Third Special Session Chapter 2, Article II, Section 12.

Sec. 40. [STATUTORY OPERATING DEBT EXCEPTION, 1983.]

Notwithstanding Minnesota Statutes 1980, Sections 121.914, Subdivision 2, and 121.917, for the purpose of determining school

district expenditure limitations for fiscal year 1983, statutory operating debt shall be defined as operating debt that exceeds ten percent of the district's expenditure amount for fiscal year 1983 for the funds considered under Minnesota Statutes 1980, Section 121.914, Subdivision 1. A district in which the net negative unappropriated fund balance in the operating funds, exclusive of the statutory operating debt account, as of June 30, 1983 is less than ten percent of the district's unappropriated operating fund expenditures for fiscal year 1983 shall not be considered to have exceeded its expenditure limits and shall not be required to submit the special operating plan required by Minnesota Statutes 1980, Section 121.917, Subdivision 4. This section shall not be construed as altering statutory operating debt for fiscal years other than fiscal year 1983, or as altering the computation of the levies authorized in Minnesota Statutes 1980, Section 275.125, Subdivision 9a, or Laws 1976, Chapter 20, Subdivision 4.

Sec. 41. [REPEALER.]

Minnesota Statutes 1980, Section 121.904, Subdivisions 4a and 4b, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Sections 1 and 2, are repealed.

Sec. 42. [EFFECTIVE DATE.]

Section 1 of this article shall be effective beginning with taxes certified in 1982, payable in 1983.

ARTICLE II

TRANSPORTATION AID

Section 1. Minnesota Statutes 1980, Section 123.78, Subdivision 1, is amended to read:

Subdivision 1. (THE SCHOOL BOARD OF ANY) A district (WHICH IS NOW OR HEREAFTER) eligible to receive state aid for transportation under (CHAPTERS 123 AND) chapter 124, shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by (ANY) the school board (BY REASON) because of distance or traffic condition in like manner and form as provided in sections (123.16, SUBDIVISIONS 3 AND 4; 123.18; 123.37, SUBDIVISIONS 3 AND 4;) 123.39 (;) and 124.223, when applicable.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] ((A) THROUGH THE 1981-1982 SCHOOL YEAR, TRANSPORTATION OR BOARD OF RESIDENT PUPILS WHO RESIDE ONE MILE OR MORE FROM THE PUBLIC SCHOOLS WHICH THEY COULD ATTEND, OR TRANSPORTATION TO, FROM, OR BETWEEN THE SCHOOLS THEY ATTEND PURSUANT TO A PROGRAM APPROVED BY THE COMMISSIONER OF EDUCATION, OR WHO RESIDE ONE MILE OR MORE FROM A NONPUBLIC SCHOOL ACTUALLY ATTENDED, BUT ONLY TO THE EXTENT PERMITTED BY SECTIONS 123.76 TO 123.79 WITH RESPECT TO NONPUBLIC SCHOOL PUPILS;)

((B) BEGINNING IN THE 1982-1983 SCHOOL YEAR,) Transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils who reside two miles or more from the public schools which they could attend; transportation to, from, or between the schools the resident pupils attend pursuant to a program approved by the commissioner of education; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils from home or from school to other buildings, including hospitals and treatment centers where special instruction or services required by section

120.17 are provided, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that (THE PUPIL) *elementary pupils* reside at least one mile from school and *secondary pupils* reside at least two miles from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING; NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a state board approved summer school program;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 3. Minnesota Statutes 1980, Section 124.225, as amended by Laws 1981, Chapters 356, Section 167; 358, Article II, Sections 3 to 14, First Special Session, Chapter 2, Section 8; and Third Special Session Chapter 2, Article II, Section 9, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

((B) "REGION" MEANS DEVELOPMENT REGION AS DEFINED IN SECTION 462.384, SUBDIVISION 5, EXCEPT THAT FOR PURPOSES OF THIS SECTION, DEVELOPMENT REGIONS 1 AND 2 ARE ONE REGION, DEVELOPMENT REGIONS 4 AND 5 ARE ONE REGION, DEVELOPMENT REGIONS 6E AND 6W ARE ONE REGION, AND DEVELOPMENT REGIONS 7E AND 7W ARE ONE REGION.)

((C)) (b) "(TOTAL) Authorized cost for regular transportation" (OR "TOTAL AUTHORIZED EXPENDITURE") means the sum of:

((I)) (1) all expenditures for transportation in the regular category, as defined in clause (e)(1), for which aid is authorized in section 124.223, plus

((II)) (2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

((III)) (3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

((D)) (c) "Total authorized predicted cost" means the total authorized cost predicted by a multiple regression formula determined by the department of education.

(d) "Aid entitlement per FTE" means the adjusted total authorized predicted cost per FTE, inflated pursuant to subdivision 7b.

(e) "Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:

((I)) (1) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

((II)) (2) (SECONDARY VOCATIONAL CENTER) *During-day* transportation is transportation services *between schools* provided under section 124.223, clause ((3)) (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending *shared time special education classes*;

((III)) (3) Handicapped transportation is *transportation services for pupils attending shared time special education classes* provided under section 124.223, clause (6) and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

((IV)) (4) board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

((V) BETWEEN SCHOOLS TRANSPORTATION IS TRANSPORTATION SERVICES BETWEEN SCHOOLS PROVIDED UNDER SECTION 124.223, CLAUSE (1);)

((VI) SHARED TIME REGULAR TRANSPORTATION IS TRANSPORTATION SERVICES PROVIDED UNDER SECTION 124.223, CLAUSE (6), EXCLUDING TRANSPORTATION PROVIDED FOR PUPILS ATTENDING SHARED TIME SPECIAL EDUCATION CLASSES;)

((VII) SHARED TIME SPECIAL EDUCATION TRANSPORTATION IS TRANSPORTATION SERVICES FOR PUPILS ATTENDING SHARED TIME SPECIAL EDUCATION CLASSES PROVIDED UNDER SECTION 124.223, CLAUSE (6);)

((VIII)) (5) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

((IX) COOPERATIVE ACADEMIC AND VOCATIONAL TRANSPORTATION IS TRANSPORTATION SERVICES PROVIDED UNDER SECTION 124.223, CLAUSE (9);)

((X)) (6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10) (;).

(f) "Pupil weighting factor" means the ratio of the actual (REGIONAL) *district* average cost per FTE in a particular

transportation category to the actual (REGIONAL) *district* average cost per FTE in the regular transportation category.

(g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

(i) "*Percent excess handicapped FTE's transported*" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) "Current year" means the school year for which aid will be paid.

(k) "Base year" means the second school year preceding the school year for which aid will be paid.

(l) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

Subd. 1a. [WEIGHTING FACTORS.] For each school year, in computing transportation aid, the department of education shall establish *as needed* the pupil weighting factors for each transportation category for each (REGION) *district* using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a (REGION) *district* had no experience during the second prior school year.

Subd. 3. [FORMULA.] For each school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. (A MULTIPLE REGRESSION FORMULA SHALL BE DETERMINED THROUGH STEPWISE) *The department of education shall conduct multiple regression analysis (FOR EACH REGION*

BY THE DEPARTMENT OF EDUCATION,) using the terms specified in subdivision 4a, to (MAXIMIZE THE AMOUNT OF VARIANCE ACCOUNTED FOR BETWEEN THE TOTAL ACTUAL AUTHORIZED COST PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR AND THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR. THE) *adjust the base cost for each district. A formula shall be derived based upon the regression analysis, but excluding the factors described in clauses (8), (9), and (10) of subdivision 4a, except that in the 1982-1983 school year, these clauses shall not be excluded. This formula* (DETERMINED FOR EACH REGION) shall be used to determine a (TOTAL AUTHORIZED) predicted base cost (PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR) for each district in the (REGION) state. The amount determined for each district shall be adjusted according to the provisions of subdivisions (6) 7a and (7A) 7b.

Subd. 4a. [FORMULA TERMS.] To predict the (TOTAL AUTHORIZED) base cost (PER WEIGHTED FTE) for each district pursuant to subdivision 3, (EACH REGIONAL) the multiple regression formula shall use the following terms (AND THEIR SQUARES) for each district in the (REGION) state:

(1) (THE AREA OF THE DISTRICT MEASURED IN SQUARE MILES;)

((2)) The district's average daily membership;

(2) *The reciprocal of the district's average daily membership;*

((3)) THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((4)) THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE HANDICAPPED, SHARED TIME SPECIAL EDUCATION, AND TO AND FROM BOARD AND LODGING FACILITY TRANSPORTATION CATEGORIES AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((5)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE BOARD AND LODGING TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((6)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE BETWEEN SCHOOLS

TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((7) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE SHARED TIME REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((8) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE SECONDARY VOCATIONAL CENTER TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((9)) (3) The *logarithm* of the number of authorized FTE's per square mile transported by the district in the regular transportation category;

((10) THE NUMBER OF AUTHORIZED FTE'S PER SQUARE MILE TRANSPORTED BY THE DISTRICT IN THE HANDICAPPED TRANSPORTATION CATEGORY;)

((11) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP;)

((12) AN INDEX OF THE DISTRICT'S SHAPE COMPUTED BY THE DEPARTMENT OF EDUCATION BASED ON A COMPARISON OF THE PERIMETER OF THE DISTRICT TO THE PERIMETER OF A CIRCLE WITH THE SAME SQUARE MILE AREA AS THE DISTRICT;)

((13)) (4) The percentage of the district's square mile area which is classified by the commissioner of energy, planning and development as water-covered, (OR) marshland, *or extractive*;

((14) THE NUMBER OF 40 ACRE PARCELS OF LAND IN THE DISTRICT WHICH ARE CONTIGUOUS TO OR INTERSECTED BY UNPAVED ROADS, AS A PERCENTAGE OF THE NUMBER OF 40 ACRE PARCELS OF LAND IN THE DISTRICT WHICH ARE CONTIGUOUS TO OR INTERSECTED BY ANY ROADS, PAVED OR UNPAVED. THE NUMBER OF 40 ACRE PARCELS OF EACH TYPE SHALL BE OBTAINED FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT;)

((15) THE PERCENTAGE OF THE DISTRICT'S SQUARE MILE AREA WHICH IS CLASSIFIED BY THE

STATE PLANNING AGENCY AS HAVING A SLOPE OF LAND EXCEEDING SIX PERCENT;)

((16) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED TO NONPUBLIC SCHOOLS BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY;)

((17) THE PERCENTAGE OF THE DISTRICT'S SQUARE MILE AREA WHICH IS CLASSIFIED BY THE STATE PLANNING AGENCY AS EXTRACTIVE.)

(5) *The district's administrative overhead per authorized FTE transported in the regular transportation category;*

(6) *The number of schools to which pupils in the regular category are transported, either within or outside the district, divided by the number of authorized FTE's transported in the regular transportation category;*

(7) *Whether the district is non-rural, based upon criteria established by the department of education;*

(8) *Whether the district contracts for bus service, or transports pupils only on district-owned buses;*

(9) *The percentage of all regular transportation category bus routes using buses that are not owned by the district, if that percentage is not 100 percent;*

(10) *Whether the district operates a special bus to transport from school to home those pupils who are involved in after-school activities.*

(SUBD. 6 [INFLATION FACTORS.] THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE DETERMINED FOR A DISTRICT UNDER SUBDIVISION 3 FOR 1979-1980 SHALL BE INCREASED BY 26 PERCENT. THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE DETERMINED FOR A DISTRICT UNDER SUBDIVISION 3 FOR 1980-1981 SHALL BE INCREASED BY 22 PERCENT.)

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) Each district's (ADJUSTED TOTAL AUTHORIZED) predicted base cost (PER WEIGHTED FTE) determined for each school year according to subdivision (6) 3 shall be (COMPARED TO) averaged with the (TOTAL ACTUAL EXPENDITURE PER WEIGHTED FTE FOR AUTHORIZED TRANSPORTATION) base cost for that district for that year to determine the district's

(AID ENTITLEMENT) *adjusted total authorized predicted cost per weighted FTE for that year. (IF THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE IS GREATER THAN THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE, ITS AID ENTITLEMENT PER WEIGHTED FTE SHALL EQUAL THE ADJUSTED PREDICTED COST PER WEIGHTED FTE MINUS 20 PERCENT OF THE FIRST \$10 OF DIFFERENCE BETWEEN THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE AND THE ACTUAL EXPENDITURE PER WEIGHTED FTE; MINUS 40 PERCENT OF THE NEXT \$10; 60 PERCENT OF THE NEXT \$10; MINUS 75 PERCENT OF THE DIFFERENCE WHICH EXCEEDS \$30.)*

((3) IF THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE IS LESS THAN THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE, ITS AID ENTITLEMENT PER WEIGHTED FTE SHALL EQUAL THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE PLUS 20 PERCENT OF THE FIRST \$10 OF DIFFERENCE BETWEEN THE ADJUSTED PREDICTED COST PER WEIGHTED FTE AND THE ACTUAL EXPENDITURE PER WEIGHTED FTE; PLUS 40 PERCENT OF THE NEXT \$10; PLUS 60 PERCENT OF THE NEXT \$10; PLUS 75 PERCENT OF THE DIFFERENCE WHICH EXCEEDS \$30.)

(2) Notwithstanding clause (1), in fiscal year 1983, predicted base cost shall be adjusted as provided in this clause to determine adjusted total authorized predicted cost per weighted FTE for the 1982-1983 school year.

(a) If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted total authorized predicted cost per weighted FTE.

(b) If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted total authorized predicted cost per weighted FTE.

Subd. 7b. [INFLATION FACTORS.] The adjusted total authorized predicted cost per FTE determined for a district under subdivision 7a for the 1980-1981 school year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year.

Subd. 8a. [AID.] A district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, and its during-day transportation aid pursuant to subdivision 8g, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the authorized transportation levy revenue for that school year. If the total appropriation for transportation aid in any fiscal year is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid entitlement in proportion to the number of resident pupils in average daily membership in the district compared to the state total, and shall reduce the aid entitlement of off-formula districts in the same proportion. Aid for the 1982-1983 and 1983-1984 school years shall be reduced by the following amount: the product of

(a) the number of nonhandicapped secondary pupils in the current school year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended and who would have been transported in the current year under the district's eligibility rules in the base year, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the second preceding year, times

(c) the district's aid entitlement per FTE determined according to subdivision 7b.

Subd. (8A) 8b. [BASIC AID COMPUTATION.] (BEGINNING WITH THE 1982-1983 SCHOOL YEAR) In fiscal years 1983 and 1984, a district's basic transportation aid pursuant to this section for each (SCHOOL) year shall equal the district's aid entitlement per (WEIGHTED) FTE determined according to subdivision (7A) 7b times the sum of: (1) the total number of authorized (WEIGHTED) FTE's transported in the regular and handicapped transportation categories in the district in (THAT) the current school year, (MINUS THE AMOUNT RAISED BY TWO MILLS TIMES THE ADJUSTED ASSESSED VALUATION WHICH IS USED TO COMPUTE THE TRANSPORTATION LEVY LIMITATION FOR THE LEVY ATTRIBUTABLE TO THAT SCHOOL YEAR) plus (2) the number of nonhandicapped secondary pupils who live between one and two miles from the public school which they could attend or the nonpublic school actually attended and who would have been transported in the current year under the district's eligibility rules in the base year.

In fiscal year 1985 and thereafter, a district's basic transportation aid pursuant to this section for each year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized FTE's transported in the regular and handicapped categories in the district in the current school year.

Subd. (8B) 8c. [EXCESS HANDICAPPED AID.] (a) (IN ADDITION TO THE AMOUNT AUTHORIZED IN SUBDIVISION 8A,) For each school year, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where (:) , *in the current school year,*

((1) THE AVERAGE DAILY MEMBERSHIP IN THAT YEAR IS 2,500 OR FEWER PUPILS,)

((2) THE TOTAL ACTUAL AUTHORIZED EXPENDITURES EXCEED THE AID ENTITLEMENT, AND)

((3) THE ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE IN THE HANDICAPPED AND BOARD AND LODGING CATEGORIES EXCEEDS 140 PERCENT OF THE AID ENTITLEMENT PER WEIGHTED HANDICAPPED AND BOARD AND LODGING FTE) *the ratio of FTE's transported in the handicapped category to the total number of FTE's transported in the regular transportation category exceeds the same ratio for the state as a whole.*

(b) This aid shall equal (80 PERCENT OF THE DIFFERENCE BETWEEN):

((1) THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURES FOR TRANSPORTING HANDICAPPED AND BOARD AND LODGING FTE'S AND)

((2) 140 PERCENT OF THE DISTRICT'S AID ENTITLEMENT FOR TRANSPORTATION OF HANDICAPPED AND BOARD AND LODGING FTE'S.)

((3) FOR PURPOSES OF THE COMPUTATION OF AID PURSUANT TO THIS SUBDIVISION, THE AMOUNTS OF THE ACTUAL AUTHORIZED EXPENDITURE AND THE AID ENTITLEMENT SHALL EXCLUDE AMOUNTS ATTRIBUTABLE TO DEPRECIATION. AID PURSUANT TO THIS SUBDIVISION SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL ACTUAL AUTHORIZED EXPENDITURES AND ITS TOTAL AID ENTITLEMENT.)

the product of the percent excess handicapped FTE's transported, times the difference between

(1) the district's actual cost for transportation of all pupils in the handicapped category in the current year, and

(2) the product of

(i) the district's aid entitlement per FTE determined according to subdivision 7b, times

(ii) the number of FTE's transported in the handicapped category in the district in the current year.

Subd. 8d. [HANDICAPPED BOARD AND LODGING AID.] For board and lodging of handicapped pupils, each district shall receive aid equal to the product of the number of FTE pupils boarded and lodged in the current year in the district in this transportation category, times the average of

(a) the state average board and lodging cost per FTE pupil boarded and lodged in the second preceding year, times the inflation factor for that year prescribed in subdivision 7b; and

(b) the district's actual cost per FTE pupil boarded and lodged.

Subd. 8e. [TO AND FROM BOARD AND LODGING.] For transportation of handicapped pupils to and from board and lodging facilities, the state shall pay aid for each year equal to the lesser of

(a) for all pupils transported in this category 36 times the distance in miles from each pupil's home to the board and lodging facility, times the official mileage rate at which state employees are compensated for travel, or

(b) the average of the amount in (a) and the district's actual cost for all transportation in this category.

Subd. 8f. [NONPUBLIC SUPPORT SERVICES AID.] For each school year, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE's transported in that category in the current year.

Subd. 8g. [DURING-DAY TRANSPORTATION AID.] For each school year, a district's during-day transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the current year.

Subd. 9. [DISTRICT REPORTS.] Each district shall report data to the department (BEFORE JULY 1 OF EACH YEAR AN ESTIMATE FOR THE NEXT SCHOOL YEAR OF THE TOTAL NUMBER OF FTE'S TRANSPORTED BY TRANSPORTATION CATEGORY AND AN ESTIMATE OF THE DISTRICT'S TOTAL ACTUAL AUTHORIZED TRANSPORTATION EXPENDITURE BY TRANSPORTATION CATEGORY) *as required by the department to implement the transportation aid formula.* (THE DISTRICT'S AID SHALL BE DETERMINED FOR PURPOSES OF THE FIRST THREE TRANSPORTATION AID PAYMENTS FOR THE SCHOOL YEAR USING THESE ESTIMATES. BEFORE AUGUST 15 EACH YEAR, EACH DISTRICT SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION FOR THE PRECEDING SCHOOL YEAR WHICH THE DEPARTMENT DETERMINES IS NECESSARY TO COMPUTE THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE FOR PURPOSES OF THE COMPUTATION IN SUBDIVISION 7A AND THE DISTRICT'S ACTUAL TOTAL NUMBER OF WEIGHTED FTE'S TRANSPORTED FOR PURPOSES OF THE AID COMPUTATION IN SUBDIVISION 8A. THE DISTRICT'S FINAL TRANSPORTATION AID PAYMENT FOR THE SCHOOL YEAR SHALL BE BASED ON THESE COMPUTATIONS.) *If a district's final transportation aid payment is adjusted after December 31 of the fiscal year in which the final aid payment is made, the adjustment shall be made by increasing or decreasing the district's aid for the next fiscal year.*

Subd. 10. Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each bus or mobile unit until the original cost of each bus or mobile unit is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; *provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of*

(1) *the district's total transportation aid received pursuant to subdivision 8a, plus*

(2) *an amount equal to two mills times the adjusted assessed valuation of the district.* Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, for fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated school transportation aid (ENTITLEMENT) for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Subd. 12. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, the state shall pay each school district its estimated school transportation aid (ENTITLEMENT) for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 1 is amended to read:

Subdivision 1. [DEFINITIONS.] Except as may otherwise be provided in this section, the words and phrases defined in sections 124.01, 124.212, (124.20 AND) Article III, Section 7, 124.2121 to 124.2125 and 124.225 when used in this section shall have the meanings ascribed to them in those sections.

Sec. 5. Minnesota Statutes 1980, Section 275.125, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 10, is amended to read:

Subd. 5. For school transportation services, a school district may levy *for each school year* an amount not to exceed the amount raised by a levy of two mills times the *applicable* adjusted assessed valuation of the taxable property of the district (FOR THE PRECEDING YEAR). A district may also levy under this subdivision for the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in (THE) *that* school year (WHEN THE LEVY IS RECOGNIZED AS REVENUE). A *district which contracts for pupil transportation services may also levy for each school year an amount of revenue equal to \$18 times the number of FTE pupils transported on contracted school buses in the preceding school year in the regular transportation category, which shall be placed in the transportation fund and used for any lawful purpose. A district may also levy for each school year an amount of revenue equal to the estimated cost in the next school year of transporting secondary pupils to and from school who live more than one mile, but less than two miles from the public school which they could attend or from a nonpublic school actually attended. A district may also levy for transportation costs or other related*

services which are (APPROVED BY THE COMMISSIONER AS) necessary because of extraordinary traffic hazards for the (CURRENT FISCAL) next school year. Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.

Sec. 6. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] In any fiscal year in which the transportation levy in a district attributable to that fiscal year of two mills times the adjusted assessed valuation of the district exceeds the sum of the transportation aid entitlement per FTE times the total number of authorized FTE pupils transported, plus the transportation aid computation under section 124.225, subdivisions 8c, 8d, 8e, 8f, and 8g, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following that fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, and 8g, minus the following amount:

the product of

(a) the number of nonhandicapped secondary pupils in the current school year who live between one and two miles from the public school which they could attend or the non-public school actually attended and who would have been transported in the current year under the district's eligibility rules in the base year, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the second preceding year, times

(c) the district's aid entitlement per FTE determined according to section 124.225, subdivision 7b.

Sec. 7. [ADDITIONAL TRANSPORTATION LEVY, 1982.]

In 1982 only, a district may levy for transportation costs or other related services which are necessary because of extraordinary traffic hazards for the 1982-1983 school year, and may levy an amount equal to the cost of transporting secondary pupils to and from school in the 1982-1983 school year who live more than one mile, but less than two miles from the public school which they could attend or from a nonpublic school actually attended. Levies authorized by this section shall be computed according to procedures established by the commissioner.

Sec. 8. Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3 is amended to read:

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to (EITHER) *the 1981-1982 school year* for any purposes indicated is insufficient, the aid entitlement for that year shall be prorated among all qualifying districts, and aid reduced accordingly. *If the appropriation amount attributable to the 1982-1983 school year or following school years is insufficient, the aid for all districts shall be reduced as provided in Minnesota Statutes, Section 124.223, Subdivision 8a, as amended by this article.* The state shall not be obligated for any amounts in excess of the total appropriations in this section.

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, Section 121.96, is repealed.

Sec. 10. [EFFECTIVE DATE.]

Subdivision 1. Section 8 and the amendment made in section 3 to Minnesota Statutes 1981 Supplement, Section 124.223, Subdivision 9, are effective the day following enactment.

Subd. 2. The remainder of this article is effective July 1, 1982, for aid paid for fiscal year 1983 and thereafter, and for levies made in 1982, payable in 1983, and thereafter.

ARTICLE III

SPECIAL EDUCATION

Section 1. Minnesota Statutes 1980, Section 120.17, Subdivision 4a, is amended to read:

Subd. 4a. [ATTENDANCE IN ANOTHER DISTRICT.] No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service because he attends a public school in another school district pursuant to section 123.39, subdivision 5, if his attendance is not subject to section (120.065) 120.075, 120.0751, or (123.39, SUBDIVISION 5A) 120.0752. If the pupil attends a public school located in a contiguous district and the district of attendance does not provide special instruction and services, the district of residence shall provide necessary transportation for the pupil between the boundary of the district of residence and the educational facility where special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for the pupil between its boundary and the school attended in the

contiguous district, but shall not pay the cost of transportation provided outside the boundary of the district of residence.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 120.17, Subdivision 5a, is amended to read:

Subd. 5a. [SUMMER PROGRAMS.] A district may provide summer programs for handicapped children living within the district and nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, which ever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for special education aid for the summer program. For the purposes of computing the summer school revenue allowance as provided in section (124.20) *7 of this article*, pupils enrolled in these programs shall be counted by the district of residence and not by the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children, including the cost of board and lodging, may be billed to the district of the child's residence and shall be paid by the resident district. Transportation costs shall be paid by the district responsible for providing transportation pursuant to subdivision 6 or 7 and transportation aid shall be paid to that district.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 120.17, Subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of a child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

(c) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing (TRANSPORTATION AND) an appropriate educational program for the child *and necessary transportation within the district while the child is attending the educational program*; and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.

(d) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim foundation aid for the child as provided by law. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 121.904, Subdivision 7, is amended to read:

Subd. 7. Summer school aids and the proceeds of the summer school levy for any summer school session shall be recognized as revenues and recorded as receivables in proportion to the total number of summer school days in each fiscal year in which the summer school session occurs; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section (124.20) *7 of this article*.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.01, Subdivision 1, is amended to read:

Subdivision 1. For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in sections (124.20 AND) 124.2121 to 124.2125 *and section 7 of this article* have the meanings attributed to them in those sections.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped pre-kindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the

pupil has left or has been legally excused. However, a pupil, regardless of age, who has been absent from school for 15 consecutive school days during the regular school year or for five consecutive school days during summer school or inter-session classes of flexible school year programs without receiving instruction in the home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this section shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days the schools are in session. *Days of summer school or inter-session classes of flexible school year programs shall only be included in the computation of membership for handicapped pupils appropriately served at levels 4, 5, or 6 of the continuum of placement model described in 5 MCAR S 1.0120 B.11.*

Sec. 7. [124.201] [FOUNDATION AID FOR SPECIAL EDUCATION SUMMER SCHOOL.]

Subdivision 1. [PROGRAMS.] Foundation aid for handicapped pupils enrolled in (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid under the provisions of this section.

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for handicapped pupils enrolled in summer school and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and inter-session classes of flexible school year programs computed under the provisions of section 124.17. Only pupils who are handicapped and who are appropriately served at levels 4, 5, or 6 of the continuum of placement model described in 5 MCAR S 1.0120 B.11. shall be included in the computation of summer school pupil units.

(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.

(3) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.

Subd. 3. [SUMMER SCHOOL AID.] Each year a district shall receive summer school aid equal to the difference between

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy pursuant to section 19 certified in the calendar year when the summer school program is offered; times

(b) the district's summer school revenue allowance; and

(2) the levy certified by the district pursuant to section 19 of this article in the calendar year when the summer school program is offered.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.1219, Subdivision 3, is amended to read:

Subd. 3. [NOTIFICATION OF RESIDENT DISTRICT.] Any (SCHOOL) district educating (CHILDREN) *a pupil who (ARE RESIDENTS) is a resident of another (SCHOOL) district shall notify the district of residence within 60 days of the date the (CHILD) pupil is determined by the district to be a non-resident, but not later than (OCTOBER 1) August 1 following the end of the school year in which the (CHILD) pupil is educated. If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it shall not be liable to that district for any tuition billing received after (OCTOBER 1) August 1 of the next school year.*

Sec. 9. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1, is amended to read:

Subdivision 1. ((A)) (1) For the (1981-1982 AND) 1982-1983 school (YEARS) *year*, the state shall pay to any district for the employment in its educational program for handicapped children 68.8 percent of the salary of essential *instructional and service* personnel for the normal school year for each full time person employed, (OR A PRO RATA AMOUNT FOR A) part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

((B)) (2) Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children 70 percent of the salary of essential *instructional and service* personnel for the normal school year for each full time person employed, (OR A PRO RATA AMOUNT FOR A) part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

(3) *The state shall pay to any district for the employment in its educational program for handicapped children:*

(a) *For the 1982-1983 school year, 68.8 percent of the salary of licensed administrative and other similar personnel, as defined in the rules of the state board of education; and*

(b) *For the 1983-1984 school year and each year thereafter, 70 percent of the salary of licensed administrative and other similar personnel, as defined in the rules of the state board of education;*

Provided, however, the amount which a district receives pursuant to this clause, except as provided in clause (4), shall not exceed 7.25 percent of the sum of the aid the district receives according to the provisions of clause (1) or (2), subdivisions 1b, 2, 6, and 10 plus federal entitlement funds which a district receives under the Education for All Handicapped Children Act.

(4) *If a special station or facility, which is exclusively for handicapped children and at which there are at least ten FTE professional personnel employed, is maintained by a district, the limitation in clause (3) shall not apply to aid for the administrative and other similar personnel employed in the special station or facility.*

(5) *When aid pursuant to this subdivision is insufficient to employ a full-time administrator for a district's educational program for handicapped children, the district is encouraged to cooperate with other districts to provide administrative services.*

Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1a, is amended to read:

Subd. 1a. [FOUNDATION AID FORMULA ALLOWANCE.] For purposes of this section, "foundation aid formula allowance" shall have the meaning attributed to it in section 124.2122, subdivision 1, and "summer school revenue allowance" shall have the meaning attributed to it in section (124.20) 7 of this article. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1b, is amended to read:

Subd. 1b. [CONTRACT SERVICES.] (1) For special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 60 percent of

the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.

(2) For special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil, *if any*.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.-32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. For the regular school year, the aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child, *if any*. No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 13. Minnesota Statutes 1980, Section 124.32, Subdivision 7, is amended to read:

Subd. 7. [PROGRAM AND AID APPROVAL.] Before (MAY 1) *June 1* of each year, each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application (IN ORDER) to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. (ON OR BEFORE JULY 1 OF EACH YEAR) *By August 31, when the first aid payment is made,* the commissioner shall approve, disapprove or modify each application, and notify each applying district of (HIS) *the* action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw (HIS) *the* program or aid approval and withhold aid pursuant to this section without proceeding according to section 124.15 at any time (WHEN HE) *the commissioner* determines that the program does not comply with (THE) rules (AND STANDARDS) of the state board or that any facts concerning the program or its budget differ from the facts (PRESENTED) in the district's approved application.

Sec. 14. Minnesota Statutes 1980, Section 124.32, Subdivision 10, is amended to read:

Subd. 10. [SUMMER SCHOOL.] The state shall pay aid for summer school programs for handicapped children on the basis

of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. (ON OR BEFORE) *By* March 15 of each year, districts shall submit separate applications for program and budget approval for summer school programs. The review of these applications shall be as provided in subdivision 7. By May 1 of each year, the commissioner shall approve, disapprove or modify the applications and notify the districts of (HIS) *the* action and of the estimated amount of aid for the summer school programs. Aid for these programs shall be paid (ON OR BEFORE THE OCTOBER 1) *by November 15* after the summer when the programs are conducted.

Sec. 15. Minnesota Statutes 1980, Section 126.262, Subdivision 1, is amended to read:

Subdivision 1. For purposes of sections *124.273 and 126.261* to 126.269, the terms defined in this section shall have the meanings given them.

Sec. 16. Minnesota Statutes 1980, Section 126.264, Subdivision 3, is amended to read:

Subd. 3. A district which receives moneys pursuant to section (126.263) *124.273* shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

Sec. 17. Minnesota Statutes 1980, Section 126.265, is amended to read:

126.265 [GENERAL REQUIREMENTS FOR PROGRAMS.]

A district which receives aid pursuant to section (126.263) *124.273* shall comply with the following program requirements:

(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and

(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

Sec. 18. Minnesota Statutes 1980, Section 126.267, is amended to read:

126.267 [TECHNICAL ASSISTANCE.]

The state board of education shall provide technical assistance to school districts receiving aid pursuant to section (126.263) 124.273 and to post-secondary institutions for preservice and inservice training for bilingual education teachers and English as a second language teachers employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for these educational programs.

Sec. 19. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 2h. [HANDICAPPED SUMMER SCHOOL LEVY.] A district may levy for summer school programs for handicapped pupils an amount equal to the following product:

(1) The district's summer school revenue allowance as defined in section 7, clause (2) for the calendar year when the levy is certified, times

(2) the lesser of:

(a) one, or

(b) the ratio of

(i) the quotient derived by dividing the adjusted assessed valuation of the district in the third preceding year by the total pupil units in the district in the preceding regular school year, to

(ii) the equalizing factor for the preceding regular school year.

Sec. 20. [EXCEPTION FOR INDEPENDENT SCHOOL DISTRICT NO. 166.]

Notwithstanding any law to the contrary, Independent School District No. 166 shall receive aid for at least one half-time administrative position. It shall not be subject to the limitation in section 9, clause (3) of this article.

Sec. 21. [RULE SUSPENSION; TRANSITION PROVISIONS.]

The provisions of 5 MCAR S 1.0122 D. are suspended from the effective date of temporary rules adopted pursuant to section 22 of this article until August 15, 1983. The state board of education shall amend existing rules or adopt new rules pursuant to

Minnesota Statutes, Section 120.17, Subdivision 3, for the 1983-1984 school year and thereafter to implement the provisions of this article.

Sec. 22. [ADOPTION OF TEMPORARY RULES.]

The state board of education shall adopt temporary rules pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5. Notwithstanding any provisions to the contrary, the temporary rules may be effective until August 15, 1983, may be amended, and may be replaced with subsequent temporary rules effective until August 15, 1983. The temporary rules shall clarify the duties and functions of administrative and other similar personnel who are subject to the limitation in section 9, clause (3), and shall clarify the meaning of special station and facility.

Sec. 23. [STUDENT TO STAFF RATIOS; 1982-1983 SCHOOL YEAR.]

For the 1982-1983 school year, the student to staff ratios established pursuant to 5 MCAR S 1.0122 C. may be increased by an amount not to exceed 20 percent.

Sec. 24. [ADOPTION OF NEW STAFF TO STUDENT RATIO RULES.]

By July 1, 1983, the state board of education shall amend existing rules or adopt new rules on staff to student ratios which shall result in greater flexibility for the school districts and which shall have cost containment features, including incentives for cooperation among school districts. The rules are subject to the provisions in the administrative procedure act of sections 15.041 to 15.052.

Sec. 25. [REPORT TO LEGISLATURE.]

By February 1, 1983, the department of education shall report to the education committees of the legislature on the department's progress in developing rules relating to special education supervisory personnel and staff to student ratios, and the feasibility of establishing entrance and exit criteria.

Sec. 26. [APPROPRIATION REDUCTION; SPECIAL EDUCATION SUMMER SCHOOL.]

The general fund appropriation for fiscal year 1983 for summer school special education aid in Laws 1981, Chapter 358, Article III, Section 21, Subdivision 3, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is further reduced by \$631,000. The remaining amount of the appropriation for summer school special education aid for 1983 shall not be used to reimburse school districts for summer school

special education programs for pupils who are appropriately served at levels 2 or 3 of the continuum of placement model described in 5 MCAR S 1.0120 B.11.

Sec. 27. [APPROPRIATION.]

There is appropriated from the general fund to the department of education for the year ending June 30, 1983, the sum of \$1,047,000. This amount is for foundation aid for summer school programs for handicapped pupils. If this amount is not sufficient to meet all obligations, the department of education shall proportionately reduce the summer school revenue allowance and allocate the aid accordingly.

Sec. 28. [REPEALER.]

The provisions of 5 MCAR S 1.0122 C. shall be repealed on June 30, 1983.

Sec. 29. [EFFECTIVE DATE.]

Sections 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 19, 21 and 22 are effective the day following final enactment.

ARTICLE IV

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1981 Supplement, Section 122.-542, Subdivision 3, is amended to read:

Subd. 3. [ALTERNATIVE EDUCATIONAL DELIVERY SYSTEM GRANTS.] (a) The council on quality education shall make a grant to Independent School District No. 362, Littlefork, to serve as a demonstration model in the development and implementation of an alternative educational delivery system. The council shall provide supervision and coordination in the development and implementation of the demonstration model and in disseminating information about the model to other districts. Application for a grant pursuant to this subdivision shall be made in a manner prescribed by the council.

(b) Alternative educational delivery systems shall include but are not limited to:

- (1) computer-assisted instruction;
- (2) extension courses offered by correspondence;
- (3) videotape courses; and

(4) audiovisual courses.

(c) The goals of alternative educational delivery systems shall include but not be limited to:

(1) expansion of curriculum in areas not otherwise available;

(2) elimination of traditional classes of uneconomic or insufficient size without a reduction of learning opportunities;

(3) provision of remedial instruction in basic skills.

(d) A grant made pursuant to this subdivision is to be used solely for development, implementation, and evaluation of the model, and to disseminate information about the model to other school districts in the state. The legislature does not intend that this grant is to be used for start-up costs of alternative educational delivery systems in other districts, nor does it intend to fund such start-up costs in the future. *However, the council on quality education may use a portion of the moneys appropriated for this grant to provide in-service training to other school districts for the purpose of replicating the demonstration model.*

Sec. 2. Minnesota Statutes 1981 Supplement, Section 122.542, Subdivision 4, is amended to read:

Subd. 4. [LOW-POWER TELEVISION SYSTEM GRANT.]

(a) The council on quality education shall make a grant to Independent School District No. 790, Eagle Bend, to serve as a demonstration model in the development and implementation of a two-way, low-power television transmission system. The council shall provide supervision and coordination in the development, implementation, and evaluation of the model and in disseminating information about the model to other districts. Applications for this grant shall be made in a manner prescribed by this council.

(b) This grant is to be used solely for the development, implementation, and evaluation of the model and for disseminating information about the model to other school districts in the state. The legislature does not intend that this grant is to be used for start-up costs of two-way, low-power television transmission systems in other school districts nor does the legislature intend to fund such start-up costs in the future. *However, the council on quality education may use a portion of the moneys appropriated for this grant to provide in-service training to other school districts for the purpose of replicating the demonstration model.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1, is amended to read:

Subdivision 1. [(BASIC) CAPITAL EXPENDITURE COMPUTATION.] (a) In the 1981-1982 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the *calendar year second preceding the calendar year in which that school year begins*. In order to qualify for aid pursuant to this subdivision in any school year, a district must (HAVE LEVIED THE FULL SEVEN EARC MILLS FOR USE) *levy the maximum amount of revenue authorized for capital expenditures (IN) for that school year pursuant to section 275.125, subdivision 11a.*

(b) In the 1982-1983 school year and each year thereafter, the aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy *revenue* under section 275.125, subdivision 11a, (ATTRIBUTABLE TO) for any school year starting in 1982-1983 and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds \$90 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1a, is amended to read:

Subd. 1a. [SPECIAL PURPOSE COMPUTATION.] In the 1982-1983 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the *calendar year second preceding the calendar year in which that school year begins*. In order to qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum (PERMISSIBLE) amount of *revenue authorized* pursuant to section 275.125, subdivision 11b for (USE IN) that school year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11b may be used.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.251, is amended to read:

124.251 [STATE AID; IMPROVED LEARNING PROGRAMS.]

A district which establishes, pursuant to sections 121.501 to 121.507, a principal-teacher, counselor-teacher or career teacher component of an improved learning program approved by the state board of education, shall receive state aid for the purpose of this program in an amount equal to the salary and fringe benefits for the number of days each principal-teacher, counselor-teacher or career teacher works beyond the regular contract period. The daily rate paid shall be the contract rate including fringe benefits earned by the principal-teacher, counselor-teacher or career teacher during the year in which the application is submitted. The state board shall not approve applications or pay aids in excess of the state appropriation for this program. In addition, the board shall make an effort to distribute aid as equally as possible between rural, suburban and urban districts. In addition to other aids or moneys, a school district may use summer school (FOUNDATION) revenue to fund an improved learning program.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.271, Subdivision 2a, is amended to read:

Subd. 2a. [COMMUNITY EDUCATION COMPUTATION.] Beginning in fiscal year 1984, each district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied pursuant to section 275.125, subdivision 8, shall receive in state aid the greater of the following:

(a) \$5 per capita minus the amount raised by .9 mill times the adjusted assessed valuation used to compute (THE) *authorized* community education levy (LIMITATION FOR THE LEVY ATTRIBUTABLE) *revenue for* to that school year; or

(b) 75 cents per capita; or

(c) \$7,000.

However the amount of aid shall not exceed the amount of *levy revenue* certified for the school year pursuant to section 275.125, subdivision 8. For purposes of computing the aid limitation pursuant to this subdivision, the amount certified pursuant to section 275.125, subdivision 8, shall not reflect reductions pursuant to section 275.125, subdivision 9.

Sec. 7. Minnesota Statutes 1980, Section 134.34, is amended by adding a subdivision to read:

Subd. 5. [MAINTENANCE OF EFFORT; EXCEPTION.] Notwithstanding subdivision 4, a regional library system support grant may be made in fiscal year 1983 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1981, if the amount provided by the city or county in 1982 is not less than the amount provided by it in 1980. A regional library system support grant may be made in fiscal year 1984 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1982, if the amount provided by the city or county in 1983 is not less than the amount provided by it in 1981. This subdivision shall not affect the eligibility of cities or counties to declare all or part of their library levies as special levies under the provisions of section 275.50, subdivision 5, clause (c).

Sec. 8. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (1) (IN 1981 A DISTRICT WHICH HAS ESTABLISHED A COMMUNITY EDUCATION ADVISORY COUNCIL PURSUANT TO SECTION 121.88, MAY LEVY AN AMOUNT OF MONEY RAISED BY THE GREATER OF (A) \$3.40 PER CAPITA, OR (B) 110 PERCENT OF THE AMOUNT CERTIFIED PURSUANT TO THIS SUBDIVISION IN 1980. THESE LEVIES SHALL BE USED FOR COMMUNITY SERVICES INCLUDING NONVOCATIONAL ADULT PROGRAMS, RECREATION AND LEISURE TIME ACTIVITY PROGRAMS, AND PROGRAMS CONTEMPLATED BY SECTIONS 121.85 TO 121.88. FOR PURPOSES OF COMPUTING THE LEVY LIMITATION PURSUANT TO THIS SUBDIVISION, THE AMOUNT CERTIFIED PURSUANT TO THIS SUBDIVISION IN 1980 SHALL NOT REFLECT REDUCTIONS PURSUANT TO SUBDIVISION 9.)

((2)) Except as provided in clauses ((3)) (2) and ((4)) (3), (IN 1982) a district which has established a community education advisory council pursuant to section 121.88, may levy for the 1983-1984 school year, and for each school year thereafter, an amount of revenue equal to the amount raised by .9 mill times the (MOST RECENT) applicable adjusted assessed valuation of the district, but no more than \$5 times the population of the district. This amount shall be reduced to \$4.25 per capita for districts which will qualify for aid in fiscal year 1984 equal to 75 cents per capita pursuant to section 124.271, subdivision 2a, clause (b).

((3)) (2) Districts which received total revenue in fiscal year 1983 from community education aid and levy in excess of \$5 times the population of the district, may levy (THE) an

amount of *revenue equal to* the fiscal year 1983 revenue less \$5 times the population of the district in addition to the amount in clause ((2)) (1).

((4)) (3) Districts which will qualify for aid pursuant to section 124.271, subdivision 2a, clause (c) may levy the amount of their fiscal year 1983 revenue from community education aid and levy minus \$7,000.

((5)) (4) A school district may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

((6)) (5) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) *For each school year* a school district may levy an amount of *revenue* not to exceed the amount equal to \$90 per pupil unit, or \$95 per pupil unit in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), (HAS) increased from the (PRIOR) *second preceding school year to the preceding school year*. No levy under this clause shall exceed seven mills times the *applicable* adjusted assessed valuation of the taxable property in the district (FOR THE PRECEDING YEAR).

(b) The proceeds of the tax may be used only to acquire land, to equip and re-equip buildings and permanent attached fixtures, *to rent or lease buildings for school purposes*, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned prop-

erty; provided that a district may not levy amounts to pay assessments for service charges, (INCLUDING BUT NOT LIMITED TO) *such as* those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures (FOR THE PURPOSE OF REDUCING) *to reduce* or (ELIMINATING) *eliminate* barriers to or (INCREASING) *increase* access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. *The proceeds of the tax may also be used to pay fees for capital outlay expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors.*

(c) Subject to the commissioner's approval, the tax proceeds may also be used to (RENT OR LEASE BUILDINGS FOR SCHOOL PURPOSES AND TO) acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the (RENTING OR LEASING OF BUILDINGS FOR SCHOOL PURPOSES AND THE) acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal (WITH RESPECT TO) *for* the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) *For each school year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount of revenue equal to \$5 per pupil unit for capital expenditures for equipment for these programs.*

(g) For purposes of computing allowable levies under this subdivision and subdivision 11b, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] (IN 1981 AND) *For each school year (THEREAFTER), in addition to the levy revenue authorized in subdivision 11a, a school district may levy an amount of revenue not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the applicable adjusted assessed valuation of the property in the district (FOR THE PRECEDING YEAR). The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:*

(a) *for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;*

(b) *for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;*

(c) *for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F.*

Sec. 11. Minnesota Statutes 1980, Section 275.48, is amended to read:

275.48 [ADDITIONAL TAX LEVIES IN CERTAIN MUNICIPALITIES.]

(WHENEVER) *When by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of (ANY) a city, township or school district for (ANY) a taxable year is reduced after the taxes for (SUCH) the year have been spread by the county auditor, and (WHENEVER) when the mill rate (AS) determined by the county auditor based (UPON) on the original assessed valuation is applied (UPON SUCH) on the reduced (VALUATIONS) valuation and does not produce the full amount of taxes (AS) actually levied and certified for (SUCH) that taxable year (UPON) on the original assessed (VALUATIONS) valuation, (SUCH) the city, township or school district may include an additional amount in its tax levy made following final determination and notice of (SUCH) the reduction in assessed valuation (, AN). The amount shall equal (TO) the difference between the total amount of taxes actually levied and certified for (SUCH) that taxable year upon the original assessed valuation, not exceeding the maximum amount which could be raised (UPON SUCH) on the assessed valuation as reduced, within existing mill limitations, if any, and the amount of taxes collected for (SUCH) that taxable year (UPON SUCH)*

on the reduced (VALUATIONS) valuation. The total tax levy authorized for a school district by this section shall be reduced by the total amount of any abatement adjustments received by the district pursuant to section 124.214, subdivision 2, in the same calendar year in which the levy is certified. (PRIOR TO SEPTEMBER 15 OF EACH YEAR, THE COMMISSIONER OF EDUCATION SHALL CERTIFY TO EACH COUNTY AUDITOR THE AMOUNT OF ANY ABATEMENT ADJUSTMENTS PAID IN THAT YEAR TO EACH SCHOOL DISTRICT IN THAT COUNTY.) As part of the certification required by section 275.125, subdivision 10, the commissioner of education shall certify the amount of the abatement levy limitation adjustment for each school district headquartered in that county.

Except for school districts, the amount of taxes so included shall be levied separately and shall be levied in addition to all limitations imposed by law; and further shall not result in any penalty in the nature of a reduction in state aid of any kind.

Sec. 12. [REPEALER.]

Minnesota Statutes 1980, Section 123.37, Subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, are repealed.

Sec. 13. [EFFECTIVE DATE.]

Section 7 of this article is effective the day following enactment.

ARTICLE V

VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1981 Supplement, Section 124.5624, Subdivision 3, is amended to read:

Subd. 3. [EQUIPMENT AID.] "Post-secondary vocational equipment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and repair and betterment aid apportioned by the state board for vocational education to local school districts, *as necessary for the conduct of post-secondary vocational-technical training*, for the purpose of:

- (a) acquisition or purchase of equipment or machinery;
- (b) betterment, as defined in section 475.51, of equipment or machinery; (AND)

(c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment (,) ; and

(d) *renting or leasing buildings for school purposes*

(AS NECESSARY FOR THE CONDUCT OF POST-SECONDARY VOCATIONAL-TECHNICAL TRAINING).

Post-secondary vocational equipment aid shall be utilized solely for the purposes enumerated in this section.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.5624, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; EQUIPMENT AID ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1982, AND BEFORE) January 1 of each year (THEREAFTER) detailing estimated costs for the following fiscal year in each applicable component activity of the AVTI's operations for each of the following expenditure categories: acquisition of equipment or machinery, betterment of equipment or machinery and (RENTS AND LEASES) *renting or leasing buildings for school purposes*, for all instructional programs and support services, including special needs programs and related instruction. Each budget shall also include anticipated revenues from the sale of equipment and other capital goods. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or repair and betterment aid. The department of education shall recommend an allocation of equipment aid in each applicable component activity of the AVTI's operations for each of the expenditure categories and a total allocation of equipment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of equipment aid for each AVTI, and detail recommended levels of spending in each component activity for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 3, is amended to read:

Subd. 3. [REPAIR AND BETTERMENT AID.] (a) [DEFINITION.] "Post-secondary vocational repair and betterment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and equipment aid, apportioned by the state board for vocational education to local school districts for the purpose of reconstruction, improvement, remodeling and repair of the existing AVTI buildings and grounds, (AND RENTING OR

LEASING BUILDINGS FOR SCHOOL PURPOSES,) as necessary for the conduct of post-secondary vocational-technical training.

(b) [PROHIBITION.] Post-secondary vocational repair and betterment aid shall be utilized solely for the purposes enumerated in this section. The use of post-secondary vocational repair and betterment aid shall be governed by the provisions of section 121.21, subdivision 4a. Post-secondary vocational repair and betterment aid shall not be utilized for the acquisition or betterment of equipment or machinery.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; AID ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1982 AND BEFORE) January 1 of each (SUBSEQUENT) year detailing estimated costs for the following fiscal year (FOR RENTS AND LEASES AND) for each repair and betterment project proposed by the AVTI. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or equipment aid. The department of education shall recommend an allocation of repair and betterment aid (FOR RENTS AND LEASES AND) for each project proposed by the AVTI as well as a total allocation of repair and betterment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of repair and betterment aid for each AVTI, and detail recommended levels of spending (FOR RENTS AND LEASES AND) for each project proposed by the AVTI, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. The amount of each AVTI's estimated net positive unappropriated capital fund balance, as of June 30 of the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. The allocation of post-secondary vocational repair and betterment aid by the state board shall not constitute approval of a project by the state board for the purposes of section 121.21, subdivision 4a.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before (AUGUST 1, 1982 AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the repair and betterment aid allocation to each AVTI. This report shall include recommended aid allocations (FOR RENTS AND LEASES AND) for each repair and betterment project proposed by an AVTI and an explanation comparing the amount of the authorized repair

and betterment aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the repair and betterment aid allocation shall be included.

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 of this article are effective the day following final enactment.

**ARTICLE VI
MISCELLANEOUS**

Section 1. [120.84] [PERMANENT SCHOOL FUND ADVISORY COMMITTEE.]

A state permanent school fund advisory committee is established to advise the department of natural resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee shall consist of the following persons or their designees: the chairpersons of the education committees of the legislature, the commissioner of education, one superintendent from a non-metropolitan district, and one superintendent from a metropolitan area district. The school district superintendents shall be appointed by the commissioner of education.

The advisory committee shall review the department of natural resources policies on management of school trust fund lands and shall recommend necessary changes in policy and implementation in order to ensure provident utilization of the permanent school fund lands.

Sec. 2. Minnesota Statutes 1980, Section 121.11, Subdivision 12, is amended to read:

Subd. 12. [ADMINISTRATIVE (REGULATIONS) RULES.] The state board shall (HAVE POWER FROM TIME TO TIME TO MAKE) adopt and enforce (SUCH) rules (AND REGULATIONS), consistent with this code, (AS MAY BE) appropriate for the administration and enforcement thereof. *Notwithstanding the provisions of section 15.0412, subdivision 1a, the state board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.*

Sec. 3. Minnesota Statutes 1980, Section 121.908, Subdivision 3, is amended to read:

Subd. 3. Prior to June 30 of the calendar year following the submission of the unaudited financial statement, the school district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of *material differences in the unaudited statement.*

Sec. 4. Minnesota Statutes 1980, Section 121.912, Subdivision 2, is amended to read:

Subd. 2. As used in this section, "operating fund" and "non-operating fund" shall have the meanings specified in the uniform financial accounting and reporting standards for Minnesota school districts. Any transfer for a period in excess of (ONE YEAR) *two years* shall be deemed to be a permanent transfer.

Sec. 5. Minnesota Statutes 1980, Section 121.912, Subdivision 3, is amended to read:

Subd. 3. For the purposes of this section, a permanent transfer includes creating a deficit in a nonoperating fund *which is covered by moneys in an operating fund for a period of time past the end of the (CURRENT) fiscal year following the fiscal year (WHICH IS COVERED BY MONEYS IN AN OPERATING FUND) in which the deficit is created.*

Sec. 6. Minnesota Statutes 1980, Section 122.90, Subdivision 1, is amended to read:

Subdivision 1. After July 1, 1977, no referendum for bonds or solicitation of bids for construction of (AN) *(a) a post-secondary vocational educational facility which requires a capital expenditure in excess of \$400,000, or (b) an educational facility to be financed with a capital loan pursuant to sections 124.36 to 124.47,* shall be initiated prior to review and comment by the commissioner. No school board shall separate portions of a single project into components in order to evade the cost limitation of this section. (ANY CONSTRUCTION PROJECT FOR WHICH BONDS HAVE BEEN AUTHORIZED BY REFERENDUM OR LEGISLATIVE ACT OR FOR WHICH BIDS HAVE BEEN SOLICITED PRIOR TO JULY 1, 1977, SHALL BE CONSIDERED TO HAVE BEEN INITIATED PRIOR TO JULY 1, 1977 FOR PURPOSES OF THIS SECTION.)

Sec. 7. Minnesota Statutes 1980, Section 123.37, Subdivision 1b, is amended to read:

Subd. 1b. Notwithstanding the provisions of subdivision 1 or section 471.345, a contract for the transportation of school children, *or for the purchase of petroleum heating fuel or fuel for district owned vehicles* may be made by direct negotiation, by obtaining two or more written quotations for the service when

possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, negotiations shall be open to the public. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1 except as otherwise provided in this subdivision.

Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 123.35, is amended by adding a subdivision to read:

Subd. 9a. [SUMMER SCHOOL CLASSES.] The board may establish and maintain summer school programs and inter-session classes of flexible school year programs.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 123.702, Subdivision 1, is amended to read:

Subdivision 1. (EVERY) A school board (SHALL) *may* provide for a voluntary health and developmental screening program for children once before entering kindergarten. This screening program (SHALL) *may* be established either by one board, by two or more boards acting in cooperation, by educational co-operative service units, by early childhood and family education programs, or by other existing programs. *To qualify for aid pursuant to section 123.705, the screening program shall comply with the requirement of sections 123.701 to 123.704.* No school board may make this screening examination a mandatory prerequisite to enroll a student.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 123.702, Subdivision 1a, is amended to read:

Subd. 1a. (THE) A screening (PROGRAMS) *program* shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, *and* the review of health history and immunization status (AND NUTRITIONAL AND PHYSICAL ASSESSMENTS. THE SCHOOL BOARD MAY ALSO PROVIDE ADDITIONAL COMPONENTS, INCLUDING LABORATORY TESTS OR DENTAL ASSESSMENTS, IN THE SCREENING PROGRAM). All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening pro-

grams. No child shall be required to submit to any component of this screening program to be eligible for any other component. No screening program shall provide (LABORATORY TESTS,) a health history (OR A PHYSICAL EXAMINATION) to any child who has been provided (WITH THOSE LABORATORY TESTS OR) a health history (OR PHYSICAL EXAMINATION) within the previous 12 months. The school district shall request the results of any (LABORATORY TEST,) health history (OR PHYSICAL EXAMINATION) within the 12 months preceding a scheduled screening clinic.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 123.705, is amended to read:

123.705 [STATE AID.]

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$28 per child screened in fiscal year 1982 and (\$29) \$15 per child screened in fiscal year 1983. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 12. Minnesota Statutes 1980, Section 123.741, Subdivision 1, is amended to read:

Subdivision 1. The school board of each school district in the state shall develop and adopt a written educational policy which establishes educational goals for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. The school board shall review this policy (EACH) *every third year* and adopt revisions which it deems desirable. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building. In formulating the policy, the school board of a district is encouraged to consider: (a) the number of dropouts of school age in the district and the reasons for the dropouts; (b) existing programs within the district for dropouts and potential dropouts and (c) program needs of dropouts and potential dropouts.

Sec. 13. Minnesota Statutes 1980, Section 124.19, Subdivision 1, is amended to read:

Subdivision 1. Every district which receives special state aid shall maintain school *in session* or provide instruction in other districts, in state university laboratory school or in the university laboratory school, *for at least* (A MINIMUM TERM AS DEFINED BY THE STATE BOARD. THE NORMAL SCHOOL YEAR WHEN SCHOOL IS IN SESSION SHALL BE NOT LESS THAN) 175 days, *not including summer school*, or (THEIR) *the equivalent in a district operating a flexible*

school year program. A district which holds school for (THAT PERIOD) *the required minimum number of days* and is otherwise qualified is entitled to special state aid as *provided* by law (PROVIDED). If school is *not* held (A LESS PERIOD SUCH SPECIAL) *for the required minimum number of days, special* state aid shall be reduced by the ratio that the difference between 175 days and the number of days school is held bears to 175 days, multiplied by 60 percent of the product of the (DISTRICT'S) foundation aid formula allowance times its pupil units for that year (; BUT). *However, districts maintaining (LESS) school for fewer than the required minimum number of days (OF SCHOOL IN SESSION) do not lose special state aid, if the circumstances causing (SUCH) loss of school (TIME) days below the required minimum number of days (WERE) are beyond the control of the board and (PROVIDED), if proper evidence (HAS BEEN) is submitted and a good faith attempt made to make up time lost on account of these circumstances. The loss of school days resulting from a lawful employee strike shall not be considered a circumstance beyond the control of the board.* Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school (IN SESSION). (EFFECTIVE THE 1979-1980 SCHOOL YEAR,) Not more than five days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days (SCHOOL IS IN SESSION), except that, for kindergarten classes, not more than ten days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days (SCHOOL IS IN SESSION).

Sec. 14. Minnesota Statutes 1980, Section 124.19, is amended by adding a subdivision to read:

Subd. 5. (a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by school districts. School districts are encouraged to consider both cost and energy saving measures.

(b) Notwithstanding the provisions of subdivision 1 or 4, any district, including a district operating a program pursuant to sections 120.59 to 120.68, may adjust the annual school schedule throughout the calendar year so long as the number of instructional hours in the year is not less than the numbers specified in the rules of the state board.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means the lesser of:

(1) A levy in whichever of the following amounts is applicable:

(a) In any school district granted a debt service loan after July 31, 1981 or granted a capital loan which is approved after July 31, 1981, a levy in a total dollar amount computed as 16 mills on the adjusted assessed value;

(b) In any school district granted a debt service loan before August 1, 1981 or granted a capital loan which was approved before August 1, 1981, a levy in a total dollar amount computed as 15 mills on the adjusted assessed value, until and unless the district receives an additional loan; or

(2) A levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5-1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan;

(d) In any school district (GRANTED) *in which* a capital loan (BETWEEN JULY 1, 1977 AND JUNE 2, 1981) *was approved prior to August 1, 1981*, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2) (d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2) (d), the liability of the district for the amount of the difference between the amount it levied under clause (2) (d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 125.-611, Subdivision 5, is amended to read:

Subd. 5. [SCHOOL BOARD APPLICATION; LIMIT.] If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the March 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. The commissioner shall approve no more than 500 applications for early retirement incentives for teachers retiring at the end of each school year.

If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. *If the number of applications submitted by February 1 and approved by the commissioner is less than 500 and is within the limits of the appropriation, additional applications submitted after February 1 may be considered for approval by the school board and commissioner according to the order of receipt.*

Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 136A.-81, Subdivision 1, is amended to read:

Subdivision 1. [FEES AND TUITION.] Except for an administration fee of \$6 a credit hour, to be collected only when a course is taken for credit, a senior citizen who is a legal resident of Minnesota is entitled without payment of tuition or activity fees to attend courses offered for credit (OR), audit any courses offered for credit, *or enroll in any noncredit adult vocational education courses* in any state supported institution of higher education in Minnesota when space is available after all tuition-paying students have been accommodated. *For the purposes of sections 136A.80 and 136A.81, the term "noncredit adult vocational education courses" shall not include those adult vocational education courses designed and offered specifically and exclusively for senior citizens.* Senior citizens enrolled under the provisions of sections 136A.80 and 136A.81 shall not be included by such institutions in their computation of full time equivalent

students when requesting staff or appropriations. The enrollee shall pay laboratory or material fees.

Sec. 18. Minnesota Statutes 1980, Section 475.61, Subdivision 4, is amended to read:

Subd. 4. All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the debt service fund when the obligations and interest thereon are paid may be appropriated to any other general purpose by the municipality. However, the amount of any surplus remaining in the debt service fund of a school district when the obligations and interest thereon are paid shall be used to reduce the maintenance levy authorized pursuant to section 275.125, subdivision 2a *except that from the effective date of this section of this article to June 30, 1983, a school district which has discontinued its levy for debt service may transfer to its general fund the amount of any surplus remaining in its debt service fund when the obligations and interest thereon are paid or when an escrow account for defeasance of the entire amount of the obligations and interest thereon has been established.*

Sec. 19. Laws 1981, Chapter 358, Article 7, Section 29, as amended by Laws 1981, Third Special Session Chapter 1, Article I, Section 10, is amended to read:

Sec. 29. [EXEMPTION FROM PUBLIC SALE.]

Notwithstanding Minnesota Statutes, Section 124.76, from June 1, 1981 until June 30, 1983, the requirements as to public sale of tax and aid anticipation certificates of indebtedness shall not apply to certificates which mature no later than (SIX) 12 months after their date of issue. The interest rate on these certificates may be determined by direct negotiation.

Sec. 20. Laws 1981, Third Special Session Chapter 2, Article II, Section 1, is amended to read:

Section 1. [EDUCATION AID REDUCTIONS; SUMMARY.]

The sums set forth in the columns designated "APPROPRIATION REDUCTIONS" are reduced from the general fund appropriations to the department of education. The figures "1982" and "1983" when used in (SECTION 2 OF THIS ARTICLE) *Laws 1981, Third Special Session Chapter 2, Article II, Section 2*, mean that the appropriation reductions listed are from the appropriations for the fiscal years ending June 30, 1982 or June 30, 1983, respectively.

Sec. 21. [DEPARTMENT OF NATURAL RESOURCES;
LEASING POLICY.]

By February 1, 1983, the department of natural resources shall submit a report to the education committees of the legislature on its policy for the leasing of permanent school fund land.

SUMMARY OF REDUCTIONS

	1982	1983
EDUCATION AIDS	((-0-)	(\$160,900,000))
	(\$22,500)	(\$160,877,500)

APPROPRIATION REDUCTIONS

	1982	1983
Sec. 22. Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is amended to read:		

Sec. 2. [APPROPRIATION REDUCTIONS.]

The general fund appropriations in Laws 1981, Chapter 358, as amended by Laws 1981, First Special Session, Chapter 2, are reduced by the listed amounts. The appropriation reductions in this section are from the portion of the appropriation provided for the current year and not from the portion of the appropriation provided for the prior year.

(a) Foundation Aid	(-0-)	(\$68,481,500)
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The appropriation reduction in paragraph (a) represents four and nine-tenths percent of the formula allowance for foundation aid for fiscal year 1983 payable in fiscal year 1983, plus a reduction due to the one mill levy increase authorized by this article.

(b) Summer School	(-0-)	(12,066,400)
(c) Transportation Aid	(-0-)	((34,655,400))
		(32,930,400)

The appropriation reduction in paragraph (c) represents: (1) the product of: (i) the sum of the appropriation provided for fiscal year

	1982	1983
	\$	\$
<p>1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, Article II, Section 15, Subdivision 2, as amended by Laws 1981, First Special Session, Chapter 2, Section 9, Subdivision 2; plus ((2)) the proceeds of the (TWO-MILL) one-mill levy authorized by (THIS ARTICLE) section 275.125, subdivision 5; times ((3)) (ii) seven and one-half percent plus (2) a reduction due to the one-mill levy increase authorized by Laws 1981, Third Special Session Chapter 2, Article IV, Section 12, Subdivision 3.</p>		
(d) Special Education Aid	(-0-)	(7,076,000)
<p>The appropriation reductions in paragraphs (d) to (k) represent seven and one-half percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, as amended by Laws 1981, First Special Session, Chapter 2.</p>		
(e) Summer School Special Education Aid	(-0-)	(366,500)
(f) Handicapped Pupils Placed in Residential Facilities	(-0-)	(47,300)
(g) Limited English Proficiency Pupils Program Aid	(-0-)	(251,600)
(h) American Indian Language and Culture Program	(-0-)	(33,500)
(i) Hearing Impaired Support Services Aid	(-0-)	(3,000)
(j) Adult Education Aid	(-0-)	(84,600)
(k) Community Education Aid	(-0-)	(240,000)
(l) Post-Secondary Vocational Instructional Aids	(-0-)	(3,949,900)

	1982	1983
	\$	\$
<p>The appropriation reductions in paragraphs (l) to (p) represent eight percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358.</p>		
(m) Post-Secondary Vocational Supply Aid	(-0-)	(1,186,300)
(n) Post-Secondary Vocational Support Services Aid	(-0-)	(1,215,300)
(o) Post-Secondary Vocational Equipment Aid	(-0-)	(729,600)
(p) Post-Secondary Vocational Repair and Betterment Aid	(-0-)	(95,200)
(q) Adult Vocational Education Aid	(-0-)	(481,400)
<p>The appropriation reductions in paragraphs (q) to (ll) represent a reduction of seven and one-half percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358.</p>		
(r) Adult Vocational Programs in Energy Management for Building Operators	(-0-)	(3,300)
(s) Veteran Farmers Cooperative Training Programs	(-0-)	(44,200)
(t) Secondary Vocational Education Aid	(-0-)	(1,348,300)
(u) Secondary Vocational Programs for Handicapped Children	(-0-)	(159,700)
(v) Health and Developmental Screening Programs	(-0-)	(80,600)
(w) Abatement Aid	(-0-)	(224,100)
(x) Capital Expenditure Equalization Aid	(-0-)	(28,200)

	1982	1983
	\$	\$
(y) Special Purpose Capital Expenditure Equalization Aid	(-0-)	(4,400)
(z) Educational Cooperative Service Units	(-0-)	(57,700)
(aa) Gifted and Talented Students	(-0-)	(40,800)
(bb) Alternative Grants	(-0-)	(11,300)
(cc) Council on Quality Education Venture Fund Grants ...	(-0-)	(38,300)
(dd) Early Childhood and Family Education Programs	(-0-)	(95,600)
(ee) Basic Support Grants for Library Services	(-0-)	(273,000)
(ff) Multi-County Library Systems	(-0-)	(11,600)
(gg) Nonpublic Educational Aids	(-0-)	(288,600)
(hh) Indian Education Programs	(-0-)	(11,300)
(ii) Chemical Use Programs ...	(-0-)	(62,000)
(jj) Extended Leaves of Absence	(-0-)	(118,100)
(kk) Part-time Teaching	(-0-)	(5,700)
(ll) Early Retirement Incentives	(-0-)	(135,400)
(mm) Improved Learning Program	(22,500)	(-0-)

The appropriation reduction in paragraph (mm) represents a reduction of seven and one-half percent of the appropriation provided for fiscal year 1982 in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 19.

	1982	1983
	\$	\$
(nn) General Reduction	(-0-)	((26,894,300))
		(28,596,800)

The commissioner of education shall apportion the reduction in paragraph ((MM)) (nn) among school districts, public library systems, multi-type library systems, and educational cooperative service units (, AND REGIONAL MANAGEMENT INFORMATION SYSTEMS) in the same manner in which he apportioned the education aid reductions made in fiscal year 1981 pursuant to Minnesota Statutes 1980, Sections 16A.15, Subdivision 1, and 124.77, because funds in the state treasury were insufficient.

Sec. 23. Laws 1981, Third Special Session Chapter 2, Article II, Section 15 is amended to read:

Sec. 15. [REPAYMENT BY END OF FISCAL YEAR.]

Notwithstanding any law to the contrary, by June 30, 1982, the commissioner of finance shall draw warrants in favor of school districts, public library systems, multi-type library systems, educational cooperative service units or regional management information systems for any of the state aids, payments, reimbursements and fund transfers that were suspended by the commissioner of education pursuant to section 13. *In the event moneys become available for partial repayment of suspended aid payments, reimbursements, and fund transfers before June 30, 1982, the commissioner may consider the cash flow needs of the individual recipients in determining which suspended amounts shall be repaid before June 30, 1982.*

Sec. 24. Laws 1981, Third Special Session Chapter 2, Article II, Section 20, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 9 and 11 to 19 are effective the day following final enactment. Section 10 is effective (FOR LEVIES CERTIFIED IN 1982 PAYABLE 1983) *on July 1, 1982.*

Sec. 25. [PAYMENT OF INTEREST.]

The state shall pay interest on any state aids, payments, reimbursements or fund transfers suspended pursuant to Laws 1981, Third Special Session Chapter 2, Article II, Section 13 and which have not been repaid by April 15, 1982. Interest shall begin to accrue on April 15, 1982 and shall be calculated on a daily basis as simple interest on any balance remaining unpaid at a rate equal to the rate of interest on the most recent sale of certificates of indebtedness by the commissioner of finance prior to April 15, 1982, pursuant to Minnesota Statutes 1981 Supplement, Section 16A.671.

Sec. 26. [FINDINGS.]

The legislature finds that many school districts are or will be experiencing financial difficulties during this biennium because of reductions in state aids, suspensions in state aid payment and the change in tax revenue recognition. The legislature further finds that many school districts have moneys in their capital expenditure funds in excess of their reasonably anticipated needs. It is the desire of the legislature to provide increased flexibility to the school districts to alleviate the impact of the present financial difficulties.

Sec. 27. [TRANSFER FROM CAPITAL EXPENDITURE FUND.]

Notwithstanding the provisions of section 275.125, subdivision 11a or any other law to the contrary, a school district may permanently transfer an amount not to exceed \$50 per pupil unit from the capital expenditure fund to the general fund of the district. The transfer shall be made before June 30, 1983.

Sec. 28. [APPROPRIATION REDUCTION; PRE-SCHOOL SCREENING.]

The general fund appropriation for fiscal year 1983 for health and developmental screening programs in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 2, as reduced by Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is further reduced by \$416,000.

Sec. 29. [REPEALER.]

Minnesota Statutes 1980, Section 128.05; Laws 1967, Chapters 251 and 253; and Laws 1976, Chapter 20, Section 8, are repealed.

Sec. 30. [EFFECTIVE DATE.]

Sections 4, 7, 14, 17, 21, 22, 23, 24, 25 and 29 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; governing the recognition of school district property tax revenues and the computation of levies; granting certain powers and duties to school districts, the state board of education, and others; altering the method of distribution of transportation aid; altering aids for summer school; repealing certain administrative rules; reducing certain appropriations; appropriating money; amending Minnesota Statutes 1980, Sections 120.17, Subdivision 4a; 121.11, Subdivision 12; 121.908, Subdivision 3; 121.912, Subdivisions 2 and 3; 122.90, Subdivision 1; 123.37, Subdivision 1b; 123.741, Subdivision 1; 123.78, Subdivision 1; 124.19, Subdivision 1, and by adding a subdivision; 124.213, Subdivision 2; 124.32, Subdivisions 7 and 10; 126.262, Subdivision 1; 126.264, Subdivision 3; 126.265; 126.267; 134.34, by adding a subdivision; 275.125, Subdivision 1a, as added; 275.125, Subdivisions 2a, 2d, 2e, 5, as amended, 6b, 6c, 7a, 7c, 9, 19, 20, and by adding subdivisions; 275.48; 298.28, Subdivision 1; 475.-61, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 120.17, Subdivisions 5a and 6; 121.904, Subdivisions 4 and 7; 122.531, Subdivision 6; 122.542, Subdivisions 3 and 4; 123.35, by adding a subdivision; 123.702, Subdivisions 1 and 1a; 123.-705; 124.01, Subdivision 1; 124.17, Subdivision 2; 124.2121, Subdivisions 2, 4, and 5, as amended; 124.2122, Subdivisions 1, and 2, as amended; 124.2123, Subdivisions 1, 3, and by adding a subdivision; 124.2124, Subdivisions 1, as amended, and 3; 124.2125, Subdivision 1, as amended; 124.2126, Subdivision 3; 124.2128, Subdivisions 1 and 5; 124.2129, Subdivision 3, and by adding a subdivision; 124.213, Subdivision 2; 124.223; 124.-225, as amended; 124.245, Subdivisions 1 and 1a; 124.251; 124.271, Subdivision 2a; 124.32, Subdivisions 1, 1a, and 5; 124.38, Subdivision 7; 124.5624, Subdivisions 3 and 4; 124.5627, Subdivisions 3, 4, and 5; 125.611, Subdivision 5; 136A.81, Subdivision 1; 275.125, Subdivisions 8 and 11b; Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3; Article VII, Section 29, as amended; Third Special Session Chapter 2, Article II, Sections 1, 2, 15, and 20; Article IV, Sections 3, Subdivisions 2 and 3; 5, Subdivision 3, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 120 and 124; repealing Minnesota Statutes 1980, Sections 121.904, Subdivisions 4a and 4b, as added; 121.96; 123.37, Subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 128.05; Laws 1967, Chapters 251 and 253; and Laws 1976, Chapter 20, Section 8."

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2136, 342, 612, 716, 773, 950, 1220, 1234, 1456, 1459, 1469, 1492, 1499, 1547, 1558, 1625, 1646, 1663, 1685, 1687, 1700,

1701, 1725, 1768, 1791, 1795, 1799, 1812, 1830, 1832, 1852, 1863, 1902, 1920, 1941, 1948, 1967, 1975, 1993, 1994, 2005, 2011, 2057, 2058, 2059, 2066, 2068, 2077, 2078, 2079, 2134, 2170 and 2175 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 709 and 233 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Rees introduced :

H. F. No. 2186, A bill for an act relating to retirement; directing recalculation of certain annuities and benefits paid by the public employees retirement association; appropriating funds.

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

Rees introduced :

H. F. No. 2187, A bill for an act relating to economic development; transferring the duties of the securities and real estate division under the municipal industrial development act to the department of energy, planning and development; appropriating money; amending Minnesota Statutes 1980, Section 474.01, Subdivisions 7a and 7b; Minnesota Statutes 1981 Supplement, Sections 474.01, Subdivision 7; and 474.03.

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

Brandl, Samuelson, Wynia, Hokr and Laidig introduced :

H. F. No. 2188, A bill for an act relating to public welfare; providing for a mechanism in the program of aid to families with dependent children to minimize certain recipients' incentives to quit work; amending Minnesota Statutes 1980, Section 256.74, Subdivision 1, as amended.

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

Metzen introduced :

H. F. No. 2189, A bill for an act relating to the city of South St. Paul; giving the city the powers of a port authority.

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

Carlson, L., introduced :

H. F. No. 2190, A bill for an act relating to education; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; amending Laws 1981, Chapter 359, Section 9, Subdivision 12.

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

Kelly introduced :

H. F. No. 2191, A bill for an act relating to Ramsey County; providing for the cost of water systems at the county medical facility.

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

Niehaus introduced :

H. F. No. 2192, A bill for an act relating to taxation; property; interest rates on delinquent taxes; amending Minnesota Statutes 1980, Section 278.08; and Minnesota Statutes 1981 Supplement, Sections 277.15 and 279.03.

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

Niehaus introduced :

H. F. No. 2193, A bill for an act relating to state lands; conveyance; authorizing the conveyance by the state of certain land in the county of Stearns.

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

Carlson, L., and Heap introduced :

H. F. No. 2194, A bill for an act relating to elections; fixing expenditure limits for campaigns for certain offices; amending Minnesota Statutes 1980, Section 210A.22.

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

Norton, Byrne and Hanson introduced :

H. F. No. 2195, A bill for an act relating to local government; providing for the economic development of University Avenue in the cities of Minneapolis and St. Paul; creating an authority to develop and implement transit, housing, and economic development projects; authorizing bonding; providing for a tax levy, special assessments, and eminent domain; appropriating money.

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

Stumpf, Eken, Ogren and Shea introduced :

H. F. No. 2196, A bill for an act relating to highway traffic regulations; authorizing ambulances equipped with studded tires to use the public highways between certain dates; amending Minnesota Statutes 1980, Section 169.72, Subdivision 1.

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

Stumpf, Ogren, Shea and Kalis introduced :

H. F. No. 2197, A bill for an act relating to taxation; reducing the rate of capitalization of rent to be applied to agricultural land; establishing a procedure for determining farm rental values; amending Minnesota Statutes 1981 Supplement, Section 273.11, Subdivision 7.

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

Peterson, D.; Anderson, I.; Minne; Evans and Schreiber introduced:

H. F. No. 2198, A bill for an act relating to taxation; allowing disclosure of private data to permit vendor processing of income and sales tax returns; amending Minnesota Statutes 1980, Section 297A.43; and Minnesota Statutes 1981 Supplement, Section 290.61.

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

Minne; Peterson, D.; Haukoos and Osthoff introduced:

H. F. No. 2199, A bill for an act relating to elections; recodifying municipal elections law; amending Minnesota Statutes 1980, Sections 205.02; 205.07, Subdivision 1; 205.13, as amended; 205.16; 205.17, as amended; 205.20, as amended; and 205.84; Minnesota Statutes 1981 Supplement, Section 205.10; proposing new law coded in Minnesota Statutes, Chapter 205; repealing Minnesota Statutes 1980, Sections 205.021; 205.04; 205.11, Subdivisions 1, 2, 3, 4 and 5; 205.14, Subdivisions 1, 2 and 3; 205.18; and 205.19; and Minnesota Statutes 1981 Supplement, Sections 205.03; 205.10; 205.11, Subdivision 4a; 205.121; 205.14, Subdivision 4; and 205.15.

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

Kahn, Tomlinson, Himle, Hanson and Anderson, I., introduced:

H. F. No. 2200, A bill for an act relating to taxation; extending the research and development credit to certain contributions; amending Laws 1981, Third Special Session Chapter 2, Article III, Section 6, Subdivisions 1 and 2.

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

Erickson and Wenzel introduced:

H. F. No. 2201, A bill for an act relating to education; establishing a minimum number of hours within six years for an adult farm management program; authorizing additional instructional hours if the individual pays the cost of the instruction; amending Minnesota Statutes 1980, Section 124.572, by adding a subdivision; repealing Minnesota Statutes 1980, Section 124.572, Subdivision 9.

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

Osthoff, Kvam and Ludeman introduced:

H. F. No. 2202, A bill for an act proposing an amendment to the Minnesota Constitution Article IV, Section 23; Article V, Sections 1, 3, and 4; Article VII, Section 8; Article VIII, Section 2; Article XI, Sections 6, 7, 8, and 10; and Article XIII, Section 11; abolishing the offices of secretary of state, state treasurer and state auditor.

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

Weaver, Fjoslien and Heinitz introduced:

H. F. No. 2203, A bill for an act relating to waters; changing the place for filing lists and maps of wetlands; prohibiting the commissioner of natural resources from requiring certain surveys; amending Minnesota Statutes 1980, Sections 105.391, Subdivision 1; and 105.44, Subdivision 1.

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

Weaver introduced:

H. F. No. 2204, A bill for an act relating to tort claims against the state; clarifying certain excluded liability; amending Minnesota Statutes 1980, Section 3.736, Subdivision 3.

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

Welch; Hauge; Anderson, B., and Evans introduced:

H. F. No. 2205, A bill for an act relating to taxation; income; extending the energy credit to certain conservation expenditures; 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.

Byrne; Vanasek; Johnson, D.; Norton and Rose introduced:

H. F. No. 2206, A bill for an act relating to criminal justice; creating a criminal justice services agency in the executive branch; transferring all functions and staff of the crime control planning board, sentencing guidelines commission, peace officers standards and training board, and bureau of criminal apprehension, and certain functions and staff of the department of corrections and department of energy, planning and development, and all staff of the county attorneys council and crime victims' reparations board to the criminal justice services agency; abolishing the crime control planning board, the sentencing guidelines commission and the peace officers standards and training board; creating working groups within the criminal justice services agency; providing that the criminal justice services agency shall provide administrative support to the ombudsman for corrections; amending Minnesota Statutes 1980, Sections 241.41; 241.43, by adding a subdivision; 241.51, Subdivisions 1 and 3; 241.52; 241.55, Subdivision 2; 241.56; 241.62, Subdivisions 1, 2, 3 and 4; 241.68; 241.64, Subdivisions 1 and 3; 241.65; 241.66, Subdivisions 1 and 2; 244.09, Subdivisions 5, 6 and 7; 299B.05, Subdivision 1, and by adding a subdivision; 299B.06, Subdivision 1; 299C.01, Subdivisions 2 and 4; 299C.03; 299C.065; 299C.46, Subdivisions 1, 3 and 4; 299C.48; 299C.50; 388.20, Subdivision 3; 626.843, Subdivisions 1a and 3; 626.845, Subdivision 2; 626.846, Subdivision 3; 626.851, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 299A.04; 626.84, Subdivision 1; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8462; 626.8463; 626.8464; 626.8465, Subdivision 2; 626.851, Subdivision 1; 626.852; and 626.86; proposing new law coded as Minnesota Statutes, Chapter 244A; repealing Minnesota Statutes 1980, Sections 241.42, Subdivision 3; 241.53; 241.58; 244.09, Subdivisions 1, 2, 3, 4, 8, 9, 10 and 11; 299C.01, Subdivision 1; 299C.041; 299C.49; 388.20, Subdivisions 1, 2 and 4; 626.842; and 626.843, Subdivisions 2 and 4; Minnesota Statutes 1981 Supplement, Section 626.841.

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

McDonald and Searles introduced:

H. F. No. 2207, A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

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

Heap; Welch; Carlson, L., and Swanson introduced:

H. F. No. 2208, A bill for an act relating to education; authorizing school boards which have a school classified as an AVTI to establish a consortium; amending Minnesota Statutes 1980, Section 179.63, Subdivision 17; proposing new law coded in Minnesota Statutes, Chapter 123.

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

Ogren introduced:

H. F. No. 2209, A bill for an act relating to taxation; income; exempting certain corporations from the requirement of combined reporting of unitary business income; amending Minnesota Statutes 1980, Section 290.34, Subdivision 2, as amended.

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

Staten; Nelson, K.; Greenfield; Clark, K., and Johnson, D., introduced:

H. F. No. 2210, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other improvements of a capital nature relating to public communications; authorizing issuance of state bonds; appropriating money.

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

Battaglia and Begich introduced:

H. F. No. 2211, A bill for an act relating to Lake County; providing conditions for the issuance of bonds for a county jail.

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

Mehrkens introduced:

H. F. No. 2212, A bill for an act relating to highway traffic regulations; prohibiting the sale, possession, installation or operation of radar jamming devices with certain exceptions; providing for seizure by peace officers; prescribing a penalty; proposing new law coded in Minnesota Statutes, Chapter 169.

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

Tomlinson; Novak; Evans; Anderson, I., and Schreiber introduced:

H. F. No. 2213, A bill for an act relating to taxation; income; adopting certain federal definitions for purposes of the credit for research and experimental expenditures; amending Laws 1981, Third Special Session Chapter 2, Article III, Section 6.

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

Fjoslien introduced:

H. F. No. 2214, A bill for an act relating to counties; requiring that the county board publish its official proceedings in a newspaper of general circulation within the county; amending Minnesota Statutes 1980, Section 375.12, Subdivision 1.

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

Himle, Rees, Ogren, Gustafson and Jude introduced:

H. F. No. 2215, A bill for an act relating to taxation; exempting interest earned on all savers certificates from income tax; amending Minnesota Statutes 1981 Supplement, Sections 290.01, Subdivision 20; and 290.09, Subdivision 3.

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

Frerichs, Kaley, Zubay, Stowell and Redalen introduced:

H. F. No. 2216, A bill for an act relating to Olmsted County; allowing the county recorder to extend credit for the payment of charges.

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

Himle, Halberg, Gustafson, Jude and Anderson, I., introduced:

H. F. No. 2217, 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.

Hanson introduced:

H. F. No. 2218, A bill for an act relating to taxation; expanding eligibility for property tax refunds; amending Minnesota Statutes 1981 Supplement, Section 290A.03, Subdivisions 8 and 11.

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

Rothenberg and Peterson, B., introduced:

H. F. No. 2219, A bill for an act relating to crimes; prescribing enhanced penalties for persons convicted of certain sexual offenses involving children; authorizing courts to impose sentences up to the statutory maximum for certain sexual offenses involving children; amending Minnesota Statutes 1980, Sections 609.322, Subdivision 1; 609.324, Subdivision 1; 617.246, Subdivisions 2, 3, 4, and by adding a subdivision.

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

Dean, Voss, Weaver, Welch and Kahn introduced:

H. F. No. 2220, A bill for an act relating to economic development; establishing a program of challenge grants for certain University of Minnesota research centers with the ultimate purpose of aiding the state's high technology business; appropriating money.

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

Metzen, Mann, Wigley, Rose and Mehrkens introduced:

H. F. No. 2221, A bill for an act relating to transportation; providing for alternate bids for pavement surfacing on trunk highway construction projects; proposing new law coded in Minnesota Statutes, Chapter 161.

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

Carlson, D., introduced:

H. F. No. 2222, A bill for an act relating to state lands; establishing policies and priorities governing the acquisition, management and disposal of various categories of state lands under the control of the department of natural resources; amending Minnesota Statutes 1980, Sections 84.0272; 84.029, Subdivision 2; 84.03; 84.033; 85.32, Subdivision 2; 86.03; 86.10, Subdivision 1; 86.11, Subdivision 1; 86.41; 86A.05, Subdivisions 8 and 9; 86A.07, Subdivisions 1 and 3; 86A.08, Subdivision 1; 92.06, Subdivision 1; 94.11; 97.48, Subdivisions 8, 13, and 15; 97.481, Subdivision 1; 104.37, Subdivision 2; 105.391, Subdivision 3; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3; 297.13, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 84; repealing Minnesota Statutes 1980, Section 105.39, Subdivision 4.

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

Kalis introduced:

H. F. No. 2223, A bill for an act relating to taxation; providing agricultural homestead treatment to noncontiguous residence of owner of farm; amending Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 6.

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

Rothenberg introduced:

H. F. No. 2224, A bill for an act relating to real property; providing for the modification and extension of contracts for deed; proposing new law coded in Minnesota Statutes, Chapter 508.

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

Laidig introduced:

H. F. No. 2225, A bill for an act relating to insurance; requiring optional health and accident coverage for in vitro fertilization; proposing new law coded in Minnesota Statutes, Chapter 62A.

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

Gruenes, Marsh and Welch introduced:

H. F. No. 2226, A bill for an act relating to solid waste; directing a legislative study of solid waste utilization in the St. Cloud area; appropriating funds.

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

Svigum, Brandl, Forsythe, Wynia and Rose introduced:

H. F. No. 2227, A bill for an act relating to insurance; requiring the commissioner of public welfare to purchase a group medical assistance policy for eligible persons; establishing bid specifications; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 62E.

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

Ellingson, Jacobs and Schreiber introduced:

H. F. No. 2228, A bill for an act relating to the Hennepin County park reserve district; authorizing the district to participate in hydroelectric power generation with other local government units under certain conditions.

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

Johnson, D., and Vanasek introduced:

H. F. No. 2229, A bill for an act relating to crimes; eliminating intent requirement for the offense of issuing a worthless check; amending Minnesota Statutes 1980, Section 609.535, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 609.535, Subdivisions 4 and 5; repealing Minnesota Statutes 1981 Supplement, Section 609.535, Subdivisions 3 and 8.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Svigum; Jennings; Anderson, B.; Kalis and Frerichs introduced:

H. A. No. 52, A proposal for education aid equalized according to per capita income in school districts.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 552, A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House concur in the Senate amendments to H. F. No. 552 and that the bill be repassed as amended by the Senate.

Halberg moved that the House refuse to concur in the Senate amendments to H. F. No. 552, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1612, A bill for an act memorializing the life and work of Sigurd F. Olson.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Peterson, B., moved that the House concur in the Senate amendments to H. F. No. 1612 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1612, A resolution memorializing the life and work of Sigurd F. Olson.

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

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 1616 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1616, A bill for an act relating to counties; permitting the counties to spend a certain sum for promotion of development; amending Minnesota Statutes 1980, Section 395.08.

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

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rothenberg

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

Mr. Speaker:

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

S. F. No. 744.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 744, A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 3, 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 112.53, Subdivision 1.

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

CONSENT CALENDAR

H. F. No. 1746, A bill for an act relating to port authorities; authorizing seaway port authorities to establish a fiscal year based on the season for international shipping through the St. Lawrence Seaway; amending Minnesota Statutes 1981 Supplement, Section 458.14.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Rose	Searles	Stadum	Valan	Wenzel
Rothenberg	Shea	Staten	Valento	Wieser
Samuelson	Sherman	Stowell	Vanasek	Wigley
Sarna	Sherwood	Stumpf	Vellenga	Wynia
Schafer	Sieben, M.	Sviggum	Voss	Zubay
Schoenfeld	Simoneau	Swanson	Weaver	Spkr. Sieben, H.
Schreiber	Skoglund	Tomlinson	Welch	

The bill was passed and its title agreed to.

H. F. No. 492, A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1726, A bill for an act relating to education; removing the commissioner of education from the state university board and as secretary of the board; allowing community college and state university teachers to accrue seniority credit during extended leaves of absence; amending Minnesota Statutes 1980, Sections 136.12, Subdivision 1; 136.13; and 136.88, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 14 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Erickson	Jennings	Onnen	Welker
Dempsey	Esau	Kvam	Tomlinson	Wieser
Den Ouden	Hokr	Niehaus	Valento	

The bill was passed and its title agreed to.

H. F. No. 1751, A bill for an act relating to alcoholic beverages; increasing the maximum dollar value of equipment furnished to beer retailers by brewers and wholesalers; deleting obsolete language; amending Minnesota Statutes 1980, Sections 340.031, Subdivision 2; and 340.405.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Blatz	Carlson, D.	Clawson
Ainley	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, B.	Begich	Brinkman	Clark, J.	Dean
Anderson, G.	Berkelman	Byrne	Clark, K.	Dempsey

Den Ouden	Hoberg	McDonald	Redalen	Stowell
Drew	Hokanson	McEachern	Reding	Stumpf
Eken	Hokr	Mehrkens	Rees	Svinggum
Elioff	Jacobs	Metzen	Reif	Swanson
Ellingson	Jennings	Munger	Rice	Tomlinson
Erickson	Johnson, C.	Murphy	Rodriguez, C.	Valan
Esau	Johnson, D.	Nelsen, B.	Rodriguez, F.	Valento
Evans	Jude	Nelson, K.	Rose	Vanasek
Ewald	Kahn	Niehaus	Rothenberg	Vellenga
Fjoslien	Kaley	Norton	Samuelson	Voss
Forsythe	Kalis	Novak	Sarna	Weaver
Frerichs	Kelly	Nysether	Schafer	Welch
Greenfield	Kostohryz	O'Connor	Schoenfeld	Welker
Gruenes	Kvam	Ogren	Schreiber	Wenzel
Gustafson	Laidig	Olsen	Searles	Wieser
Halberg	Lemen	Onnen	Sherman	Wigley
Hanson	Levi	Osthoff	Sherwood	Wynia
Hauge	Long	Otis	Sieben, M.	Zubay
Haukoos	Ludeman	Peterson, B.	Simoneau	Spkr. Sieben, H.
Heap	Luknic	Peterson, D.	Skoglund	
Heinitz	Mann	Piepho	Stadum	
Himle	McCarron	Pogemiller	Staten	

The bill was passed and its title agreed to.

H. F. No. 1848, A bill for an act relating to Independent School District No. 699; requiring certification of statutory operating debt.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1849, A bill for an act relating to crimes; clarifying methods of and responsibility for imposing and collecting penalty assessments; amending Minnesota Statutes 1981 Supplement, Section 609.101.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 2136.

H. F. No. 2136 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, M., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2136

be given its third reading and be placed upon its final passage. The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that H. F. No. 2136 be given its third reading and be placed upon its final passage. The motion prevailed.

Fjoslien moved to amend H. F. No. 2136, as follows:

Page 3, delete lines 2 to 9.

Further amend the title as follows:

Page 1, line 8, delete "16.286" and insert "16.826"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 81 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Ainley	Frerichs	Lemen	Onnen	Stadum
Anderson, B.	Gruenes	Levi	Peterson, B.	Stowell
Berkelman	Halberg	Long	Piepho	Sviggum
Blatz	Hauge	Ludeman	Redalen	Swanson
Brinkman	Haukoos	Luknic	Reding	Valan
Carlson, D.	Heinitz	Mann	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Dean	Hoberg	McEachern	Rose	Voss
Dempsey	Hokr	Mehrkens	Rothenberg	Weaver
Den Ouden	Jacobs	Munger	Schafer	Welker
Drew	Jennings	Nelsen, B.	Schoenfeld	Wieser
Erickson	Johnson, C.	Nelson, K.	Schreiber	Wigley
Esau	Johnson, D.	Niehaus	Searles	Zubay
Evans	Jude	Novak	Shea	
Ewald	Kalis	Nysether	Sherman	
Fjoslien	Kostohryz	Ogren	Sherwood	
Forsythe	Kvam	Olsen	Skoglund	

Those who voted in the negative were:

Anderson, G.	Elioff	Lehto	Peterson, D.	Tomlinson
Anderson, I.	Ellingson	McCarron	Pogemiller	Wenzel
Battaglia	Greenfield	Metzen	Rodriguez, F.	Spkr. Sieben, H.
Begich	Gustafson	Minne	Samuelson	
Carlson, L.	Hanson	Murphy	Sarna	
Clawson	Kahn	Norton	Sieben, M.	
Eken	Laidig	Otis	Simoneau	

The motion prevailed and the amendment was adopted.

Rees moved to amend H. F. No. 2136, as amended, as follows:

Page 2, line 2, delete "500,000" and insert "14,500,000"

Page 2, line 6, delete "5,350,000" and insert "19,350,000"

Page 5, delete lines 37 to 60 and insert the following:

"To the commissioner of administration for the purposes more specifically described in the subdivisions of this section 14,304,000

Subdivision 1. Construction of a new women's correctional facility on or near the site of the present women's correctional facility at Shakopee 14,000,000

Subdivision 2. Roof repair and renovations of a critical nature; health and life safety measures; boiler repair; sewage system renovations; and other repairs of an emergency nature 304,000

The commissioner of corrections shall report specific expenditure plans to the house appropriations committee and the senate finance committee prior to encumbrance of any moneys appropriated in this section. If bonds are not sold for the building of a women's prison \$200,000 for planning is appropriated through bonding."

Page 6, line 5, delete "6,000" and insert "20,000"

Page 6, line 10, delete "\$5,350,000" and insert "\$19,104,000"

Further, amend the title as necessary.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 12 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Forsythe	Lehto	Olsen	Rice	Vellenga
Gustafson	Long	Rees	Vanasek	Voss
Laidig	McDonald			

Those who voted in the negative were:

Aasness	Carlson, D.	Ellingson	Heap	Kalis
Ainley	Carlson, L.	Erickson	Heinitz	Kelly
Anderson, B.	Clark, J.	Esau	Himle	Kostohryz
Anderson, G.	Clark, K.	Evans	Hoberg	Kvam
Anderson, I.	Clawson	Ewald	Hokanson	Lemen
Battaglia	Dahlvang	Fjoslien	Jacobs	Ludeman
Begich	Dean	Frerichs	Jennings	Luknic
Berkelman	Dempsey	Greenfield	Johnson, C.	Mann
Blatz	Den Ouden	Gruenes	Johnson, D.	McCarron
Brandl	Drew	Halberg	Jude	McEachern
Brinkman	Eken	Hanson	Kahn	Mehrrens
Byrne	Elioff	Haukoos	Kaley	Metzen

Minne	Onnen	Rose	Sieben, M.	Valento
Munger	Osthoff	Rothenberg	Simoneau	Weaver
Murphy	Otis	Samuelson	Skoglund	Welch
Nelsen, B.	Peterson, D.	Sarna	Stadum	Welker
Nelson, K.	Piepho	Schafer	Staten	Wenzel
Niehaus	Pogemiller	Schoenfeld	Stowell	Wieser
Norton	Redalen	Schreiber	Stumpf	Wigley
Novak	Reding	Searles	Sviggum	Wynia
Nysether	Reif	Shea	Swanson	Zubay
O'Connor	Rodriguez, C.	Sherman	Tomlinson	Spkr. Sieben, H.
Ogren	Rodriguez, F.	Sherwood	Valan	

The motion did not prevail and the amendment was not adopted.

Carlson, D., moved to amend H. F. No. 2136, as amended, as follows:

Page 5, after line 60, insert the following:

"The direction by Laws 1981, Chapter 360, Article I, Section 4, Subdivision 5, to the commissioner of corrections to phase down the farm machinery industry and redirect the industry program into light industry operations is withdrawn. The direction to make part of an appropriation available for that purpose is also withdrawn."

A roll call was requested and properly seconded.

POINT OF ORDER

Sieben, M., raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Carlson, D., amendment and the roll was called. There were 52 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Onnen	Sherwood
Ainley	Fjoslien	Kvam	Piepho	Sviggum
Anderson, B.	Frerichs	Laidig	Redalen	Valan
Blatz	Gruenes	Levi	Reding	Valento
Carlson, D.	Halberg	Ludeman	Rees	Welker
Dean	Haukoos	Luknic	Rose	Wieser
Dempsey	Heap	McDonald	Rothenberg	Wigley
Drew	Heinitz	Nelsen, B.	Schafer	Zubay
Erickson	Himle	Niehaus	Schoenfeld	
Esau	Hoberg	Nysether	Searles	
Evans	Jennings	Olsen	Sherman	

Those who voted in the negative were:

Anderson, G.	Begich	Brinkman	Clark, J.	Den Ouden
Anderson, I.	Berkelman	Byrne	Clawson	Eken
Battaglia	Brandl	Carlson, L.	Dahlvang	Elloff

Ellingson	Kaley	Norton	Samuelson	Vellenga
Forsythe	Kalis	Novak	Shea	Voss
Greenfield	Kelly	O'Connor	Sieben, M.	Weaver
Gustafson	Long	Ogren	Simoneau	Welch
Hanson	Mann	Osthoff	Skoglund	Wenzel
Hauge	McCarron	Otis	Staten	Wynia
Hokanson	Mehrrens	Peterson, D.	Stowell	Spkr. Sieben, H.
Jacobs	Metzen	Pogemiller	Stumpf	
Johnson, C.	Minne	Reif	Swanson	
Jude	Murphy	Rodriguez, C.	Tomlinson	
Kahn	Nelson, K.	Rodriguez, F.	Vanasek	

The motion did not prevail and the amendment was not adopted.

Ludeman and McDonald moved to amend H. F. No. 2136, as amended, as follows:

Page 6, delete lines 21 to 30, Section 14 from the bill

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Kaley	Onnen	Sherwood
Ainley	Halberg	Kvam	Peterson, B.	Stadum
Anderson, B.	Haukoos	Levi	Piepho	Stowell
Blatz	Heap	Ludeman	Redalen	Svigum
Carlson, D.	Heinitz	McCarron	Rees	Valan
Clawson	Himle	McDonald	Rodriguez, C.	Vellenga
Dempsey	Hoberg	McEachern	Rothenberg	Weaver
Den Ouden	Hokr	Nelsen, B.	Schafer	Welch
Erickson	Jacobs	Niehaus	Schoenfeld	Welker
Esau	Jennings	Norton	Searles	Wieser
Fjoslien	Johnson, D.	Nysether	Shea	Wigley
Frerichs	Jude	Olsen	Sherman	Zubay

Those who voted in the negative were:

Anderson, G.	Eken	Kelly	O'Connor	Sieben, M.
Anderson, I.	Elioff	Kostohryz	Ogren	Simoneau
Battaglia	Ellingson	Laidig	Osthoff	Skoglund
Begich	Evans	Lehto	Otis	Staten
Berkelman	Ewald	Long	Peterson, D.	Stumpf
Brandl	Forsythe	Luknic	Pogemiller	Swanson
Brinkman	Greenfield	Mann	Reding	Tomlinson
Byrne	Gustafson	Mehrrens	Reif	Vanasek
Carlson, L.	Hanson	Metzen	Rice	Voss
Clark, J.	Hauge	Minne	Rodriguez, F.	Wenzel
Clark, K.	Hokanson	Munger	Rose	Wynia
Dahlvang	Johnson, C.	Murphy	Samuelson	Spkr. Sieben, H.
Dean	Kahn	Nelson, K.	Sarna	
Drew	Kalis	Novak	Schreiber	

The motion did not prevail and the amendment was not adopted.

Den Ouden moved to amend H. F. No. 2136, as amended, as follows:

Page 12, line 11, delete section 25

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 52 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kalis	Piepho	Stowell
Ainley	Frerichs	Kvam	Redalen	Sviggum
Anderson, B.	Halberg	Levi	Rees	Valan
Anderson, G.	Haukoos	Ludeman	Rothenberg	Valento
Blatz	Heap	Luknic	Schafer	Weaver
Carlson, D.	Heinitz	McDonald	Schoenfeld	Welker
Dempsey	Hoberg	Mehrkens	Schreiber	Wigley
Den Ouden	Hokr	Niehaus	Searles	Zubay
Erickson	Jennings	Nysether	Sherman	
Esau	Johnson, D.	Olsen	Sherwood	
Ewald	Kaley	Onnen	Stadum	

Those who voted in the negative were:

Anderson, I.	Elioff	Lehto	Otis	Staten
Battaglia	Ellingson	Long	Peterson, B.	Stumpf
Begich	Evans	McCarron	Peterson, D.	Swanson
Berkelman	Greenfield	Metzen	Pogemiller	Tomlinson
Brandl	Gruenes	Minne	Reding	Vanasek
Byrne	Hanson	Munger	Reif	Vellenga
Carlson, L.	Hauge	Murphy	Rice	Voss
Clark, J.	Hokanson	Nelsen, B.	Rodriguez, C.	Welch
Clark, K.	Jacobs	Nelson, K.	Rodriguez, F.	Wenzel
Clawson	Johnson, C.	Norton	Rose	Wieser
Dahlvang	Jude	Novak	Samuelson	Wynia
Dean	Kahn	O'Connor	Sieben, M.	Spkr. Sieben, H.
Drew	Kelly	Ogren	Simoneau	
Eken	Laidig	Osthoff	Skoglund	

The motion did not prevail and the amendment was not adopted.

H. F. No. 2136, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.826; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

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

The question was taken on the passage of the bill and the roll was called. There were 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kalis	Osthoff	Simoneau
Anderson, G.	Erickson	Kelly	Otis	Skoglund
Anderson, I.	Evans	Laidig	Peterson, B.	Stadum
Battaglia	Ewald	Lehto	Peterson, D.	Staten
Begich	Forsythe	Lemen	Piepho	Stowell
Berkelman	Greenfield	Long	Pogemiller	Stumpf
Blatz	Gruenes	Luknic	Redalen	Swanson
Brandl	Halberg	Mann	Reding	Tomlinson
Brinkman	Hanson	McEachern	Reif	Valan
Byrne	Hauge	Mehrkens	Rice	Vanasek
Carlson, D.	Haukoos	Metzen	Rodriguez, C.	Vellenga
Carlson, L.	Heap	Minne	Rodriguez, F.	Voss
Clark, J.	Himle	Munger	Rose	Weaver
Clark, K.	Hoberg	Murphy	Samuelson	Welch
Clawson	Hokanson	Nelsen, B.	Sarna	Wenzel
Dahlvang	Jacobs	Nelson, K.	Schoenfeld	Wieser
Dean	Johnson, C.	Norton	Schreiber	Wynia
Drew	Johnson, D.	Novak	Shea	Zubay
Eken	Kahn	O'Connor	Sherman	Spkr. Sieben, H.
Elioff	Kaley	Ogren	Sieben, M.	

Those who voted in the negative were:

Aasness	Frerichs	Levi	Olsen	Sherwood
Ainley	Heinitz	Ludeman	Onnen	Swiggum
Dempsey	Hokr	McCarron	Rees	Valento
Den Ouden	Jennings	McDonald	Rothenberg	Welker
Esau	Jude	Niehaus	Schafer	Wigley
Fjoslien	Kvam	Nysether	Searles	

The bill was passed, as amended, and its title agreed to.

CALENDAR

H. F. No. 1166, A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553.

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 82 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Clawson	Erickson	Frerichs
Anderson, B.	Blatz	Dempsey	Esau	Gruenes
Anderson, G.	Brinkman	Den Ouden	Evans	Halberg
Anderson, I.	Byrne	Drew	Ewald	Hanson
Battaglia	Carlson, D.	Elioff	Fjoslien	Hauge
Begich	Carlson, L.	Ellingson	Forsythe	Haukoos

Heap	Luknie	Onnen	Schreiber	Vellenga
Heinitz	Metzen	Peterson, B.	Searles	Voss
Himle	Minne	Piepho	Sherman	Weaver
Hokanson	Munger	Redalen	Sherwood	Welch
Hokr	Murphy	Reding	Sieben, M.	Welker
Jude	Nelsen, B.	Reif	Stadum	Wieser
Kaley	Niehaus	Rodriguez, F.	Stowell	Wigley
Kalis	Nysether	Rothenberg	Svigum	Zubay
Kvam	O'Connor	Samuelson	Swanson	
Lemen	Ogren	Schafer	Valan	
Levi	Olsen	Schoenfeld	Valento	

Those who voted in the negative were:

Ainley	Jacobs	McEachern	Rice	Vanasek
Brandl	Jennings	Nelson, K.	Rodriguez, C.	Wenzel
Clark, J.	Kahn	Norton	Rose	Wynia
Clark, K.	Kelly	Novak	Sarna	Spkr. Sieben, H.
Dahlvang	Laidig	Otis	Simoneau	
Dean	Long	Peterson, D.	Skoglund	
Eken	Ludeman	Pogemiller	Staten	
Greenfield	McDonald	Rees	Tomlinson	

The bill was passed and its title agreed to.

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. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 451 which it recommended to pass.

On the motion of Eken 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:

Hauge moved to amend H. F. No. 451, the first engrossment, as follows:

Page 2, delete lines 19 and 20

Page 2, delete lines 29 and 30

The question was taken on the amendment and the roll was called. There were 28 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Brandl	Gustafson	Long	Otis	Stumpf
Byrne	Hauge	McCarron	Peterson, D.	Tomlinson
Clark, J.	Kahn	Minne	Pogemiller	Vellenga
Clark, K.	Kelly	Nelson, K.	Reding	Wynia
Ellingson	Kostohryz	Norton	Rice	
Greenfield	Lehto	O'Connor	Skoglund	

Those who voted in the negative were:

Aasness	Erickson	Johnson, C.	Nysether	Sherman
Ainley	Esau	Johnson, D.	Olsen	Sherwood
Anderson, B.	Ewald	Jude	Onnen	Stadum
Anderson, G.	Fjoslien	Kaley	Osthoff	Stowell
Anderson, I.	Forsythe	Kalis	Peterson, B.	Sviggum
Battaglia	Frerichs	Laidig	Piepho	Swanson
Begich	Gruenes	Lemen	Redalen	Valan
Berkelman	Halberg	Levi	Rees	Valento
Blatz	Hanson	Ludeman	Reif	Vanasek
Carlson, D.	Haukoos	Mann	Rodriguez, C.	Voss
Carlson, L.	Heap	McDonald	Rodriguez, F.	Weaver
Clawson	Heinitz	McEachern	Rothenberg	Welch
Dahlvang	Himle	Mehrkens	Sarna	Welker
Dean	Hoberg	Metzen	Schafer	Wenzel
Dempsey	Hokanson	Munger	Schoenfeld	Wieser
Den Ouden	Hokr	Murphy	Schreiber	Wigley
Drew	Jacobs	Nelsen, B.	Searles	Zubay
Eken	Jennings	Niehaus	Shea	Spkr. Sieben, H.

The motion did not prevail and the amendment was not adopted.

Brandl was excused at 5:30 p.m.

MOTIONS AND RESOLUTIONS

Mann moved that the names of Dempsey; Anderson, I.; Mehrkens, and Kostohryz be added as authors on H. F. No. 1452. The motion prevailed.

Halberg moved that his name be stricken as an author on H. F. No. 1978. The motion prevailed.

Rothenberg moved that his name be stricken as an author on H. F. No. 1978. The motion prevailed.

Rodriguez, C., moved that her name be stricken as an author on H. F. No. 1909. The motion prevailed.

Otis moved that his name be stricken as an author on H. F. No. 1909. The motion prevailed.

Kalis moved that the name of Lehto be added as second author on H. F. No. 2141. The motion prevailed.

Dempsey moved that the name of McDonald be added as an author on H. F. No. 1840. The motion prevailed.

Ogren moved that the names of Stowell and Sherman be added as authors on H. F. No. 2174. The motion prevailed.

Jacobs moved that the name of Weaver be added as an author on H. F. No. 2059. The motion prevailed.

Voss moved that the name of McEachern be added as an author on H. F. No. 2073. The motion prevailed.

Wenzel moved that the name of McEachern be added as an author on H. F. No. 2084. The motion prevailed.

Nysether moved that the name of Anderson, I., be added as an author on H. F. No. 1343. The motion prevailed.

Clark, J., moved that the name of Byrne be added as an author on H. F. No. 1307. The motion prevailed.

Onnen moved that the names of Mehrkens and Kalis be added as authors on H. F. No. 2159. The motion prevailed.

Rodriguez, C., moved that the name of Sviggum be stricken and the name of Drew be added as an author on H. F. No. 1939. The motion prevailed.

Brandl moved that the name of Heinitz be stricken and the name of Reif be added as an author on H. F. No. 2123. The motion prevailed.

Clark, K., moved that the name of Blatz be added as an author on H. F. No. 2065. The motion prevailed.

McEachern moved that the name of Jude be added as an author on H. F. No. 1975. The motion prevailed.

Laidig moved that the names of Heinitz and Swanson be added as authors on H. F. No. 2062. The motion prevailed.

Drew moved that the name of Reding be shown as chief author and the name of Drew be shown as second author on H. F. No. 1074. The motion prevailed.

Dahlvang moved that the name of Piepho be added as an author on H. F. No. 1886. The motion prevailed.

Hanson moved that the name of Wynia be added as an author on H. F. No. 2218. The motion prevailed.

Long moved that her name be stricken as an author on H. F. No. 1795. The motion prevailed.

Gruenes moved that the name of Jude be added as an author on H. F. No. 2226. The motion prevailed.

Norton moved that H. F. No. 542 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Labor-Management Relations.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 64 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Forsythe	Kvam	Peterson, B.	Stumpf
Ainley	Frerichs	Laidig	Piepho	Sviggum
Blatz	Gruenes	Lemen	Reif	Valan
Carlson, D.	Halberg	Levi	Rees	Valento
Dean	Haukoos	Ludeman	Rose	Weaver
Dempsey	Heap	Luknic	Rothenberg	Welker
Den Ouden	Heinitz	McDonald	Schafer	Wieser
Drew	Himle	Mehrkins	Schreiber	Wigley
Erickson	Hoberg	Nelsen, B.	Searles	Zubay
Esau	Hokr	Niehaus	Sherman	
Evans	Jennings	Nysether	Sherwood	
Ewald	Johnson, D.	Olsen	Stadum	
Fjoslien	Kaley	Onnen	Stowell	

The motion did not prevail.

Peterson, D., moved that H. F. No. 2133 be recalled from the Committee on General Legislation and Veterans Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Rice moved that H. F. No. 2081 be recalled from the Committee on Commerce and Economic Development and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Kostohryz moved that H. F. No. 1938 be recalled from the Committee on General Legislation and Veterans Affairs and be re-referred to the Committee on Agriculture. The motion prevailed.

Piepho moved that H. F. No. 2156 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Simoneau moved that H. F. No. 2005, now on the Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Kostohryz moved that H. F. Nos. 495, 566, 1728 and 1926 be recalled from the Committee on General Legislation and Veterans Affairs and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Sviggum moved that H. F. No. 290 be returned to its author. The motion prevailed.

Rose moved that H. F. No. 1778 be returned to its author. The motion prevailed.

Drew; Peterson, B., and Rice introduced:

House Resolution No. 26, A house resolution commemorating the life and work of Brother James A. Miller.

The resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 552:

Clawson, Rice and Halberg.

ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 25, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

