

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1982

SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 1, 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 Rabbi A. Goodman, Adath Jeshurun Synagogue, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Osthoff	Stadum
Battaglia	Frerichs	Laidig	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	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Welker
Dean	Hokr	Minne	Rothenberg	Wenzel
Dempsey	Jacobs	Munger	Samuelson	Wieser
Den Ouden	Jennings	Murphy	Sarna	Wigley
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	
Erickson	Kaley	Novak	Sherman	

A quorum was present.

Anderson, R.; Hanson; O'Connor and Voss were excused.

Schreiber was excused until 3:35 p.m. Lehto was excused until 4:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1555, 1743, 1894, 1899, 1246, 1620, 1442, 917, 1879, 2008, 2249, 1336, 1581, 1997, 1455, 1576 and 2003 and S. F. Nos. 272 and 378 have been placed in the members' files.

S. F. No. 1107 and H. F. No. 1246, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Murphy moved that S. F. No. 1107 be substituted for H. F. No. 1246 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 438, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for the purchase of military service credit by certain members; authorizing an amendment to the articles of incorporation of the retirement fund.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURCHASE OF PRIOR SERVICE CREDIT.]

Subdivision 1. Notwithstanding any provision of law to the contrary, the following persons shall be entitled to purchase prior service credit from the appropriate retirement fund or association for service for which the person has not previously received service credit. The amount and manner of payment shall be governed by the provisions of section 2.

Subd. 2. From the Minnesota state retirement system, a member who has prior service as a labor service employee employed as a laborer 1 on an hourly basis between May 4, 1960 and December 26, 1961, and who is currently an employee of the department of natural resources, shall be entitled to purchase service credit for the period from May 4, 1960 to December 26, 1961.

Subd. 3. From the teachers retirement association, any member who was given a leave of absence to enter military service and who returned to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262, but who did not obtain credit for the period of military service within five years from the date of discharge, or any member who, prior to becoming a member of the fund, was given a leave of absence to enter military service and returned to teaching service upon discharge from military service as provided in Minnesota Statutes, Section 192.262, shall be entitled to purchase service credit for the period of military service, but service credit shall not be given for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to duty.

Subd. 4. From the teachers retirement association, any member who rendered teaching service prior to July 1, 1957 as defined in Minnesota Statutes, Section 354.05, but who did not make the full required contributions for this service because of limited or permanent exempt status wherein membership in the association was optional or because of the contribution limits then in effect, shall be entitled to purchase service credit for any of the above periods of service.

Subd. 5. From the public employees retirement association, a basic member who served as county attorney for Lac Qui Parle county between January 1, 1951 and September 1, 1960, shall be entitled to purchase service credit for the period served as county attorney.

Subd. 6. From the public employees retirement association, a person who was employed by the St. Paul bureau of health from January 1948 to September 1953 and who contributed to the bureau of health retirement plan from February 1951 to September 1953, and who was reemployed by the city of St. Paul in the department of community services, division of public health from April 22, 1974 until December 31, 1981, shall be entitled to purchase service credit for the period from February 1951 to September 1953.

Subd. 7. From the Minneapolis teachers retirement fund association, if the articles of incorporation are amended pursuant to section 3, any member who has performed active military service as defined pursuant to Minnesota Statutes, Section 197.971, Subdivision 3, shall be entitled to purchase service credit for the period of prior military service for the lesser of either the actual military service without any voluntary extension beyond the initial period of military service or four years.

Subd. 8. From the Buhl police relief association, a member who has at least 15 years of service credit in the Buhl police relief association, and who was a member of the public employees police and fire fund for the period of probationary service and

who took a refund of the employee contributions at the end of the probationary period, shall be entitled to purchase service credit in the Buhl police relief association for the period of probationary service.

Subd. 9. From the teachers retirement association, any person who was born on May 29, 1932, who is employed as a elementary school principal by independent school district no. 316, Coleraine, who was employed as a high school teacher and coach by the Hackensack school district during the 1955-1956 school year, who was employed as a high school teacher and coach by the Kelliher school district during the 1956-1957 school year, and who served on active military duty from June 15, 1957 to December 14, 1957, shall be entitled to purchase credit for any period of teaching service or active military service for which the person does not have service credit.

Subd. 10. From the Minnesota state retirement system, a former member who was employed by the state department of taxation, income tax division, as a probationary employee from June 1942 until January 1943, and as a regular employee of that division until October 1946, and who is currently employed by the public employees retirement association, shall be entitled to purchase service credit for any portion of probationary service, which when added to the service credit obtained by the repayment of a refund authorized under Minnesota Statutes, Section 356.30, Subdivision 2, will enable the person to acquire twenty years of service credit.

Subd. 11. From the public employees retirement association, any person who was a member of the West St. Paul city council from January 1, 1972 to December 31, 1976, and who was a county commissioner for the county of Dakota from January 1, 1977 to December 31, 1980, shall be entitled to purchase service credit for the period from January 1, 1972 to December 31, 1976.

Subd. 12. From the Minnesota state retirement system, any employee or former employee of the department of employment services who was employed during the period June 1, 1941 to June 17, 1947, by the United States employment service and who became a public employee covered by one of the retirement funds enumerated in section 356.30, subdivision 3, subsequent to June 17, 1947, for the period of service with the United States employment service.

Sec. 2. [PAYMENT.]

Subdivision. 1. [CALCULATION OF PRESENT VALUE.] For the persons entitled to purchase prior service credit, there shall be paid to the applicable retirement fund or association an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause

(4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age with the additional service credit purchased, for the appropriate retirement fund or association, or the age at the date of payment or of the agreement to pay, whichever is older, and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4). The person requesting the purchase of prior service must establish in the records of the retirement fund or association proof of the service for which the purchase of prior service is requested. The manner of the proof of service shall be in accordance with procedures prescribed by the board of trustees of the fund or association or by the executive director.

Subd. 2. [PAYMENT OF PRESENT VALUE; CREDITING OF SERVICE.] Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director.

Subd. 3. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made. If more than one person who is a current or former employee of an employing unit is eligible to purchase prior service, the governing body of the employing unit shall establish and implement a uniform policy on the payment by it of a portion of the purchase of prior service payment amount.

Subd. 4. [TIME LIMITATION ON AUTHORITY TO MAKE PAYMENT.] For the provisions of section 1, subdivisions 3 and 4, the authority to make a lump sum payment or the agreement to make payments in installments over a period of not to exceed three years shall expire on July 1, 1987. For the provisions of section 1, subdivision 7, payment shall be made on or before July 1, 1985, or the date the member terminates active service, whichever is earlier. For the remaining provisions of section 1, the authority to make a lump sum payment or to make an agreement to make installments shall expire on July 1, 1983.

Sec. 3. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; AUTHORIZATION OF AMENDMENT OF ARTICLES OF INCORPORATION.]

Authorization is hereby granted in accordance with Minnesota Statutes, Section 354A.12, Subdivision 4, for the Minneapolis teachers retirement fund association to amend its articles of incorporation to authorize its members to purchase military service credit.

A new subsection (18) may be added to article IX of the articles of incorporation to provide that an active member of the Minneapolis teachers retirement fund association who has acquired at least 15 years of service credit from the retirement fund association and who has performed active military service in the armed forces of the United States as defined pursuant to Minnesota Statutes, Section 197.971, Subdivision 3, shall be entitled upon application to purchase service credit for the period of active military service, which shall not exceed the lesser of the actual military service without any voluntary extension beyond the initial period of military service or four years. The period of military service purchased shall not include any period of service for which the member on the date of purchase is receiving retirement benefits from any federal, state or local public or governmental pension fund or plan other than the federal social security system.

To purchase the military service credit, the member shall pay the retirement fund an amount calculated pursuant to section 2. Payment may be made either in a lump sum or in installments by payroll deduction from the salary of the member. Service credit for the period of military service shall not be granted until full payment is received by the retirement fund and until sufficient documentation concerning the period of military service and the status of other public pension fund or plan credit for the period is provided to the retirement fund.

Sec. 4. [PURCHASE OF PRIOR SERVICE IN UNCLASSIFIED EMPLOYEES PLAN.]

Subdivision 1. [ENTITLEMENT.] A person who was employed by the legislature during the 1981 session and who is currently a permanent employee of the governor's office shall be entitled to purchase service credit for the period of prior intermittent legislative service.

Subd. 2. [PAYMENT; PROOF OF EMPLOYMENT.] The calculation of the payment to purchase prior service and proof of legislative employment shall be certified pursuant to Laws 1981, Chapter 297, Section 2, Subdivision 2, Paragraph 2, except that the matching employer contributions shall be at the discretion of the employer. The authority to make a lump sum payment

or to make an agreement to make installment payments shall expire on July 1, 1983.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE DESIGNATED BENEFICIARY BENEFIT.] *The surviving spouse of any member who has attained the age of at least 55 years and has credit for at least 20 years of allowable service or who has credit for at least 30 years of allowable service irrespective of age shall be entitled to (ELECT) joint and survivor annuity coverage in the event of death of the member prior to retirement (WHICH SHALL BE PAYABLE TO THE SURVIVING SPOUSE). (IF THE ELECTION IS MADE AND THE PERSON DIES PRIOR TO RETIREMENT, THE SURVIVING SPOUSE,)* If the surviving spouse does not elect to receive a surviving spouse benefit provided pursuant to subdivision 1, if applicable, or does not elect to receive a refund of accumulated member contributions provided pursuant to sections 354.47, subdivision 1, or 354.62, subdivision 5, clause (3), whichever is applicable, *the surviving spouse shall be entitled to receive, upon written application on a form prescribed by the executive director, a benefit equal to the second portion of a 100 percent joint and survivor annuity as provided pursuant to section 354.45 and computed pursuant to section 354.44, subdivisions 2, 6 or 7, whichever is applicable. If the member was a participant in the variable annuity division, the applicable portion of the benefit shall be computed pursuant to section 354.62, subdivision 5, clause (1). The benefit shall be payable for life.*

Sec. 6. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; authorizing certain persons in various retirement funds to purchase prior service credit and military service credit; authorizing an amendment to the articles of incorporation of the Minneapolis teachers retirement fund association; allowing a surviving spouse to elect a joint and survivor annuity under certain circumstances; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 849, A bill for an act relating to health; prohibiting the possession of skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [145.365] [TRAFFICKING IN SKUNKS.]

Subdivision 1. [PROHIBITION.] In order to protect the public health and prevent human and domestic animal exposure to rabies, it shall be unlawful to:

(a) Import into or export out of this state any live skunk, for sale, barter, exchange or gift for any purpose whatsoever;

(b) Acquire, sell, barter, exchange, give, or purchase any live skunks.

Subd. 2. [EXCEPTION.] The provisions of subdivision 1 do not apply to the importation, acquisition, or exportation of a skunk by a publicly or privately owned zoological park or circus or any other show where a skunk is exhibited but is not in physical contact with the public, or by scientific or educational institutions for research or educational purposes.

Subd. 3. [COMMERCIAL OPERATIONS.] Notwithstanding the provisions of subdivision 1, any person who, on the effective date of this section, is engaged in a business in this state which includes the buying or selling of skunks may continue to buy or sell skunks or to export skunks until January 1, 1985, but shall not import any live skunks after the effective date of this section. Any person may purchase a skunk from a person who is allowed to sell a skunk under this subdivision until January 1, 1985.

Subd. 4. [PENALTY.] Violation of subdivisions 1 or 3 is a misdemeanor.

Sec. 2. [REPEALER.]

Section 1, Subdivision 3 is repealed July 1, 1985.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

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. 1018, A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59; 17.60; 17.62; 17.63; 17.64; and 17.67; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.479; and 32B.01 to 32B.13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 17.53, is amended to read:

17.53 [DEFINITIONS.]

Subdivision 1. [SCOPE OF APPLICATION.] As used in sections 17.51 to 17.69, the terms defined in this section shall have the following meanings (:).

Subd. 2. [AGRICULTURAL COMMODITY.] "Agricultural commodity" means any agricultural product, including without limitation animals and animal products, grown, raised, produced or fed within the state of Minnesota for use as food, feed, seed or any industrial or chemurgic purpose.

Subd. 3. [COMMERCIAL CHANNELS.] "Commercial channels" means the processes of sale of any agricultural commodity to any commercial buyer, dealer, processor, cooperative or to any person, public or private, who resells such commodity or any product produced from such commodity for slaughter, storage, processing or distribution.

Subd. 4. [COMMISSIONER.] ("PERSON" MEANS ANY INDIVIDUAL, CORPORATION, ASSOCIATION, COOPERATIVE OR PARTNERSHIP) "*Commissioner*" means the commissioner of agriculture or his designee.

Subd. 5. [COOPERATIVE.] "*Cooperative*" means a non-profit association of producers legally constituted under the laws of Minnesota or of another state who have gathered together for purposes of bargaining for a price for marketing their commodity. This includes all cooperatives buying commodities from Minnesota producers, whether domiciled within the state or without.

Subd. (5) 6. [COUNCIL.] "Council" means (THE RESEARCH AND PROMOTION) a council created under the provisions of sections 17.51 to 17.69 in connection with the organization of the producers of a particular commodity as herein provided.

Subd. 7. [FIRST HANDLER.] "*First handler*" means a person, whether he is an owner, agent or other person, who initially places a commodity into the channels of trade and commerce, or who is engaged in the processing of the commodity into food for human consumption in any form, except for potato flour or potato starch.

Subd. (6) 8. [FIRST PURCHASER.] "First purchaser" means any person that buys agricultural commodities for movement into commercial channels from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge was created and regardless of whether the first purchaser is domiciled within the state or without. First purchaser does not mean the commodity credit corporation when a commodity is used as collateral for a federal non-recourse loan unless the commissioner determines otherwise.

(SUBD. 7. "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE OF THE STATE OF MINNESOTA.)

Subd. 9. [MARKETING YEAR.] "*Marketing year*" means a one year period from July 1 through June 30, or any other one year period determined by the promotion order of a specific council.

Subd. 10. [PARTICIPATING PRODUCER.] "*Participating producer*" means a producer of an agricultural commodity for which a promotional order has been issued and exists, who produces that commodity in the organized area and meets the minimal requirements established by the council to qualify as a producer.

Subd. 11. [PERSON.] "Person" means an individual, corporation, association, cooperative or partnership.

Subd. 12. [PRIVATE PROCESSOR.] "*Private processor*" means a privately owned commodity processor legally constituted under the laws of Minnesota for the purpose of buying or marketing the commodity and commodity products, whether the processor is domiciled within the state or without.

Subd. (8) 13. [PRODUCER.] "Producer" means any person who owns or operates an agricultural producing or growing facility for (THE) *an* agricultural commodity (UNDER CONSIDERATION FOR REFERENDUM) and shares in the profits and risk of loss from such (FACILITY) *operation*, and who grows, raises, feeds or produces (SAID) *the* agricultural commodity in Minnesota during the current or preceding marketing year.

(SUBD. 9. "QUALIFIED VOTER" MEANS ANY PRODUCER DEFINED ABOVE WHO WOULD BE SUBJECT TO THE PAYMENT OF FEES TO FINANCE THE ACTIVITIES DESCRIBED IN SECTIONS 17.51 TO 17.69.)

Subd. 14. [PRODUCER-PROCESSOR.] "*Producer-processor*" means a producer who processes and markets his own product. For the purpose of collecting the check-off fee, a producer-processor is the first purchaser.

Subd. (10) 15. [PROMOTIONAL ORDER.] "Promotional order" means an order issued by the commissioner, with the advice and consent of (THE) a council pursuant to this chapter, which establishes a program for promotion, advertising, production, market research, and market development of the growing, processing, distributing, sale of or handling of *an* agricultural (PRODUCTS COVERED BY) *commodity* following a referendum and provides for the collection of *check-off* fees (AND FINANCING THE SAME).

Subd. 16. [QUALIFIED VOTER.] "*Qualified voter*" means a producer who would be subject to the payment of fees to finance the activities described in sections 17.51 to 17.69 and who shares directly in the profits and risk of loss from the operation.

Subd. 17. [RETAILER.] "*Retailer*" means a person who sells directly to the consumer in small quantities or broken lots.

Subd. (11) 18. [SALE.] "Sale" means any passing of title from the producer to the first purchaser. Sale includes any pledge, security interest or lien after harvest.

(SUBD. 12. "PARTICIPATING PRODUCER" MEANS ANY PRODUCER OF AN AGRICULTURAL COMMODITY FOR WHICH A PROMOTIONAL ORDER HAS BEEN ISSUED AND EXISTS, WHO PRODUCES THAT COMMODITY IN THE ORGANIZED AREA AND MEETS THE MINIMAL REQUIREMENTS ESTABLISHED BY THE COUNCIL TO QUALIFY AS A PRODUCER.)

Sec. 2. Minnesota Statutes 1980, Section 17.54, is amended to read:

17.54 [COUNCILS (; MEMBERSHIP; ELECTION; TERM).]

Subdivision 1. [CREATION.] *A commodity research and promotion council (IS HEREBY) may be created for the producers of each agricultural commodity (WHO FILE) by filing with the commissioner a petition requesting that the producers of such commodity be subjected to the provisions of sections 17.51 to 17.69 (, WHICH). The petition (IS) must be signed by (500) 1,000 producers or 15 percent of the producers proposed to be covered by the promotion order, whichever is less (, OF THE PRODUCERS OF SUCH COMMODITY). (SUCH) The petition shall be certified under oath by at least two producers (TO HAVE), who shall certify that the petition has been signed only by producers of the commodity involved.*

Subd. 2. [MEMBERSHIP.] Upon petition of the required number of producers the commissioner shall, after consultation with the various producer or commodity organizations of the particular commodity petitioning for a referendum, determine the size of the council and distribution of the council membership. (THE COUNCIL MAY DESIGNATE INDUSTRY AND UNIVERSITY OF MINNESOTA PERSONNEL, EITHER BY NAME OR BY OFFICE, TO SERVE AS CONSULTANTS TO THE COUNCIL.)

Subd. 3. [(ELECTION) NOMINATING COMMITTEE.] Within 30 days after the filing of the petition by the required number of (THE) producers of an agricultural commodity the commissioner shall appoint a nominating committee of *at least* five producers of that commodity who shall, within 60 days from the filing of (SUCH) *the* petition, nominate at least two producer candidates for each council position and certify the names of such nominees to the commissioner. Nominees shall be selected with a view to establishing a fair representation of all producers of the particular commodity throughout the area to be organized, which shall comprise the entire state unless the commissioner determines that at least 95 percent of the production of the (SUBJECT) commodity is in a lesser area, in which event he shall define (SUCH) *the* area following county lines. *Whenever possible, the areas represented by council members shall correspond to state crop reporting districts as defined by the Minnesota crop and livestock reporting service.*

Subd. 4. [ELECTION.] Upon receipt of the nominations the commissioner shall promptly arrange an election to be held at places designated by him reasonably convenient to all producers in the organized area and (GIVE AT LEAST SEVEN DAYS') *provide* notice of (SUCH) *the* election (IN LEGAL NEWSPAPERS) *to all of the media* having a general circulation in the organized area. Ballots setting forth the names of *the* nominated candidates and providing for (WRITE IN) *write-in* candidates shall be made available at all polling places. Only

producers of the agricultural commodity involved shall be qualified to vote (, AND). *General polling procedures shall be established by the commissioner by rule pursuant to chapter 15 to avoid voting by (OTHERS) other than qualified producers, but the selection of specific polling places shall not be subject to chapter 15.* An impartial committee appointed by the commissioner shall tabulate the votes, and the candidates receiving the most votes shall be declared elected to the first council. In each (CALENDAR) year following the one in which the first council for each commodity is elected candidates shall be selected and an election shall be held to elect (A SUCCESSOR OR) successors to the council (MEMBER OR) members whose (TERM OR) terms expire in that year. *Except for the first year, the term of office for council members shall be July 1 to June 30, although the commissioner may designate a one-year period beginning on a different date for the term of office for members of specific councils.* Nominations shall be made and (THE) elections shall be held in the same manner as prescribed for the first council except that the choice of nominating committee members, the time of nominations and the time and place of elections shall be fixed by the commissioner (WITH THE CONSENT OF THE COUNCIL). *Mail balloting for commodity groups may be permitted by the commissioner.*

Subd. (4) 5. [TERMS.] At the first meeting of the first council for each commodity the commissioner shall determine by lot one-third of the council members whose terms shall expire June 30 in the calendar year following the year of the first election, one-third of the council members whose terms shall expire June 30 in the second calendar year and the remaining council members whose terms shall expire June 30 in the third calendar year. In the event the commissioner has designated specific areas for representation on the council, the terms of council members in any one area shall not expire in the same year. All elected successor council members shall be elected for three year terms and each shall serve until his successor is elected and qualified. In the event a council member ceases to have any of the qualifications herein established, his office shall be deemed vacant. (ANY) An interim vacancy on the council shall be filled by the council for the remainder of the term vacated. *The successor so appointed shall be a commodity producer residing in the same crop reporting district as the former member.*

Subd. (5) 6. [ORGANIZATION.] The commissioner or his designee shall serve as (CHAIRMAN) a member of (THE) each council without vote. (THE) Each council shall elect from its own membership (ELECT) a chairman, a vice-chairman, (WHO SHALL ACT IN THE ABSENCE OF THE COMMISSIONER,) a secretary, and (SUCH) other officers (AS) the council (MAY DEEM) deems appropriate. (THE) An executive committee of no more than five members including the officers may also be elected. Terms of (SUCH) the officers shall expire on June 30 of each year (AND THEIR SUCCE-

SORS SHALL BE ELECTED AT THE FIRST MEETING FOLLOWING THAT DATE); however, they may serve until their successors have been elected but not beyond July 15.

Subd. 7. [MEETINGS; QUORUM.] Subject to the requirements of sections 17.51 to 17.69, the council shall meet at times and places as it may determine or upon call of the chairman or of any three members or one-third of the council, whichever is greater. A majority of the voting members of the council shall constitute a quorum for the transaction of all business in carrying out the duties of the council.

Subd. 8. [EXISTING COUNCILS.] Any council established pursuant to any act on or before the effective date of sections 1 to 11 may maintain the number and regional distribution of council members in effect at that time and council members elected under the provisions of any act in effect prior to the effective date of sections 1 to 11 may serve out their terms according to those provisions. Any promotional order in effect prior to the effective date of sections 1 to 11 shall remain in effect until the promotional order would terminate under the terms of the promotional order itself, or under the provisions of the legislation authorizing that promotional order, or until the promotional order is terminated pursuant to section 17.64, whichever occurs first. No referendum need be held by the commissioner to establish any promotion order in effect prior to the effective date of sections 1 to 11. No referendum need be held by the commissioner to bring any promotion order into early compliance with sections 1 to 11 when the proposed changes in the promotion order are requested by the council members and approved by the commissioner.

Subd. 9. [POTATO INDUSTRY PROMOTIONS.] For the purpose of the administration of sections 17.51 to 17.69 as they pertain to a Minnesota area potato research and promotion council established pursuant to Laws 1967, Chapter 417, as amended, the state is divided into four areas. Area number one includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnommen, Clay, Becker, Wilkin, Otter Tail, Roseau, Lake of the Woods, Beltrami, Clearwater, Hubbard and Wadena. Area number two includes the counties of Itasca, Koochiching, St. Louis, Carlton, Lake, and Cook. Area number three includes the counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Kandiyohi, Lac Qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Carver, Scott, Dakota, Lincoln, Lyon, Redwood, Sibley, Le Sueur, Rice, Goodhue, Nicollet, Wabasha, Pipestone, Murray, Brown, Waseca, Steele, Dodge, Olmsted, Winona, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, Faribault, Freeborn, Mower, Fillmore, and Houston. Area number four includes the counties of Cass, Aitkin, Crow Wing, Pine, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Isanti, Chisago, Sherburne, Anoka, Meeker, Wright, Washington, Hennepin, and Ramsey. Sections 17.51 to

17.69 shall apply to any of the above areas of the state where the commissioner has determined prior to the effective date of sections 1 to 11 that the area was deemed organized pursuant to section 30.464, subdivision 3.

Subd. 10. [EXISTING AREA POTATO COUNCILS.] For the purposes of sections 17.51 to 17.69, any area potato council established pursuant to section 30.465, prior to the effective date of sections 1 to 11 shall maintain the number and distribution of council members in effect at that time. Council members elected or appointed under the provisions of section 30.465 may serve out their terms. For the purposes of sections 17.51 to 17.69, the provisions of sections 30.462, 30.463, 30.467, 30.469 and 30.472 shall be considered to be the promotional order for an area potato council, and shall remain in effect as a promotional order until terminated or modified by referendum.

Subd. 11. [MEMBERSHIP AND TERMS; AREA POTATO COUNCILS.] Notwithstanding subdivisions 3, 4, and 5, any area potato council which continues its existence pursuant to subdivision 10 shall include one voting member who is a private processor of potatoes and one voting member who represents potato wash plants. These two members shall be appointed by the governor for four-year terms coterminous with that of the governor.

Subd. 12. [DAIRY INDUSTRY PROMOTION.] For the purpose of the administration of sections 17.51 to 17.69 as they pertain to the dairy research and promotion council established pursuant to Laws 1969, Chapter 851, as amended, the name of a cooperative association of producers may be deemed the vote of all members of that cooperative association. The commissioner shall schedule and specify procedures. A ballot prepared by the council and the commissioner shall be sent by each cooperative to all member and nonmember producers with a return envelope addressed to the commissioner. The ballot shall indicate that the cooperative association intends to vote in favor of or in opposition to the question. In the case of members the ballot shall indicate the expiration date of the ballot and state that if the ballot is not returned by that date the ballot shall be considered to be in favor of the vote of the association. The ballot shall be returned to the commissioner. A cooperative association shall not be required to bloc vote its producers but in that event it shall inform each producer of its decision and provide each producer with an individual referendum ballot with a return envelope addressed to the commissioner.

Each private processor of dairy products and each cooperative shall file with the commissioner a list of producers who market the bulk of their production with that private processor or cooperative. The polling procedures established by the commissioner pursuant to section 17.54, subdivision 4, shall ensure that dairy producers marketing the bulk of their production with a private

processor have the option to vote in any referendum held pursuant to sections 1 to 11.

Subd. 13. [TERMS; DAIRY COUNCIL.] Notwithstanding subdivision 5, the term of office of members of any council established for the producers of cows' milk or products derived from cows' milk shall be as provided in this subdivision. The term of office shall be two years, with the terms of half the council members expiring June 30 in odd-numbered years, and the terms of the remaining council members expiring June 30 in even-numbered years.

Sec. 3. Minnesota Statutes 1980, Section 17.56, is amended to read:

17.56 [COUNCIL TO FORMULATE AND SUBMIT PROMOTIONAL ORDER.]

Subdivision 1. [FORMULATION.] Within 15 days after certification by the commissioner of its election the first council for producers of a particular commodity shall meet and formulate a promotional order establishing a program for development, promotion, advertising, research, distribution and the expansion of the sale, use and consumption of the commodity it represents and establishing (FEES) a check-off fee to be paid by producers to finance the proposed activities.

Subd. 2. [HEARINGS.] The commissioner, after consultation with (THE ADVICE AND CONSENT OF) the council, shall hold (A PUBLIC HEARING OR) public hearings on the proposed promotional order in (AN AREA OR) areas and at (A TIME OR) times affording reasonable opportunities (TO) for producers to attend. *These hearings shall not be subject to the administrative procedure act. After such hearings and after consultation with the council,* the (COUNCIL TOGETHER WITH THE) commissioner shall determine (AFTER SUCH HEARINGS) whether or not the promotional order shall be amended, modified or supplemented. If changes or additions of substance are made, (THE COUNCIL AND THE) commissioner shall hold (LIKE) public hearings on the amended or supplemented promotional order.

Subd. 3. [REFERENDUM.] Following the (HEARING, OR) hearings, the (COUNCIL AND) commissioner shall conduct a referendum on the proposed final promotional order. At least ten days' notice of the time and places of such referendum shall be published in a legal newspaper of general circulation in each county affected. (IN ADDITION, DIRECT WRITTEN NOTICE THEREOF SHALL LIKEWISE BE GIVEN TO EACH COUNTY EXTENSION OFFICE IN ANY COUNTY INVOLVED IN THE REFERENDUM. SUCH NOTICE SHALL INCLUDE DETAILS OF THE PROMOTIONAL ORDER TO AFFORD ALL PRODUCERS OF THE SUBJECT

COMMODITY ACCESS TO COMPLETE INFORMATION ABOUT THE PROMOTIONAL ORDER) *Notice shall also be given to media in each county affected. A complete copy of the promotional order shall be given to each county extension office in any county involved in the referendum to afford all producers of the commodity access to complete information about the promotional order and the referendum.*

Subd. 4. [ADOPTION.] The promotional order shall become effective if approved by a majority of those voting (IN THE REFERENDUM, AND SUCH ORDER SHALL BE APPLICABLE ONLY TO THOSE PRODUCERS OF THE SUBJECT COMMODITY WITHIN THE AREA OF THE STATE ORGANIZED PURSUANT TO SECTIONS 17.51 TO 17.69. UPON COMPLETION OF THE REFERENDUM THE COMMISSIONER SHALL MAKE FINDINGS AND ISSUE AN APPROPRIATE ORDER BASED ON SAID FINDINGS).

Subd. 5. [FAILED REFERENDUM.] If a referendum is conducted and a proposed promotional order is not approved, the commissioner shall not conduct another referendum on any promotional order for the same commodity until one year has elapsed.

Sec. 4. Minnesota Statutes 1980, Section 17.57, is amended to read:

17.57 [ADDITIONAL POWERS AND DUTIES OF COUNCIL.]

Subdivision 1. [ADOPTION OF (REGULATIONS AND BUDGET) RULES.] (THE) *Each council shall ((A)) at its regular meetings adopt (AND ADMINISTER) rules (AND REGULATIONS) consistent with sections 17.51 to 17.69 for the administration of the promotional order (, INCLUDING AMONG OTHER THINGS, MINIMAL REQUIREMENTS TO QUALIFY AS A PRODUCER; (B) RECOMMEND AMENDMENTS TO THE ORDER, SUCH AMENDMENTS TO BE ADOPTED ONLY AFTER A PRODUCER REFERENDUM IN WHICH A MAJORITY OF THE PRODUCERS FAVOR SUCH ADOPTION; (C) PREPARE AN ANNUAL ESTIMATED BUDGET FOR THE OPERATION OF THE PROMOTIONAL ORDER; AND (D) PREPARE AN ANNUAL REPORT ON THE PROGRAMS OF THE ORDER, SAID REPORT TO BE MADE AVAILABLE TO THE PRODUCERS CONCERNED).* *These rules shall not be subject to the administrative procedure act.*

Subd. 2. [BUDGET.] Each council shall prepare and submit to the commissioner on a date he determines an estimated budget for the operation of the promotional order.

Subd. 3. [REPORT.] Each council shall prepare an annual report on the programs pursuant to its promotional order for the previous operating year. The report shall be mailed to each county extension office in any county involved in the promotional order.

Subd. (2) 4. [COLLECTION OF (ASSESSMENTS) CHECK-OFF FEES AND DATA.] The (COUNCIL) promotion order shall provide a procedure for the collection of the (PRODUCER ASSESSMENTS) check-off fee by each council to finance (THE) promotional (ORDER) orders and for the collection of such necessary information and data as (IS) are necessary for the proper administration of (THE ORDER) orders.

(SUBD. 3. [REFUNDS OF FEES.] THE COUNCIL SHALL PROVIDE FOR THE REFUND OF ANY FEES PAID BY THE PRODUCER WHO OBJECTS TO PAYMENT OF FEES.)

Subd. (4) 5. [DONATIONS.] (THE) Each council is authorized to accept donations of funds, property, services or other assistance from public or private sources for the purpose of furthering the objectives of sections 17.51 to 17.69.

Subd. (5) 6. [RIGHT TO SUE AND BE SUED.] (THE) Each council shall have the right to investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the check-off fees authorized by the provisions of sections 17.51 to 17.69 (AND), to sue and be sued in the name of the council (;) to hire attorneys as necessary and to do all other things necessary to the administration and implementation of sections 17.51 to 17.69.

Subd. (6) 7. [(COLLECTION AND EXPENDITURE OF FUNDS; AUDIT) FINANCIAL STATEMENT.] (THE COUNCIL SHALL BE RESPONSIBLE FOR THE COLLECTION AND EXPENDITURE OF ALL FUNDS PROVIDED FOR UNDER SECTIONS 17.51 TO 17.69 AND SHALL PROVIDE FOR AN ANNUAL AUDIT OF FUNDS TO BE MADE BY A CERTIFIED AUDITING FIRM.) An annual financial statement shall be available to any producer upon request.

Sec. 5. Minnesota Statutes 1980, Section 17.58, is amended to read:

17.58 [POWERS AND DUTIES OF COMMISSIONER.]

Subdivision 1. [CONTRACTS.] (THE COMMISSIONER) A council, (WITH THE ADVICE AND CONSENT OF THE) after consultation with the approval of the commissioner (COUNCIL), may contract and cooperate with any person, firm, corporation or association, or with any local, state, federal or in-

ternational agency or institution, for market development, education, publicity, promotion, research, transportation and advertising within the purposes of sections 17.51 to 17.69.

Subd. 2. [PERSONNEL.] The (COMMISSIONER) *council*, (WITH THE ADVICE AND CONSENT OF THE) *with the approval of the commissioner* (COUNCIL), (MAY) *shall* appoint, employ, provide necessary bond, discharge, fix compensation for and prescribe the duties of (SUCH) *the first chief administrative officer of any council established after the effective date of sections 1 to 11. The council, after consultation with the commissioner, shall appoint, employ, provide necessary bond, discharge, fix compensation for and provide duties of subsequent chief administrative officers* (ADMINISTRATIVE, CLERICAL, TECHNICAL AND OTHER PERSONNEL AND AGENCIES AS MAY BE DEEMED NECESSARY).

Subd. 3. [GENERAL POWERS.] In administering sections 17.51 to 17.69, the commissioner shall have such other powers as may be conferred upon him by law not inconsistent with the provisions of sections 17.51 to 17.69. *The commissioner is authorized to cooperate with any appropriate agency of any state for the purpose of carrying out the provisions of sections 17.51 to 17.69, and in securing uniformity of administration and enforcement.*

Subd. 4. [(REGULATIONS) RULES.] (IN) The organization, *conduct of elections, conduct of referenda, conduct of meetings* and (OPERATION) *administration* of a promotional order for any commodity (COMING UNDER SECTIONS 17.51 TO 17.69, THE COMMISSIONER) shall (FOLLOW THE) *be pursuant to rules (AND REGULATIONS AS DEVELOPED) promulgated by the (COUNCIL) commissioner pursuant to (THE PROVISIONS OF SECTIONS 17.51 TO 17.69) chapter 15.*

Subd. 5. [AUDITS.] *Each year the commissioner shall conduct a fiscal audit, and at least every three years the commissioner shall conduct a compliance audit of each council. A compliance audit is an audit to determine that a council has complied with the terms of sections 1 to 11, with all other applicable federal or state laws, and with the terms of any promotional orders established.*

Sec. 6. Minnesota Statutes 1980, Section 17.59, Subdivision 1, is amended to read:

Subdivision 1. [(ASSESSMENT) *CHECK-OFF FEES.*] For the purpose of providing funds to defray the necessary expenses incurred by the commissioner and the council in formulating, submitting to referendum, issuing, administering and enforcing a promotional order, the promotional order shall provide

for (ASSESSING AND COLLECTING) *check-off* fees in amounts sufficient to defray such expenses, and shall indicate the maximum (ASSESSMENT) *check-off* rate which shall not exceed one percent of the market value of the year's production of participating producers. Any increase in the maximum (ASSESSMENT) *check-off* provided for in the promotional order must be within the limit herein prescribed and must be approved by the majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase.

Sec. 7. Minnesota Statutes 1980, Section 17.59, Subdivision 2, is amended to read:

Subd. 2. [PAYMENT.] The (COUNCIL TOGETHER WITH THE) commissioner shall establish the procedure for the *timely* payment of the (ASSESSMENT) *check-off fee* by the producer (, AND SUCH) *to the council*. The procedure shall be clearly outlined in the proposed promotional order. (SUCH) The procedure must be fair, reasonable and (WHENEVER POSSIBLE) *the check-off fee* shall be deducted by the first purchaser at the time of sale. The first purchaser shall submit to the council (THROUGH THE COMMISSIONER'S OFFICE) any *check-off* fees so deducted once every 30 days *in accordance with the commissioner's rules*. (WHEN PROOF OF PAYMENT OF THE FEE ASSESSED CAN BE FURNISHED, IT SHALL NOT BE NECESSARY FOR ANY SUBSEQUENT BUYER TO DEDUCT THE FEE AT TIME OF PURCHASE.)

Sec. 8. Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4, is amended to read:

Subd. 4. [DEPOSIT AND USE OF CHECK-OFF FEES.] *Check-off* fees collected pursuant to sections 17.51 to 17.69 shall be deposited in a federally insured depository institution and shall be disbursed by the officers and employees approved by the council for the necessary expenses incurred in the administration of sections 17.51 to 17.69. *Check-off* fees collected shall be used exclusively for the purpose collected and not (FOR LEGISLATIVE OR POLITICAL ACTIVITIES) *to support a political party or candidate for public office*.

Sec. 9. Minnesota Statutes 1980, Section 17.60, is amended to read:

17.60 [COMPENSATION AND EXPENSES.]

Each member of (THE) a council, except the commissioner, shall be entitled to a reasonable per diem (TO BE FIXED IN THE PROMOTIONAL ORDER), *not exceeding the same rate of compensation per day as is authorized for payment to members of advisory councils and committees pursuant to section*

15.059, subdivision 3, while engaged in the performance of his duties, and actual expenses incurred while attending council meetings (, BUT ONLY ACTUAL EXPENSES INCURRED WHILE ENGAGED IN OTHER OFFICIAL BUSINESS OF THE COUNCIL) or executive committee meetings. Payments to council members for other official business of the council require approval by the council.

Sec. 10. Minnesota Statutes 1980, Section 17.62, is amended to read:

17.62 [RECORDS OF THE COUNCIL.]

All of the records of (THE) a council shall be public records and shall be available for inspection *by any person* for any lawful purpose, provided, however, that the council shall be empowered to make reasonable rules (AND REGULATIONS) concerning the *inspection of the records, the time or place of* (SUCH) inspection, or the manner in which the information shall be made available. *Public records shall not include financial information pertaining to individual participating producers.*

Sec. 11. Minnesota Statutes 1980, Section 17.63, is amended to read:

17.63 [REFUND OF FEES.]

Any producer may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner (AND COUNCIL MAY REQUIRE) *requires* (BY RULE OR REGULATION), have the *check-off* fee paid pursuant to sections 17.51 to 17.69 refunded to him, *provided the check-off fee was remitted on a timely basis.* (SUCH) *The* request for refund must be received in the office of the commissioner (OR THE COUNCIL) within (60 DAYS) *the time specified in the promotion order* following the payment of (SUCH) the *check-off* fee (, BUT). In no event shall these requests for refund be accepted more often than 12 times per year (AND MUST BE MADE AT LEAST ONCE EACH YEAR). Refund shall be made by the commissioner (OR) *and* council within 30 days of the request for refund provided that the *check-off* fee sought to be refunded has been received. Rules (AND REGULATIONS) governing the refund of *check-off* fees for (THE COMMODITY INVOLVED) *all commodities* shall be formulated by the (COUNCIL TOGETHER WITH THE) commissioner (AND), shall be fully outlined (AT THE HEARING, OR HEARINGS) *in the promotion order, and shall be available for the information of all producers concerned with the referendum.*

Sec. 12. Minnesota Statutes 1980, Section 17.64, is amended to read:

17.64 [TERMINATION OF THE ORDER.]

Subdivision 1. [BY COUNCIL.] The council *after consultation with the commissioner and by a majority vote* shall suspend or terminate a promotional order whenever it finds, after a public hearing (OR HEARINGS), that an order is contrary to or does not (TEND TO) effectuate the purposes or provisions of sections 17.51 to 17.69, provided that (SUCH) *the suspension or termination shall not become effective until the expiration of the current marketing year. (THE CURRENT MARKETING YEAR FOR ANY COMMODITY UNDER SECTIONS 17.51 TO 17.69 SHALL BE DETERMINED BY THE COUNCIL TOGETHER WITH THE COMMISSIONER.)*

Subd. 2. [BY REFERENDUM.] Upon petition of the same number of producers as required to initiate the promotional order, the commissioner (WITH THE ADVICE AND CONSENT OF THE COUNCIL) shall within 60 days conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the order at the end of the current marketing year if a majority of the producers voting in the referendum vote in favor of termination. (SUCH) *The petition of producers shall include a certification statement that the signatures are those of qualified producers of the commodity involved. The commissioner shall not conduct a referendum for termination of a promotional order if a referendum for termination of the same promotional order has been conducted within the preceding year. Termination of an order need not utilize the hearing required by chapter 15.*

Sec. 13. Minnesota Statutes 1980, Section 17.67, is amended to read:

17.67 [PENALTY FOR VIOLATIONS.]

Any person who violates any provision of sections 17.51 to 17.69 or rule (OR REGULATION) of the (COUNCIL) commissioner promulgated pursuant to sections 17.51 to 17.69 is guilty of a misdemeanor. *Any first handler who fails to make collections or to file a return or to pay any assessment within the time required by sections 17.51 to 17.69, or who files a falsified return, shall be liable to the council for the amount due, plus a penalty of six percent of the amount due, plus one percent of the amount for each month of delay. If satisfied that the delay was excusable, the council may return all or any part of the penalty or check-off fee. Penalties shall be paid to the council and disposed of as provided with respect to other money collected under sections 17.51 to 17.69.*

Sec. 14. [REPEALER.]

Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01; 21A.02; 21A.03; 21A.04; 21A.05; 21A.06; 21A.07; 21A.08; 21A.09, as amended by Laws 1981, Chapter 41, Section 4; 21A.10; 21A.11; 21A.115; 21A.12; 21A.13; 21A.14; 21A.15;

21A.16; 21A.17; 21A.19; 29.14; 29.15; 29.16; 29.18; 29.19; 30.461; 30.462; 30.463; 30.464, as amended by Laws 1981, Chapter 11, Section 1; 30.465; 30.466; 30.467; 30.468; 30.472; 30.473; 30.474; 30.475; 30.476; 30.477; 30.479; 32B.01; 32B.02; 32B.03; 32B.04; 32B.05; 32B.06; 32B.08; 32B.09; 32B.10; 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections 29.17; 30.469; 30.47; 32B.07; and 32B.12, are repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment. Section 14 is effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59, Subdivisions 1, and 2; 17.60; 17.62; 17.63; 17.64; and 17.67; amending Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19, as amended; 29.14 to 29.16; 29.18; 29.19; 30.461 to 30.468, as amended; 30.472 to 30.479; 32B.01 to 32B.06; 32B.08 to 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections 29.17; 30.469; 30.47; 32B.07; and 32B.12."

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. 1382, A bill for an act relating to the city of Duluth; providing for the size of the housing and redevelopment authority.

Reported the same back with the following amendments:

Page 1, line 9, delete "nine" and insert "seven"

Page 1, line 10, delete "four" and insert "two"

Page 1, line 12, delete "1983," and ", 1985,"

Page 1, line 14, after "January" insert "1983, 1985 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1465, A bill for an act relating to education; transferring developmental achievement centers from the department of public welfare to the state board of education; appropriating money; amending Minnesota Statutes 1980, Sections 123.39, Subdivision 13; 256E.03, Subdivision 2; and 256E.06, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 120; repealing Minnesota Statutes 1980, Sections 252.21 to 252.261.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEVELOPMENTAL ACHIEVEMENT SERVICES; STUDY OF TRANSFER.]

The commissioner of public welfare, in cooperation with the commissioner of education, shall provide to the legislature no later than September 30, 1983, a plan designed to study the feasibility of making the transfer from the department of public welfare to the department of education to effectuate the following: transferring from the department of public welfare and designated county social service agencies to the department of education and local school boards responsibility for providing developmental achievement services for mentally retarded and cerebral palsied children who are less than four years of age.

The plan shall include recommendations with respect to:

- (1) Services to be provided to children and their families;*
- (2) Administration of programs;*
- (3) Appropriate funding mechanisms;*
- (4) Appropriate inter-agency activity necessary to effectuate the transfer.*

Sec. 2. Minnesota Statutes 1980, Section 256B.02, Subdivision 7, is amended to read:

Subd. 7. "Vendor of medical care" means any person or persons furnishing, within the scope of his respective license, any or all of the following goods or services: medical, surgical, hospital, optical, visual, dental and nursing services; drugs and medical supplies; appliances; laboratory, diagnostic, and therapeutic services; nursing home and convalescent care; screening and health assessment services provided by public health nurses; health care services provided at the residence of the patient if

the services are performed by a public health nurse and the nurse indicates in a statement submitted under oath that the services were actually provided; *services provided as needed by developmental achievement centers licensed by the commissioner for mentally retarded and cerebral palsied adults who are residents of intermediate care facilities for the mentally retarded*; and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 256B.-02, Subdivision 8, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 31, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services.
- (2) Skilled nursing home services and services of intermediate care facilities.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) *Developmental achievement services for mentally retarded and cerebral palsied adult residents of intermediate care facilities for the mentally retarded.*
- ((5)) (6) Home health care services.
- ((6)) (7) Private duty nursing services.
- ((7)) (8) Physical therapy and related services.
- ((8)) (9) Dental services, excluding cast metal restorations.
- ((9)) (10) Laboratory and x-ray services.
- ((10)) (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary

committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition cost of the drug plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

((11)) (12) Diagnostic, screening, and preventive services.

((12)) (13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

((13)) (14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f),

and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

((14)) (15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

((15)) (16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

((16)) (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

(18) Home and community-based care services provided under an approved care plan for persons who, without such services, would, as determined through pre-admission screening, require institutional care in a Title XIX-certified intermediate care facility for the mentally retarded. The following services shall be included: (1) services provided by developmental achievement centers licensed by the commissioner; and (2) semi-independent living services provided by persons licensed by the commissioner. Reimbursement shall be made directly to the vendor of services. The commissioner shall apply by June 1, 1982 for any federal waiver necessary to secure federal financial participation for services provided under this clause and shall proceed to implement the waiver as soon as possible after receipt.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 256B.-03, is amended to read:

256B.03 [PAYMENTS TO VENDORS.]

Subdivision 1. [GENERAL LIMIT.] All payments for medical assistance (HEREUNDER) must be made to the vendor.

Subd. 2. [DEVELOPMENTAL ACHIEVEMENT SERVICES.] Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments to vendors of developmental achievement services shall be as follows: payment for the biennium ending June 30, 1983 shall be based on the facility's average daily charge per adult for program and transportation services for fiscal year 1980, but shall, in any event, be no greater than the statewide average daily cost per adult for developmental achievement services in state fiscal year 1980. Annual increases are subject to the provisions of section 256.966.

Subd. 3. [SEMI-INDEPENDENT LIVING SERVICES.] Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments to vendors of semi-independent living services for mentally retarded and cerebral palsied adults shall be as follows: payment for the biennium ending June 30, 1983 shall be based on the provider's average daily charge per person for fiscal year 1980, but shall, in any event, be no greater than the average statewide charge per person for semi-independent living services in state fiscal year 1980. Annual increases are subject to the provisions of section 256.966.

Subd. (2) 4. [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.] Notwithstanding the provisions of sections 256B.42 to 256B.48, Laws 1981, Chapter 360, Article II, Section 2, or any other provision of chapter 360, and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for rate years beginning during the biennium ending June 30, 1983, shall not exceed by more than ten percent the final rate allowed to the facility for the preceding rate year.

Notwithstanding provisions of section 256B.45, subdivision 1, the commissioner shall not increase the percentage for investment allowances.

Sec. 5. [RULES.]

The commissioner shall promulgate rules as required by sections 1 to 6.

Sec. 6. [TRANSFER OF FUNDS.]

Notwithstanding the provisions of Laws 1981, Chapter 360, Article 1, Section 2, effective July 1, 1982, the commissioner, in order to provide home and community-based care services for Medicaid-eligible mentally retarded persons who would otherwise require institutional care, is authorized to transfer to the state medical assistance account: (1) \$1,496,400 of the 1983 appropriations for semi-independent living services and commu-

nity-based deinstitutionalization aid to counties; and (2) from the fiscal year 1983 community social service appropriation, an amount equal to state funds expended in fiscal year 1982 by the counties for developmental achievement services for medicaid-eligible mentally retarded persons."

Delete the title and insert:

"A bill for an act relating to services for the mentally retarded and cerebral palsied; requiring the commissioners of education and public welfare to plan for the transfer of developmental achievement services for pre-school children; permitting reimbursement under medical assistance for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; transferring funds; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 7; Minnesota Statutes 1981 Supplement, Sections 256B.02, Subdivision 8; and 256B.03, as amended."

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

The report was adopted.

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

H. F. No. 1586, A bill for an act relating to crimes; increasing penalties for driving while under the influence of alcohol or a controlled substance; requiring detoxification for certain persons; requiring proof of insurance coverage in certain instances; amending Minnesota Statutes 1980, Sections 169.121, by adding subdivisions; 169.123, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 171.06, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapters 169 and 171; repealing Minnesota Statutes 1980, Section 169.121, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Section 169.121, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3a. [FIRST CONVICTION; NO BODILY HARM.]
(a) Any defendant convicted of a first offense for violation of subdivision 1 or an ordinance in conformity therewith may be punished by imprisonment in a jail or other local correctional facility for not more than 90 days, by a fine of not less than \$175

nor more than \$500, and by revocation of his driver's license for not less than 60 days.

(b) If the court stays imposition or execution of sentence, the court shall impose as conditions of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

(c) The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than \$175 nor more than \$500 and revocation of the person's driver's license for not less than 30 days. A limited license shall not be available for the first 15 days of the revocation period.

Sec. 2. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3b. [SECOND CONVICTION; NO BODILY HARM.]

(a) If any defendant is convicted of a violation of subdivision 1 or an ordinance in conformity therewith and the offense occurred within five years of a prior offense which resulted in conviction of a violation of subdivision 1 or an ordinance in conformity therewith, that person may be punished by imprisonment in a jail or other local correctional facility for not more than 90 days, by a fine of not less than \$375 nor more than \$500, and by revocation of his driver's license for one year; a limited license shall not be available for the first six months of the revocation period.

(b) If the court stays imposition or execution of sentence, the court shall impose as a condition of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

(c) The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than \$375 nor more than \$500 and revocation of the person's driver's license for one year; a limited license shall not be available for the first six months of the revocation period.

Sec. 3. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3c. [THIRD CONVICTION; NO BODILY HARM.]

(a) If any defendant is convicted of a violation of subdivision 1 or an ordinance in conformity therewith and the offense occurred within five years of two or more prior offenses which resulted in convictions of violations of subdivision 1 or an ordinance in conformity therewith, that person may be punished by imprisonment in a jail or other local correctional facility for not more than one year, by a fine of not less than \$500 nor more than \$1,000, and by revocation of his driver's license for one year; a limited license shall not be available for the first six months of the revocation period.

(b) If the court stays imposition or execution of sentence, the court shall impose as a condition of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

(c) The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than \$500 nor more than \$1,000 and revocation of the person's driver's license for one year; a limited license shall not be available for the first six months of the revocation period.

Sec. 4. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3d. [FIRST CONVICTION; BODILY HARM OR DEATH.] (a) Any defendant convicted of a first offense for violation of subdivision 1 or any ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, may be punished by imprisonment in a jail or other local correctional facility for not more than one year, by a fine of not less than \$500 nor more than \$1,000, and by revocation of his driver's license for not less than 90 days.

(b) If the court stays imposition or execution of sentence, the court shall impose as a condition of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

(c) The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than

\$750 nor more than \$1,200 and revocation of the person's driver's license for not less than 120 days. A limited license shall not be available for the first three-fourths of the revocation period.

Sec. 5. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3e. [SECOND CONVICTION; BODILY HARM OR DEATH.] (a) *If any defendant is convicted of a violation of subdivision 1 or an ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, and the offense occurred within five years of a prior offense which resulted in conviction of a violation of subdivision 1 or an ordinance in conformity therewith, that person may be punished by imprisonment in a jail or other local correctional facility for not more than one year, by a fine of not less than \$750 nor more than \$1,000, and by revocation of his driver's license for one year; a limited license shall not be available for the first six months of the revocation period.*

(b) *If the court stays imposition or execution of sentence, the court shall impose as a condition of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.*

(c) *The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than \$1,000 nor more than \$1,500 and revocation of the person's driver's license for one year; a limited license shall not be available for the first six months of the revocation period.*

Sec. 6. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3f. [THIRD CONVICTION; BODILY HARM OR DEATH.] (a) *If any defendant is convicted of a violation of subdivision 1 or an ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, and the offense occurred within five years of two or more prior offenses which resulted in convictions of violations of subdivision 1 or an ordinance in conformity therewith, that person may be punished by imprisonment in a jail or other local correctional facility for not more than two years, by a fine of not less than \$1,000 nor more than \$1,500, and by revocation of his driver's license for one year, a limited license*

shall not be available for the first six months of the revocation period.

(b) If the court stays imposition or execution of sentence, the court shall impose as a condition of probation that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

(c) The court shall also impose as a condition of probation that the person be subject to payment of a fine of not less than \$1,500 nor more than \$1,750 and revocation of the person's driver's license for one year; a limited license shall not be available for the first six months of the revocation period.

Sec. 7. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

Subd. 3h. [REDUCTION OR DISMISSAL OF CHARGE.] *When a charge of violating subdivision 1 is dismissed by the court, the court shall state on the record its reasons for the dismissal. The court shall also state on the record whether the dismissal was requested or concurred in by the prosecutor.*

When the prosecutor makes a motion for dismissal of a charge of violating subdivision 1 or for a substitution of another charge for the charge of violation of subdivision 1, the prosecutor shall submit to the court a written statement giving the reasons for the motion. Appropriate reasons include, but are not limited to, problems of proof, the interests of justice, or specific facts or legal authority showing that another offense would be more properly charged. If the reasons stated include the "interests of justice," the written statement shall state the facts or legal authority upon which this conclusion is based. This written statement shall become part of the court record, but the statement shall not be admissible as substantive evidence in any trial upon any charge arising from the behavioral incident upon which the alleged violation of subdivision 1 was based.

Sec. 8. Minnesota Statutes 1980, Section 169.123, Subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction

of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity therewith; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. Any person may decline to take a direct blood test and elect to take either a breath or urine test, whichever is available and offered. No action may be taken against the person for declining to take a direct blood test unless either a breath or urine test was available and offered.

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a period of six months; and

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of (90) up to 150 days; and

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing.

Sec. 9. [169.1231] [DRIVING WHILE UNDER THE INFLUENCE; DETOXIFICATION.]

Subdivision 1. [GROUNDS FOR TAKING DRIVER TO DETOXIFICATION CENTER.] Whenever a peace officer administers a preliminary screening test to a person and the test results indicate a blood alcohol content of .10 or more, the peace officer shall either take the person to a detoxification center established pursuant to section 254A.08 or arrange for another peace officer to do so. A peace officer shall also take, or arrange for another peace officer to take to a detoxification center established pursuant to section 254A.08, any person who refuses to take a preliminary screening test if the officer has reasonable and probable grounds to believe that the person was driving, operating, or in

physical control of a motor vehicle in violation of section 169.-121 or an ordinance in conformity therewith, and the person reasonably appears to the officer to be too intoxicated to resume driving safely.

Subd. 2. [DETOXIFICATION CENTER; RELEASE PROCEDURE.] The detoxification center to which a person is transported pursuant to subdivision 1 shall hold the person until he is completely sober, unless another responsible person appears and requests that the intoxicated person be released for the purpose of taking him home or to a medical facility. The person requesting release of the intoxicated person shall assure that the intoxicated person does not drive until completely sober; and intentional violation of this assurance is a misdemeanor.

Subd. 3. [INTOXICATED PERSON TO PAY COSTS.] A person taken to a detoxification center pursuant to this section shall pay the detoxification center for the cost of his stay and treatment in the detoxification center, if he does not meet the standards of indigency necessary to qualify for the services of the public defender and does not have health insurance coverage which would pay for this cost.

Sec. 10. [169.1232] [RULES.]

The commissioner of public safety shall, pursuant to chapter 15, promulgate rules for administration of the functions assigned to the commissioner or the department of public safety under sections 1 to 9.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 171.06, Subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application form for an original or renewal license shall also contain the following statement: "The applicant's signature on this form constitutes express consent to administration of a chemical test for blood alcohol concentration or to revocation of the applicant's driver's license for

six months upon refusal to take a chemical test for blood alcohol concentration when a peace officer has reasonable and probable grounds to believe that the applicant is driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance." The application shall be in the form prepared by the commissioner.

Sec. 12. [171.171] [LICENSE REVOCATIONS.]

Whenever the commissioner revokes the driver's license of any person under section 169.121 or 169.123, he shall make whatever inquiries he deems necessary to determine if the person is in compliance with the provisions of section 65B.48 relating to compulsory reparation security. If the commissioner determines that the person was subject to the provisions of section 65B.48 and at the time of inquiry was not in compliance with those provisions, he shall not issue any new drivers license to the person until the person has demonstrated to the satisfaction of the commissioner that he has in effect the required level of reparation security.

Sec. 13. [REPEALER.]

Minnesota Statutes 1980, Section 169.121, Subdivisions 3 and 4; and Minnesota Statutes 1981 Supplement, Section 169.121, Subdivision 5, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1982. Section 9 is effective July 1, 1983. Sections 11 and 12 are effective August 1, 1982."

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. 1642, A bill for an act relating to liquor; making certain sales of non-intoxicating malt liquor illegal; providing civil liability for illegal sales of intoxicating liquor and non-intoxicating malt liquor; amending Minnesota Statutes 1980, Sections 340.035, Subdivision 1; 340.14, Subdivision 1a; 340.73 and 340.95; proposing new law coded in Minnesota Statutes, Chapter 340; repealing Minnesota Statutes 1980, Section 340.951.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 340.035, Subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for any:

(1) Licensee or his employee to (SELL OR SERVE NON-INTOXICATING MALT LIQUOR TO ANY PERSON UNDER THE AGE OF 19 YEARS OR TO) permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises *except as provided in paragraph (5) of this subdivision*;

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of 19 years to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of 19 years to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. (POSSESSION OF SUCH NON-INTOXICATING MALT LIQUOR AT A PLACE OTHER THAN THE HOUSEHOLD OF HIS PARENT OR GUARDIAN SHALL BE PRIMA FACIE EVIDENCE OF INTENT TO CONSUME THE SAME AT A PLACE OTHER THAN THE HOUSEHOLD OF HIS PARENT OR GUARDIAN.)

Sec. 2. Minnesota Statutes 1980, Section 340.73, is amended to read:

340.73 [PERSONS TO WHOM SALES ARE ILLEGAL.]

Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any (SPIRITUOUS, VINOUS, MALT, OR FERMENTED) *intoxicating liquors or non-intoxicating malt liquors* in any quantity, for any purpose, whatever, to any person under the age of 19 years, or to any *obviously* intoxicated person (, OR TO ANY PUBLIC PROSTITUTE).

Subd. 2. It shall be unlawful for any person except a licensed pharmacist to sell, give, barter, furnish or dispose of, in any

manner, either directly or indirectly, any (SPIRITUOUS, VINOUS, MALT OR FERMENTED) *intoxicating liquors or non-intoxicating malt liquors* in any quantity, for any purpose, whatever, to any spendthrift, habitual drunkard, or improvident person, within one year after written notice by any peace officer, parent, guardian, master, employer, relative, or by any person annoyed or injured by the intoxicification of such spendthrift, habitual drunkard, or improvident person, forbidding the sale of *intoxicating liquor or non-intoxicating malt liquor* to any such spendthrift, habitual drunkard, or improvident person.

Subd. 3. Whoever shall in any way procure *intoxicating liquor or non-intoxicating malt liquor* for the use of any person named in this section shall be deemed to have sold it to such person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. Minnesota Statutes 1980, Section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.]

Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, or *incurs other pecuniary loss* by any intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any person who, by illegally selling or bartering *intoxicating liquors or non-intoxicating malt liquors*, caused the intoxication of such person, for all damages, sustained; and all damages recovered by a minor under this section shall be paid either to such minor or to his parent, guardian, or next friend, as the court directs; and all suits for damages under this section shall be by civil action in any court of this state having jurisdiction thereof. Actions for damages based upon liability imposed by this section shall be governed by section 604.01. The provisions of section 604.01, as applied under this section, however shall not be applicable to actions brought by a husband, wife, child, parent, guardian or other dependent of an intoxicated person *for injury to person, property, or loss of means of support.* (NO RECOVERY SHALL BE HAD IN ANY ACTION OR ACTIONS PURSUANT TO THIS SECTION IN EXCESS OF \$250,000 FOR ALL DAMAGES TO ONE PERSON AND \$500,000 FOR ALL DAMAGES TO TWO OR MORE PERSONS ARISING OUT OF A SINGLE INSTANCE OF THE ILLEGAL SALE OR BARTER OF INTOXICATING LIQUOR.)

Sec. 4. Minnesota Statutes 1980, Section 340.951, is amended to read:

340.951 [NOTICE OF INJURY.]

Every person or his insurer who claims (DAMAGES) contribution or indemnity from any municipality owning and operating a municipal liquor store or from the licensee of any licensed liquor establishment for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee of the liquor establishment, as the case may be, stating:

- (1) The time and date when, and person to whom such liquor was sold, bartered, or given;
- (2) The name and address of the person or persons who were injured or whose property was damaged;
- (3) The approximate time and date and the place where any injury to person or property occurred. *Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.*

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless such error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless such notice has been given (, AND UNLESS IT IS COMMENCED WITHIN ONE YEAR AFTER SUCH INJURY. THE TIME FOR GIVING THE NOTICE SHALL NOT INCLUDE ANY PERIOD OF TIME NEXT SUCCEEDING THE OCCURRENCE OF THE INJURY DURING WHICH THE PERSON INJURED IS INCAPACITATED FROM GIVING SUCH NOTICE BY REASON OF THE INJURY SUSTAINED). In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relation with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee of the liquor establishment, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within three years after such injury.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 7, delete "340.14, Subdivision 1a;" and delete "and" and insert a semicolon

Page 1, line 7, delete "proposing" and after "340.95;" insert "and 340.951."

Page 1, delete lines 8 and 9

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1704, A bill for an act relating to public safety; prohibiting the sale, use, manufacture and possession of high penetration bullets; prohibiting the sale and possession of armor-piercing bullets; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 624.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [624.74] [METAL-PENETRATING BULLETS.]

Subdivision 1. [INTENT.] This section is designed to give law enforcement officers performing their official duties a reasonable degree of protection from penetration of quality body armor. It is not the intent of this section to restrict the availability of ammunition for personal defense, sporting, or hunting purposes.

Subd. 2. [DEFINITION.] For purposes of this section, "metal-penetrating bullet" means a handgun bullet of 9 mm, .25, .32, .357, .38, .41, .44, or .451 caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloys which purposely reduces the normal expansion or mushrooming of the bullet's shape upon impact: "Metal-penetrating bullet" excludes any bullet composed of copper or brass jacket with lead or lead alloy cores and any bullet composed of lead or lead alloys.

Subd. 3. [USE OR POSSESSION IN COMMISSION OF A CRIME.] Any person who uses or possesses a metal-penetrating bullet during the commission of a crime is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both. Any imprisonment sentence imposed under this subdivision shall run consecutively to any sentence imposed for the other crime.

Subd. 4. [LOCAL REGULATION.] Section 1 shall be construed to supersede any municipal or county regulation of ammunition, including its component parts.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment and applies to all crimes committed on or after that date.

Amend the title as follows :

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 4 and insert "making it a felony to use or possess metal-penetrating bullets in the commission of a crime"

Page 1, line 5, delete "piercing bullets"

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. 1720, A bill for an act relating to retirement; recognizing service covered by multiple retirement funds for entitlement to a disability benefit; proposing new law coded in Minnesota Statutes, Chapter 356.

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

The report was adopted.

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

H. F. No. 1723, A bill for an act relating to crimes; prohibiting driving a motor vehicle when impaired by alcohol; providing prima facie evidentiary standards for determining if persons were driving while impaired or under the influence of alcohol;

requiring blood, breath or urine tests of surviving drivers involved in accidents; authorizing written blood sample reports; amending Minnesota Statutes 1980, Sections 169.121, Subdivisions 1, 2, 3, and 4; 169.123, Subdivisions 3, 6, 9 and by adding subdivisions.

Reported the same back with the following amendments:

Page 3, delete lines 20 to 26

Pages 6 and 7, delete section 8

Page 7, after line 35, insert:

"Sec. 9. Minnesota Statutes 1980, Section 171.30, Subdivision 1, is amended to read:

Subdivision 1. In any case where a person's license has been suspended under section 171.18 or revoked under sections 169.121 or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at his own discretion (AND SHALL UPON RECOMMENDATION BY THE COURT EXCLUDING JUSTICES OF THE PEACE IN WHICH THE DRIVER WAS CONVICTED,) issue a limited license to the driver. The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in his possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

Sec. 10. [169.1232] [RULES.]

The commissioner of public safety shall, pursuant to chapter 15, promulgate rules for administration of the functions assigned to the commissioner or the department of public safety under sections 1 to 9."

Renumber the sections

Amend the title as follows:

Page 1, line 10, delete "9"

Page 1, line 11, after "subdivisions" insert "; and 171.30, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 169"

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. 1735, A bill for an act relating to retirement; Hennepin county supplemental retirement program; providing for a phase out of the program; authorizing current participants to withdraw from the program; providing for an increased withdrawal benefit option in certain instances; amending Laws 1969, Chapter 950, Sections 1, 2, 3, as amended, 4, as amended, 5 and 6; repealing Laws 1969, Chapter 950, Section 8.

Reported the same back with the following amendments:

Page 4, line 19, strike "62" and insert "58"

Page 7, delete lines 4 to 28 and insert:

"(6) A participant who has terminated employment with the county of Hennepin (BUT), who does not qualify (UNDER) pursuant to the provisions of paragraphs (1) through ((4) OF THIS SECTION. IN SUCH CASE ONE HALF OF THE CASH REALIZED ON THE REDEMPTION OF SHARES SHALL BE RECEIVED BY THE PERSON AND ONE HALF SHALL BE RECEIVED BY THE COUNTY OF HENNEPIN AND SET ASIDE IN AN ACCOUNT CONTAINING ALL LIKE MONEYS. ONCE EACH YEAR AT A TIME DETERMINED BY THE COUNTY OF HENNEPIN THE MONEY IN THE ACCOUNT WILL BE DISTRIBUTED PER CAPITA TO THE EMPLOYEE SHARE ACCOUNT RECORDS OF ACTIVE COUNTY EMPLOYEES) (5) and who became a participant in the Hennepin county supplemental retirement program prior to or after the effective date of this act and who previously had not redeemed any shares in the program shall be entitled to receive the total amount of the cash realized on the redemption of all shares to the credit of the participant's share account record."

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. 1737, A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing minimum disability benefit coverage for certain police officers and firefighters; proposing new law coded in Minnesota Statutes, Chapter 423A.

Reported the same back with the following amendments:

Page 3, after line 13, insert:

"Sec. 2. [423A.11] [RECOMPUTATION OF A DISABILITY BENEFIT AS A SERVICE PENSION.]

Subdivision 1. [TERMINATION OF DISABILITY BENEFIT.] The disability benefit of any disabled member of a local police or salaried firefighters relief association, whichever is applicable, shall terminate when the disabled member attains:

(a) the minimum age for the receipt of a service pension specified in the articles of incorporation or the bylaws of the relief association, if the disabled member has credit for at least the number of years of service for active duty which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit; or

(b) the age attained by the disabled member when the total number of years of service credited for active duty and of years of receipt of a disability benefit equals the number of years of service credit which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit, if the disabled member has credit for less than the number of years of service for active duty which would entitle the disabled member to a service pension in an amount equal to the amount of the disability benefit when the disabled member attains the minimum age for the receipt of a service pension specified in the articles of incorporation or the bylaws of the relief association.

Subd. 2. [AMOUNT OF DISABILITY BENEFIT RECOMPUTED AS A SERVICE PENSION.] After the disability benefit terminates, the disabled member shall be deemed to be a service pensioner and shall be entitled to receive a service pension in an amount equal to the disability benefit without any benefit offset required pursuant to any applicable provision of law, articles of incorporation or bylaws which was payable by the relief association immediately prior to the date when the disability benefit terminated pursuant to this section or the service pension otherwise payable based on the service credit section or the service pension otherwise payable based on the service credit for active duty of the person, whichever amount is greater.

The disability benefit recomputed as a service pension shall be subject to any annual automatic post retirement adjustments or escalation applicable to any other service pension payable by the relief association.

Subd. 3. [LIMITATION ON DISABILITY BENEFIT COVERAGE.] *No relief association member who has attained the age and acquired the service credit for termination of a disability benefit specified in subdivision 1 shall be eligible for a disability benefit after that date. If a relief association member who is ineligible for a disability benefit solely pursuant to the limitation set forth in this subdivision becomes permanently unable to perform the duties of a police officer or a firefighter, whichever is applicable, by virtue of a medically determinable illness or injury, the member shall be eligible to a service pension in an amount equal to the amount of the disability benefit which would have been paid had the person been entitled to a disability benefit, or the amount of the service pension otherwise payable based on the service credit for active duty of the person, whichever is greater.*

Sec. 3. [423A.12] [SERVICE CREDIT FOR PERIODS OF DISABILITY.]

If the articles of incorporation or bylaws of a local police or salaried firefighters relief association, whichever is applicable, so provide, any relief association member who received a disability benefit from the relief association on account of a medically determinable illness or injury which was at the time of the determination of the disability expected to be of permanent duration and who returned to active employment as a police officer or firefighter, whichever is applicable, shall be entitled to receive service credit toward the calculation of a service pension for the period or periods of the receipt of a disability benefit.

The maximum service credit which a relief association member may obtain pursuant to this subdivision shall be that amount of service credit which, when added to the service credit of the member for active duty, equals the amount of service credit which would entitle the member to a service pension in an amount equal to the amount of the disability benefit provided by the relief association.

Sec. 4. [423A.13] [LESS HAZARDOUS DUTY EMPLOYMENT FOR marginally DISABLED POLICE OFFICERS OR FIREFIGHTERS.]

Every city in which a local police or salaried firefighters relief association is located shall make every reasonable attempt to provide less hazardous duty employment positions for marginally or less severely disabled police officers or firefighters, whichever is applicable, in the police department or in the fire department,

whichever is applicable, with the same compensation, fringe benefits and other terms and conditions of employment as the person would have otherwise received currently as a regularly employed police officer or firefighter, whichever is applicable, of the same rank and experience.

Sec. 5. [423A.14] [OFFSETS FROM DISABILITY BENEFITS.]

Subdivision 1. [OCCURRENCE OF OFFSETS.] If a police officer or firefighter, whichever is applicable, who is a member of a local police or salaried firefighters relief association becomes disabled and is entitled to receive a disability benefit from the relief association and the disabled person is also entitled to receive benefits pursuant to the workers' compensation law by virtue of that disability, and the total of the disability benefit and the workers' compensation benefits exceeds the salary which the disabled person received as of the date of the disability or the salary currently payable to the same employment position or an employment position which is substantially similar to the employment position which the person held as of the date of the disability, whichever is greater, then the disability benefit of that person which is otherwise payable shall be reduced to that amount which, when added to the workers' compensation benefits, after deducting any amounts payable as attorney fees, medical benefits or rehabilitation benefits, does not exceed the salary which the person received as of the date of the disability or the salary currently payable to the same employment position or an employment position which is substantially similar to the employment position which the person held as of the date of the disability, whichever is greater.

Subd. 2. [LIMITATION.] In no event shall the reduced disability benefit payable pursuant to the requirements of subdivision 1 exceed the amount of the disability benefit otherwise payable by the relief association without reference to subdivision 1 pursuant to the applicable statutes, special laws, articles of incorporation and bylaws.

Subd. 3. [NO OFFSET FOR RECOMPUTED DISABILITY BENEFIT.] No offset pursuant to this section shall be required after a disability benefit is recomputed as a service pension pursuant to section 2.

Subd. 4. [REPORTING REQUIREMENT.] Monthly, each city in which a local police or salaried firefighters relief association is located shall notify the secretary of the relief association of the amounts payable to disabled police officers or firefighters, whichever is applicable, during the month pursuant to the workers' compensation law.

Subd. 5. [OFFSET INAPPLICABLE IN CERTAIN INSTANCES.] If any reduction of benefits payable pursuant to

the workers' compensation law by virtue of the receipt of a disability benefit from a local police or salaried firefighters relief association is required pursuant to legislation enacted by the 1982 regular session or by a subsequent regular or special session, the provisions of this section shall not be applicable to any disability benefit recipient or any local police or salaried firefighters relief association.

Sec. 6. [EFFECT OF PROVISIONS FOR EXISTING DISABILITY BENEFIT RECIPIENTS.]

The provisions of section 1 shall apply to any member of any applicable local relief association in active service on or after the effective date of this section. The provisions of section 2 shall apply to any person receiving a disability benefit from a local relief association on or after the effective date of this section. The provisions of section 3 shall apply to any person who returns to active employment as a police officer or firefighter, whichever is applicable, after receipt of a permanent disability benefit on or after the effective date of this section. The provisions of section 5 shall apply to any person who first commences receipt of a disability benefit after the effective date of this section.

Sec. 7. [WEST ST. PAUL FIREFIGHTERS RELIEF ASSOCIATION; ESTABLISHMENT.]

The fire department of the city of West St. Paul shall establish and maintain a firefighters relief association, to be known as "West St. Paul Firefighters Relief Association."

Sec. 8. [INCORPORATION; ORGANIZATION; POWERS.]

The West St. Paul Firefighters Relief Association shall be incorporated pursuant to Minnesota Statutes, Chapter 317, except that the relief association shall not be required to amend its articles of incorporation or bylaws to conform with Minnesota Statutes, Section 317.08, Subdivision 2, Clause (3), and that the relief association shall be deemed to be a nonprofit corporation without coming within the application of Minnesota Statutes, Section 317.02, Subdivision 5. Except as provided in Minnesota Statutes, Section 423A.01, Subdivision 2, the relief association shall have perpetual existence. The relief association shall be organized, operated and maintained in accordance with its articles of incorporation and bylaws by firefighters who are members of the fire department of the city of West St. Paul and who are members of the relief association. The relief association shall have the power to regulate its own management and affairs and to amend its articles of incorporation and bylaws, except that any amendment to its articles of incorporation or bylaws which increases or otherwise affects the retirement coverage provided by or the service pensions or retirement benefits payable from the special fund of the relief association

shall not be effective until ratified by the city council of the city of West St. Paul. The relief association shall have all additional corporate powers which may be necessary or useful, subject to the provisions of this act, other laws pertaining to corporations not inconsistent with this act and other laws applicable to firefighters relief associations.

Sec. 9. [MANAGEMENT.]

The general management of the relief association shall be vested in a board of trustees composed of five members of the relief association, elected by the membership of the relief association, during the annual meeting of the relief association. The term of office for board of trustee members shall be for one year, commencing with the election, and until the successor in office is elected and duly qualified.

Sec. 10. [OFFICERS OF THE RELIEF ASSOCIATION.]

The officers of the relief association shall be a president, a vice president, a secretary and a treasurer.

Sec. 11. [FUNDS OF THE RELIEF ASSOCIATION.]

The assets of the relief association shall be kept in two separate and distinct funds, one to be designated as the special fund of the relief association and the other to be designated as the general fund of the relief association. All moneys received by the relief association from the state of Minnesota and from the city of West St. Paul and all moneys representing employee contributions received by the relief association shall be deposited in and credited to the special fund of the relief association and shall be expended only for the purposes authorized pursuant to section. All moneys received by the relief association from any other source shall be deposited in and credited to the general fund of the relief association and shall be expended only for purposes authorized pursuant to the bylaws of the relief association.

Sec. 12. [MANAGEMENT OF ASSETS.]

The relief association shall have the full responsibility for the proper management and control of any assets which are received by the relief association.

Sec. 13. [SOURCES OF REVENUE.]

The relief association may receive any amounts of money from the following sources:

(1) amounts from the state of Minnesota pursuant to Minnesota Statutes, Sections 69.011 to 69.051 and 423A.02;

(2) *amounts received from the city of West St. Paul pursuant to Minnesota Statutes, Section 69.77;*

(3) *amounts received as investment income on the invested assets of the special or general fund of the relief association;*

(4) *amounts of employee contributions deducted by the city of West St. Paul from the salaries of relief association members; and*

(5) *amounts received from private sources, including gifts, charges, rents and entertainments.*

Sec. 14. [AUTHORIZED DISBURSEMENTS FROM SPECIAL FUND.]

Disbursements from the special fund of the relief association may be made for any of the following;

(1) *For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;*

(2) *For the payment of temporary or permanent disability retirement benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief association;*

(3) *For the payment of survivor retirement benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;*

(4) *For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;*

(5) *For the payment of the fees, dues and assessments to the Minnesota state fire department association in order to entitle relief association members to membership in and the benefits of the association; and*

(6) *For the payment of administrative expenses of the relief association as authorized pursuant to Minnesota Statutes, Section 69.80.*

Sec. 15. [INVESTMENT OF ASSETS.]

The assets of the special fund of the relief association shall be invested only in securities authorized by Minnesota Statutes,

Section 69.77, Subdivision 2, Clause (7). The assets of the general fund of the relief association may be invested in any securities authorized by the bylaws of the relief association.

Sec. 16. [BOARD OF EXAMINERS.]

The relief association shall establish a board of examiners who shall, when requested to do so by the board of trustees of the relief association, make a thorough investigation and report on the following:

(1) on all applications for disability benefits and the appropriate benefit amount to be paid to each applicant;

(2) on all disability benefit recipients;

(3) on all applications for service pensions; and

(4) on all claims for relief. The board of examiners shall be composed of three members, one of whom shall be the president of the relief association. A competent physician, selected by the relief association, shall serve with the board of examiners as the physician of the relief association.

Sec. 17. [NONGARNISHMENT; EXEMPTION FROM PROCESS.]

No service pension or retirement benefits paid or payable from the special fund of the relief association to any person receiving or entitled to receive a service pension or other retirement benefits shall be subject to garnishment, judgment, execution or other legal process and no person entitled to a service pension or other retirement benefits from the special fund of the relief association shall have the right to assign any service pension or retirement benefit payments, nor shall the relief association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 18. [NO AFFECT ON WORKERS' COMPENSATION ACT.]

Sections 7 to 19 shall not be construed as abridging, repealing or amending Minnesota Statutes, Chapter 176.

Sec. 19. [VALIDATION OF PRIOR ACTIONS.]

Notwithstanding any provision of law to the contrary, any action of the West St. Paul firefighters relief association taken subsequent to September 25, 1947 and prior to the effective date of this section which was in conformance with the applicable provisions of sections 7 to 19 and the applicable provisions of the

duly adopted articles of incorporation and bylaws of the relief association are hereby validated.

Sec. 20. Laws 1974, Chapter 382, Section 4, Subdivision 3, as amended by Laws 1978, Chapter 690, Section 9, is amended to read:

Subd. 3. The board of trustees shall have exclusive control and management of all funds received by its treasurer (UNDER) *pursuant to* the provisions of Minnesota Statutes, Sections (424.30) 69.77 and (424.31) 423A.02 and funds derived for the investment of these funds, and (SUCH) *the* funds, when received, shall be kept in a special fund on the books of the secretary and treasurer of the association and (NEVER) disbursed *only* for (ANY PURPOSE EXCEPT) the following:

- (a) For the relief of sick, injured and disabled members;
- (b) For the payment of pensions to disabled (FIREMEN) *firefighters* and their (WIDOWS) *surviving spouses* and (ORPHANS) *surviving children* of (FIREMEN) *firefighters*;
- (c) For the payment of pensions to retired (FIREMEN) *firefighters* pursuant to the laws of the state and the bylaws of the association;
- (d) For the payment of such death or funeral benefits as may be from time to time stipulated in the bylaws of the association;
- (e) For payments from the fund for the purchase of insurance to cover either the disability or death of a member declaring the special fund as beneficiary;
- (f) For the payment of premiums for health insurance, *medical insurance and group health insurance policies*;
- (g) For the payment of premiums on *health insurance, medical insurance and group health insurance coverage* (ON) for recipients of service, disability, or dependency pensions (;) , provided that the amount per capita so expended does not exceed the amount per capita expended for similar coverage by the city of St. Cloud for municipal employees;
- (h) For the payment of administrative expenses of the association as authorized pursuant to (SECTION 8 OF THIS ACT) *Minnesota Statutes, Section 69.80.*

Sec. 21. Laws 1974, Chapter 382, Section 6, Subdivision 4, is amended to read:

Subd. 4. All members who (RETIRE) *terminate active employment after July 1, 1973, and who meet the minimum service requirement for entitlement to a pension pursuant to this section,* shall be eligible for the same group health, medical insurance and health insurance coverage as is provided by the city for active fire fighters. *The member qualifying for such coverage shall also be eligible to apply for and receive coverage for the eligible dependents of the member for the same group health insurance, medical insurance and health insurance coverage as is provided by the city for active members.* If (SUCH) a (RETIRED) member, or eligible dependent requests coverage under the group (HOSPITALIZATION) health insurance (PLAN), medical insurance and health insurance for city employees, the (FIREMAN'S PENSION) firefighters relief association, from the special fund shall pay to the city, on behalf of the (RETIRED) member, an amount equal to the premium for the same coverage for an active firefighter. (SAID) *The premium payment shall be in addition to and shall not be deducted from any other payments (FOR) to which the individual is (ELIGIBLE) entitled from the relief association. (IN THE EVENT SUCH A RETIRED MEMBER IS RECEIVING DEFERRED PENSION, HE SHALL BE ELIGIBLE FOR SUCH INSURANCE, HOWEVER, THE PREMIUMS THEREFORE SHALL BE PAID BY THE RETIRED MEMBER UNTIL SUCH MEMBER REACHES THE AGE OF 50, AT WHICH TIME HE SHALL BECOME ELIGIBLE TO HAVE SAID PREMIUMS PAID BY THE ASSOCIATIONS AS SPECIFIED ABOVE. A RETIRED) Such member shall also be eligible to apply for and receive coverage for (HIS) the eligible dependents of the member under (SAID) the same group plan (, HOWEVER THE COST OF SUCH ADDITIONAL INSURANCE SHALL BE PAID BY THE RETIRED MEMBER. THE BENEFITS PROVIDED IN THIS SECTION SHALL CEASE WHEN THE INDIVIDUAL RECEIVING SAID BENEFITS ATTAINS THE AGE OF 65).* *The member retiring under a deferred pension, as well as the member's dependents, shall be eligible for the same health insurance, medical insurance and group health insurance as provided for members receiving service pensions and their dependents, except that during the period of the deferment the cost of the insurance shall be paid by the deferred member. However, upon qualifying to receive a pension, the firefighters relief association, from the special fund shall pay to the city, on behalf of the member, an amount equal to the premium for the same coverage for an active firefighter."*

Page 3, line 15, delete "This act is" and insert "Sections 1 to 6 are" and after "enactment." insert "Sections 7 to 19 are effective upon approval by the city council of the city of West St. Paul and upon compliance with Minnesota Statutes, Section 645.021. Sections 20 and 21 are effective upon approval by the city council of the city of St. Cloud and upon compliance with Minnesota Statutes, Section 645.021."

Renumber the section

Delete the title and insert:

"A bill for an act relating to retirement; local police and salaried firefighters relief association; providing minimum disability benefit coverage for police officers and firefighters in certain local relief associations; providing for the recomputation of a disability benefit as a service pension upon the attainment of a certain age; providing service credit for periods of disability in certain instances; requiring the provision of less hazardous duty employment positions for marginally disabled police officers and firefighters; requiring offsets from disability benefits in certain instances; authorizing the establishment and operation of the West St. Paul firefighters relief association; validating prior actions by the West St. Paul firefighters relief association; clarifying and resolving an inconsistency in prior enactments concerning medical and health insurance coverage for certain relief association members; amending Laws 1974, Chapter 382, Sections 4, Subdivision 3, as amended; and 6, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 423A."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1744, A bill for an act relating to crimes; providing prima facie evidentiary standards for determining if persons were driving while under the influence of alcohol; enhancing criminal penalties for persons who are convicted of more than one offense of driving while under the influence of alcohol or a controlled substance; enhancing the length of revocation of a driver's license or operating privileges for each additional offense of driving while under the influence of alcohol or a controlled substance; requiring results of preliminary screening tests be recorded on a driver's record if there is an alcohol concentration between .05 and .10; authorizing chemical tests for persons incapable of refusing to submit to tests; authorizing written blood sample reports into evidence; instruction to the revisor; amending Minnesota Statutes 1980, Sections 169.121, Subdivisions 1, 2, 3, 4, and 6; 169.123, Subdivisions 2, 3, 4, and 9; and Minnesota Statutes 1981 Supplement, Section 169.121, Subdivision 5.

Reported the same back with the following amendments:

Page 2, lines 4 to 9, reinstate the stricken language

Page 6, lines 24 and 33, reinstate the stricken language

Page 7, line 4, reinstate the stricken language

Page 9, line 21, after the period, insert "*The report shall be made within 24 hours of the refusal.*"

Page 9, line 27, after the period, insert "*The report shall be made within 24 hours of the administration of the test.*"

Page 10, after line 14, insert a new section to read as follows:

"Sec. 10. Minnesota Statutes 1980, Section 169.123, Subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer offering a chemical test or directing the administration of a chemical test (MAY) *shall* serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 30 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

If the person requests a hearing within the 30 day period, the commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section."

Page 11, after line 2, insert:

"Sec. 12. [169.1232] [RULES.]

The commissioner of public safety shall, pursuant to chapter 15, promulgate rules for administration of the functions assigned to the commissioner or the department of public safety under sections 1 to 11."

Renumber the sections

Amend the title as follows:

Page 1, line 20, after "4," insert "5a"

Page 1, line 21, before the period insert "; proposing new law coded in Minnesota Statutes, Chapter 169"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1759, A bill for an act relating to crimes; prohibiting the manufacture or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding a subdivision; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

Reported the same back with the following amendments:

Page 2, delete lines 32 to 34

Page 2, line 36, delete "*direct*"

Page 3, line 9, delete "*direct*"

Renumber the clauses

Page 4, line 6, delete "*gross*"

Page 4, line 12, delete "*felony*" and insert "*gross misdemeanor*"

Page 4, line 19, after "*objects*" insert "*in this state*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1760, A bill for an act relating to crimes; expanding criminal responsibility of certain recipients of stolen property; modifying penalties for receiving stolen property; expanding definition of "buglary"; amending Minnesota Statutes 1980, Sections 609.53, Subdivisions 1 and 3; and 609.58, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 609.53, Subdivisions 1a and 4; repealing Minnesota Statutes 1980, Section 609.53, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 609.53, Subdivision 2a.

Reported the same back with the following amendments:

Page 1, lines 23 and 24, reinstate the stricken language and delete the new language

Page 1, line 28, delete "ten" and insert "five" and delete "\$10,000" and insert "\$5,000"

Page 2, line 16, reinstate the stricken language and delete the new language

Page 2, line 20, delete "ten" and insert "five"

Page 4, after line 3, insert:

"Sec. 6. Minnesota Statutes 1980, Section 626A.05, Subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire or oral communications by investigative or law enforcement officers may only be issued when (SUCH) *the* interception may provide evidence of the commission of any criminal (FELONY) offense involving murder, manslaughter, aggravated assault, aggravated robbery, kidnapping, aggravated rape, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary, forgery, aggravated forgery, gambling, and offenses relating to controlled substances, or an attempt or conspiracy to commit any (SUCH OFFENSE OR SAID) *of these* offenses, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.225, 609.245, 609.25, 609.291, 609.321 to 609.324, 609.42, 609.48, 609.485, subdivision 4, clause (1), 609.52, 609.53, 609.54, 609.58, 609.625, 609.63, 609.76, 609.825, and chapter 152."

Page 4, line 10, after the period insert: "*Section 6 is effective May 1, 1982 and applies to warrants issued on or after that date. Section 7 is effective August 1, 1982.*"

Renumber the sections

Amend the title as follows:

Page 1, line 7, after "2," insert "626A.05, Subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1764, A bill for an act relating to crimes; prohibiting possession of obscene works appealing to pedophiles; prescribing penalties; amending Minnesota Statutes 1980, Section 617.246, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [241.74] [SEX OFFENDER TREATMENT.]

The commissioner of corrections shall, to the extent that funds are available, make sex offender treatment programs available to any person committed to a state correctional facility who has been convicted of a violation of section 609.342, 609.343, 609.344, 609.345, 609.346, 609.3641, 609.3642, 609.3643, 609.3644, 609.365, 617.23 to 617.41, or section 4, who is willing to participate in sex offender treatment.

Sec. 2. [609.366] [PROCEEDINGS INVOLVING MINOR VICTIMS.]

In cases where a person is charged with violating section 609.-342, 609.343, 609.344, 609.345, 609.346, 609.3641, 609.3642, 609.-3643, 609.3644, 609.365, 617.20 to 617.294, or section 4 and the victim of the alleged crime is a minor, the name of the minor victim shall not be published in any document available to persons other than persons necessary to the action or proceeding, nor shall the name be broadcast by radio or television by whatever means transmitted. In cases where a violation of section 609.-3641, 609.3642, 609.3643, 609.3644, or 609.365 is alleged, the relationship of the victim to the accused shall not be published in any newspaper, book, periodical, or other publication available to the general public, or by radio or television by whatever means transmitted. Any person who violated this section is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1980, Section 617.246, Subdivision 1, is amended to read:

617.246 [PROHIBITING PROMOTION OF MINORS TO ENGAGE IN OBSCENE WORKS.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the terms defined in this subdivision shall have the meanings given them.

(b) "Minor" means any person who has not attained his or her 18th birthday.

(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

(d) "Sexual performance" means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts patently offensive sexual conduct as defined by clause (f).

(e) "An obscene work" is a picture, a film, photograph, negative, slide, drawing or similar visual representation depicting a minor, which taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. In determining whether or not a work is an obscene work the trier of the fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (f); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

(f) "Patently offensive sexual conduct" includes any of the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(g) "*Pedophile*" means a person with a prurient interest in children as sexual objects.

Sec. 4. Minnesota Statutes 1980, Section 617.246, Subdivision 4, is amended to read:

Subd. 4. [DISSEMINATION.] A person who, knowing its content and character, disseminates for profit an obscene work, as defined in this section, is guilty of a (MISDEMEANOR) felony.

Sec. 5. [617.247] [POSSESSION OF OBSCENE PHOTOGRAPHIC REPRESENTATIONS OF MINORS.]

Subdivision 1. [POLICY; PURPOSE.] It is the policy of the legislature in enacting this section to protect minors from the physical and psychological damage caused by using minors in obscene films, photographs, and other obscene photographic representations of actual minors. Every time that a person views an obscene portrayal of an actual minor, that minor's physical and psychological well-being is endangered and remains subject to additional harm at least until all copies of the obscene photographic representation are destroyed. It is therefore the intent of the legislature to penalize possession of obscene photographic representations in order to protect the identity of minors who are victimized by involvement in obscene photographic representations, and to protect minors from future involvement in obscene photographic representations. It is not the intent of this section to prohibit the possession by adults of written words, drawings, paintings, or similar representations which are created without the use of an actual minor as an actor or photographic subject.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) "Photographic representation" means an original or reproduction of a film, videotape, photograph, negative, or slide.

(b) "Obscene" means that the work, taken as a whole, appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. In order to determine that a work is obscene the trier of fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (1); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

(1) "Patently offensive sexual conduct" includes any of the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close up representation of a human genital organ.

(iv) *Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.*

(c) *"Pedophile" means a person with a prurient interest in children as sexual objects.*

Subd. 3. [POSSESSION PROHIBITED.] A person who has in his or her possession an obscene photographic representation of a minor, knowing its content and character, is guilty of a felony. This section does not apply to law enforcement officers, court personnel, and attorneys in the performance of their official duties.

Sec. 6. [SEVERABILITY.]

If any provision or application of sections 1 to 5 is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and for this purpose the provisions of sections 1 to 5 are severable.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 and 2 are effective May 1, 1982. Sections 3, 4 and 5 are effective May 1, 1982 and apply to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes and corrections; providing for sex offender treatment programs; prohibiting publication of the names of minor victims of sexual abuse; prohibiting possession of certain obscene works depicting minors; amending Minnesota Statutes 1980, Section 617.246, Subdivisions 1 and 4; proposing new law coded in Minnesota Statutes, Chapters 241, 609, and 617."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1802, A bill for an act relating to local improvements; providing for certain local improvements and special assessments; amending Minnesota Statutes 1981 Supplement, Section 429.021, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 429.021, is amended by adding a subdivision to read:

Subd. 1A. [RAILROAD SIGNS OR SIGNALS.] If a municipality incurs a cost for the installation of a railroad sign or signal, the cost may be assessed against the property benefitted by the railroad sign or signal in accordance with the provisions of this chapter.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to municipalities; authorizing municipalities to assess the cost for the installation of a railroad sign or signal against the property benefitted; amending Minnesota Statutes 1980, Section 429.021, by adding a subdivision."

With the recommendation that when so amended the bill be re-referred to the Committee on Local and Urban Affairs.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1804, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; providing that when only one owner or occupant is benefitted by a fence he shall be assigned the entire expenses of the fence; amending Minnesota Statutes 1980, Section 344.03, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 344.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [344.011] [EXEMPTION.]

Minnesota Statutes, Chapter 344 does not apply when the land of the adjoining owners or occupants considered together is less than 20 acres.

Sec. 2. [344.20] [TOWN OPTION.]

The governing body of a town may adopt its own policy and procedures for dealing with partition fences, including enforcement procedures, in which case chapter 344 does not apply in that town.

The governing body may adopt a partition fence policy for a town only after eight or more freeholders in the town have petitioned the governing body for a vote on such a policy and the policy is approved by the voters of the town at a town meeting held after appropriate notice by posting or publication.

Chapter 344 governs any partition fence lying on the boundary between a town which has adopted its own partition fence policy and any other political subdivision unless the other political subdivision is a town which has adopted a similar policy."

Amend the title as follows:

Page 1, line 3, delete "providing that"

Page 1, delete lines 4 to 6

Page 1, line 7, delete "344.03, Subdivision 1;"

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

The report was adopted.

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

H. F. No. 1839, A bill for an act relating to health; requiring reports of cases of Reyes syndrome; proposing new law coded Minnesota Statutes, Chapter 144.

Reported the same back with the following amendments:

Page 1, line 10, delete "department" and insert "commissioner"

Page 1, after line 19, insert:

"Sec. 2. [REPEALER.]

Section 1 is repealed when the commissioner of health includes Reyes syndrome as a reportable disease in rules, or effective January 1, 1984, whichever occurs first."

Renumber the section

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

The report was adopted.

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

H. F. No. 1858, A bill for an act relating to counties; authorizing the establishment of subordinate service districts in order to provide and finance governmental services; proposing new law coded as Minnesota Statutes, Chapter 375B.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert "*The boundaries of a single subordinate service district may not embrace an entire county.*"

Page 2, line 1, after the period insert "*A function or service to be provided shall not include a function or service which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district.*"

Page 2, line 14, delete "any" and insert "the"

Page 2, line 14, after "county" insert "*proposed for the subordinate service district*"

Page 4, line 10, before "a" insert "either"

Page 4, line 12, delete "by" and insert "a"

Page 4, line 13, delete "by"

Page 4, line 14, after the period insert "*A tax or service charge or a combination thereof shall not be imposed to finance a function or service in the service district which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district in which case, in addition to the countywide tax levy, only an amount necessary to pay for the increased level of service may be imposed.*"

Page 4, line 15, after "WITHDRAWAL" insert "; ELECTION"

Page 4, after line 33, insert

"Sec. 11. [375B.11] [WITHDRAWAL; BY RESOLUTION OF COUNTY BOARD.]

The county board may by resolution withdraw a subordinate service district from the provisions of this chapter and discontinue the service provided within the service district. The county board shall cause notice of its intention to withdraw the service district to be published at least once in the official newspaper not more than six months or less than three months before the resolution is adopted. If a joint powers agreement is a part of the subordinate service district arrangement no withdrawal shall be effective under this section unless all parties to the joint powers agreement agree to the withdrawal.

Sec. 12. [375B.12] [LOCAL LAWS SUPERSEDED.]

A special law for a single county which authorizes the county to establish subordinate service districts or areas is hereby superseded. Any service being provided pursuant to the special law on or before the effective date of sections 1 to 12 may continue to be provided pursuant to the special law.

Sec. 13. Minnesota Statutes 1980, Section 275.50, is amended by adding a subdivision to read:

Subd. 7. A tax on service charge levied by the county board within a subordinate service district pursuant to chapter 375B is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 or any other law.

Sec. 14. Laws 1981, Chapter 291, Section 2, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A (WASTE WATER TREATMENT) sanitary sewer board called the North Koochiching (COUNTY WASTE WATER TREATMENT) sanitary sewer board with jurisdiction in the (INTERNATIONAL FALLS, SOUTH INTERNATIONAL FALLS AND RANIER MUNICIPALITIES AND THE EAST KOOCHICHING COUNTY SEWER DISTRICT AND THE PAPERMAKERS SEWER DISTRICT) North Koochiching area sanitary district is established as a public corporation and political subdivision with all the rights, powers, privileges, immunities and duties which may be granted to or imposed upon a municipal corporation.

Sec. 15. Laws 1981, Chapter 291, Section 2, is amended by adding a subdivision to read:

Subd. 1a. [DISTRICT.] The North Koochiching area sanitary district is the International Falls, South International Falls and Ranier municipalities and the East Koochiching county

sewer district and the Papermakers sewer district, except that if the conditions in subdivision 10 are not met, after December 31, 1985, the north Koochiching area sanitary district shall then be the area served by the district disposal system on that date.

Sec. 16. Laws 1981, Chapter 291, Section 2, Subdivision 2, is amended to read:

Subd. 2. [MEMBERS AND SELECTIONS.] The board members shall be appointed by each of their governmental units in the following numbers:

International Falls 4

South International Falls 2

East Koochiching county sewer district 1

Papermakers sewer district 1

Ranier 1

The East Koochiching and Papermakers sewer districts shall each appoint their member on the board and designate the term of the member in accordance with subdivision 5, by a majority vote. *If the conditions in subdivision 10 are not met, after December 31, 1985 the composition of the board shall be changed, with each local government unit remaining in the district appointing one board member.*

Sec. 17. Laws 1981, Chapter 291, Section 2 is amended by adding a subdivision to read:

Subd. 10. [CONDITIONS; APPOINTMENT OF ENGINEER; BOARD COMPOSITION.] *If before January 1, 1986, the state or federal governments have not offered grants for at least 70 percent of the estimated grant eligible cost, or the board has not advertised for bids for construction, of all interceptors and treatment works which the comprehensive plan adopted pursuant to section 4 identifies as critical to the integrity of the district, then:*

(a) *The board shall appoint an independent consulting engineer who shall determine the actual value, as of January 1, 1982, of all real and personal property transferred to the board pursuant to section 5, subdivision 2, clause (a). If any local government unit challenges the determination, the dispute shall be resolved by arbitration following the procedures of the American Arbitration Association.*

(b) *After appointing the independent consulting engineer, the composition of the board shall be changed to comply with subdivision 2.*

Sec. 18. Laws 1981, Chapter 291, Section 4, Subdivision 1, is amended to read:

Subdivision 1. [BOARD PLAN AND PROGRAM.] The board shall adopt as its first comprehensive plan for the collection, treatment and disposal of waste water in the district for the period the board deems proper the comprehensive plan adopted by the joint powers board previously established for the cities of International Falls, South International Falls, and Ranier and the county of Koochiching by agreement pursuant to Minnesota Statutes, Section 471.59. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment and disposal of waste water in the district for each succeeding designated period the board deems proper. The first plan, as modified by the board, and any subsequent plan, *shall provide that no treatment facilities shall be constructed which would allow a discharge above the water intake of Boise Cascade Corporation used to supply drinking water to residents of the district, and shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, uses and potential for use of lands adjoining waters of the state to be used for the disposal of waste water; and the impact the disposal system will have on present and future land use in the area affected.* Plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long range capital improvements program and other details the board deems appropriate. *Plans shall specifically identify those interceptors and treatment works which are critical to the integrity of the district.* In developing the plans, the board shall consult with persons designated for the purpose by the governing body of any municipal and public corporation or governmental or political subdivision or agency within the district. It shall consider the data, resources, and suggestions offered to the board by the entities and any planning agency acting on behalf of one or more of them. Each plan, when adopted, shall be followed in the district and may be revised as often as the board deems necessary.

Sec. 19. Laws 1981, Chapter 291, Section 5, Subdivision 2, is amended to read:

Subd. 2. [METHOD OF ACQUISITION.] (a) The board may require any local government unit to transfer to the board, *without consideration, free and clear of all encumbrances, subject only to a contingent liability pursuant to section 8, subdivision 1a,* all of the unit's right, title, and interest in any interceptors or treatment works and their necessary appurtenances owned by the unit which are needed for the purpose stated in subdivision 1. Appropriate instruments of conveyance for all the transferred property shall be executed and delivered to the

board by the proper officers of each local government unit concerned.

(b) All persons regularly employed by a local government unit to operate and maintain works transferred to the board on the date on which the transfer becomes effective shall be employees of the board, in the same manner and with the same options and rights as other employees of the board.

Sec. 20. Laws 1981, Chapter 291, Section 7, is amended to read:

Sec. 7. [BUDGET.]

The board shall prepare and adopt a budget, on or before (SEPTEMBER 1, 1981) *August 1, 1982* and annually thereafter. The budget shall show for the following calendar year or other fiscal year determined by the board estimated receipts of money from all sources including but not limited to payments by each local government unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for:

(a) Costs of operation, administration and maintenance of the district disposal system;

(b) Costs of acquisition and betterment of the district disposal system; and

(c) Debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 12, and any money judgments against the district.

Expenditures within these categories and others the board may determine, shall be itemized in the detail the board shall prescribe. The board and its officers, agents, and employees shall not spend money for any purpose other than debt service without having set forth the expense and its amount in the budget. No obligation to make an unbudgeted expenditure shall be enforceable except as the obligation of the person incurring it. The board may amend the budget at any time by transferring from one purpose to another any budgeted sums, except money for debt service and bond proceeds, or by increasing expenditures in any amount by which cash receipts during the budget year actually exceed the total amounts designated in the original budget. The creation of an obligation pursuant to section 12 or the receipt of a federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation, whether or not specifically included in the budget.

Sec. 21. Laws 1981, Chapter 291, Section 8, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION OF CURRENT COSTS.]
The estimated cost of administration, operation, maintenance

and debt service of the district disposal system to be paid by the board in a fiscal year and the estimated costs of acquisition and betterment of the system which are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to this act to be allocated in the year, less any costs to be allocated to industries pursuant to subdivision 3 *and less any amounts to be received pursuant to subdivision 1a*, are referred to as current costs and shall be allocated by the board to the local government units in the budget for such year.

Sec. 22. Laws 1981, Chapter 291, Section 8, is amended by adding a subdivision to read:

Subd. 1a. [PAYMENT OF DIFFERENCE.] If the area of the district and the composition of the board change pursuant to section 2, after December 31, 1985 any local government unit remaining in the district shall pay in equal payments over 20 years, with interest at the rate of eight percent per annum, the proportionate difference in the value determined pursuant to section 2, subdivision 10, clause (a).

Sec. 23. Laws 1981, Chapter 291, Section 8, Subdivision 2, is amended to read:

Subd. 2. [METHOD OF ALLOCATION OF CURRENT COSTS.] All current costs shall be allocated to local government units in the district on a pro rata basis determined by the effluent contributed by each, less any industrial wastes for which costs have been allocated under subdivision 3, calculated on the basis of flow measurement. The projected pro rata contribution of effluent shall be made on or before (SEPTEMBER 1, 1981) August 1, 1982 and annually thereafter. An adjustment shall be made on or before February 1 of each succeeding year based upon the actual effluent contributed by each government entity. The adjustments shall be paid to the district or to the proper local government units. It also may be corrected by deduction from or addition to subsequent payments. The adoption or revision of a method of allocation used by the board shall be by the affirmative vote of at least two-thirds of the members of the board.

Sec. 24. Laws 1981, Chapter 291, Section 24, is amended to read:

Sec. 24. [EFFECTIVE DATE; LOCAL APPROVAL.]

This act is effective (IN THE LOCAL GOVERNMENT UNITS NAMED IN SECTION 23 UPON APPROVAL BY ALL OF THE GOVERNMENT UNITS NAMED IN SECTION 23 AND UPON COMPLIANCE WITH MINNESOTA STATUTES, SECTION 645.021, SUBDIVISION 3.) April 1, 1982, pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a).

Sec. 25. [EFFECTIVE DATE.]

Sections 14 to 24 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "counties" and insert "local government"

Page 1, line 4, after the semicolon, insert "establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision; Laws 1981, Chapter 291, Sections 2, Subdivisions 1 and 2, and by adding subdivisions; 4, subdivision 1; 5, subdivision 2; 7; 8, subdivisions 1 and 2, and by adding a subdivision; and 24;"

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1883, A bill for an act relating to highway traffic regulations; regulating speed limits and hours when speed limits are in effect within school zones; amending Minnesota Statutes 1980, Section 169.14, Subdivision 5a.

Reported the same back with the following amendments:

Page 1, line 20, after the period insert: *"No school speed limit shall be made effective by a local authority for 24 hours a day if the commissioner of transportation determines on the basis of an engineering and traffic investigation, and so informs the local authority, that a 24 hour speed limit within the school zone would present a clear and compelling threat to public safety."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1916, A bill for an act relating to commerce; providing uniformity in requiring insurance of accounts in depository financial institutions; clarifying examination reports as confidential records; clarifying permissible transactions at fi-

nancial institutions by examiners; defining building and loan association; clarifying financial institution real estate investment authority; establishing an application procedure for certain bank detached facilities; providing for clearly differentiating a detached facility from the parent bank principal office; establishing a uniform authority for financial institutions' limited trust powers and individual housing accounts; clarifying certain words, terms and phrases relating to supervision of banks and trust companies; eliminating the filing requirement for bank directors' oaths; clarifying exceptions to prohibition against bank or trust company sale of assets; providing for uniform quarterly reporting by banks or trust companies; providing uniform capital requirements for stock savings banks and approval procedures for amending articles or certificates of incorporation; removing inconsistencies in fees payable to secretary of state; removing the expiration date for the credit union advisory council; removing inconsistencies with earlier laws regarding certificate loan plans of industrial loan and thrift companies; providing for liquidity reserve requirements by insured industrial loan and thrift companies consistent with other depository institutions; providing for reasonable fees, annual renewals and surety bond limits for licensing safe deposit companies; clarifying default charges, deferments, conversion rights, interest after maturity and issuance of receipts on regulated loans; limiting licensing and examination of sales finance companies to those located in this state; authorizing the restatement of articles of incorporation of financial institutions; amending Minnesota Statutes 1980, Sections 46.07, Subdivision 2; 46.09, as amended; 47.01, Subdivision 5; 47.10; 48.01, Subdivision 1; 48.16; 48.21; 48.76; 50.25; 51A.23, Subdivision 6; 52.061; 52.24; 53.04, Subdivision 5; 53.07; 55.04, Subdivision 2; 55.05; 168.66, Subdivision 8; Minnesota Statutes 1981 Supplement, Sections 48.06; 48.48; 51A.03, Subdivision 5; 56.131, Subdivision 1; 56.14; proposing new law coded in Minnesota Statutes, Chapters 45; 47; 55; and 300; repealing Minnesota Statutes 1980, Sections 47.16, Subdivision 2; 48.159, Subdivision 1; 48.25; 50.157, Subdivision 1; 51A.21, Subdivision 16; 52.135; Minnesota Statutes 1981 Supplement, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; and 52.136.

Reported the same back with the following amendments:

Page 2, line 12, delete "*full force and*"

Page 2, lines 13, and 27, delete "*or any*" and insert "*, an*"

Page 2, lines 14 and 27, delete "*other*" and insert "*a*"

Page 2, line 19, delete the first "*or any*" and insert "*, an*"

Page 2, line 19, delete the second "*any*" and insert "*a*"

Page 2, line 21, delete "*bank is*" and insert "*“bank” means a bank*"

Page 2, line 24, delete "*any*" and insert "*a*"

Page 2, line 33, delete the comma

Page 3, line 6, delete "*or any*" and insert "*, an*" and delete the second "*any*" and insert "*a*"

Page 3, line 15, strike "*any*" and insert "*an*"

Page 3, line 16, strike "*such*" and strike "*any*" and insert "*a*"

Page 3, line 20, strike "*of*"

Page 3, line 22, strike "*any*" in both places and insert "*a*"

Page 3, line 24, strike "*any such*" and insert "*an*"

Page 3, line 25, after "*of*" strike "*any*" and insert "*an*"

Page 3, line 32, delete "*1980*" and insert "*1981 Supplement*" and delete "*, as amended*"

Page 3, line 33, delete "*by Laws 1981, Chapter 31, Section 1,*"

Page 4, line 1, after the period insert "*[PROHIBITION.]*"

Page 4, line 5, strike "*any*" and insert "*a*"

Page 4, line 16, strike "*shall*" and insert "*do*"

Page 4, line 18, after "*2.*" insert "*[EXCEPTIONS.]*"

Page 5, line 2, after "*3.*" insert "*[LOANS AND CREDIT ADVANCES.]*" and delete "*shall*" and insert "*do*"

Page 5, lines 3 and 8, delete "*any*" and insert "*a*"

Page 5, line 5, delete "*Any*" and insert "*A*"

Page 5, line 6, delete "*shall be*" and insert "*is*"

Page 5, line 15, after "*and*" insert "*which*"

Page 5, line 32, delete "*where*" and insert "*if*"

Page 6, lines 2 and 22, delete "*where*" and insert "*if*"

Page 6, lines 29 and 35, delete "Any" and insert "A"

Page 7, line 3, delete "together with"

Page 7, line 8, delete the comma

Page 7, line 24, delete "greater than" and insert "outside"

Page 7, delete lines 29 to 32 and insert:

"A detached facility must be properly identified at its location in a manner which clearly differentiates it from the principal office of the parent bank. The identification must include the name of the parent bank."

Page 7, line 36, delete "shall have the power to" and insert "may" and delete "within"

Page 8, line 1, delete "the contemplation of" and insert "under"

Page 8, line 2, delete "within the"

Page 8, line 3, delete "contemplation of" and insert "under"

Page 8, line 5, delete "such" and insert "the"

Page 8, line 15, delete "shall have the power to" and insert "may"

Page 8, lines 23 and 25, strike "shall have" and insert "has"

Page 8, line 29, strike "When" and insert "If" and strike "shall exceed" and insert "exceeds"

Page 8, line 35, strike "any" and insert "a"

Page 9, line 2, strike "same" and insert "stock"

Page 9, line 4, strike "or her"

Page 9, line 23, delete "any" and insert "a"

Page 9, line 30, delete "any" and insert "an"

Page 9, line 33, strike "any"

Page 10, line 3, strike "for the following purposes" and insert "only"

Page 10, line 4, strike "Such"

Page 10, line 10, delete "is"

Page 10, lines 12, 15 and 18, strike "Such as is" and insert "If"

Page 10, lines 12 and 19, strike "any" and insert "a"

Page 10, line 13, strike "by way of" and insert "as"

Page 10, line 13, after "made" insert "by"

Page 10, line 14, strike "such bank" and insert "it"

Page 10, line 19, delete "and" and insert "or"

Page 10, line 20, delete "Such as may be" and insert "If"

Page 10, strike line 22

Page 10, line 23, strike "estate in any case or for any other purpose whatever."

Page 10, line 24, strike "in the cases contemplated in" and insert "under"

Page 10, line 25, delete "(4)" and insert "(5)"

Page 11, lines 5, 35, and 36, strike "any" and insert "a"

Page 11, line 36, strike "shall have" and insert "has"

Page 12, line 4, strike "shall order" and insert "orders"

Page 12, line 21, strike "Any" and insert "A"

Page 13, line 35, delete "full force and"

Page 14, lines 1 and 7, strike "or any" and insert ", an"

Page 14, line 8, strike "any" and insert "a"

Page 15, line 18, delete "full force and"

Page 16, line 12, strike "such" and strike the second "may"

Page 16, line 14, strike "such" and strike "may"

Page 16, line 15, strike "upon the same" and insert "on them"

Page 16, line 17, strike "such" in both places and strike "as may be"

Page 16, line 17, strike "; and" and insert a period

Page 16, line 33, delete "any" and insert "an"

Page 17, line 34, strike "such"

Page 17, line 35, strike "as"

Page 17, line 35, strike "may require" and insert "requires"

Page 18, line 13, strike "to a"

Page 18, strike line 14

Page 18, line 15, strike "partnership"

Page 18, line 15, strike "it" and insert "the applicant"

Page 18, line 17, strike "the amount"

Page 18, line 18, strike "thereof to be" and insert "as" and strike the comma and insert ". The bond must be"

Page 18, line 19, strike the comma

Page 18, line 20, strike ", to" and insert "and must"

Page 18, line 20, strike "its" and insert "the safe deposit company's"

Page 18, line 21, strike the comma and strike "to"

Page 18, line 22, strike "This" and insert "The" and strike "shall" and insert "must"

Page 18, line 23, strike "who shall be in any manner"

Page 18, line 24, strike the comma and strike "by"

Page 18, line 26, strike the comma

Page 18, line 27, strike "full force and"

Page 18, line 28, strike "licensed hereunder"

Page 18, line 32, strike the first "any" and insert "a"

Page 18, line 32, strike the second "any"

Page 18, line 33, strike the second "for"

Page 18, line 34, strike "full"

Page 21, line 10, strike the parenthesis before "If"

Page 24, line 3, after "adopt" insert "a"

Page 24, line 4, delete "certificates" and insert "certificate"

Page 24, lines 5 and 7, after the period insert "The"

Page 24, line 9, after "in" insert "the"

Page 24, line 16, delete "any" and insert "a"

Page 24, line 20, after the first "of" insert "the"

Page 24, line 21, after the period insert "The"

Further amend the title as follows:

Page 1, line 40, delete "46.09, as amended"

Page 1, line 45, after "Sections" insert "46.09,"

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. 1934, A bill for an act relating to the environment; amending the waste management act; authorizing the commissioner of administration to acquire certain development rights; defining terms for purposes of the resource recovery program; prohibiting the waste management board from certifying the use of facilities for disposal of radioactive waste; amending Minnesota Statutes 1980, Section 115A.15, Subdivisions 2, 6, and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivision 4; and 115A.24, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 26, after "purchase," insert "lease,"

Page 1, line 28, delete "during" and insert "for all or part of"

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 1981 Supplement, Section 115A.06, Subdivision 13, is amended to read:

Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), or sales information, (OR ANY OTHER INFORMATION WHICH, IF PUBLIC, WOULD TEND TO ADVERSELY AFFECT THE COMPETITIVE POSITION OF THE SUBJECT OF THE DATA.) shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c (IF THE SUBJECT OF THE DATA HAS CERTIFIED THAT THE DATA QUALIFIES AS NON-PUBLIC OR PRIVATE DATA UNDER THIS SUBDIVISION AND THE CHAIRMAN OF THE WASTE MANAGEMENT BOARD APPROVES THE CLASSIFICATION IN WRITING). When data is classified private or non-public pursuant to this subdivision the board may:

(a) Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or

(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation.

The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board.

Sec. 3. [115A.071] [DUTIES OF THE BOARD; SOLID WASTE MANAGEMENT; DESIGNATIONS OF RESOURCE RECOVERY FACILITIES.]

Subdivision 1. [APPROVAL OF DESIGNATION PROPOSALS.] The board shall review and approve or disapprove proposals to designate resource recovery facilities under sections 115A.70 and 400.162. The board may attach conditions to its approval. Before approving a designation the board shall determine that the proposal conforms to the requirements of section 115A.70 or section 400.162, that the designation will further the state policies and purposes expressed in section 115A.02, and that the designation is based upon a plan approved pursuant to subdivision 2 and an adequate evaluation of the standards expressed in section 115A.46, subdivision 3.

Subd. 2. [PLAN REQUIRED.] Before reviewing a proposed designation, the board shall require the completion or, if necessary, revision of a comprehensive solid waste management plan which in the board's judgment conforms to the requirements of section 115A.46.

Subd. 3. [BOARD SUPERVISION.] The board shall require regular reports on any designation approved pursuant to this section and section 473.827, shall periodically evaluate whether the designation as implemented has accomplished its

purposes and whether the designation is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02, and shall report periodically to the legislature on its conclusions and recommendations.

Sec. 4. Minnesota Statutes 1980, Section 115A.08, is amended by adding a subdivision to read:

Subd. 5a. [REPORT ON ASSURANCE OF SECURITY OF HAZARDOUS WASTE FACILITIES.] *With the report required by subdivision 5, the board through its chairperson shall report and make recommendations to the legislative commission on methods of assuring the security of commercial hazardous waste facilities. The report and recommendations shall be based on the need to assure: effective monitoring and enforcement during operation; effective containment, control, and corrective action in any emergency situation; financial responsibility of the owner and operator throughout the operating life of the facility, using performance bonds, insurance, escrow accounts, or other means; proper closure; and perpetual post-closure monitoring and maintenance. The report shall include recommendations on the source of funds, including operator contributions, fee surcharges, taxes, and other sources; the amount of funds; effective protection and guarantee of funds; administration; regulatory and permit requirements; the role of local authorities; and other similar matters.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 115A.11, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] By December 15, 1982, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, *retrievable storage*, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial *retrievable storage*, or disposal facility in the state. The board may make the implementation of elements of the plan contingent on actions of the legislature which have been recommended in the reports submitted pursuant to section 115A.08."

Page 3, line 10, delete everything after "*which*"

Page 3, delete line 11 and insert "*are not reusable but which contain recoverable resources.*"

Page 3, line 35, delete the added language

Page 3, line 36, delete the new language and reinstate the stricken language

Page 4, line 1, restore the stricken language and before "*may*" insert "*, and*" and after "*include*" insert a comma

Page 4, lines 18 and 19, delete the new language

Page 4, line 20, delete "*administration of*" and insert "*and all reimbursements to the commissioner of his expenses incurred in developing and administering*"

Page 4, after line 23, insert:

"Sec. 9. Minnesota Statutes 1981 Supplement, Section 115A.21, Subdivision 3, is amended to read:

Subd. 3. [MORATORIUM.] In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on all development within each proposed or candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium on candidate sites and buffer areas shall extend *until the board chooses a final candidate site or final candidate sites pursuant to this article. The moratorium on the final sites and buffer areas shall extend* until six months following final action of the board pursuant to sections 115A.18 to 115A.30. No development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium without the approval of the board. No land use control of any political subdivision shall permit development which has not been approved by the board, nor shall any political subdivision sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the board. The board shall not approve actions which would jeopardize the availability of a candidate site for use as a hazardous waste facility. The board may establish guidelines for reviewing requests for approval under this subdivision. The guidelines shall not be subject to the rule-making provisions of chapter 15. Requests for approval shall be submitted in writing to the chairperson of the board and shall be deemed to be approved by the board unless the chairperson otherwise notifies the submitter in writing within 15 days.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 115A.-24, Subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] Except as provided in subdivision 2, by December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial *retrievable storage, or disposal facility* in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial *retrievable storage, or disposal facility* for hazardous waste in the state."

Page 4, after line 29, insert:

"Sec. 12. Minnesota Statutes 1980, Section 115A.42, is amended to read:

115A.42 [ESTABLISHMENT AND ADMINISTRATION.]

There is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the (PURPOSE) *purposes* of encouraging and improving regional and local solid waste management planning activities and efforts *and of furthering the state policies and purposes expressed in section 115A.02*. The program shall be administered by the agency pursuant to rules promulgated under chapter

15, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency and the metropolitan council shall ensure conformance with federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.

Sec. 13. Minnesota Statutes 1980, Section 115A.46, is amended to read:

115A.46 [(CONTENTS) REQUIREMENTS.]

Subdivision 1. [GENERAL.] Plans shall address the state policies and purposes expressed in section 115A.02. Plans for the location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. Plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. Plans shall address the establishment of joint powers management programs or waste management districts where appropriate. Plans proposing a designation of resource recovery facilities pursuant to sections 115A.70 and 400.162 shall be submitted to the waste management board for review and approval or disapproval under section 115A.071. Plans shall address other matters as the rules of the agency may require consistent with the purposes of sections 115A.42 to 115A.46. Political subdivisions preparing plans under sections 115A.42 to 115A.46 (ARE ENCOURAGED TO) shall consult with persons presently providing solid waste collection, processing, and disposal services (IN THE PREPARATION OF THE PLAN). Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. (PLANS PREPARED BY POLITICAL SUBDIVISIONS OUTSIDE THE METROPOLITAN AREA WITH ASSISTANCE FROM THE PROGRAM SHALL CONFORM TO THE REQUIREMENTS OF THIS SECTION.)

Subd. 2. [CONTENTS.] The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators and on persons currently providing solid waste collection, processing, and disposal services. The plans shall, to the extent practicable and consistent with the achievement of

other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plans shall include criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. (PLANS FOR LOCATION, ESTABLISHMENT, OPERATION, MAINTENANCE, AND POST-CLOSURE USE OF FACILITIES AND FACILITY SITES, FOR ORDINANCES, AND FOR LICENSING, PERMIT, AND ENFORCEMENT ACTIVITIES SHALL BE CONSISTENT WITH THE RULES ADOPTED BY THE AGENCY PURSUANT TO CHAPTER 116. THE PLANS SHALL ADDRESS THE RESOLUTION OF CONFLICTING, DUPLICATIVE, OR OVERLAPPING LOCAL MANAGEMENT EFFORTS. THE PLANS SHALL ADDRESS THE ESTABLISHMENT OF JOINT POWERS MANAGEMENT PROGRAMS OR WASTE MANAGEMENT DISTRICTS WHERE APPROPRIATE. THE PLANS SHALL ADDRESS OTHER MATTERS AS THE RULES OF THE AGENCY MAY REQUIRE CONSISTENT WITH THE PURPOSES OF SECTIONS 115A.42 TO 115A.46.)

Subd. 3. [PLANS FOR DESIGNATION OF RESOURCE RECOVERY FACILITIES.] A plan proposing designation of resource recovery facilities pursuant to sections 115A.70 and 400.162 shall evaluate the benefits of the proposal, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02, and also the costs of the proposal, including not only the direct capital and operating costs of the facility but also any indirect costs and adverse long-term effects of the designation. In particular the plan shall evaluate:

(a) whether the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) *whether the required use will lessen the demand for and use of land disposal;*

(c) *whether the required use is necessary for the financial support of the facility;*

(d) *whether less restrictive methods for ensuring an adequate solid waste supply are available;*

(e) *all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.*

Sec. 14. Minnesota Statutes 1980, Section 115A.62, is amended to read:

115A.62 [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.]

The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state (AND), to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, *and to further the state policies and purposes expressed in section 115A.02*; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in sections 115A.62 to 115A.72.

Sec. 15. Minnesota Statutes 1980, Section 115A.69, Subdivision 10, is amended to read:

Subd. 10. **[DISPOSITION OF PRODUCTS AND ENERGY.]** The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. (THE DISTRICT MAY, ON A COMPETITIVE BASIS, ENTER INTO SHORT OR LONG TERM CONTRACTS, MAKE SPOT SALES, SOLICIT BIDS, ENTER INTO DIRECT NEGOTIATIONS, DEAL WITH BROKERS, OR USE SUCH OTHER METHODS OF DISPOSAL AS IT CHOOSES, PROVIDED THAT THE DEALINGS OF THE DISTRICT SHALL BE ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE ON THE PART OF THE DISTRICT) *Section 471.345 shall not apply to the sale of products and energy.* The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet consti-

tutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Sec. 16. Minnesota Statutes 1980, Section 115A.70, Subdivision 1, is amended to read:

Subdivision 1. [(GENERAL) PURPOSE.] (A DISTRICT MAY BE AUTHORIZED BY THE ORDER AND ARTICLES OF INCORPORATION ESTABLISHING THE) *In order to accomplish the objectives of a waste management district, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is desposited within the state be taken for processing to a resource recovery facility or a transfer station serving a facility designated by the district.*

Sec. 17. Minnesota Statutes 1980, Section 115A.70, Subdivision 2, is amended to read:

Subd. 2. [STANDARDS.] (IN DETERMINING WHETHER TO DESIGNATE AND REQUIRE USE OF RESOURCE RECOVERY FACILITIES THE DISTRICT SHALL CONSIDER WHETHER:)

((A) THE REQUIRED USE WILL RESULT IN THE RECOVERY OF RESOURCES OR ENERGY FROM MATERIALS WHICH WOULD OTHERWISE BE WASTED;)

((B) THE REQUIRED USE WILL LESSEN THE DEMAND FOR AND USE OF LAND DISPOSAL;)

((C) THE REQUIRED USE IS NECESSARY FOR THE FINANCIAL SUPPORT OF THE FACILITY;)

((D) LESS RESTRICTIVE METHODS FOR ENSURING AN ADEQUATE SOLID WASTE SUPPLY ARE AVAILABLE;)

((E) ALL OTHER FEASIBLE AND PRUDENT WASTE PROCESSING ALTERNATIVES FOR ACCOMPLISHING THE PURPOSES OF THE PROPOSED DESIGNATION HAVE BEEN CONSIDERED AND THE COSTS OF THE ALTERNATIVES, INCLUDING CAPITAL AND OPERATING COSTS, AND THE EFFECTS OF THE ALTERNATIVES ON THE COST TO GENERATORS HAVE BEEN COMPARED AND EVALUATED.) *Any district designation shall be based upon a plan prepared and approved in conformance with sections 115A.071 and 115A.46, shall be authorized in the articles*

of incorporation of the district, and shall be submitted pursuant to section 115A.071 for review and approval or disapproval by the waste management board.

Sec. 18. Minnesota Statutes 1980, Section 115A.70, Subdivision 3, is amended to read:

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are *being* separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator or by a licensed solid waste collector. *The district shall not designate and require use of facilities for materials which are being delivered to another resource recovery facility unless the district finds and determines that the required use is necessary in order to achieve the solid waste management objectives in the district's plan.*

Sec. 19. Minnesota Statutes 1980, Section 116.07, Subdivision 4b, is amended to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] The agency shall provide to the waste management board established in section 115A.04, copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. Except as otherwise provided in sections 115A.18 to 115A.30, the agency shall commence any environmental review required under chapter 116D within 120 days of its acceptance of a completed preliminary permit application. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement. Except as otherwise provided in sections 115A.18 to 115A.30, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility. *The agency shall promulgate rules pursuant to chapter 15 for all hazardous waste facilities, except those addressed in subdivision 4c of this section. The rules shall require:*

(1) *contingency plans for all hazardous waste facilities which provide for effective containment and control in any emergency condition;*

(2) *the establishment of a mechanism to assure that money to cover the costs of closure and post-closure monitoring and maintenance of hazardous waste facilities will be available;*

(3) *the maintenance of liability insurance by the owner or operator of hazardous waste facilities during the operating life of the facility.*

Sec. 20. Minnesota Statutes 1980, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards for solid waste and sewage sludge management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste facilities and sewage sludge disposal facilities by the county and any municipality or other public agency and by private operators; (b) the collection, processing, and disposal of solid waste and sewage sludge; (c) the amount and type of equipment required in relation to the amount and type of material received at any solid waste facility or sewage sludge disposal facility; (d) the control of salvage operations, water or air or land pollution, and rodents at such facilities; (e) the termination or abandonment of (SUCH) *the facilities or activities*; and (f) other matters relating to (SUCH) *the facilities* as may be determined necessary for the public health, welfare, and safety. The county may issue permits or licenses for solid waste facilities and may require that (SUCH) *the facilities* be registered with an appropriate county office. The county shall adopt the ordinances for mixed municipal solid waste management. The county shall make provision for issuing permits or licenses for mixed municipal solid waste facilities and shall require that (SUCH) *the facilities* be registered with an appropriate county office. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated to the satisfaction of the county board the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. *No permit shall be issued for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or station is owned or operated by a public agency or if the acquisition or betterment of the facility or station is secured by public funds or obligations issued by a public agency, unless the county finds and determines that adequate markets exist for the products recovered and that any displacement of existing resource recovery facilities and transfer stations serving such facilities that may result from the establishment of the new facility is required in order to achieve the waste management objectives of the county.* The county ordinance shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing (SUCH) *the procedures*. The county may require (SUCH) *the procedures* and payments with respect to any facili-

ties or services regulated pursuant to this section. In the event the operators or owners fail to complete (SUCH) *the* procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 21. Minnesota Statutes 1980, Section 400.162, is amended to read:

400.162 [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.]

(EXCEPT) *The authority granted to counties by this section shall not apply* within (THE METROPOLITAN AREA,) the Western Lake Superior Sanitary District established by Laws 1971, Chapter 478, as amended, (AND) *nor within* any solid waste management district established under sections 115A.62 to 115A.72 (, ANY). *In order to accomplish the objectives of county waste management, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a county (MAY) to require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or a transfer station serving such a facility (, PROVIDED THAT THE). Any county designation (IS APPROVED) shall be based upon a plan prepared and approved in conformance with sections 115A.071 and 115A.46 and shall be submitted pursuant to section 115A.071 for review and approval or disapproval by the waste management board. (THE BOARD MAY REQUIRE THE COUNTY TO COMPLETE A COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN CONFORMING TO THE REQUIREMENTS OF SECTION 115A.46.)* In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in section 115A.70, subdivisions 2 to 6.

Sec. 22. Minnesota Statutes 1980, Section 473.149, Subdivision 1, is amended to read:

Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for solid waste management in the metropolitan area. When

adopted, the plan shall be followed in the metropolitan area. *The plan shall address the state policies and purposes expressed in section 115A.02.* The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use. The plan shall include goals and policies for solid waste management in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for solid waste facilities and solid waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. *The plan shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry.* For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plan shall include additional criteria and standards (TO ENSURE THAT THE FACILITIES ARE OPERATED ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE IN RELATION) *to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, competitive, and adaptable systems of waste management; and the orderly resolution of questions concerning changes in systems of waste management. Criteria and standards for solid waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.

Sec. 23. Minnesota Statutes 1980, Section 473.153, is amended by adding a subdivision to read:

Subd. 6a. [SUSPENSION OF SITING DURING STUDY.] Commencing on the effective date of this subdivision, there is imposed a suspension until December 31, 1982 on the site evaluation and selection procedure required by subdivisions 1 to 6. During the period of suspension the council shall evaluate:

(a) *methods of reducing to the greatest feasible and prudent extent the introduction of hazardous materials in sewage flows; and*

(b) *uses for the commission's waste which will reduce to the greatest feasible and prudent extent the need for commission disposal facilities.*

Section 24. Minnesota Statutes 1980, Section 473.153, is amended by adding a subdivision to read:

Subd. 6b. [CERTIFICATION OF NEED.] No new facility for disposing of sludge, ash, and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) *that the disposal of waste with concentrations of hazardous materials is necessary; and*

(b) *that the additional disposal capacity planned for the facility is needed.*

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to the disposal facility which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives.

Sec. 25. Minnesota Statutes 1980, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.]

The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, (AND) for the efficient and economic management of solid waste in the metropolitan area, and for the furtherance of the state policies and purposes expressed in section 115A.02, it is necessary to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid waste management, to establish criteria and standards and approve permits for solid waste facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for

and regulate solid waste collection services and facilities, to collect data on solid and hazardous waste management systems and procedures, and to assist state agencies to regulate the management of hazardous waste. (THE LEGISLATURE DECLARES THAT A PUBLIC PURPOSE IS SERVED BY THE RECOVERY AND UTILIZATION OF RESOURCES FROM SOLID WASTE WHERE ECONOMICALLY VIABLE AND COMPATIBLE WITH SOURCE REDUCTION. THE PLANS, CRITERIA, STANDARDS AND REGULATIONS OF THE AGENCY, COUNCIL AND METROPOLITAN COUNTIES SHALL, TO THE EXTENT PRACTICABLE, ENCOURAGE OWNERSHIP AND OPERATION OF SOLID WASTE FACILITIES BY PRIVATE INDUSTRY.)

Sec. 26. Minnesota Statutes 1980, Section 473.803, Subdivision 1, is amended to read:

Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid waste policy plan and in accordance with the dates specified therein, and after consultation with all affected local government units, shall prepare and submit to the council for its approval, a county solid waste master plan to implement the policy plan. The master plan shall be revised and resubmitted at such times as the council's policy plan may require. The master plan shall describe county solid waste activities, functions, and facilities; the existing system of solid waste generation, collection, and processing, and disposal within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private solid waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable *and consistent with the achievement of other public policies and purposes*, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations *issued by a public agency*, the master plan shall contain (POLICIES TO ENSURE THAT THE FACILITIES ARE OPERATED ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UN-

FAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE IN RELATION) *criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.*

Sec. 27. Minnesota Statutes 1980, Section 473.803, is amended by adding a subdivision to read:

Subd. 1c. [PLANS FOR REQUIRED USE OF RESOURCE RECOVERY FACILITIES.] Plans proposing designation of resource recovery facilities pursuant to section 473.811, subdivision 10, shall evaluate the benefits of the proposal, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local, district, or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02, and also the costs of the proposal, including not only the direct capital and operating costs of the facility but also any indirect costs and adverse long-term effects of the designation. In particular the plan shall evaluate:

(a) whether the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) whether the required use will lessen the demand for and use of land disposal;

(c) whether the required use is necessary for the financial support of the facility;

(d) whether less restrictive methods for ensuring an adequate solid waste supply are available;

(e) all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.

Sec. 28. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 10. [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITIES.] The authority granted to metropolitan counties by this subdivision shall not apply within any solid waste management district established under sections 115A.62 to 115A.72. In order to accomplish the objectives of county waste management, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes

served by resource recovery, the legislature finds and declares that it may be necessary to authorize a county to require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or a transfer station serving such a facility. Any county designation shall be based upon an approved master plan and shall be submitted pursuant to section 473.827, subdivision 1, for review and approval or disapproval by the metropolitan council. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in section 115A.70, subdivisions 2 to 6.

Sec. 29. Minnesota Statutes 1980, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. No permit may be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a solid waste facility used primarily for resource recovery and the geographic territory from which a resource recovery facility or transfer station serving such a facility may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, un-

less a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit (MAY) *shall* be issued in the metropolitan area for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or (SITE) station is owned (AND) or operated by a public agency or if the acquisition or betterment of the facility or (SITE) station is secured by public funds or obligations issued by a public agency, unless the council finds and determines that adequate markets exist for the products recovered (WITHOUT SUBSTANTIALLY REDUCING THE SUPPLY OF SOLID WASTE AVAILABLE FOR EXISTING RESOURCE RECOVERY OPERATIONS) and that establishment of the facility (IS OPERATED ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE IN RELATION TO COMPARABLE PRIVATE FACILITIES EXISTING IN THE AREA) *is consistent with the criteria and standards in the metropolitan and county plans respecting the protection of existing resource recovery facilities and transfer stations serving such facilities.*

Sec. 30. Minnesota Statutes 1980, Section 473.827, Subdivision 1, is amended to read:

Subdivision 1. [APPROVAL OF DESIGNATION PROPOSALS.] The council (MAY REQUIRE THAT ALL OR ANY PORTION OF THE SOLID WASTE THAT IS GENERATED WITHIN THE METROPOLITAN AREA OR ANY SERVICE AREA THEREOF AND IS DISPOSED OF IN THE STATE BE DELIVERED TO A RESOURCE RECOVERY FACILITY DESIGNATED BY THE COUNCIL OR A TRANSFER STATION SERVING SUCH A FACILITY. THE COUNCIL MAY DESIGNATE A FACILITY UNDER THIS SECTION WITHOUT THE APPROVAL OF THE BOARD EXCEPT THAT THE APPROVAL OF THE BOARD SHALL BE REQUIRED IF THE SOLID WASTE REQUIRED TO BE DELIVERED IS GENERATED OUTSIDE OF THE METROPOLITAN AREA) *shall review and approve or disapprove proposals to designate resource recovery facilities under section 473.811, subdivision 10. The council may attach conditions to its approval. Before approving a designation the council shall determine that the proposal conforms to the requirements of section 473.811, subdivision 10, that the designation will further the state policies and purposes expressed in section 115A.02, and that the designation is based upon a master plan approved by the council and an adequate evaluation of the standards expressed in section 473.803, subdivision 1c.*

Sec. 31. Minnesota Statutes 1980, Section 473.827, is amended by adding a subdivision to read:

Subd. 7. [REPORTS.] The council shall report or require reports to the waste management board on designations approved under this section in accordance with the reporting requirements of the board established pursuant to section 115A.071.

Sec. 32. [REPEALER.]

Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6, are repealed."

Page 4, line 30, delete "EFFECTIVE DATE" and insert "APPLICATION"

Page 4, line 31, after the period insert "*Sections 20 to 29 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.*"

Renumber the sections

Amend the title as follows:

Page 1, line 2, after "amending" insert "various provisions of"

Page 1, line 8, after "waste;" insert "stating various policies and requirements relating to solid and hazardous waste plans and facility permits; prescribing standards, procedures, approvals, and supervision relating to designations of resource recovery facilities;"

Page 1, line 9, delete "Section" and insert "Sections 115A.08, by adding a subdivision;"

Page 1, line 10, after "subdivision;" insert "115A.42; 115A.46; 115A.62; 115A.69, Subdivision 10; 115A.70, Subdivisions 1, 2, and 3; 116.07, Subdivision 4b; 400.16; 400.162; 473.149, Subdivision 1; 473.153, by adding subdivisions; 473.802; 473.803, Subdivision 1, and by adding a subdivision; 473.811, by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision;"

Page 1, line 11, delete "Subdivision" and insert "Subdivisions" and after "4" insert "and 13; 115A.11, Subdivision 1; 115A.21, Subdivision 3"

Page 1, line 11, after "115A.24," insert "Subdivision 1, and"

Page 1, line 12, before the period insert “; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6”

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1951, A bill for an act relating to community corrections; clarifying and harmonizing the provisions of Minnesota Statutes relating to the administrative structure of participating counties, the composition of the corrections advisory board, the powers of probation officers, and the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1980, Sections 401.01, Subdivision 2; 401.02, Subdivisions 1, 3, and 4; 401.06; 401.08, Subdivisions 1 and 2; and 401.13.

Reported the same back with the following amendments:

Page 2, line 35, reinstate the stricken language

Page 2, line 36, reinstate the stricken language before and after “county” insert “, *Hennepin County*”

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 2, line 28, reinstate the stricken language before “because” and delete the new language

Page 2, lines 29 and 30, delete the new language

Page 2, line 35, delete “or appeal” and after “for” insert “the program of”

Page 2, line 36, after "disabled" insert *"or has been terminated from that program and has an appeal from that termination pending"*

Pages 3 and 4, delete sections 2 and 3

Page 4, line 17, delete "4" and insert "2"

Page 4, line 18, delete everything after the first period

Renumber the section

Amend the title as follows:

Page 1, delete lines 4 to 6

Page 1, line 7, delete "vendor payments;"

Page 1, line 8, delete "Sections" and insert "Section"

Page 1, line 8, delete "; 256D.06,"

Page 1, delete line 9 to the period

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. 2062, A bill for an act relating to health; establishing a permanent council on health promotion and wellness; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 145.

Reported the same back with the following amendments:

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

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. 2098, A bill for an act relating to retirement; teachers retirement association; extending the time limit for the purchase of service credit for military service leaves of absence for certain veterans; amending Minnesota Statutes 1981 Supplement, Section 354.53, Subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [AUTHORIZATION TO PURCHASE MILITARY SERVICE CREDIT.]

Notwithstanding any law to the contrary, any member of the teachers retirement association who is a veteran as defined pursuant to section 197.971, subdivision 10, and who became eligible for the Vietnam expeditionary medal or the Vietnam service medal as the result of service during the period between July 1, 1958 and July 27, 1973 or served on active duty in the armed forces as defined pursuant to section 197.971, subdivision 3, during the period between August 5, 1964 and January 27, 1973, shall be entitled to obtain credit for the period of military service but service credit shall not be given for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty.

Sec. 2. [PAYMENT AMOUNT.]

The amount and the manner of the payment of the purchase of prior service credit shall be governed pursuant to Laws 1981, Chapter 297, Section 2, Subdivision 2, except that the authority to make a lump sum purchase of prior service credit payment or to make an agreement to make installment purchase of prior service credit payments shall expire on July 1, 1983.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete everything after "veterans" and insert a period

Page 1, delete lines 6 and 7

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. 2145, A bill for an act relating to the department of economic security; regulating community action programs and agencies; amending Minnesota Statutes 1981 Supplement, Sections 268.52, Subdivisions 1, 2, and 4; 268.53, Subdivisions 1, 2, and by adding subdivisions; 268.54, 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. 2174, A bill for an act relating to housing; directing the department of energy, planning and development to administer certain federal money; proposing new law coded in Minnesota Statutes, Chapter 362.

Reported the same back with the following amendments:

Page 2, line 11, delete "*develop*"

Page 2, line 12, delete "*and publish*" and insert "*include*" and delete "*the assessment of*" and insert "*their*"

Page 2, delete lines 13 and 14 and insert "*application to the department.*"

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

The report was adopted.

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

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.

Reported the same back with the following amendments:

Page 3, line 34, delete "45" and insert "35"

Page 3, line 36, delete "69" and insert "74"

Page 4, line 11, after the period insert "*Unearned income shall be subtracted from the maximum payment amount for an assistance unit of the appropriate size and composition to determine the grant amount.*"

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. 2237, A bill for an act relating to retirement; St. Cloud firefighters relief association; clarifying and resolving an inconsistency in prior enactments concerning medical and health insurance coverage for certain relief association members; amending Laws 1974, Chapter 382, Sections 4, Subdivision 3, as amended; and 6, Subdivision 4.

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

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 1510, A bill for an act relating to highway traffic regulations; removing certain requirements for bug deflectors; amending Minnesota Statutes 1980, Section 169.743.

Reported the same back with the following amendments:

Page 1, line 14, after "deflector" insert "*of nontransparent material*" and strike "three inches" and insert "*one inch*"

Page 1, line 15, strike "leading edge at the hood" and insert "*highest part of the front of the hood, excluding any decorative ornament, and no person shall operate any motor vehicle equipped with a bug deflector of transparent material having more than three inches of material extending above the highest part of the front of the hood, excluding any decorative ornament*"

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:

S. F. No. 2095, A bill for an act relating to state government; implementing the provisions of certain reorganization orders issued by the commissioner of administration; amending Minnesota Statutes 1980, Sections 176.281; and 474.01, Subdivisions 7a and 7b; and Minnesota Statutes 1981 Supplement, Section 474.03.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 438, 849, 1018, 1382, 1586, 1642, 1704, 1720, 1723, 1735, 1737, 1744, 1759, 1760, 1764, 1804, 1839, 1883, 1916, 1934, 1951, 2098, 2145 and 2237 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1107, 1510 and 2095 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wieser introduced:

H. F. No. 2258, A bill for an act relating to education; requiring the department of revenue to develop a plan for funding education with local income taxes.

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

Nelsen, B., introduced:

H. F. No. 2259, A bill for an act relating to education; providing for the proration of school aids in proportion to certain tax revenues; proposing new law coded in Minnesota Statutes, Chapter 477A.

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

Berkelman, Dempsey, Novak and Sieben, H., introduced:

H. F. No. 2260, A bill for an act relating to taxation; authorizing the designation of enterprise zones comprising areas of pervasive poverty, unemployment, and distress; classifying income derived from enterprises and employment in these areas for the purpose of taxation; amending Minnesota Statutes 1980, Sections 290.01, by adding subdivisions; 290.07, by adding a subdivision; 290.08, by adding a subdivision; 290.16, Subdivision 4, as amended; and 290.095, Subdivision 3; Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended; 290.091, as amended; proposing new law coded in Minnesota Statutes, Chapter 290.

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

Welch introduced:

H. F. No. 2261, A bill for an act relating to state government; encouraging energy saving suggestions from employees.

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

Munger, Battaglia and Drew introduced:

H. F. No. 2262, A bill for an act relating to transportation; appropriating funds for matching federal funds for continuance of Amtrak service between the Twin Cities and Duluth.

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

Schoenfeld introduced:

H. F. No. 2263, A bill for an act relating to water; raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; eliminating a responsibility imposed on certain water project contractors; amending Minnesota Statutes 1980, Sections 106.041; and 106.631, Subdivision 2; repealing Minnesota Statutes 1980, Section 105.463.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Reif; Carlson, L., and Weaver introduced:

H. A. No. 57, A proposal to examine the need for limitations on enrollments in medical schools.

The advisory was referred to the Committee on Appropriations.

Samuelson and Simoneau introduced:

H. A. No. 58, A proposal to study the feasibility of providing health benefits for state employees through a plan of self-insurance.

The advisory was referred to the Committee on Governmental Operations.

Samuelson; Norton; Anderson, I.; Rice and Nelsen, B., introduced:

H. A. No. 59, A proposal for employment and job creation for persons receiving public assistance.

The advisory was referred to the Committee on Labor-Management Relations.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as a Special Order to be acted upon immediately preceding General Orders for today, Monday, March 1, 1982:

H. F. Nos. 1652, 1657, 1698, 1796, 1803, 1811, 1819, 1850, 1907, 1915, 2050, 716, 773, 1220, 1234, 1459, 1469, and 1492.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 6, A Concurrent Resolution requesting that suitable space be provided for a permanent memorial for Martin Luther King.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1964.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1443, 1589, 1641, 1673, 1679 and 1702.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1455, 1547 and 1591.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 69, 328, 412 and 1398.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 1671, 1687, 1691 and 1853.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 1727, 1744, 1749 and 2103.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1964, 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, Section 299D.03, Subdivision 2; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Simoneau moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1964 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Simoneau moved that the rules of the House be so far suspended that S. F. No. 1964 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1964 was read for the second time.

Simoneau moved to amend S. F. No. 1964, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 15A.081, Subdivision 1, is amended to read:

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

Salary or Range

	Effective July 1, (1979) <i>1981</i>	Effective (EFFECTIVE) July 1, (1980) <i>1982</i>	(JULY 1, (1981)
Administration, department of commissioner	(\$44,000)	(\$47,000)	
	<i>\$50,200</i>	<i>\$53,600</i>	
Administrative hearings office chief hearing examiner	(38,000)	(40,000)	
	<i>42,700</i>	<i>45,600</i>	
Agriculture, department of commissioner	(38,000)	(40,000)	
	<i>42,700</i>	<i>45,600</i>	
Commerce, department of commissioner of banks	(34,000)	(36,500)	
	<i>39,000</i>	<i>41,600</i>	
commissioner of insurance	(34,000)	(36,500)	
	<i>39,000</i>	<i>41,600</i>	
commissioner of securities and real estate	(34,000)	(36,500)	
	<i>39,000</i>	<i>41,600</i>	
director of consumer services	(28,000)	(30,000)	
	<i>32,000</i>	<i>34,000</i>	

	1981 \$	1982 \$	
(COMMUNITY COLLEGE SYSTEM CHANCELLOR)	(44,000)	(46,000)	
Corrections, department of commissioner	(42,000)	(45,000)	
	48,100	51,300	
ombudsman	(33,000)	(35,000)	
	37,400	39,900	
Economic security, department of commissioner	(43,000)	(45,000)	
	48,100	51,300	
Education, department of commissioner	(43,000)	(45,000)	
	48,100	51,300	
Employee relations, department of commissioner	50,200	53,600	
Energy, planning and development department of commissioner	46,000	49,100	(46,000)
Finance, department of commissioner	(48,000)	(50,000)	
	53,400	57,000	
Health, department of commissioner	(47,000)	(49,000)	
	52,300	55,900	

	1981	1982
	\$	\$

(HIGHER EDUCATION
COORDINATING
BOARD

EXECUTIVE DIRECTOR)	(40,000)	(42,000)
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Housing finance agency executive director	(39,000)	(41,000)
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	43,800	46,800
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Human rights, department of commissioner	(31,000)	(33,000)
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	35,200	37,600
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Indian affairs board executive director	(27,000)	(29,000)
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	31,000	33,000
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Iron range resources and rehabilitation board commissioner	(30,000)	(31,000)
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	33,100	35,400
--	--------	--------

Labor and industry, department of commissioner	(38,000)	(40,000)
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	42,700	45,600
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(JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS)	(38,000)	(40,000)
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Mediation services, bureau of director	(36,000)	(38,000)
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	40,600	43,300
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	1981 \$	1982 \$
Natural resources, department of commissioner	(44,000)	(47,000)
	50,200	53,600
(PERSONNEL, DEPARTMENT OF COMMISSIONER)	(44,000)	(47,000)
Pollution control agency director	(38,000)	(40,000)
	42,700	45,600
Public safety, department of commissioner	(38,000)	(41,000)
	43,800	46,800
Public service, department of commissioner, public utilities commission	(34,000)	(36,000)
	38,400	41,000
director	(34,000)	(36,000)
	38,400	41,000
Public welfare, department of commissioner	(44,000)	(48,000)
	51,300	54,700
Revenue, department of commissioner	(44,000)	(47,000)
	50,200	53,600
(STATE UNIVERSITY SYSTEM CHANCELLOR)	(44,000)	(46,000)

	1981	1982
	\$	\$
Transportation, department of commissioner	(44,000)	(48,000)
	51,300	54,700
Transportation, regulation board board member		32,000
Veterans affairs, department of commissioner	(31,000)	(33,000)
	35,200	37,600
Waste management board, chairman	45,000	48,100

Sec. 2. [486.055] [COURT REPORTER TRANSCRIPT FEE CHARGES; REPORTING REQUIREMENTS.]

Subdivision 1. [REPORTING REQUIREMENTS.] Each court reporter who charges a fee for the preparation of transcripts shall by April 15 of each year file with the district administrator of his judicial district and the county commissioners of the district an accounting of gross receipts for the prior calendar year. The accounting report shall specify the amount received in payment for the sale of transcripts.

Sec. 3. Minnesota Statutes 1980, Section 15A.081, Subdivision 7, is amended to read:

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

	Effective July 1, (1979)	Effective July 1, (1980)
	1981	1982
Chairman, metropolitan council (part-time)	(\$21,000)	(\$22,500)
	\$24,000	\$25,700
(full-time)	(42,000)	(44,500)
	47,500	50,800

	1981 \$	1982 \$
Chairman, metropolitan airports commission	(10,500)	(11,500)
	12,300	13,100
Chairman, metropolitan transit commission (part-time)	(18,000)	(19,000)
	20,300	21,700
(full-time)	(36,000)	(38,000)
	40,600	43,300
Chairman, metropolitan waste control commission	(16,000)	(17,000)
	18,200	19,400

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 4. Minnesota Statutes 1980, Section 15A.083, Subdivision 1, is amended to read:

Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective July 1, (1979) 1981	Effective July 1, (1980) 1982
(1) Chief justice of the supreme court	(\$56,000)	(\$59,000)
	\$63,000	\$67,300
(2) Associate justice of the supreme court	(52,500)	(56,000)
	59,800	63,900

	1981	1982
	\$	\$
(3) District judge, judge of county court (learned in the law), probate court, and county municipal court	(45,000)	(48,000)
	51,300	54,700
(4) Judge of a county court (not learned in the law)	(29,500)	(31,500)
	33,600	35,900

Sec. 5. Minnesota Statutes 1980, Section 15A.083, Subdivision 2, is amended to read:

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of (\$45,000) \$51,300, effective July 1, (1979) 1981, and (\$48,000) \$54,700, effective July 1, (1980) 1982.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 6. 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)	Effective July 1, (1980)
	1981	1982
Public defender	(\$37,500	\$40,000)
	\$42,700	\$45,600
District administrator	(27,000-37,500	28,500-40,000)
	30,400-42,700	32,500-45,600
County attorneys council executive director	(22,000-32,000	23,500-34,000)
	25,100-36,300	26,800-38,800
Board on judicial standards executive director	(36,000	38,000)
	40,600	43,400
State court administrator	(44,500	47,000)
	50,200	53,600

Sec. 7. 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. 8. 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 recommendations by professional employees, when such communication is a part of the employee's work assignment.*

Sec. 9. 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, if the parties agree in writing to so limit the panel's jurisdiction, except as provided by subdivision 7b to selecting between the final offers on each impasse item submitted by the parties to the panel, or the final offer of one or the other party in its entirety.* 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.

Sec. 10. Minnesota Statutes 1980, Section 179.72, Subdivision 7b, is amended to read:

Subd. 7b. Notwithstanding the provisions of subdivision 7, for (ESSENTIAL EMPLOYEES,) supervisory employees, confidential employees, and principals and assistant principals who are not employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

Sec. 11. Minnesota Statutes 1980, Section 299D.03, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals and sergeants hereinafter designated shall be known as patrol troopers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, corporals, sergeants and troopers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for troopers, shall be selected from the patrol troopers, corporals, sergeants, captains, and majors who shall have had at least five years' experience as either patrol troopers, corporals, sergeants, or supervisors.

(3) (COMMENCING JULY 4, 1979, THE SALARIES FOR ALL MEMBERS OF THE HIGHWAY PATROL, EXCEPT FOR THE CHIEF SUPERVISOR AND THE LIEUTENANT COLONEL SHALL BE AS SHOWN IN THE FOLLOWING TABLE:)

(TOTAL YEARS OF SERVICE)

TROOPER

BASE SALARY	6 MONTHS	1 YEAR	2 YEARS	3 YEARS
\$1186	1229	1327	1377	1439

4 THRU 6 YEARS	7 THRU 11 YEARS	12 THRU 20 YEARS	AFTER 20 YEARS
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TROOPER	\$1511	1566	1625	1687
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5 THRU 11 YEARS	12 THRU 20 YEARS	AFTER 20 YEARS
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TROOPER I	\$1566	1625	1687
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10 THRU 20 YEARS	AFTER 20 YEARS
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CORPORAL	\$1650	1712
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STAFF SERGEANT YEARS

7	8	9	10	11	12 THRU 20	AFTER 20
\$1656	1687	1719	1753	1786	1817	1880

TIME IN RANK

	BASE SALARY	1 YEAR	2 YEARS	AFTER 12 YEARS TOTAL SERVICE	AFTER 20 YEARS TOTAL SERVICE
CAPTAIN	\$1959	2020	2083	2143	2202
MAJOR	2239	2301		2363	2425)

(COMMENCING JULY 2, 1980, THE SALARIES FOR ALL MEMBERS OF THE HIGHWAY PATROL, EXCEPT FOR THE CHIEF SUPERVISOR AND THE LIEUTENANT COLONEL SHALL BE AS SHOWN IN THE FOLLOWING TABLE:)

(TOTAL YEARS OF SERVICE

	BASE SALARY	6 MONTHS	1 YEAR	2 YEARS	3 YEARS
TROOPER	\$1257	1303	1407	1460	1525
		4 THRU 6 YEARS	7 THRU 11 YEARS	12 THRU 20 YEARS	AFTER 20 YEARS
TROOPER		\$1602	1660	1723	1788
		5 THRU 11 YEARS	12 THRU 20 YEARS	AFTER 20 YEARS	
TROOPER 1		\$1660	1723	1788	
		10 THRU 20 YEARS	AFTER 20 YEARS		
CORPORAL		\$1749		1815	

STAFF SERGEANT

YEARS

7	8	9	10	11	12 THRU 20	AFTER 20
\$1755	1788	1822	1858	1893	1926	1993

TIME IN RANK

	BASE SALARY	1 YEAR	2 YEARS	AFTER 12 YEARS TOTAL SERVICE	AFTER 20 YEARS TOTAL SERVICE
CAPTAIN	\$2077	2141	2208	2272	2334
MAJOR	\$2373	2439		2505	2571)

(EMPLOYEES DESIGNATED AS STATION SERGEANTS SHALL RECEIVE AN ADDITIONAL THREE PERCENT ABOVE THE CURRENT RATE ROUNDED TO THE NEAREST DOLLAR FOR THE DURATION OF THE APPOINTMENT. EMPLOYEES PERMANENTLY ASSIGNED EXCLUSIVELY TO TWIN CITY METROPOLITAN FREEWAY DUTY SHALL BE DESIGNATED FREEWAY TROOPERS AND SHALL BE COMPENSATED \$25 PER MONTH ABOVE THEIR CURRENT SALARY WHEN SO ASSIGNED. SALARY INCREASES IN ACCORDANCE WITH THE ABOVE SCHEDULE SHALL BECOME EFFECTIVE FOR THE PAYROLL PERIOD NEAREST THE EMPLOYEE'S ANNIVERSARY DATE OF EMPLOYMENT.)

((4) UPON PROMOTION, THE PERSON WILL BE PAID AT THE BASE SALARY RATE OF PAY IN EFFECT FOR THAT RANK, AND SHALL SUBSEQUENTLY BE ELIGIBLE FOR THE TIME IN RANK INCREASES CALCULATED FROM THE EFFECTIVE DATE OF PROMOTION.)

((5) ANY TIME IN RANK INCREASES IN SALARY PROVIDED FOR IN THE TABLES IN CLAUSE (3), SHALL BE EFFECTIVE FOR THE PAYROLL PERIOD NEAREST THE EMPLOYEE'S ANNIVERSARY DATE OF EMPLOYMENT.)

The salary rates for all highway patrol troopers, corporals and sergeants (AS CITED IN CLAUSE (3)) shall be deemed to include reimbursement for shift differential, meal and business expenses incurred by highway patrol troopers, corporals and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Sec. 12. 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, 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) 1983, 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.

Sec. 13. [RATIFICATION; STATE OF MINNESOTA.]

Subdivision 1. The labor agreement between the state of Minnesota and the bureau of criminal apprehension agents' association, Minnesota conservation officers' association and Minnesota state patrol officers' association, approved by the legislative commission on employee relations on August 18, 1981, is hereby ratified.

Subd. 2. The labor agreement between the state of Minnesota and the American federation of state, county and municipal employees, council 6, approved by the legislative commission on employee relations on August 19, 1981, is hereby ratified.

Subd. 3. The labor agreement between the state of Minnesota and the Minnesota nurses association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 4. The labor agreement between the state of Minnesota and the interfaculty organization, Minnesota education association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 5. The labor agreement between the state of Minnesota and the Minnesota community college faculty association, Minnesota education association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 6. The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 7. The labor agreement between the state of Minnesota and the association of health treatment professionals, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 8. The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 9. The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative commission on employee relations on January 26, 1982, is hereby ratified.

Subd. 10. The labor agreement between the state of Minnesota and the middle management association, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Subd. 11. The commissioner of employee relations' plan for certain unrepresented state employees, approved by the legislative commission on employee relations on November 19, 1981, is hereby ratified.

Sec. 14. [RATIFICATION; UNIVERSITY OF MINNESOTA.]

Subdivision 1. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on September 3, 1981, are hereby ratified.

Subd. 2. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the international brotherhood of teamsters, local 320, approved by the legislative commission on employee relations on November 19, 1981, are hereby ratified.

Subd. 3. The salary supplements provided in the labor agreement between the regents of the University of Minnesota and the American federation of state, county and municipal employees, council 6, and local 1164, American federation of labor-congress of industrial organizations, approved by the legislative

commission on employee relations on September 29, 1981, are hereby ratified.

Subd. 4. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented nursing professional, noninstructional (nonacademic appointment) professional and supervisory employees, approved by the legislative commission on employee relations on January 12, 1982, are hereby ratified.

Subd. 5. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented clerical and office, technical, managerial and confidential employees, approved by the legislative commission on employee relations on November 19, 1981, are hereby ratified.

Subd. 6. The salary supplements provided in the University of Minnesota regents' compensation plan for unrepresented twin cities and outstate instructional, graduate assistant and non-instructional (academic appointment) professional employees, approved by the legislative commission on employee relations on January 12, 1982, are hereby ratified.

Sec. 15. [INTERIM APPROVAL.]

After adjournment of the 1982 session of the legislature, the legislative commission on employee relations may give interim approval to a negotiated agreement, arbitration award, salary supplement, or compensation plan submitted to it in accordance with other law. The legislative commission on employee relations shall submit the agreement, award, salary supplement, or plan to the entire legislature for ratification in the same manner and with the same effect as provided in section 179.74, subdivision 5.

Sec. 16. [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.

Sec. 17. [SALARY OF EXECUTIVE SECRETARY; HIGHER EDUCATION COORDINATING BOARD.]

Notwithstanding any other law to the contrary, the higher education coordinating board may establish the salary of its executive director.

Sec. 18. [COURT REPORTERS.]

The departmental and classification seniority of an individual who was employed as a court reporter in state service prior to

his appointment as a court reporter in the office of administrative hearings pursuant to Laws 1975, Chapter 380, Section 16, shall carry forward and be credited to his employment with the office of administrative hearings.

Sec. 19. [REVIEW OF EXECUTIVE POSITIONS.]

The legislative commission on employee relations is directed to review the executive positions contained in section 15A.081, those that have been removed through legislative action, and those that have never been included. This review shall consider managerial and programmatic responsibilities and authority, the skill and effort required by each position, and compensation accorded. The commission may utilize the findings of the 1980 governor's task force on executive and judicial compensation. The commission shall report back to the legislature by February 15, 1983, its recommendations relative to appropriate inclusion in section 15A.081 and equitable compensation for comparable executive positions.

Sec. 20. [REPEALER.]

Minnesota Statutes 1980, Sections 299C.041 and 299D.03, Subdivision 3, are repealed.

Sec. 21. [REPEALER.]

Minnesota Statutes 1980, Section 179.72, Subdivision 7a are repealed.

Sec. 22. [APPROPRIATION; GENERAL FUND.]

Subdivision 1. The sums contained in this section are appropriated from the general fund to be available for the fiscal year ending June 30 of the years indicated.

Subd. 2. There is appropriated to the commissioner of finance for the purpose of paying compensation increases as authorized by sections 1 and 3 to 7.

1982	1983
\$985,300	\$1,996,400

Subd. 3. There is appropriated to the bureau of mediation services pursuant to section 16.

1983
\$121,000

Sec. 23. [APPROPRIATIONS; OTHER FUNDS.]

The amounts necessary to pay compensation and economic benefit increases authorized by this act are appropriated to the commissioner of finance for the fiscal years ending June 30, 1982, and June 30, 1983, from the funds in the state treasury, other than the general fund, from which salaries are paid.

Sec. 24. [EFFECTIVE DATE.]

Sections 1, 3 to 9, 11 to 14, 16, 18 and 20 are effective the day following enactment. Section 21 is effective July 1, 1982."

Delete the title and insert:

"A bill for an act relating to state government; ratifying state employee and University of Minnesota labor agreements and compensation plans; providing increases in statutory salaries for certain officers; clarifying meet and confer status for professional employees; extending final offer arbitration to certain public employee impasses under PELRA; removing it for others except on a voluntary basis; appropriating money; cancelling an appropriation reduction; amending Minnesota Statutes 1980, Sections 15A.081, Subdivision 7; 15A.083, Subdivisions 1, 2, and 4; 179.66, Subdivision 7; 179.72, Subdivision 7 and 7b; 299D.03, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 15A.081, Subdivision 1; 15A.083, Subdivision 7; Laws 1979, Chapter 332, Article I, Section 116, as amended; proposing new law coded in Minnesota Statutes, Chapter 486; repealing Minnesota Statutes 1980, Sections 179.72, Subdivision 7a; 299C.041; and 299D.03, Subdivision 3."

The motion prevailed and the amendment was adopted.

Stowell moved to amend S. F. No. 1964, as amended, as follows:

Page 1, line 29, strike the second "Effective"

Page 1, line 30, strike the second "July 1,"

Page 1, line 32, delete "1981" and insert "1982"

Page 1, line 32, delete "1982"

Page 2, lines 3 to 35, delete the new language in the second column

Page 3, lines 3 to 33, delete the new language in the second column

Page 3, line 14, delete "46,000" and insert "49,100"

Page 4, lines 2 to 35, delete the new language in the second column

Page 5, lines 1 to 25, delete the new language in the second column

Page 5, line 25, delete "45,000" and insert "48,100"

Page 6, line 4, strike the second "Effective"

Page 6, line 5, strike the second "July 1,"

Page 6, line 7, delete "1981" and insert "1982"

Page 6, line 7, delete "1982"

Page 6, lines 11 to 28, delete the new language in the second column

Page 7, line 3, strike the second "Effective"

Page 7, line 4, strike the second "July 1,"

Page 7, line 6, delete "1981" and insert "1982"

Page 7, line 6, delete "1982"

Page 7, lines 9 to 23, delete the new language in the second column

Page 7, line 34, delete "1981" and insert "1982"

Page 7, line 34, strike ", and"

Page 7, line 35, delete and strike "\$54,000, effective July 1, (1980) 1982"

Page 8, line 19, strike the second "Effective"

Page 8, line 20, strike the second "July 1,"

Page 8, line 22, delete "1981" and insert "1982"

Page 8, line 22, delete "1982"

Page 8, lines 24 to 36, delete the new language in the second column

Page 9, line 3, delete "53,600"

Page 17, line 33, delete "1982"

Page 17, line 34, delete "\$985,300"

Page 17, line 34, delete "\$1,996,400" and insert "\$1,112,500"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 74 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Aasness	Frerichs	Kaley	Peterson, B.	Stowell
Ainley	Greenfield	Kalis	Piepho	Stumpf
Anderson, B.	Gruenes	Kvam	Redalen	Swiggunn
Anderson, G.	Gustafson	Levi	Rees	Valan
Battaglia	Halberg	Ludeman	Reif	Valento
Begich	Haukoos	Luknic	Rothenberg	Vanasek
Berkelman	Heap	Marsh	Sarna	Vellenga
Clawson	Heinitz	McDonald	Schafer	Weaver
Dempsey	Himle	McEachern	Schoenfeld	Welker
Den Ouden	Hoberg	Minne	Searles	Wenzel
Elioff	Hokanson	Niehaus	Shea	Wieser
Erickson	Hokr	Novak	Sherman	Wigley
Esau	Jennings	Nysether	Sherwood	Wynia
Ewald	Johnson, D.	Ogren	Skoglund	Zubay
Fjoslien	Jude	Onnen	Stadum	

Those who voted in the negative were:

Anderson, I.	Ellingson	Laidig	Norton	Samuelson
Blatz	Evans	Long	Olsen	Sieben, M.
Brandl	Forsythe	Mann	Otis	Simoneau
Carlson, D.	Harens	McCarron	Peterson, D.	Staten
Carlson, L.	Hauge	Mehrrens	Pogemiller	Swanson
Clark, J.	Jacobs	Munger	Reding	Tomlinson
Dahlvang	Johnson, C.	Murphy	Rice	Welch
Drew	Kahn	Nelsen, B.	Rodriguez, C.	Spkr. Sieben, H.
Eken	Kostohryz	Nelson, K.	Rodriguez, F.	

The motion prevailed and the amendment was adopted.

Simoneau moved to amend S. F. No. 1964, as amended, as follows:

Page 14, after line 33, insert:

"Subd. 7. The arbitration award and the resulting labor agreement between the state of Minnesota and the Minnesota government engineers' council, approved by the legislative commission on employee relations on March 1, 1982, are hereby ratified."

Page 14, line 34, delete "7" and insert "8"

Page 15, line 2, delete "8" and insert "9"

Page 15, line 6, delete "9" and insert "10"

Page 15, line 10, delete "10" and insert "11"

Page 15, line 14, delete "11" and insert "12"

The motion prevailed and the amendment was adopted.

Stadum offered an amendment to S. F. No. 1964, as amended.

POINT OF ORDER

Simoneau raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Zubay and Osthoff moved to amend S. F. No. 1964, as amended, as follows:

Page 18, line 10, after 1, insert "2,"

The motion prevailed and the amendment was adopted.

Ainley and Lemen moved to amend S. F. No. 1964, as amended, as follows:

Page 7, line 23, delete "\$33,600" insert "\$51,300" and delete "\$35,900" insert "\$54,700"

The motion did not prevail and the amendment was not adopted.

S. F. No. 1964 was given its third reading, as amended.

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

MOTION FOR RECONSIDERATION

Begich moved that the action whereby S. F. No. 1964, as amended, was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 53 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Brinkman	Dean	Elioff
Ainley	Battaglia	Carlson, D.	Dempsey	Esau
Anderson, B.	Begich	Dahlvang	Den Ouden	Ewald

Fjoslien	Levi	Nysether	Rothenberg	Weaver
Frerichs	Ludeman	Onnen	Sarna	Welker
Gruenes	Mann	Peterson, B.	Schafer	Wenzel
Gustafson	McDonald	Peterson, D.	Searles	Wieser
Halberg	McEachern	Piepho	Sherman	Wigley
Jennings	Minne	Redalen	Sherwood	Zubay
Johnson, D.	Munger	Rees	Sviggun	
Kvam	Niehaus	Reif	Valento	

Those who voted in the negative were:

Anderson, G.	Greenfield	Kelly	Otis	Staten
Berkelman	Hauge	Laidig	Pogemiller	Stowell
Blatz	Haukoos	Long	Reding	Stumpf
Brandl	Heap	Luknic	Rice	Swanson
Byrne	Heinitz	McCarron	Rodriguez, C.	Tomlinson
Carlson, L.	Himle	Mehrkens	Rodriguez, F.	Valan
Clark, J.	Hoberg	Metzen	Rose	Vanasek
Clark, K.	Hokanson	Murphy	Samuelson	Vellenga
Clawson	Jacobs	Nelsen, B.	Schoenfeld	Welch
Eken	Johnson, C.	Nelson, K.	Shea	Wynia
Ellingson	Jude	Norton	Sieben, M.	Spkr. Sieben, H.
Erickson	Kahn	Novak	Simoneau	
Evans	Kaley	Ogren	Skoglund	
Forsythe	Kalis	Olsen	Stadum	

The motion did not prevail.

S. F. No. 1964, 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, Section 299D.03, Subdivision 2; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Laidig	Otis	Stadum
Berkelman	Gruenes	Levi	Peterson, D.	Staten
Blatz	Halberg	Long	Piepho	Stowell
Brandl	Hauge	Luknic	Pogemiller	Stumpf
Byrne	Heinitz	Mann	Reding	Sviggun
Carlson, L.	Himle	McCarron	Rees	Swanson
Clark, J.	Hoberg	McEachern	Reif	Tomlinson
Clark, K.	Hokanson	Mehrkens	Rice	Valan
Clawson	Hokr	Metzen	Rodriguez, C.	Vanasek
Dahlvang	Jacobs	Munger	Rodriguez, F.	Vellenga
Dempsey	Johnson, C.	Murphy	Rose	Weaver
Eken	Johnson, D.	Nelsen, B.	Samuelson	Welch
Elioff	Jude	Nelson, K.	Schoenfeld	Wynia
Ellingson	Kahn	Norton	Shea	Zubay
Evans	Kaley	Novak	Sherman	Spkr. Sieben, H.
Ewald	Kelly	Ogren	Sieben, M.	
Fjoslien	Kostohryz	Olsen	Simoneau	
Forsythe	Kvam	Onnen	Skoglund	

Those who voted in the negative were:

Aasness	Den Ouden	Kalis	Peterson, B.	Welker
Ainley	Erickson	Ludeman	Redalen	Wenzel
Anderson, I.	Esau	Marsh	Rothenberg	Wieser
Begich	Frerichs	McDonald	Schafer	Wigley
Brinkman	Haukoos	Minne	Searies	
Carlson, D.	Heap	Niehaus	Sherwood	
Dean	Jennings	Nysether	Valento	

The bill was passed, as amended, and its title agreed to.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1443, A bill for an act relating to agriculture; prohibiting the trafficking in skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

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

S. F. No. 1589, A bill for an act relating to crimes; clarifying the definition of physically helpless victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 609.341, Subdivision 9.

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

S. F. No. 1641, A bill for an act relating to family law; defining a species of marital co-ownership of property and providing for its division in dissolution and annulment actions; amending Minnesota Statutes 1980, Section 518.54, Subdivision 5; and Minnesota Statutes 1981 Supplement, Section 518.58.

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

S. F. No. 1673, A bill for an act relating to health; requiring reports of cases of Reyes syndrome; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time.

Evans moved that S. F. No. 1673 and H. F. No. 1839, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1679, 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.

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

S. F. No. 1702, A bill for an act relating to corrections; authorizing the appointment of internal security investigators for adult correctional facilities in the unclassified civil service; clarifying the "good time" and solitary confinement provisions relating to county jails; amending Minnesota Statutes 1980, Sections 241.01, Subdivision 3a; 641.09; and 643.29, Subdivision 1.

The bill was read for the first time.

Johnson, D., moved that S. F. No. 1702 and H. F. No. 1954, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1455, A bill for an act relating to retirement; including employees at the state ceremonial building in the unclassified employees plan; amending Minnesota Statutes 1981 Supplement, Section 352D.02, Subdivision 1.

The bill was read for the first time.

Kaley moved that S. F. No. 1455 and H. F. No. 1498, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1547, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1980, Sections 353.01, Subdivisions 12 and 16; 353.35; and 353.657, Subdivision 2a; Minnesota Statutes 1981 Supplement, Sections 353.01, Subdivisions 2a and 2b; 353.27, Subdivision 4; 353.36, Subdivision 2; and 353.64, Subdivision 1; repealing Minnesota Statutes 1980, Sections 353.01, Subdivision 34; and 353.017, Subdivision 4; Minnesota Statutes 1981 Supplement, Section 353.023.

The bill was read for the first time.

Reding moved that S. F. No. 1547 and H. F. No. 1657, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1591, A bill for an act relating to retirement; volunteer firefighters relief associations; fire and police state aid programs; combining various reports for purposes of qualifying for fire state aid; modifying the presumptions used in determining qualification for fire or police state aid; clarifying the duration of disqualification from receipt of fire or police state aid in the event of noncompliance with financing guidelines; clarifying the procedure for crediting service by certain probationary volunteer firefighters; clarifying a limitation on the payment

of service pensions to active volunteer firefighters; amending Minnesota Statutes 1980, Sections 69.021, Subdivision 4; 69.051, Subdivision 3; 69.771, Subdivision 3; and 424A.01, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 69.011, Subdivision 2; 69.051, Subdivision 1; 69.77, Subdivision 1; and 424A.02, Subdivision 1.

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

S. F. No. 69, A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing new law coded in Minnesota Statutes 1980, Chapter 645.

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

S. F. No. 328, A bill for an act relating to liens; modifying the penalties for failure to properly use the proceeds of payments made for the satisfaction of labor, skill, material, and machinery costs for improvements to real property; amending Minnesota Statutes 1980, Section 514.02.

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

S. F. No. 412, A bill for an act relating to commerce; providing that married couples filing petitions in bankruptcy select either state or federal exemptions; proposing new law coded in Minnesota Statutes, Chapter 550.

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

S. F. No. 1398, A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned and operated by members of certain fire departments; amending Minnesota Statutes 1980, Section 168.12, by adding a subdivision.

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

S. F. No. 1671, A bill for an act relating to environment; providing for the chairmanship, staff, and administration of the environmental quality board; amending Minnesota Statutes 1980, Section 116C.03, Subdivision 2a, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

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

S. F. No. 1687, A bill for an act relating to Ramsey county; providing for the organization, powers and duties of the Saint Paul-Ramsey Medical Center commission; permitting the issuance of revenue bonds; amending Laws 1974, Chapter 435, Section 3.14, as amended.

The bill was read for the first time.

Kelly moved that S. F. No. 1687 and H. F. No. 1748, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1691, A bill for an act relating to housing and redevelopment authorities; clarifying the need for a conflict of interest disclosure statement; amending the method of determining a quorum when a conflict of interest exists; providing penalties; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivisions 1 and 2.

The bill was read for the first time.

Long moved that S. F. No. 1691 and H. F. No. 2015, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1853, A bill for an act relating to agriculture; changing fee provisions relating to abstracts of mortgages and liens on grain crops; amending Minnesota Statutes 1980, Sections 386.42 and 386.43.

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

S. F. No. 1727, A bill for an act relating to retirement; second class city police relief associations; eliminating a dollar amount limitation on the payment of salaries to relief association officers; amending Minnesota Statutes 1981 Supplement, Section 423.808.

The bill was read for the first time.

Kaley moved that S. F. No. 1727 and H. F. No. 1796, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1744, A bill for an act relating to taxation; income tax; property tax refund; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from

preparing returns; imposing penalties on a preparer for wilfully understating an income tax liability or wilfully overstating a property tax refund claim; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A.

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

S. F. No. 1749, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1980, Section 429.011, Subdivision 2b.

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

S. F. No. 2103, A bill for an act relating to retirement; St. Cloud firefighters relief association; clarifying and resolving an inconsistency in prior enactments concerning medical and health insurance coverage for certain relief association members; amending Laws 1974, Chapter 382, Sections 4, Subdivision 3, as amended; and 6, Subdivision 4.

The bill was read for the first time.

Gruenes moved that S. F. No. 2103 and H. F. No. 2237, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1521, 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.

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

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

Those who voted in the affirmative were:

Aasness	Brandl	Dean	Ewald	Heap
Ainley	Brinkman	Dempsey	Fjoslien	Heinitz
Anderson, B.	Byrne	Den Ouden	Forsythe	Himle
Anderson, G.	Carlson, D.	Eken	Frerichs	Hoberg
Anderson, I.	Carlson, L.	Elloff	Greenfield	Hokanson
Battaglia	Clark, J.	Ellingson	Gruenes	Hokr
Begich	Clark, K.	Erickson	Halberg	Jacobs
Berkelman	Clawson	Esau	Hauge	Jennings
Blatz	Dahlvang	Evans	Haukoos	Johnson, C.

Johnson, D.	McDonald	Osthoff	Sarna	Tomlinson
Jude	McEachern	Otis	Schafer	Valan
Kaley	Mehrkens	Peterson, B.	Schoenfeld	Valento
Kalis	Metzen	Peterson, D.	Searles	Vanasek
Kelly	Minne	Piepho	Shea	Vellenga
Kostohryz	Munger	Pogemiller	Sherman	Weaver
Kvam	Murphy	Redalen	Sherwood	Welch
Laidig	Nelsen, B.	Reding	Sieben, M.	Welker
Lemen	Nelson, K.	Rees	Simoneau	Wenzel
Levi	Niehaus	Reif	Skoglund	Wieser
Long	Norton	Rice	Stadum	Wigley
Ludeman	Novak	Rodriguez, C.	Staten	Wynia
Luknic	Nysether	Rodriguez, F.	Stowell	Zubay
Mann	Ogren	Rose	Stumpf	Spkr. Sieben, H.
Marsh	Olsen	Rothenberg	Sviggum	
McCarron	Onnen	Samuelson	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1695, 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.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1878 was reported to the House.

Upon objection of ten members S. F. No. 1878 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 1336, A bill for an act relating to retirement; highway patrol benefits and refunds; providing annual benefit increases to pre-1973 retirees and surviving spouses; appropriating funds; amending Minnesota Statutes 1980, Section 352B.11, Subdivision 1; and Minnesota Statutes 1981 Supplement, Sections 352B.02, Subdivision 1; 352B.08, Subdivision 2; and 352B.11, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 352B.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 272, A bill for an act relating to children; prohibiting neglect and abuse of children; amending Minnesota Statutes 1980, Sections 626.556, Subdivision 2, and by adding a subdivision; and 626.557, Subdivision 19.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Ogren	Sherwood
Ainley	Fjoslien	Kostohryz	Olsen	Sieben, M.
Anderson, B.	Forsythe	Kvam	Onnen	Simoneau
Anderson, G.	Frerichs	Laidig	Osthoff	Skoglund
Anderson, I.	Greenfield	Lemen	Otis	Stadum
Battaglia	Gruenes	Levi	Peterson, B.	Staten
Begich	Gustafson	Long	Peterson, D.	Stowell
Berkelman	Halberg	Ludeman	Piepho	Stumpf
Blatz	Harens	Luknic	Pogemiller	Sviggum
Brandl	Hauge	Mann	Redalen	Swanson
Brinkman	Haukoos	Marsh	Reding	Tomlinson
Byrne	Heap	McCarron	Rees	Valan
Carlson, L.	Heinitz	McDonald	Reif	Valento
Clark, J.	Himle	McEachern	Rice	Vanasek
Clark, K.	Hoberg	Mehrrens	Rodriguez, C.	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokr	Minne	Rose	Welch
Dean	Jacobs	Munger	Rothenberg	Welker
Dempsey	Jennings	Murphy	Samuelson	Wenzel
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wieser
Eken	Johnson, D.	Nelson, K.	Schafer	Wigley
Elioff	Jude	Niehaus	Schoenfeld	Wynia
Ellingson	Kaley	Norton	Searles	Zubay
Erickson	Kalis	Novak	Shea	Spkr. Sieben, H.
Esau	Kelly	Nysether	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. 1555, S. F. No. 1514 and H. F. No. 2003.

H. F. No. 1555 was reported to the House.

Weaver moved to amend H. F. No. 1555, the second engrossment, as follows:

Page 5, line 28, delete ".023" and insert ".024"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Aasness	Anderson, I.	Blatz	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Eken
Anderson, G.	Berkelman	Carlson, L.	Dahlvang	Elioff

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

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

Welker moved to amend the Weaver amendment to H. F. No. 1555, the second engrossment, as follows:

Add to the Weaver amendment:

Page 5, line 13, delete "\$1,515" insert "\$1,416"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 13 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Aasness	Kaley	Schreiber	Welker	Wigley
Den Ouden	McDonald	Searles	Wieser	Zubay
Heinitz	Niehaus	Sherwood		

Those who voted in the negative were:

Ainley	Clark, J.	Frerichs	Jennings	Long
Anderson, B.	Clark, K.	Greenfield	Johnson, C.	Ludeman
Anderson, G.	Clawson	Gruenes	Johnson, D.	Luknic
Anderson, I.	Dahlvang	Gustafson	Jude	Mann
Battaglia	Dean	Harens	Kahn	Marsh
Begich	Dempsey	Hauge	Kalis	McCarron
Berkelman	Eken	Haukoos	Kelly	McEachern
Blatz	Elioff	Heap	Knickerbocker	Mehrkens
Brandl	Ellingson	Himle	Kostohryz	Metzen
Brinkman	Esau	Hoberg	Kvam	Minne
Byrne	Evans	Hokanson	Laidig	Munger
Carlson, D.	Fjoslien	Hokr	Lehto	Murphy
Carlson, L.	Forsythe	Jacobs	Levi	Nelsen, B.

Nelson, K.	Peterson, B.	Rodriguez, F.	Simoneau	Valan
Norton	Peterson, D.	Rose	Skoglund	Vanasek
Novak	Piepho	Samuelson	Stadum	Vellienga
Nysether	Pogemiller	Sarna	Staten	Weaver
Ogren	Redalen	Schafer	Stowell	Welch
Olsen	Reding	Schoenfeld	Stumpf	Wenzel
Onnen	Rees	Shea	Sviggum	Wynia
Osthoff	Reif	Sherman	Swanson	Spkr. Sieben, H.
Otis	Rodriguez, C.	Sieben, M.	Tomlinson	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Weaver amendment and the roll was called.

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

There were 5 yeas and 123 nays as follows:

Those who voted in the affirmative were:

Heinitz	Kaley	Searles	Weaver	Welker
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Those who vote in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Carlson, D., moved to amend H. F. No. 1555, the second engrossment, as follows:

Page 93, after line 22 insert:

"Sec. 28. [UNREQUESTED LEAVE OF ABSENCE.]

By March 1, 1983, the department of education shall evaluate existing law and state board rules governing supervisory and administrative personnel and shall assess whether these laws and rules have resulted in disproportionately small numbers of supervisory and administrative personnel being placed on unrequested leaves of absence, as compared with instructional personnel. The department may recommend changes in law or rule as necessary to insure an equitable balance in placing district personnel on unrequested leaves of absence, which may include consolidation of administrative positions."

Renumber the sections

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

There were 96 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Ogren	Skoglund
Ainley	Evans	Kelly	Olsen	Stadum
Anderson, B.	Fjoslien	Knickerbocker	Onnen	Staten
Anderson, I.	Forsythe	Kvam	Peterson, B.	Stowell
Battaglia	Frerichs	Laidig	Piepho	Stumpf
Begieh	Greenfield	Lehto	Redalen	Sviggum
Berkelman	Gruenes	Lemen	Reding	Swanson
Blatz	Halberg	Long	Reif	Valan
Brinkman	Hauge	Ludeman	Rodriguez, C.	Valento
Byrne	Haukoos	Luknic	Rose	Vellenga
Carlson, D.	Heap	Marsh	Rothenberg	Weaver
Carlson, L.	Heinitz	McCarron	Samuelson	Wenzel
Clark, K.	Himle	McDonald	Sarna	Wieser
Clawson	Hoberg	Mehrkens	Schafer	Wigley
Dahlvang	Hokanson	Minne	Schoenfeld	Wynia
Dean	Hokr	Murphy	Schreiber	Zubay
Dempsey	Jennings	Niehaus	Searles	
Den Ouden	Johnson, D.	Norton	Shea	
Elioff	Jude	Novak	Sherman	
Erickson	Kahn	Nysether	Sherwood	

Those who voted in the negative were:

Anderson, G.	Harens	Mann	Peterson, D.	Simoneau
Brandl	Jacobs	McEachern	Pogemiller	Tomlinson
Clark, J.	Johnson, C.	Munger	Rees	Vanasek
Eken	Kalis	Nelsen, B.	Rice	Welch
Ewald	Kostohryz	Nelson, K.	Rodriguez, F.	Welker
Gustafson	Levi	Otis	Sieben, M.	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

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

Ainley moved to amend H. F. No. 1555, the second engrossment, as amended, as follows:

Page 78, delete lines 28 to 36

Page 79, delete lines 1 to 8

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

There were 11 yeas and 112 nays as follows:

Those who vote in the affirmative were:

Ainley	Ludeman	Nelsen, B.	Rees	Welker
Evans	McDonald	Nysether	Searles	Zubay
Frerichs				

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

POINT OF ORDER

McDonald raised a point of order pursuant to rule 5.8 that H. F. No. 1555 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order not well taken.

H. F. No. 1555. 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.

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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

CALL OF THE HOUSE LIFTED

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

S. F. No. 1514, A bill for an act relating to public works; extending the availability of an appropriation to the city of Cloquet for the purpose of constructing a public water facility; repealing Third Special Session Laws 1981, Chapter 2, Article I, Section 76.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 3 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.	Dempsey
Anderson, G.	Berkelman	Byrne	Clark, K.	Eken

Elioff	Jude	Metzen	Reif	Sviggum
Ellingson	Kahn	Minne	Rice	Swanson
Erickson	Kaley	Munger	Rodriguez, C.	Tomlinson
Esau	Kalis	Murphy	Rodriguez, F.	Valan
Evans	Knickerbocker	Nelsen, B.	Rose	Valento
Fjoslien	Kostohryz	Nelson, K.	Rothenberg	Vanasek
Frerichs	Kvam	Niehaus	Samuelson	Vellenga
Greenfield	Laidig	Norton	Sarna	Weaver
Gruenes	Lehto	Novak	Schafer	Welch
Gustafson	Lemen	Nysether	Schoenfeld	Welker
Hauge	Levi	Ogren	Schreiber	Wenzel
Heap	Long	Olsen	Searles	Wieser
Heinitz	Ludeman	Osthoff	Shea	Wigley
Himle	Luknic	Otis	Sherman	Wynia
Hoberg	Mann	Peterson, B.	Sherwood	Zubay
Hokanson	Marsh	Peterson, D.	Sieben, M.	Spkr. Sieben, H.
Jacobs	McCarron	Piepho	Simoneau	
Jennings	McDonald	Pogemiller	Skoglund	
Johnson, C.	McEachern	Reding	Stadum	
Johnson, D.	Mehrkens	Rees	Stowell	

Those who voted in the negative were:

Den Ouden Onnen Redalen

The bill was passed and its title agreed to.

H. F. No. 2003 was reported to the House.

Simoneau moved that H. F. No. 2003 be returned to its author. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1139

A bill for an act relating to courts; providing for certain reorganization in the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; creating certain judicial positions to be filled by election; raising the jurisdictional limit in county and county municipal court; providing the county and county municipal court with gross misdemeanor jurisdiction; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; authorizing the judges of the courts within each judicial district to elect to form one unified court; creating an appellate division of the district court; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.01; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 488A.01, Subdivisions 4, 6 and 8; 488A.18, Subdivisions 4, 7, 9 and 13; 488A.27, Subdivision 11; 525.10; proposing new law coded in Minnesota Statutes, Chapter 484; proposing new law coded as Minnesota Statutes, Chapter 484A; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 525.04; and Laws 1978, Chapter 750, Section 6.

March 1, 1982

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

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 1139, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1139, be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 2.722, Subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; (FIVE) *seven* judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; (12) *13* judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; six judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; (19) *24* judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; five judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; six judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; four judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac Qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; three judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahanomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; (SIX) *ten* judges; and permanent chambers shall be maintained in Anoka, Stillwater, and (SUCH) other places (AS MAY BE) designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1980, Section 2.722, is amended by adding a subdivision to read:

Subd. 3. [HENNEPIN AND RAMSEY PROBATE JUDGES; COURTS.] The probate judges of Ramsey and Hennepin probate courts in office on August 1, 1982, shall be district court judges of the second and fourth judicial districts, respectively, and shall continue in office for the balance of the term for which they were elected and shall be eligible for reelection. The offices of probate court of Ramsey and Hennepin counties, and all of their jurisdiction, records, powers, duties, functions, and personnel, are hereby transferred to the district courts of the second and fourth judicial districts respectively and made divisions of them. The chief judge of the fourth judicial district shall at all times assign at least two judges to the probate court duties.

Sec. 3. [484.011] [JURISDICTION IN SECOND AND FOURTH JUDICIAL DISTRICTS.]

In the second and fourth judicial districts the district court shall also be a probate court.

Sec. 4. Minnesota Statutes 1980, Section 487.03, is amended by adding a subdivision to read:

Subd. 6. [JUDGE POSITIONS; CREATION; ABOLITION.] Upon the occurrence of the first vacancy in the office of county court judge in each of the counties of Carver and Scott, the vacant judgeship is abolished. When each judgeship is abolished, an additional office of judge of district court is created in the first judicial district. The governor shall appoint a qualified person to fill each office until a successor is elected and qualified. The successor shall be elected for a six year term at

the next general election occurring more than one year after the appointment.

Sec. 5. Minnesota Statutes 1980, Section 487.15, is amended to read:

487.15 [CIVIL JURISDICTION.]

The county court may hear, try, and determine actions at law in which the amount in controversy does not exceed (THE SUM OF \$5,000) *\$15,000*, exclusive of interest and costs, except for causes involving title to real estate.

Sec. 6. Minnesota Statutes 1980, Section 487.16, is amended to read:

487.16 [MINOR CIVIL AND CRIMINAL JURISDICTION.]

The county court shall also have jurisdiction in all civil and criminal cases residing, on the effective date of Laws 1971, Chapter 951 and Laws 1973, Chapter 679, in municipal courts other than municipal courts in Hennepin and Ramsey Counties (, EXCEPT THAT NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO COUNTY COURT SHALL HAVE GROSS MISDEMEANOR JURISDICTION). *The county court shall have gross misdemeanor jurisdiction.*

Sec. 7. Minnesota Statutes 1980, Section 487.18, is amended to read:

487.18 [CRIMINAL JURISDICTION.]

(a) The county court has jurisdiction to hear, try and determine any charge of violation of

((1)) a criminal law of this state constituting a misdemeanor or gross misdemeanor committed within the county court district (;) and of

((2)) any ordinance, charter provision, rule or regulation of any subdivision of government in the county court district.

(b) The county court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county court district.

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor.

Sec. 8. [487.191] [MERGER WITH DISTRICT COURTS.]

One year following certification to the secretary of state of intention to reorganize the trial courts by a majority of the district judges and a majority of the county or county municipal judges of a judicial district, there shall be one general trial court of the judicial district to be known as the district court, which shall also be a probate court.

Upon the effective date of a judicial district reorganization, the district court, except in the second and fourth districts, shall also exercise the powers, duties, and jurisdiction conferred upon courts by chapters 260, 484, 487, 491, 492, 493, and 525.

Upon the effective date of a judicial district reorganization of the second or fourth districts, the district court shall also exercise the powers conferred upon courts by chapters 488A, 492, and 493.

Notwithstanding any other law, the county or county municipal judges of the district in office on the effective date of a reorganization shall be district judges and shall continue in office for the balance of the term for which they were elected or appointed and shall be entitled to run for reelection as incumbent judges of the district court.

Sec. 9. Minnesota Statutes 1980, Section 487.30, Subdivision 1, is amended to read:

Subdivision 1. The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed (\$1,000) \$1,250 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. The territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

Sec. 10. Minnesota Statutes 1980, Section 488A.01, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed (THE SUM OF \$6,000) \$15,000, exclusive of interest and costs.

Sec. 11. Minnesota Statutes 1980, Section 488A.01, Subdivision 6, is amended to read:

Subd. 6. [CRIMINAL JURISDICTION.] ((A)) The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor or *gross misdemeanor* committed within the county of Hennepin including all of the city of St. Anthony.

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the city of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

((B) THE COURT HAS JURISDICTION TO CONDUCT PRELIMINARY HEARINGS AND TO EXERCISE ALL JUDICIAL POWERS INCIDENT TO PRELIMINARY HEARING PROCEEDINGS, ON ANY CHARGE OF VIOLATION OF ANY CRIMINAL LAW OF THIS STATE COMMITTED WITHIN THE COUNTY OF HENNEPIN.)

Sec. 12. Minnesota Statutes 1980, Section 488A.01, Subdivision 8, is amended to read:

Subd. 8. [TERRITORIAL JURISDICTION.] (THE SUMMONS IN CIVIL AND FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS MAY BE SERVED ONLY WITHIN THE COUNTY OF HENNEPIN EXCEPT THAT SUCH SUMMONS MAY BE SERVED IN RAMSEY COUNTY ON STATE OFFICIALS FOR NON-RESIDENT INDIVIDUALS AND CORPORATIONS UNDER STATUTES PROVIDING FOR SUCH SERVICE. GARNISHMENT SUMMONS, SUBPOENAS AND) All (OTHER) civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 13. Minnesota Statutes 1980, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of (\$1000) \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons

in the action may be served anywhere within the state of Minnesota.

Sec. 14. Minnesota Statutes 1980, Section 488A.14, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of (\$1000) *\$1,250*, the judge in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 15. Minnesota Statutes 1980, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed (THE SUM OF \$6,000) *\$15,000*, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in (ANY SUCH) *the* action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 16. Minnesota Statutes 1980, Section 488A.18, Subdivision 7, is amended to read:

Subd. 7. [CRIMINAL JURISDICTION.] ((A)) The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor or *gross misdemeanor* and any offense of this state which constitutes a petty misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Ramsey, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul Metropolitan Airports Commission,

(4) Any ordinance, rule or regulation of the regents of the University of Minnesota.

((B) THE COURT HAS JURISDICTION TO CONDUCT PRELIMINARY HEARINGS AND TO EXERCISE ALL JUDICIAL POWERS INCIDENT TO PRELIMINARY HEARING PROCEEDINGS, ON ANY CHARGE OF VIOLATION OF ANY CRIMINAL LAW OF THIS STATE COMMITTED WITHIN RAMSEY COUNTY.)

((C) JURISDICTION UNDER CLAUSES (1) AND (2) OF PARAGRAPH (A) OF THIS SUBDIVISION IS EXCLUSIVE FOR ANY VIOLATION COMMITTED WITHIN THE COUNTY OF RAMSEY; JURISDICTION UNDER PARAGRAPH (B) OF THIS SUBDIVISION IS EXCLUSIVE FOR ANY VIOLATION COMMITTED INSIDE THE CITY OF SAINT PAUL OR INSIDE THAT PART OF THE VILLAGE OF SAINT ANTHONY LYING INSIDE RAMSEY COUNTY.)

Sec. 17. Minnesota Statutes 1980, Section 488A.18, Subdivision 9, is amended to read:

Subd. 9. [TERRITORIAL JURISDICTION.] (THE SUMMONS IN CIVIL AND FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS MAY BE SERVED ONLY WITHIN THE COUNTY OF RAMSEY. GARNISHMENT SUMMONS, SUBPOENAS AND) All (OTHER) civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 18. Minnesota Statutes 1980, Section 488A.18, Subdivision 13, is amended to read:

Subd. 13. [TRIAL OF CRIMINAL ACTIONS.] All charges of misdemeanors, *gross misdemeanors*, petty misdemeanors and ordinance violations shall be tried in the municipality where the alleged violation occurred (; HOWEVER,). If there is no court located in (SUCH) the municipality, then the trial of (SUCH) the charges shall take place at the nearest place of holding court. In addition to (SUCH) any daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city in which a court is situated as provided by Laws 1973, Chapter 708 by a resolution filed with the administrator of court.

Sec. 19. Minnesota Statutes 1980, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of (\$1000) \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 20. Minnesota Statutes 1980, Section 488A.31, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of (\$1000) \$1,250, the judge, in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 21. Minnesota Statutes 1980, Section 491.03, Subdivision 4, is amended to read:

Subd. 4. In case the controversy is as to the ownership or possession, or as to both the ownership and possession, of personal property where the value of same does not exceed the sum of (\$1,000) \$1,250 and the action is commenced by the plaintiff filing, as herein provided, with the clerk a sworn statement as to his ownership, or right of possession, or both, of such property, the court in its discretion may, by order, direct the officer of the court to take possession of such property immediately, and to hold same subject to the further order of the court, without the giving of any bond.

Sec. 22. Minnesota Statutes 1980, Section 491.04, Subdivision 1, is amended to read:

Subdivision 1. In case the parties brought before the conciliation court, in the manner provided in this chapter, do not agree upon the judgment to be entered, then, in case the amount in controversy, whether the claim of the plaintiff or a counter-claim on the part of the defendant, exceeds the sum of (\$1,000) \$1,250, and the judge is satisfied the counter-claim is in good faith, the case shall be forthwith dismissed and dropped from

the docket, without prejudice, but if the amount involved in controversy be (\$1,000) \$1,250 or less, or if the judge is of the opinion that the counter-claim, if any, therein in excess of (\$1,000) \$1,250 is not in good faith, he shall retain jurisdiction and proceed summarily to hear and determine the cause and to enter judgment on his docket. The conclusion of the judge as to the good faith of any counter-claim shall be final and conclusive on all parties for the purposes of the jurisdiction of the court. In case such judgment is not removed, by demand of either party, to the municipal court within ten days after the entry thereof, as provided in this chapter, and the judgment remains unsatisfied, the judgment, on order of the judge shall be docketed in the municipal court by the clerk and shall thereupon be, and be enforced as, the judgment of the municipal court, or the judge may retain jurisdiction for the collection and satisfaction of the judgment by payment to him, but no execution shall issue from the conciliation court.

Sec. 23. [CLERK OF PROBATE COURT, SECOND JUDICIAL DISTRICT.]

Notwithstanding section 525.09 the judicial district administrator in the second judicial district may appoint a clerk of the probate court for the district subject to the approval of the chief judge and assistant chief judge who shall serve at the pleasure of the judges of the district, who shall be supervised by the judicial district administrator, and whose salary shall be fixed by the Ramsey county board of commissioners.

Sec. 24. [APPROPRIATION.]

The sum of \$396,300 is appropriated from the general fund to the state courts for the salaries and fringe benefits of the additional judges appointed pursuant to section 1, to be available for the fiscal year ending June 30 in the years indicated.

1982	1983
\$41,100	\$355,200

Sec. 25. [EFFECTIVE DATE.]

Sections 4 and 24 are effective the day following final enactment. Section 1 is effective the day following final enactment, except that the two new judge positions created in the first district, two of the new judge positions created in the fourth district, and three of the new judge positions created in the tenth district shall be filled by appointments made on or after January 15, 1983. Sections 6, 7, 11, 16, and 18 are effective January 1, 1983."

Further, delete the title and insert:

"A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; changing the jurisdiction of county courts, county municipal courts, and conciliation courts in Hennepin and Ramsey counties; changing the jurisdiction of county conciliation courts; creating certain judicial positions; abolishing certain judicial positions by attrition; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 487.03 by adding a subdivision; 487.15; 487.16; 487.18; 487.30, Subdivision 1; 488A.01, Subdivisions 4, 6, and 8; 488A.12, Subdivision 3; 488A.14, Subdivision 6; 488A.18, Subdivisions 4, 7, 9, and 13; 488A.29, Subdivision 3; 488A.31, Subdivision 6; 491.03, Subdivision 4; 491.04, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 484 and 487."

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

House Conferees: TAD JUDE, MICHAEL R. SIEBEN, FRED C. NORTON, MARY M. FORSYTHE and CHARLES C. HALBERG.

Senate Conferees: ROBERT J. TENNESSEN, JACK DAVIES, GERRY SIKORSKI, RANDOLPH W. PETERSON and DARREL L. PETERSON.

Jude moved that the report of the Conference Committee on H. F. No. 1139 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1139, A bill for an act relating to courts; providing for certain reorganization in the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; creating certain judicial positions to be filled by election; raising the jurisdictional limit in county and county municipal court; providing the county and county municipal court with gross misdemeanor jurisdiction; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; authorizing the judges of the courts within each judicial district to elect to form one unified court; creating an appellate division of the district court; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.01; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 488A.01, Subdivisions 4, 6 and 8; 488A.18, Subdivisions 4, 7, 9 and 13; 488A.27, Subdivision 11; 525.10; proposing new law coded in Minnesota Statutes, Chapter 484; proposing new law coded as Minnesota Statutes, Chapter 484A; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 525.04; and Laws 1978, Chapter 750, Section 6.

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

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McDonald	Rees	Samuelson	Wynia
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The bill was repassed, as amended by Conference, and its title agreed to.

CALENDAR

H. F. No. 1831, A bill for an act relating to human rights; including sexual harassment as a form of unfair discriminatory practices for certain purposes; amending Minnesota Statutes 1980, Section 363.01, Subdivision 10, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 378, A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

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 108 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kostohryz	Olsen	Sieben, M.
Ainley	Ewald	Kvam	Onnen	Simoneau
Anderson, B.	Fjoslien	Lehto	Otis	Skoglund
Anderson, G.	Forsythe	Levi	Peterson, B.	Stadum
Battaglia	Frerichs	Long	Peterson, D.	Staten
Begich	Greenfield	Ludeman	Piepho	Stumpf
Berkelman	Gruenes	Luknic	Pogemiller	Swiggum
Blatz	Gustafson	Mann	Reding	Swanson
Brandl	Halberg	Marsh	Rees	Tomlinson
Brinkman	Harens	McDonald	Reif	Valan
Byrne	Hauge	McEachern	Rice	Valento
Carlson, L.	Himle	Mehrkens	Rodriguez, C.	Vanasek
Clark, J.	Hoberg	Metzen	Rodriguez, F.	Vellenga
Clark, K.	Hokanson	Minne	Rose	Weaver
Clawson	Hokr	Munger	Rothenberg	Welch
Dahlvang	Jacobs	Murphy	Sarna	Welker
Dean	Jennings	Nelsen, B.	Schoenfeld	Wenzel
Dempsey	Jude	Nelson, K.	Schreiber	Wieser
Den Ouden	Kahn	Norton	Searles	Wynia
Eken	Kaley	Novak	Shea	Spkr. Sieben, H.
Elioff	Kalis	Nysether	Sherman	
Ellingson	Knickerbocker	Ogren	Sherwood	

Those who voted in the negative were:

Carlson, D.	Johnson, C.	McCarron	Redalen	Stowell
Erickson	Johnson, D.	Niehaus	Samuelson	Wigley
Esau	Laidig	Osthoff	Schafer	Zubay

The bill was passed and its title agreed to.

S. F. No. 233, A bill for an act relating to retirement; authorizing the repayment of a refund by certain current and former University of Minnesota, Duluth campus, employees; providing for the recomputation of certain retirement annuities.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1455, A bill for an act relating to real estate brokers and salespersons; providing for the automatic transfer of a salesperson's license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1576, A bill for an act relating to commerce; regulated loans; applying the statutory provisions relating to conventional loan defaults to regulated loans; clarifying the method for the computation of interest; allowing the combination of loans of different maturities and interest rates; prohibiting attorney's fees except in connection with mortgage foreclosures; placing certain restrictions on the procurement of insurance in connection with a loan; providing miscellaneous technical and clarifying amendments; and eliminating a duplicative provision; amending Minnesota Statutes 1980, Section 53.04, Subdivision 5; and Minnesota Statutes 1981 Supplement, Sections 53.01; 53.04, Subdivision 3a; 56.12; 56.131, Subdivisions 1, 3, and 5; 56.155; 334.02; and 334.03; proposing new law coded in Minnesota Statutes, Chapter 56.

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 89 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Berkelman	Brandl	Carlson, D.
Ainley	Anderson, I.	Blatz	Brinkman	Carlson, L.

Dean	Heinitz	Lehto	Osthoff	Sieben, M.
Dempsey	Himle	Lemen	Otis	Stowell
Den Ouden	Hoberg	Levi	Peterson, B.	Stumpf
Eken	Hokanson	Ludeman	Piepho	Sviggum
Elioff	Hokr	Luknic	Redalen	Swanson
Erickson	Jacobs	Mann	Reding	Tomlinson
Esau	Jennings	Marsh	Rees	Valan
Evans	Johnson, C.	McDonald	Reif	Valento
Ewald	Johnson, D.	McEachern	Rodriguez, C.	Weaver
Fjoslien	Jude	Mehrkens	Rose	Welker
Forsythe	Kaley	Metzen	Rothenberg	Wenzel
Frerichs	Kalis	Munger	Schafer	Wieser
Gruenes	Kelly	Murphy	Schreiber	Wigley
Gustafson	Knickerbocker	Nelsen, B.	Searles	Zubay
Halberg	Kvam	Nysether	Sherman	Spkr. Sieben, H.
Heap	Laidig	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, G.	Dahlvang	McCarron	Peterson, D.	Skoglund
Battaglia	Ellingson	Minne	Rice	Staten
Begich	Greenfield	Nelson, K.	Samuelson	Vellenga
Byrne	Harens	Niehaus	Sarna	Welch
Clark, J.	Kahn	Norton	Schoenfeld	Wynia
Clark, K.	Kostohryz	Novak	Shea	
Clawson	Long	Ogren	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1622, A bill for an act relating to state lands ; providing for the transfer of ownership to meet donors' intent.

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

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

Those who voted in the affirmative were:

Aasness	Elioff	Jennings	McEachern	Reif
Ainley	Ellingson	Johnson, C.	Mehrkens	Rice
Anderson, B.	Erickson	Johnson, D.	Metzen	Rodriguez, C.
Anderson, G.	Esau	Jude	Minne	Rodriguez, F.
Anderson, I.	Evans	Kahn	Munger	Rose
Battaglia	Ewald	Kaley	Murphy	Rothenberg
Begich	Fjoslien	Kalis	Nelsen, B.	Samuelson
Berkelman	Forsythe	Kelly	Nelson, K.	Sarna
Blatz	Frerichs	Knickerbocker	Niehaus	Schafer
Brandl	Greenfield	Kostohryz	Norton	Schoenfeld
Brinkman	Gruenes	Kvam	Novak	Schreiber
Byrne	Gustafson	Laidig	Ogren	Searles
Carlson, D.	Halberg	Lehto	Olsen	Shea
Carlson, L.	Harens	Lemen	Osthoff	Sherman
Clark, J.	Hauge	Levi	Otis	Sherwood
Clark, K.	Heap	Long	Peterson, B.	Sieben, M.
Clawson	Heinitz	Ludeman	Peterson, D.	Simoneau
Dahlvang	Himle	Luknic	Piepho	Skoglund
Dean	Hoberg	Mann	Pogemiller	Stadum
Dempsey	Hokanson	Marsh	Redalen	Staten
Den Ouden	Hokr	McCarron	Reding	Stowell
Eken	Jacobs	McDonald	Rees	Stumpf

Sviggum
Swanson
Tomlinson
Valan

Valento
Vanasek
Vellenga
Weaver

Welch
Welker
Wenzel
Wieser

Wigley
Wynia

Zubay
Spkr. Sieben, H.

The bill was passed and its title agreed to.

SPECIAL ORDERS

Eken moved that the bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Wenzel moved that H. F. No. 2025 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Agriculture.

Jennings moved to lay the Wenzel motion on the table.

A roll call was requested and properly seconded.

The question was taken on the Jennings motion to lay on the table and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Frerichs	Kvam	Nysether	Sherman
Ainley	Gruenes	Laidig	Olsen	Sherwood
Blatz	Halberg	Lemen	Peterson, B.	Stadum
Carlson, D.	Heap	Levi	Piepho	Stowell
Dean	Heinitz	Ludeman	Redalen	Sviggum
Dempsey	Himle	Luknic	Rees	Valan
Erickson	Hoberg	Marsh	Reif	Valento
Esau	Hokr	McDonald	Rose	Weaver
Evans	Jennings	Mehrkins	Rothenberg	Welker
Ewald	Johnson, D.	Murphy	Schafer	Wieser
Fjoslien	Kaley	Nelsen, B.	Schreiber	Wigley
Forsythe	Knickerbocker	Niehaus	Searles	Zubay

Those who voted in the negative were:

Anderson, B.	Carlson, L.	Harens	Kostohryz	Norton
Anderson, G.	Clark, J.	Hauge	Lehto	Novak
Anderson, I.	Clark, K.	Hokanson	Long	Ogren
Battaglia	Clawson	Jacobs	Mann	Osthoff
Begich	Dahlvang	Johnson, C.	McCarron	Otis
Berkelman	Eken	Jude	McEachern	Peterson, D.
Brandl	Ellingson	Kahn	Metzen	Pogemiller
Brinkman	Greenfield	Kalis	Minne	Reding
Byrne	Gustafson	Kelly	Nelson, K.	Rice

Rodriguez, C.	Schoenfeld	Skoglund	Tomlinson	Wenzel
Rodriguez, F.	Shea	Staten	Vanasek	Wynia
Samuelson	Sieben, M.	Stumpf	Vellenga	Spkr. Sieben, H.
Sarna	Simoneau	Swanson	Welch	

The motion did not prevail.

The question recurred on the Wenzel motion.

A roll call was requested and properly seconded.

There were 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dahlvang	Kelly	Osthoff	Simoneau
Anderson, G.	Eken	Kostohryz	Otis	Skoglund
Anderson, I.	Ellingson	Lehto	Peterson, D.	Staten
Battaglia	Erickson	Long	Pogemiller	Stumpf
Begich	Greenfield	Mann	Redalen	Swanson
Berkelman	Gustafson	McCarron	Reding	Tomlinson
Brandl	Harens	McEachern	Rice	Vanasek
Brinkman	Hauge	Metzen	Rodriguez, C.	Vellenga
Byrne	Hokanson	Minne	Rodriguez, F.	Welch
Carlson, D.	Jacobs	Murphy	Samuelson	Wenzel
Carlson, L.	Johnson, C.	Nelson, K.	Sarna	Wynia
Clark, J.	Jude	Norton	Schoenfeld	Spkr. Sieben, H.
Clark, K.	Kahn	Novak	Shea	
Clawson	Kalis	Ogren	Sieben, M.	

Those who voted in the negative were:

Aasness	Gruenes	Laidig	Onnen	Stowell
Ainley	Halberg	Lemen	Peterson, B.	Svigum
Blatz	Heap	Levi	Piepho	Valan
Dean	Heinitz	Ludeman	Rees	Valento
Dempsey	Himle	Luknic	Reif	Weaver
Den Ouden	Hoberg	Marsh	Rose	Welker
Esau	Hokr	McDonald	Rothenberg	Wieser
Evans	Jennings	Mehrkins	Schafer	Wigley
Ewald	Johnson, D.	Nelsen, B.	Schreiber	Zubay
Fjoslien	Kaley	Niehaus	Sherman	
Forsythe	Knickerbocker	Nysether	Sherwood	
Frerichs	Kvam	Olsen	Stadum	

The motion prevailed.

Staten moved that H. F. No. 1811, now on Special Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Reif moved that S. F. No. 1443 be recalled from the Committee on Health and Welfare and together with H. F. No. 849, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Piepho moved that his name be stricken as an author on H. F. No. 2147. The motion prevailed.

Berkelman moved that the name of Blatz be added as an author on H. F. No. 2260. The motion prevailed.

Wenzel moved that the names of Brinkman, Reif, Luknic and O'Connor be added as authors on H. F. No. 1667. The motion prevailed.

Munger moved that the names of Welch and Carlson, D., be added as authors on H. F. No. 2262. The motion prevailed.

Long moved that the name of Searles be stricken and the name of Rees be added as an author on H. F. No. 1934. The motion prevailed.

PENDING POINT OF ORDER

The pending point of order raised by Anderson, I., on Friday, February 26, 1982, pursuant to rule 3.4 was reported to the House.

The Speaker ruled the Anderson, I., point of order well taken.

The Speaker ruled the Jennings motion to reconsider the report of the Committee of the Whole on H. F. No. 1278 not in order.

The Speaker ruled the request of Ogren to give notice of intent to reconsider the report of the Committee of the Whole on H. F. No. 1278 not in order.

The report of the Committee of the Whole on H. F. No. 1278 was reported to the House.

Dahlvang moved to amend the report of the Committee of the Whole by striking the words "be re-referred to the Committee on Governmental Operations" and inserting the word "progress".

A roll call was requested and properly seconded.

POINT OF ORDER

Laidig raised a point of order pursuant to rule 1.6. The Speaker ruled the point of order not well taken.

The question recurred on the Dahlvang motion and the roll was called. There were 61 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, I.
Battaglia

Begich
Berkelman

Brandl
Brinkman

Byrne
Carlson, L.

Clark, J.
Clark, K.

Clawson	Jude	Murphy	Rodriguez, C.	Tomlinson
Dahlvang	Kahn	Nelson, K.	Rodriguez, F.	Vanasek
Eken	Kalis	Norton	Samuelson	Vellenga
Ellingson	Kelly	Novak	Schoenfeld	Welch
Greenfield	Kostohryz	Ogren	Shea	Wenzel
Gustafson	Lehto	Osthoff	Sieben, M.	Wynia
Harens	Long	Otis	Simoneau	Spkr. Sieben, H.
Hauge	Mann	Peterson, D.	Skoglund	
Hokanson	McCarron	Pogemiller	Staten	
Jacobs	Minne	Reding	Stumpf	
Johnson, C.	Munger	Rice	Swanson	

Those who voted in the negative were :

Aasness	Gruenes	Lemen	Olsen	Sherwood
Ainley	Halberg	Levi	Onnen	Stadum
Blatz	Heap	Ludeman	Peterson, B.	Stowell
Dempsey	Heinitz	Luknic	Piepho	Sviggun
Den Ouden	Himle	Marsh	Redalen	Valan
Erickson	Hoberg	McDonald	Rees	Valento
Esau	Hokr	McEachern	Reif	Weaver
Evans	Jennings	Mehrkens	Rose	Welker
Ewald	Johnson, D.	Metzen	Rothenberg	Wieser
Fjoslien	Kaley	Nelsen, B.	Schafer	Wigley
Forsythe	Kvam	Niehaus	Searles	Zubay
Frerichs	Laidig	Nysether	Sherman	

The motion prevailed and the amendment to the report was adopted.

The question recurred on the adoption of the report of the Committee of the Whole, as amended, with reference to H. F. No. 1278. The report of the Committee of the Whole, as amended, with reference to H. F. No. 1278 was adopted.

ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 2, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives