

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1982

## EIGHTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 12, 1982

The House of Representatives convened at 11:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Father Roman Schaefer, National Chaplain, V.F.W., New Ulm, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Frerichs and Searles were excused.

Osthoff was excused until 11:45 a.m. Carlson, D.; Ewald and O'Connor were excused until 1:00 p.m. Sherwood was excused until 1:30 p.m. Anderson, R., was excused until 3:30 p.m. Anderson, B., was excused until 4:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kvam 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. 930 and 2271 and S. F. Nos. 1451, 1508, 1738, 2054 and 303 have been placed in the members' files.

S. F. No. 1508 and H. F. No. 1669, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Harens moved that the rules be so far suspended that S. F. No. 1508 be substituted for H. F. No. 1669 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1738 and H. F. No. 1764, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Levi moved that the rules be so far suspended that S. F. No. 1738 be substituted for H. F. No. 1764 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communication was received:

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

March 10, 1982

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1982 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office

of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1982</i>	<i>Date Filed 1982</i>
272		393	March 10	March 10
1514		394	March 10	March 10
1107		395	March 10	March 10
1088		396	March 10	March 10

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## SECOND READING OF SENATE BILLS

S. F. Nos. 1508 and 1738 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Elioff, Minne, Begich and Battaglia introduced:

H. F. No. 2295, A bill for an act relating to insurance; health and accident; requiring employers to give employees the option of accepting the cash equivalent of any required coverage; proposing new law coded in Minnesota Statutes, Chapter 62A.

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

## HOUSE ADVISORIES

The following House Advisories were introduced:

Lehto, Norton, Simoneau, Eken and Rees introduced:

H. A. No. 69, A proposal to examine the feasibility of establishing a commission on foreign visitors and economic relations with other countries.

The advisory was referred to the Committee on Governmental Operations.

Sarna, Dahlvang and Metzen introduced:

H. A. No. 70, A proposal to conduct a study of the question of whether beer wholesalers should be limited by law to selling only in the territory covered by his franchise agreement.

The advisory was referred to the Committee on Commerce and Economic Development.

Rodriguez, F.; Munger and Drew introduced:

H. A. No. 71, A proposal to study the actual and potential hazards associated with the release of p.c.b.s. by power plants and industry.

The advisory was referred to the Committee on Environment and Natural Resources.

Levi was excused while in conference committee.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1965, A bill for an act relating to the environment; amending various provisions of 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; 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; requiring the board to place its highest priority on alternatives to land disposal of hazardous waste; allowing the removal of the moratorium on development at certain sites; directing a study of solid waste utilization in the St. Cloud area; appropriating money; amending Minnesota Statutes 1980, Sections 115A.08, by adding a subdivision; 115A.15, Subdivisions 2, 6, and by adding a subdivision; 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, Subdivision 7, and by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision; 473.831, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivisions 4 and

13; 115A.11, Subdivision 1; 115A.21, Subdivision 3; 115A.24, Subdivision 1, and by adding a subdivision; 473.803, Subdivision 1a; and 473.831, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam, Willet and Engler.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

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

Long moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1965. The motion prevailed.

Mr. Speaker:

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

Senate Concurrent Resolution No. 12, A Concurrent Resolution expressing the importance of clean air and urging the Minnesota Pollution Control Agency to maintain strong air quality standards that will fully provide the necessary protection for the State of Minnesota.

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

#### SUSPENSION OF RULES

Munger moved that the Rules be so far suspended that Senate Concurrent Resolution No. 12 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the Munger motion and the roll was called. There were 69 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Dahlvang	Gruenes	Johnson, C.
Anderson, I.	Byrne	Drew	Gustafson	Jude
Battaglia	Carlson, L.	Eken	Hanson	Kahn
Begich	Clark, J.	Elioff	Hauge	Kalis
Berkelman	Clark, K.	Ellingson	Hokanson	Kelly
Brandl	Clawson	Greenfield	Jacobs	Laidig

Lehto	Munger	Peterson, B.	Sarna	Swanson
Long	Murphy	Peterson, D.	Schoenfeld	Vanasek
Luknic	Nelson, K.	Reding	Shea	Vellenga
Mann	Norton	Rice	Sieben, M.	Voss
McCarron	Novak	Rodriguez, C.	Simoneau	Wenzel
McEachern	Ogren	Rodriguez, F.	Skoglund	Wynia
Metzen	Osthoff	Rothenberg	Staten	Spkr. Sieben, H.
Minne	Otis	Samuelson	Stowell	

Those who voted in the negative were:

Aasness	Forsythe	Kvam	Piepho	Valan
Ainley	Haukoos	Lemen	Redalen	Valento
Blatz	Heap	Ludeman	Rees	Weaver
Dean	Heinitz	McDonald	Reif	Welker
Dempsey	Hoberg	Mehrkens	Rose	Wieser
Erickson	Hokr	Nelsen, B.	Schafer	Wigley
Esau	Jennings	Niehaus	Schreiber	Zubay
Evans	Kaley	Olsen	Sherman	
Fjoslien	Knickerbocker	Onnen	Sviggum	

The motion did not prevail.

Senate Concurrent Resolution No. 12 was referred to the Committee on Rules and Legislative Administration.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1885, A bill for an act relating to public welfare; providing for approval of mental health clinics and centers pending promulgation of permanent rules.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brandl moved that the House refuse to concur in the Senate amendments to H. F. No. 1885, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

S.F. No. 1637.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1637, A bill for an act relating to state investment policy ; prohibiting certain investments in countries not following human rights standards ; proposing new law coded in Minnesota Statutes, Chapter 11A.

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, Staten moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1637 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Staten motion and the roll was called. There were 52 yeas and 55 nays as follows :

Those who voted in the affirmative were:

Anderson, G.	Eken	Kelly	Ogren	Skoglund
Anderson, I.	Elioff	Lehto	Otis	Staten
Battaglia	Ellingson	Long	Peterson, D.	Tomlinson
Begich	Greenfield	Mann	Pogemiller	Vanasek
Brandl	Gustafson	McCarron	Reding	Welch
Byrne	Harens	McEachern	Rice	Wenzel
Carlson, L.	Hauge	Minne	Rodriguez, C.	Wynia
Clark, J.	Hokanson	Munger	Rodriguez, F.	Spkr. Sieben, H.
Clark, K.	Jacobs	Nelson, K.	Shea	
Clawson	Johnson, C.	Norton	Sieben, M.	
Dahlvang	Kalis	Novak	Simoneau	

Those who voted in the negative were:

Aasness	Forsythe	Kvam	Olsen	Sherman
Ainley	Gruenes	Laidig	Onnen	Stadum
Blatz	Halberg	Lemen	Peterson, B.	Stowell
Dean	Haukoos	Ludeman	Piepho	Sviggum
Dempsey	Heap	Luknic	Redalen	Valan
Den Ouden	Heinitz	McDonald	Rees	Valento
Drew	Hoberg	Mehrken	Reif	Weaver
Erickson	Hokr	Metzen	Rose	Welker
Esau	Jennings	Nelsen, B.	Rothenberg	Wieser
Evans	Kaley	Niehaus	Schafer	Wigley
Fjoslien	Knickerbocker	Nysether	Schreiber	Zubay

The motion did not prevail.

Staten moved that S. F. No. 1637 and H. F. No. 1811, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1092, A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Forsythe moved that the House concur in the Senate amendments to H. F. No. 1092 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1092, A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Ellingson	Harens	Johnson, C.
Ainley	Clark, J.	Erickson	Hauge	Kahn
Anderson, G.	Clark, K.	Esau	Haukoos	Kaley
Anderson, I.	Clawson	Evans	Heap	Kalis
Battaglia	Dahlvang	Fjoslien	Heinitz	Kelly
Begich	Dean	Forsythe	Himle	Knickerbocker
Berkelman	Dempsey	Greenfield	Hoberg	Kvam
Blatz	Den Ouden	Gruenes	Hokanson	Laidig
Brandl	Drew	Gustafson	Hokr	Lehto
Brinkman	Eken	Halberg	Jacobs	Lemen
Byrne	Elioff	Hanson	Jennings	Long



Ludeman	Niehaus	Redalen	Sherman	Vellenga
Luknic	Norton	Reding	Sieben, M.	Voss
Mann	Novak	Rees	Simoneau	Weaver
Marsh	Nysether	Reif	Skoglund	Welch
McCarron	Ogren	Rice	Staten	Welker
McDonald	Olsen	Rodriguez, C.	Stowell	Wenzel
McEachern	Onnen	Rodriguez, F.	Stumpf	Wieser
Metzen	Osthoft	Rose	Swiggum	Wigley
Minne	Otis	Rothenberg	Swanson	Wynia
Munger	Peterson, B.	Samuelson	Tomlinson	Zubay
Murphy	Peterson, D.	Schafer	Valan	Spkr. Sieben, H.
Nelsen, B.	Piepho	Schreiber	Valento	
Nelson, K.	Pogemiller	Shea	Vanasek	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1751, A bill for an act relating to alcoholic beverages; increasing the maximum dollar value of equipment furnished to beer retailers by brewers and wholesalers; deleting obsolete language; amending Minnesota Statutes 1980, Sections 340.031, Subdivision 2; and 340.405.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Dahlvang moved that the House concur in the Senate amendments to H. F. No. 1751 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1751, A bill for an act relating to alcoholic beverages; increasing the maximum dollar value of equipment furnished to beer retailers by brewers and wholesalers; deleting obsolete language; amending Minnesota Statutes 1980, Sections 340.031, Subdivision 2; and 340.405.

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

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

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Brinkman	Clark, J.
Ainley	Battaglia	Blatz	Byrne	Clark, K.
Anderson, G.	Begich	Brandl	Carlson, L.	Clawson

Dahlvang	Heap	Ludeman	Osthoff	Skoglund
Dean	Heinitz	Luknic	Otis	Staten
Dempsey	Himle	Mann	Peterson, B.	Stowell
Den Ouden	Hoberg	Marsh	Peterson, D.	Stumpf
Drew	Hokanson	McCarron	Piepho	Sviggum
Eken	Hokr	McDonald	Pogemiller	Swanson
Elioff	Jacobs	McEachern	Redalen	Tomlinson
Ellingson	Jennings	Mehrkens	Rees	Valan
Erickson	Johnson, C.	Metzen	Reif	Valento
Esau	Johnson, D.	Minne	Rice	Vanasek
Evans	Kahn	Munger	Rodriguez, C.	Voss
Fjoslien	Kaley	Murphy	Rodriguez, F.	Weaver
Forsythe	Kalis	Nelsen, B.	Rose	Welch
Greenfield	Kelly	Nelson, K.	Rothenberg	Welker
Gruenes	Knickerbocker	Niehaus	Samuelson	Wenzel
Gustafson	Kostohryz	Norton	Sarna	Wieser
Halberg	Kvam	Novak	Schafer	Wigley
Hanson	Laidig	Nysether	Schreiber	Wynia
Harens	Lehto	Ogren	Sherman	Zubay
Hauge	Lemen	Olsen	Sieben, M.	Spkr. Sieben, H.
Haukoos	Long	Onnen	Simoneau	

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

#### TAKEN FROM THE TABLE

Samuelson moved that the Message from the Senate and the Carlson, L., motion relating to H. F. No. 2190 which were laid on the table on March 11, 1982, be now taken from the table.

A roll call was requested and properly seconded.

The question was taken on the Samuelson motion and the roll was called. There were 78 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kostohryz	Novak	Skoglund
Anderson, I.	Erickson	Laidig	Ogren	Staten
Battaglia	Greenfield	Lehto	Osthoff	Stowell
Begich	Gruenes	Long	Otis	Stumpf
Berkelman	Gustafson	Luknic	Peterson, D.	Swanson
Brandl	Hanson	Mann	Pogemiller	Tomlinson
Brinkman	Harens	McCarron	Reding	Vanasek
Byrne	Hauge	McEachern	Rice	Vellenga
Carlson, L.	Heap	Mehrkens	Rodriguez, C.	Voss
Clark, J.	Hokanson	Metzen	Rodriguez, F.	Weaver
Clark, K.	Jacobs	Minne	Samuelson	Welch
Clawson	Johnson, C.	Munger	Sarna	Wenzel
Dahlvang	Jude	Murphy	Schreiber	Wynia
Drew	Kahn	Nelsen, B.	Shea	Spkr. Sieben, H.
Eken	Kalis	Nelson, K.	Sieben, M.	
Elioff	Kelly	Norton	Simoneau	

Those who voted in the negative were:

Aasness	Esau	Hoberg	Lemen	Onnen
Ainley	Evans	Hokr	Ludeman	Peterson, B.
Blatz	Fjoslien	Jennings	McDonald	Piepho
Dean	Forsythe	Kaley	Niehaus	Redalen
Dempsey	Halberg	Knickerbocker	Nysether	Rees
Den Ouden	Heinitz	Kvam	Olsen	Reif

Rothenberg  
Schafer

Sherman  
Sviggum

Valan  
Valento

Welker  
Wieser

Wigley  
Zubay

The motion prevailed.

The following Message from the Senate was now reported to the House.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2190, A bill for an act relating to education; changing the requirements for membership on the higher education coordinating board; allowing the regional management information centers to be considered governmental units for purposes of the joint powers law; requiring the approval of a plan for spending federal education block grant funds for state administrative purposes; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; broadening the planning process relating to declining enrollments in higher education; repealing mandates; amending Minnesota Statutes 1980, Sections 136A.02, Subdivision 1; 471.59, by adding a subdivision; Laws 1981, Chapter 359, Section 2, Subdivision 8; and Section 9, Subdivision 12; Third Special Session Chapter 2, Article 1, Section 6, Subdivision 1; repealing Minnesota Statutes, Sections 120.17, Subdivision 10; and 121.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, L., moved that the House refuse to concur in the Senate amendments to H. F. No. 2190, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 1710 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 116 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Weiker

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2134, A bill for an act relating to intoxicating liquor; providing that on-sale licenses issued to certain nonprofit corporations shall authorize sales on all days of the week; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11b.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Dahlvang moved that the House concur in the Senate amendments to H. F. No. 2134 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2134, A bill for an act relating to intoxicating liquor; providing that on-sale licenses issued to certain nonprofit corporations shall authorize sales on all days of the week; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11b.

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

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kelly	Olsen	Shea
Anderson, I.	Evans	Knickerbocker	Onnen	Sherman
Battaglia	Greenfield	Kostohryz	Osthoff	Sieben, M.
Begich	Halberg	Lehto	Otis	Simoneau
Berkelman	Hanson	Long	Peterson, B.	Skoglund
Blatz	Harens	Ludeman	Peterson, D.	Stowell
Brandl	Hauge	Mann	Piepho	Stumpf
Brinkman	Haukoos	Marsh	Pogemiller	Swanson
Byrne	Heap	McCarron	Redalen	Tomlinson
Carlson, L.	Heinitz	McDonald	Reding	Valan
Clark, J.	Himle	McEachern	Rees	Valento
Clark, K.	Hoberg	Mehrkins	Reif	Vanasek
Clawson	Hokanson	Metzen	Rice	Vellenga
Dahlvang	Jacobs	Minne	Rodriguez, C.	Voss
Dean	Jennings	Munger	Rodriguez, F.	Welch
Dempsey	Johnson, C.	Murphy	Rose	Wenzel
Drew	Jude	Nelson, K.	Samuelson	Wieser
Eken	Kahn	Norton	Sarna	Wynia
Elioff	Kaley	Novak	Schafer	Zubay
Ellingson	Kalis	Nysether	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Fjoslien	Laidig	Sviggum	Welker
Ainley	Forsythe	Lemen	Weaver	Wigley
Den Ouden	Gruenes	Niehaus		
Esau	Kvam	Rothenberg		

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1652, A bill for an act relating to game and fish; authorizing special permits to take deer with a crossbow under certain circumstances; amending Minnesota Statutes 1980, Sections 98.48, by adding a subdivision; and 100.29, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 1652 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1652, A bill for an act relating to game and fish; authorizing special permits to take deer with a crossbow under certain circumstances; amending Minnesota Statutes 1980, Sections 98.48, by adding a subdivision; and 100.29, Subdivision 7.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Rodriguez, C., moved that the House concur in the Senate amendments to H. F. No. 1831 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

Rose moved that the House refuse to concur in the Senate amendments to H. F. No. 1831, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the Rose motion and the roll was called. There were 51 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Laidig	Redalen	Valan
Ainley	Halberg	Lemen	Rees	Valento
Blatz	Haukoos	Ludeman	Reif	Weaver
Dean	Heap	McDonald	Rose	Welker
Dempsey	Heinritz	Mehrkins	Rothenberg	Wieser
Den Ouden	Himle	Nelsen, B.	Schafer	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Hokr	Nysether	Sherman	
Esau	Johnson, D.	Onnen	Stadum	
Evans	Kaley	Peterson, B.	Stowell	
Fjoslien	Kvam	Piepho	Sviggum	

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Ellingson	Lehto	Olsen	Simoneau
Battaglia	Greenfield	Long	Osthoff	Skoglund
Begich	Gustafson	Luknic	Otis	Staten
Berkelman	Hanson	Mann	Peterson, D.	Stumpf
Brandl	Hauge	McCarron	Pogemiller	Tomlinson
Brinkman	Hokanson	McEachern	Reding	Vanasek
Byrne	Jacobs	Metzen	Rice	Vellenga
Carlson, L.	Johnson, C.	Minne	Rodriguez, C.	Voss
Clark, J.	Jude	Munger	Rodriguez, F.	Welch
Clark, K.	Kahn	Murphy	Samuelson	Wenzel
Clawson	Kalis	Nelson, K.	Sarna	Wynia
Dahlvang	Kelly	Norton	Schoenfeld	Spkr. Sieben, H.
Eken	Knickerbocker	Novak	Shea	

The motion did not prevail.

The question recurred on the Rodriguez, C., motion.

There were 86 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Kostohryz	Ogren	Skoglund
Anderson, I.	Gustafson	Kvam	Olsen	Staten
Battaglia	Halberg	Laidig	Onnen	Stumpf
Begich	Hanson	Lehto	Osthoff	Swanson
Berkelman	Hauge	Lemen	Otis	Tomlinson
Brandl	Haukoos	Long	Peterson, D.	Vanasek
Byrne	Himle	Luknic	Piepho	Vellenga
Carlson, L.	Hokanson	Mann	Pogemiller	Voss
Clark, J.	Hokr	McCarron	Reding	Weaver
Clark, K.	Jacobs	McEachern	Rice	Welch
Clawson	Jennings	Mehrrens	Rodriguez, C.	Wenzel
Dahlvang	Johnson, C.	Metzen	Rodriguez, F.	Wieser
Drew	Johnson, D.	Minne	Rothenberg	Wynia
Eken	Jude	Munger	Samuelson	Spkr. Sieben, H.
Elioff	Kahn	Murphy	Sarna	
Ellingson	Kalis	Nelson, K.	Schoenfeld	
Forsythe	Kelly	Norton	Schreiber	
Greenfield	Knickerbocker	Novak	Simoneau	

Those who voted in the negative were:

Aasness	Hoberg	Niehaus	Schafer	Welker
Ainley	Kaley	Nysether	Sherman	Wigley
Den Ouden	Ludeman	Peterson, B.	Stowell	Zubay
Erickson	Marsh	Redalen	Sviggum	
Esau	McDonald	Rees	Valan	
Fjoslien	Nelsen, B.	Rose	Valento	

The motion prevailed.

H. F. No. 1831, A bill for an act relating to human rights; clarifying that quitting work due to sexual harassment does not result in benefit disqualification; including sexual harassment as a form of unfair discriminatory practices for certain purposes; amending Minnesota Statutes 1980, Sections 268.09, Subdivision 1; and 363.01, Subdivision 10, and by adding a subdivision.



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

The question was taken on the repassage of the bill and the roll was called. There were 114 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Redalen	Rees	Welker
---------	------	--------

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Minne moved that the House concur in the Senate amendments to H. F. No. 1430 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 623, A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions, operation of gambling devices, and conducting of raffles by organizations; amending Minnesota Statutes 1980, Sections 349.14; and 349.26, Subdivision 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Stowell moved that the House concur in the Senate amendments to H. F. No. 623 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 623, A bill for an act relating to commerce; lowering the organizational membership requirement for the conducting of bingo occasions, operation of gambling devices, and conducting of raffles by organizations; amending Minnesota Statutes 1980, Sections 349.14; and 349.26, Subdivision 9.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1068, A bill for an act relating to adoption; providing for record retention; providing for services by adoption agencies; proposing new law coded in Minnesota Statutes, Chapter 259.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Peterson, D., moved that the House concur in the Senate amendments to H. F. No. 1068 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1068, A bill for an act relating to adoption; providing for record retention; providing for services by adoption agencies; recodifying law relating to access to adoption records into another chapter; amending Minnesota Statutes 1980, Section 144.1761, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 259; repealing Minnesota Statutes 1980, Section 144.1761, Subdivisions 2, 3, 4, and 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 114 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness	Dean	Den Ouden	Erickson	Esau
---------	------	-----------	----------	------

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1589, A bill for an act relating to motor vehicles; authorizing the operation of motorized golf carts by certain persons on designated roadways of city streets; regulating the operation thereof; amending Minnesota Statutes 1980, Sections 168.012, by adding a subdivision; 169.522; and proposing new law coded in Minnesota Statutes, Chapter 169.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Stowell moved that the House concur in the Senate amendments to H. F. No. 1589 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1589, A bill for an act relating to motor vehicles; authorizing the operation of motorized golf carts by certain persons on designated roadways of city streets; regulating the operation thereof; amending Minnesota Statutes 1980, Sections 168.012, by adding a subdivision; 169.522; and proposing new law coded in Minnesota Statutes, Chapter 169.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1668, A bill for an act relating to manufactured homes; requiring manufacturers and dealers of manufactured homes to be licensed and regulated by the commissioner of administration; providing for the rights and duties of owners and residents of manufactured home parks; making certain changes in the procedure for titling manufactured homes; requiring park owners to adopt storm safety plans for the protection of residents; empowering municipalities to enforce certain ordinances within manufactured home parks and recreational camping areas; clarifying the procedures to be used in the repossession of a manufactured home; clarifying certain language; prohibiting certain practices; imposing fees and penalties; providing remedies; defining terms; proposing new law coded in Minnesota Statutes, Chapter 168A; proposing new law coded as Minnesota Statutes, Chapters 327B and 327C; amending Minnesota Statutes 1980, Sections 168A.02, Subdivision 3; 327.14; 327.16, Subdivision 2; 327.20, Subdivision 1; 327.24, by adding a subdivision; 327.26; 327.27, Subdivision 2, and by adding a subdivision; 327.62, Subdivision 2; 327.63; 327.65; 327.66; 363.02, by adding a subdivision; and 566.18, Subdivisions 2, 7, and 8; repealing Minnesota Statutes 1980, Sections 327.41; 327.42; 327.43; 327.45; 327.451; 327.452; 327.46; 327.47; 327.51; 327.52; 327.53; 327.54; 327.55; 327.551; 327.552; 327.553, Subdivisions 2, 3 and 4; 327.554; 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.44; 327.441; 327.55, Subdivision 1a; and 327.553, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Peterson, D., moved that the House concur in the Senate amendments to H. F. No. 1668 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1668, A bill for an act relating to manufactured homes; requiring manufacturers and dealers of manufactured

homes to be licensed and regulated by the commissioner of administration; providing for the rights and duties of owners and residents of manufactured home parks; making certain changes in the procedure for titling manufactured homes; requiring park owners to adopt storm safety plans for the protection of residents; empowering municipalities to enforce certain ordinances within manufactured home parks and recreational camping areas; clarifying the procedures to be used in the repossession of a manufactured home; clarifying certain language; prohibiting certain practices; imposing fees and penalties; providing remedies; defining terms; proposing new law coded in Minnesota Statutes, Chapter 168A; proposing new law coded as Minnesota Statutes, Chapters 327B and 327C; amending Minnesota Statutes 1980, Sections 168A.02, Subdivision 3; 327.14; 327.16, Subdivision 2; 327.20, Subdivision 1; 327.24, by adding a subdivision; 327.26; 327.27, Subdivision 2, and by adding a subdivision; 327.62, Subdivision 2; 327.63; 327.65; 327.66; 363.02, by adding a subdivision; and 566.18, Subdivisions 2, 7, and 8; repealing Minnesota Statutes 1980, Sections 327.41; 327.42; 327.43; 327.45; 327.451; 327.452; 327.46; 327.47; 327.51; 327.52; 327.53; 327.54; 327.55; 327.551; 327.552; 327.553, Subdivisions 2, 3 and 4; 327.554; 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.44; 327.441; 327.55, Subdivision 1a; and 327.553, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 87 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kelly	Ogren	Simoneau
Anderson, I.	Evans	Knickerbocker	Olsen	Skoglund
Battaglia	Forsythe	Kostohryz	Osthoff	Staten
Begich	Greenfield	Laidig	Otis	Stumpf
Berkelman	Gruenes	Lehto	Peterson, B.	Sviggum
Blatz	Gustafson	Lemen	Peterson, D.	Swanson
Brandl	Halberg	Long	Piepho	Tomlinson
Brinkman	Hanson	Luknic	Reding	Valento
Byrne	Hauge	Mann	Rees	Vanasek
Carlson, L.	Himle	Marsh	Reif	Vellenga
Clark, J.	Hokanson	McCarron	Rice	Voss
Clawson	Hokr	McEachern	Rose	Welch
Dahlvang	Jacobs	Metzen	Rothenberg	Wenzel
Dean	Johnson, C.	Minne	Samuelson	Wynia
Dempsey	Johnson, D.	Murphy	Sarna	Spkr. Sieben, H.
Drew	Jude	Nelson, K.	Schreiber	
Eken	Kahn	Norton	Sherman	
Elioff	Kalis	Novak	Sieben, M.	

Those who voted in the negative were:

Aasness	Den Ouden	Esau	Haukoos	Hoberg
Ainley	Erickson	Fjoslien	Heinitz	Jennings

Kaley  
Kvam  
Ludeman  
Mehrkens

Nelsen, B.  
Niehaus  
Nysether  
Onnen

Redalen  
Schafer  
Schoenfeld  
Shea

Valan  
Weaver  
Welker  
Wieser

Wigley  
Zubay

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1456, A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Section 525.03; Laws 1979, Chapter 303, Article III, Section 43.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ellingson moved that the House concur in the Senate amendments to H. F. No. 1456 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1456, A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Sections 488A.27, Subdivision 11; and 525.03; Laws 1979, Chapter 303, Article III, Section 43.

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

The question was taken on the repassage of the bill and the roll was called. There were 103 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Aasness  
Ainley  
Anderson, G.  
Anderson, I.  
Battaglia  
Begich  
Berkelman  
Blatz  
Brandl  
Brinkman  
Byrne  
Carlson, L.  
Clark, J.  
Clawson

Dahlvang  
Dean  
Dempsey  
Eken  
Ellioff  
Ellingson  
Erickson  
Evans  
Fjoslien  
Greenfield  
Gruenes  
Gustafson  
Halberg  
Hanson

Harens  
Hauge  
Haukoos  
Heap  
Heinitz  
Himle  
Hoberg  
Hokanson  
Hokr  
Jacobs  
Jennings  
Johnson, C.  
Johnson, D.  
Jude

Kahn  
Kaley  
Kalis  
Kelly  
Knickerbocker  
Kvam  
Laidig  
Lehto  
Lemen  
Long  
Luknic  
Mann  
Marsh  
McEachern

Mehrkens  
Metzen  
Minne  
Munger  
Murphy  
Nelsen, B.  
Nelson, K.  
Niehaus  
Norton  
Nysether  
Ogren  
Olsen  
Onnen  
Osthooff



Otis	Rothenberg	Simoneau	Swanson	Wenzel
Peterson, B.	Samuelson	Skoglund	Tomlinson	Wigley
Peterson, D.	Sarna	Stadum	Vanasek	Wynia
Piepho	Schafer	Staten	Vellenga	Zubay
Rees	Schreiber	Stowell	Voss	Spkr. Sieben, H.
Rodriguez, F.	Sherman	Stumpf	Weaver	
Rose	Sieben, M.	Svigum	Welch	

Those who voted in the negative were:

Drew	Ludeman	McDonald	Reif	Wieser
Esau	McCarron	Redalen	Welker	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1697, A bill for an act relating to retirement; validating a certain post retirement adjustment granted by the Virginia firefighters relief association; authorizing increases in benefits payable by the Eveleth police and fire trust fund; defining certain terms, providing for the governance of separate and distinct general and special funds, providing benefit improvements for certain participants and benefit recipients, validating adoption of third class city police law, and validating past payments by the Virginia police relief association; clarifying the authority to approve alternative benefit increases; repealing Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Elioff moved that the House concur in the Senate amendments to H. F. No. 1697 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1697, A bill for an act relating to retirement; validating a certain post retirement adjustment granted by the Virginia firefighters relief association; authorizing increases in benefits payable by the Eveleth police and fire trust fund; Virginia police relief association; defining certain terms; providing for the governance of separate and distinct general and special funds; providing benefit improvements for certain participants and benefit recipients; validating adoption of third class city police law; validating past payments; clarifying the authority to approve alternative benefit increases; repealing Laws 1935,

Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235.

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

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1819, A bill for an act relating to education; authorizing school districts to develop programs enabling secondary students to attend courses at post secondary institutions; proposing new law coded in Minnesota Statutes, Chapter 123.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Levi moved that the House concur in the Senate amendments to H. F. No. 1819 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1819, A bill for an act relating to education; authorizing school districts to develop programs enabling secondary students to attend courses at post secondary institutions; permitting the granting and transfer of credits for students; allowing reimbursement for instruction; proposing new law coded in Minnesota Statutes, Chapter 123.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 560, A bill for an act relating to courts; costs and disbursements; authorizing the awarding of attorney's fees in certain actions or proceedings; amending Minnesota Statutes 1980, Section 549.21.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Voss moved that the House concur in the Senate amendments to H. F. No. 560 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 560, A bill for an act relating to courts; authorizing the awarding of costs, disbursements, and attorney's fees in certain actions or proceedings; restoring a right of action for law enforcement officers; amending Minnesota Statutes 1980, Sections 117.195; and 549.21; proposing new law coded in Minnesota Statutes, Chapter 604.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1550, A bill for an act relating to the city of Big Falls; authorizing the establishment of detached banking facilities.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, I., moved that the House refuse to concur in the Senate amendments to H. F. No. 1550, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2190:

Sieben, M.; Samuelson; Kahn; Carlson, L., and Forsythe.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1499:

Osthoff, Hokanson and Peterson, D.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 356:

Kahn, Vanasek and Laidig.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1885:

Brandl, Wynia and Onnen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1965:

Long, Dahlvang and Rees.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1550:

Anderson, I.; Brinkman and Evans.

#### SPECIAL ORDERS

H. F. No. 1642 was reported to the House.

Wynia moved that H. F. No. 1642 be continued on Special Orders. The motion prevailed.

The Speaker called Wynia to the Chair.

S. F. No. 1948 was reported to the House.

Ellingson moved to amend S. F. No. 1948, as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [HENNEPIN COUNTY PARK RESERVE DISTRICT; HYDROELECTRIC GENERATION FACILITIES CONSTRUCTION AND OPERATION.]**

*In furtherance of the authority granted by Minnesota Statutes, Chapter 398, the Hennepin County park reserve district may, acting jointly with another local government unit pursuant to Minnesota Statutes, Section 471.59, participate in the construction, establishment, ownership, operation, and maintenance of hydroelectric generation and transmission facilities in connection with dams owned or controlled by the district, and the use, distribution, or sale of hydroelectric power generated by the facilities. The district shall exercise its authority under this section to further the maintenance of its park property and services, to use the hydroelectric capacity of the dams and to preserve the economic benefits of the dams.*

**Sec. 2. [EFFECTIVE DATE.]**

*This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the Hennepin County park reserve district."*

Delete the title and insert:

*"A bill for an act relating to the Hennepin County park reserve district; authorizing the district to participate in hydroelectric power generation with other local government units under certain conditions."*

The motion prevailed and the amendment was adopted.

Weaver moved to amend S. F. No. 1948, as amended, as follows:

Delete the Ellingson amendment.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 22 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Ainley	Esau	Nelsen, B.	Stowell	Welker
Carlson, D.	Jennings	Nysether	Sviggun	Wigley
Den Ouden	Ludeman	Redalen	Valan	
Drew	McDonald	Rothenberg	Valento	
Erickson	Mehrkens	Stadum	Weaver	

Those who voted in the negative were:

Aasness	Fjoslien	Kalis	Novak	Sherman
Anderson, G.	Forsythe	Kelly	O'Connor	Sieben, M.
Anderson, I.	Greenfield	Kvam	Ogren	Simoneau
Battaglia	Gruenes	Lehto	Olsen	Skoglund
Begich	Hanson	Lemen	Osthoff	Staten
Berkelman	Hauge	Levi	Otis	Stumpf
Blatz	Haukoos	Long	Peterson, B.	Swanson
Brandl	Heap	Luknic	Peterson, D.	Tomlinson
Brinkman	Heinitz	Mann	Piepho	Vanasek
Byrne	Himle	Marsh	Pogemiller	Vellenga
Carlson, L.	Hoberg	McCarron	Rees	Voss
Clark, J.	Hokanson	McEachern	Reif	Welch
Clawson	Hokr	Metzen	Rice	Wenzel
Dahlvang	Jacobs	Minne	Rodriguez, C.	Wieser
Dean	Johnson, C.	Munger	Rodriguez, F.	Wynia
Dempsey	Johnson, D.	Murphy	Samuelson	Zubay
Eken	Jude	Nelson, K.	Sarna	Sprk. Sieben, H.
Elioff	Kahn	Niehaus	Schafer	
Ellingson	Kaley	Norton	Schreiber	

The motion did not prevail and the amendment was not adopted.

Ellingson, Jacobs and Schreiber moved to amend S. F. No. 1948, as amended, as follows:

Page 1, line 22, after the period insert "*If the dam, dam site or power generation plant is located in or contiguous to a city or town, other than the lessor governmental unit, the lease or agreement shall not be effective unless it is approved by the governing body of such city or town. For purposes of this subdivision, city means a statutory or home rule charter city.*"

The motion prevailed and the amendment was adopted.

S. F. No. 1948, A bill for an act relating to Hennepin County park reserve district and the city of Anoka; authorizing the district to participate in hydroelectric power generation with other local government units under certain conditions.

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

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	O'Connor	Sieben, M.
Anderson, I.	Forsythe	Laidig	Ogren	Simoneau
Battaglia	Greenfield	Lehto	Olsen	Skoglund
Begich	Gruenes	Lemen	Onnen	Staten
Berkelman	Gustafson	Levi	Osthoff	Stowell
Blatz	Hanson	Long	Otis	Stumpf
Brandl	Hauge	Luknic	Peterson, D.	Swanson
Brinkman	Heap	Mann	Piepho	Tomlinson
Byrne	Heinitz	Marsh	Pogemiller	Valan
Carlson, D.	Himle	McDonald	Redalen	Vanasek
Carlson, L.	Hoberg	McEachern	Rees	Vellenga
Clark, J.	Hokanson	Mehrkens	Rice	Voss
Clawson	Hokr	Metzen	Rodriguez, C.	Welch
Dahlvang	Jacobs	Minne	Rodriguez, F.	Wenzel
Dean	Johnson, C.	Munger	Rose	Wieser
Dempsey	Johnson, D.	Murphy	Rothenberg	Wigley
Drew	Jude	Nelsen, B.	Samuelson	Wynia
Eken	Kahn	Nelson, K.	Sarna	Spkr. Sieben, H.
Eloff	Kaley	Niehaus	Schafer	
Ellingson	Kalis	Norton	Schreiber	
Evans	Kelly	Novak	Shea	

Those who voted in the negative were:

Ainley	Esau	McCarron	Sviggum	Welker
Den Ouden	Haukoos	Nysether	Valento	Zubay
Erickson	Ludeman	Stadum	Weaver	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1765 was reported to the House.

Mehrkens moved to amend S. F. No. 1765, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [98.456] [TURKEY HUNTER GUIDE LICENSE.]

*No person shall for compensation engage in the business or occupation of guiding hunters in seeking to take turkeys without an annual license from the commissioner. The commissioner shall promulgate rules governing qualifications for issuance and administration of licenses required by this section. No license shall be issued under this section after the day prior to the opening of the season for taking turkeys.*

Sec. 2. Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

(1) To trap fur bearing animals, except beaver, for residents over the age of 13 and under the age of 18, \$3.50;



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

(3) To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$100, provided that any employee, partner or officer buying or selling at the established place of business only for the licensee may secure a supplemental license for \$50;

(4) To trap beaver during an open season or by permit when doing damage, \$2.50;

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

(6) *To guide turkey hunters, \$20.*

Sec. 3. Minnesota Statutes 1980, Section 100.271, Subdivision 3a, is amended to read:

Subd. 3a. No person shall be eligible to be issued a license *to take moose* who has been issued a license to take (THAT SPECIES OF WILD GAME WITHIN EITHER) *moose during any of the last (TWO) five seasons.*"

Delete the title and insert:

"A bill for an act relating to game and fish; removing the restriction upon issuance of wild turkey licenses; amending Minnesota Statutes 1980, Section 100.271, Subdivision 3a; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 98."

The motion prevailed and the amendment was adopted.

Sherman moved to amend S. F. No. 1765, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 100.271, Subdivision 3a, is amended to read:

Subd. 3a. No person shall be eligible to be issued a license *to take moose* who has been issued a license to take (THAT SPECIES OF WILD GAME) *moose within either of the last two seasons. No person shall be eligible to be issued a license to take turkey who has been issued a license to take turkey during any past season until such time as the commissioner determines that there are fewer turkey license applicants for a particular*

*season than the commissioner desires to include in the selection, at which time he may include that number of previous licensees."*

Delete the title and insert:

"A bill for an act relating to game and fish; extending the restriction upon issuance of wild turkey licenses; amending Minnesota Statutes 1980, Section 100.271, Subdivision 3a."

The motion did not prevail and the amendment was not adopted.

S. F. No. 1765, A bill for an act relating to game and fish; removing the restriction upon issuance of wild turkey licenses; amending Minnesota Statutes 1980, Section 100.271, Subdivision 3a.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

H. F. No. 1558 was reported to the House.

There being no objection, H. F. No. 1558 was continued on Special Orders.

S. F. No. 588 was reported to the House.

Anderson, G., moved to amend S. F. No. 588, the first engrossment, as follows:

Page 1, line 13, after "2." strike "Bonds issued"

Page 1, line 14, strike "and unpaid shall not at any time exceed"

Page 1, line 15, delete "\$440,000,000"

Page 1, line 15, after the deleted "\$440,000,000" strike "par value."

Page 2, line 3, after "remove" delete "the"

Page 2, line 4, delete "five percent restrictions" and insert "restrictions"

Page 2, line 4, after "and" delete "to"

Page 2, line 5, delete "establish a new limit on"

Page 2, after line 7, insert:

"Sec. 3. [BALLOT QUESTION.]

*Notwithstanding any law or rule to the contrary, the ballot question in section 2 shall immediately follow the first question placed on the ballot and submitted to the people at the 1982 general election. This section is effective the day following final enactment."*

The motion prevailed and the amendment was adopted.

S. F. No. 588, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; revising certain restrictions on highway bonds.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those voting in the affirmative were:

Aasness	Begich	Byrne	Dahlvang	Elioff
Ainley	Berkelman	Carlson, D.	Dempsey	Ellingson
Anderson, G.	Blatz	Carlson, L.	Den Ouden	Erickson
Anderson, I.	Brandl	Clark, J.	Drew	Esau
Battaglia	Brinkman	Clawson	Eken	Evans

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

Those who voted in the negative were:

Norton

The bill was passed, as amended, and its title agreed to.

S. F. No. 1907 was reported to the House.

Jacobs moved to amend S. F. No. 1907, the first engrossment, as follows:

Page 2, line 21, after "*municipalities*" insert "*located within the metropolitan area, as defined in section 473.121, subdivision 2,*"

Page 2, after line 26, insert:

"Sec. 2. [HENNEPIN COUNTY PARK RESERVE DISTRICT.]

*The Hennepin County Park Reserve District is a municipality for purposes of United States Code, Title 16, Section 796 (7)."*

Page 2, line 28, after the period insert "*Section 2 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the Hennepin County park reserve district board of commissioners.*"

Renumber the section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "*defining the Hennepin County park reserve district as a municipality;*"

The motion prevailed and the amendment was adopted.

Rees offered an amendment to S. F. No. 1907, as amended.

#### POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.9 that the amendment was out of order. The Speaker pro tem ruled the point of order well taken and the amendment out of order.

S. F. No. 1907, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; proposing new law coded in Minnesota Statutes, Chapter 272.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

S. F. No. 1640 was reported to the House.

Ellingson moved that S. F. No. 1640 be continued on Special Orders. The motion prevailed.

H. F. No. 2033, A bill for an act relating to agriculture; providing for the licensing and regulation of certain grain buyers;

providing a penalty; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 223; repealing Minnesota Statutes 1980, Sections 223.04; 223.07 to 223.11; 232.01; 232.02, Subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, Subdivision 5; Minnesota Statutes 1981 Supplement, Sections 223.-01; 223.02; 223.03; 223.05; and 232.02, Subdivisions 1, 2 and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2034 was reported to the House.

Anderson, G., moved that H. F. No. 2034 be continued on Special Orders. The motion prevailed.

The Speaker resumed the Chair.

S. F. No. 2141 was reported to the House.

Clawson moved to amend S. F. No. 2141, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 375.12, Subdivision 1, is amended to read:

Subdivision 1. The county board shall cause the official proceedings of its sessions to be published in some qualified newspaper produced and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. *The board may elect to publish all or any part of the official proceedings; provided that in the case of partial publication, the published proceedings shall indicate in what respect they are incomplete.* In each county whose population exceeds 600,000, the proceedings shall be published in a daily newspaper. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. For the purpose of this section, a newspaper is produced and published in the county if it has in the county its known office of issue, as such term is defined in section 331.02, and if it does its typographic composition or presswork or both in the county.

Sec. 2. Minnesota Statutes 1980, Section 461.12, is amended to read:

461.12 [MUNICIPAL CIGARETTE LICENSE.]

*The town board or governing body of each town and home rule charter and statutory city (OF ANY CLASS,) may (, AFTER JANUARY 1, 1942,) license and regulate the sale at retail of cigarettes, cigarette paper, or cigarette wrappers and fix the license fee (THEREFORE AT NOT TO EXCEED \$12 PER ANNUM, AND) for sales. The town or city may charge a uniform annual fee for all sellers or different annual fees for different classes of sellers. It may provide for the punishment of any violation of (SUCH) the regulations, and make (SUCH) other provisions for the regulation of the sale of cigarettes within its jurisdiction as are permitted by law. The county board may make like provisions for licensing and regulating the sale of cigarettes in unorganized territory. The provisions of this section shall not apply to the licensing of sale of cigarettes in cars of common carriers."*

Delete the title and insert:

"A bill for an act relating to local government; authorizing county boards to publish its official proceedings completely or partially; allowing towns and cities to set license fees for cigarette sellers; amending Minnesota Statutes 1980, Sections 375.12, Subdivision 1; and 461.12."

The motion prevailed and the amendment was adopted.

Clawson moved to amend S. F. No. 2141, the first engrossment, as amended, as follows:

Page 2, after line 26, insert:

"Sec. 3. [REPEALER.]

*Minnesota Statutes 1980, Sections 461.03; 461.04; 461.05; 461.06; and 461.14 are repealed."*

Amend the title as follows:

Page 2, line 34, after "461.12" insert "; repealing Minnesota Statutes 1980, Sections 461.03 to 461.06; and 461.14"

The motion prevailed and the amendment was adopted.

Onnen moved to amend S. F. No. 2141, as amended.

#### POINT OF ORDER

McCarron raised a point of order pursuant to rule 3.9 that the amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 2141, A bill for an act relating to local government; allowing towns and cities to set license fees for cigarette sellers; amending Minnesota Statutes 1980, Section 461.12.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Greenfield	Johnson, C.	Mann
Ainley	Dahlvang	Gruenes	Johnson, D.	Marsh
Anderson, G.	Dean	Gustafson	Jude	McCarron
Anderson, I.	Dempsey	Halberg	Kahn	McDonald
Battaglia	Den Ouden	Hanson	Kaley	McEachern
Begich	Drew	Harens	Kelly	Mehrkens
Berkelman	Eken	Hauge	Knickerbocker	Metzen
Blatz	Elioff	Heap	Kostohryz	Minne
Brandl	Ellingson	Heinitz	Laidig	Munger
Brinkman	Erickson	Himle	Lehto	Murphy
Byrne	Esau	Hoberg	Lemen	Nelsen, B.
Carlson, D.	Evans	Hokanson	Levi	Nelson, K.
Carlson, L.	Ewald	Hokr	Long	Niehaus
Clark, J.	Fjoslien	Jacobs	Ludeman	Norton
Clark, K.	Forsythe	Jennings	Luknic	Novak



Nysether	Pogemiller	Sarna	Stowell	Weaver
O'Connor	Redalen	Schafer	Stumpf	Welch
Ogren	Reding	Schreiber	Swiggum	Wenzel
Olsen	Rees	Sherman	Swanson	Wieser
Onnen	Reif	Sherwood	Tomlinson	Wigley
Osthoff	Rodriguez, C.	Sieben, M.	Valan	Wynia
Otis	Rodriguez, F.	Simoneau	Valento	Zubay
Peterson, B.	Rose	Skoglund	Vanasek	Spkr. Sieben, H
Peterson, D.	Rothenberg	Stadum	Vellenga	
Piepho	Samuelson	Staten	Voss	

Those who voted in the negative were:

Kalis                      Kvam                      Schoenfeld                      Welker

The bill was passed, as amended, and its title agreed to.

S. F. No. 1809 was reported to the House.

Wynia moved to amend S. F.No. 1809, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 15.791, Subdivision 9, is amended to read:

Subd. 9. [PROTECTION OF IDENTITIES.] A law enforcement agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) When access to the data would reveal the identity of an undercover law enforcement officer;

(b) When access to the data would reveal the identity of a victim of criminal sexual conduct or *intrafamilial sexual abuse* or of a violation of section 617.246, subdivision 1;

(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant; or

(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests that his identity not be revealed, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual.

Sec. 2. [15.7915] [SEXUAL ASSAULT DATA.]

*Subdivision 1. [DEFINITIONS.] (a) "Community based program" means any office, institution, or center offering assis-*

*tance to victims of sexual assault and their families through crisis intervention, medical, and legal accompaniment and subsequent counseling.*

(b) *"Sexual assault counselor" means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault.*

(c) *"Victim" means a person who consults a sexual assault counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual assault.*

(d) *"Confidential communication data" means all information transmitted in confidence between a victim of sexual assault and a sexual assault counselor and all other information received by the sexual assault counselor in the course of providing assistance to the victim. The victim shall be deemed the subject of confidential communication data.*

*Subd. 2. [CLASSIFICATION.] All confidential communication data is classified as private data on individuals.*

Sec 3. Minnesota Statutes 1981 Supplement, Section 595.02, is amended to read:

#### 595.02 [COMPETENCY OF WITNESSES.]

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

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

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty;

nor can any employee of the attorney be examined as to the communication or advice, without the client's consent;

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

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

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

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 609.364, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;

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

(8) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed

to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege;

(9) A parent or his minor child may not be examined as to any communication made in confidence by the minor to his parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication, or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of his alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent;

(10) *Sexual assault counselors as defined in section 2 may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs.*

#### Sec. 4. [631.045] [EXCLUSION OF SPECTATORS FROM COURTROOM.]

*At the trial of a complaint or indictment for a violation of sections 609.341 to 609.3644, or 617.246, subdivision 1, where a minor under 18 years of age is the person upon, with, or against*

*whom the crime is alleged to have been committed, the judge may exclude the public from the courtroom during the testimony of the victim or during all or part of the remainder of the trial upon a showing that closure is necessary to protect a witness or ensure fairness in the trial. Opportunity shall be provided for the defendant and members of the public to object to the closure prior to any closure order. The judge shall specify the reasons for closure in any order closing all or part of the trial. Upon closure the judge shall only admit persons who have a direct interest in the case.*

**Sec. 5. [EFFECTIVE DATE.]**

*Sections 1, 2, and 4 are effective the day following final enactment. Section 3 is effective August 1, 1982 and applies to court proceedings commenced on and after that date."*

Delete the title and insert:

*"A bill for an act relating to crimes; providing for the protection of the victims of criminal sexual conduct and intra-familial sexual abuse; classifying data; specifying the competency of witnesses; amending Minnesota Statutes 1981 Supplement, Sections 15.791, Subdivision 9; and 595.02; proposing new law coded in Minnesota Statutes, Chapters 15 and 631."*

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 1809, as amended, as follows:

In the Wynia amendment:

Page 1, line 13, delete "1" and insert "2"

Page 2, line 16, delete "*Confidential*" and insert "*Sexual assault*"

Page 2, line 21, delete "*confidential*" and insert "*sexual assault*"

Page 2, line 22, delete "*confidential*" and insert "*sexual assault*"

Page 5, line 21, delete "*as defined in section 2*"

Page 5, line 30, after the period insert "*Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.*

*"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a super-*

*visor in a crisis center, whose primary purpose is to render advice, counseling or assistance to victims of sexual assault."*

Page 5, line 34, delete "1" and insert "2"

Page 6, line 5, after the first "the" insert "prosecutor,"

The motion prevailed and the amendment was adopted.

S. F. No. 1809, A bill for an act relating to crimes; providing for the protection of the victims of criminal sexual conduct, intrafamilial sexual abuse, or use of a minor to prepare an obscene work; amending Minnesota Statutes 1981 Supplement, Section 15.791, Subdivision 9; proposing new law coded in Minnesota Statutes, Chapter 631.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Heinitz

The bill was passed, as amended, and its title agreed to.

S. F. No. 1740, A bill for an act relating to real estate; providing an exception for certain restrictions based on familial status in cooperative housing; permitting administrators of rental housing to petition the court for certain powers; clarifying the court's discretion to make certain orders; amending Minnesota Statutes 1980, Sections 363.01, by adding a subdivision; 363.02, Subdivision 2; 566.25, and 566.29, Subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ludeman      Nysether      Welker

The bill was passed and its title agreed to.

S. F. No. 1950, A bill for an act relating to corporations; correcting certain errors; removing certain deficiencies and ambiguities; and amending Minnesota Statutes 1981 Supplement, Sections 300.083, Subdivision 2; 300.49, Subdivision 1; 302A.011, Subdivisions 4, 10, 17, 21, 25, 29, 30, and 31; 302A.021, Subdivisions 2, 4, 7, and 8; 302A.111, Subdivisions 2, 3, and 4; 302A.115, Subdivision 2; 302A.123; 302A.131; 302A.135, Subdivisions 2 and 4; 302A.181, Subdivision 3; 302A.201, Subdivision 2; 302A.207; 302A.235; 302A.239, Subdivision 1; 302A.241, Subdivisions 1 and 2; 302A.243; 302A.251, Subdivisions 2 and

3; 302A.255, Subdivision 1; 302A.401, Subdivision 2; 302A.403, Subdivisions 2 and 4; 302A.405, Subdivision 1; 302A.413, Subdivision 4; 302A.431, Subdivision 2; 302A.433, Subdivisions 1 and 2; 302A.435, Subdivision 1; 302A.437, Subdivision 1; 302A.443; 302A.445, Subdivisions 1 and 6; 302A.455; 302A.457, Subdivisions 1 and 2; 302A.461, Subdivision 2; 302A.463; 302A.467; 302A.521, Subdivision 2; 302A.551, Subdivisions 1 and 2; 302A.559, Subdivision 1; 302A.613, Subdivisions 2 and 3; 302A.661, Subdivision 2; 302A.721, Subdivision 2; 302A.723, Subdivision 1; 302A.727, Subdivision 2; 302A.729, Subdivision 1; 302A.731, Subdivision 2; 302A.733, Subdivision 1; 302A.741; 302A.751, Subdivisions 2 and 3; 302A.781, Subdivision 1; 302A.821, Subdivisions 4 and 5; repealing Minnesota Statutes 1981 Supplement, Sections 302A.011, Subdivision 35; and 302A.241, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1949, A bill for an act relating to state departments and agencies; secretary of state; eliminating and simplifying certain filings; amending Minnesota Statutes 1980, Sections 300.06; 300.14, Subdivision 2; 300.45; 301.42, Subdivision 4; 303.14, Subdivision 3, as amended; 333.001, Subdivisions 2 and



3; Minnesota Statutes 1981 Supplement, Sections 301.071, Subdivision 2; 303.05, Subdivision 1; and 322A.16; repealing Minnesota Statutes 1980, Sections 300.07; 301.06, Subdivision 3; 301.07; 301.071, Subdivision 1; and 301.33, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1424, A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of life insurance policies and annuity contracts; modifying the definitions of "insolvent insurer" and "covered claim" for purposes of the insurance guaranty association act; amending Minnesota Statutes 1980, Sections 61A.24, Subdivisions 2, 4, 6, 9, 10, 11, 12, 13, 14, and by adding subdivisions; 61A.25, Subdivisions 3, 3a, 4, 5, 7, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Sections 60C.03, Subdivision 8; and 60C.09, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

S. F. No. 1078, A bill for an act relating to game and fish; allowing the commissioner of natural resources to authorize the use of snowmobiles in connection with taking beaver or otter; amending Minnesota Statutes 1980, Section 100.29, Subdivision 30.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, K.	Ewald	Himle	Knickerbocker
Ainley	Clawson	Fjoslien	Hoberg	Kostohryz
Anderson, G.	Dahlvang	Forsythe	Hokanson	Kvam
Anderson, I.	Dean	Greenfield	Hokr	Laidig
Battaglia	Dempsey	Gruenes	Jennings	Lehto
Begich	Den Ouden	Gustafson	Johnson, C.	Lemen
Berkelman	Drew	Halberg	Johnson, D.	Levi
Blatz	Eken	Hanson	Jude	Long
Brandl	Elioff	Hauge	Kahn	Ludeman
Brinkman	Erickson	Haukoos	Kaley	Luknic
Carlson, D.	Esau	Heap	Kalis	Mann
Carlson, L.	Evans	Heinitz	Kelly	Marsh

McCarron	Ogren	Rice	Sieben, M.	Vellenga
McDonald	Olsen	Rodriguez, C.	Simoneau	Voss
McEachern	Onnen	Rodriguez, F.	Stadum	Weaver
Mehrkens	Osthoff	Rose	Staten	Welch
Metzen	Otis	Rothenberg	Stowell	Welker
Murphy	Peterson, B.	Samuelson	Stumpf	Wenzel
Nelsen, B.	Piepho	Sarna	Sviggum	Wieser
Niehaus	Pogemiller	Schafer	Swanson	Wigley
Norton	Redalen	Schoenfeld	Tomlinson	Wynia
Novak	Reding	Schreiber	Valan	Zubay
Nysether	Rees	Sherman	Valento	Spkr. Sieben, H.
O'Connor	Reif	Sherwood	Vanasek	

Those who voted in the negative were:

Byrne	Munger	Nelson, K.	Peterson, D.	Skoglund
Clark, J.				

The bill was passed and its title agreed to.

S. F. No. 1747 was reported to the House.

Begich moved that S. F. No. 1747 be returned to the Committee on Environment and Natural Resources. The motion prevailed.

S. F. No. 1908 was reported to the House.

Hokanson moved to amend S. F. No. 1908, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 361.02, is amended by adding a subdivision to read:

*Subd. 17. "Paddle boat" means a nonmotorized watercraft 19 feet in length or less which is propelled solely by a paddle wheel peddled by the operator or passenger or both.*

Sec. 2. Minnesota Statutes 1980, Section 361.03, Subdivision 3, is amended to read:

Subd. 3. [FEES FOR LICENSE.] The fee for each watercraft license issued after December 31, (1980) 1982 for a period of three calendar years, or a portion thereof, shall be as follows:

(a) Any watercraft 19 feet in length or less which is rented or leased or offered for rent or lease, \$6 each;

(b) Canoes, kayaks, sailboats, sailboards, *paddle boats* and rowing shells 19 feet in length or less, \$7 each;

(c) All other watercraft 19 feet in length or less, *not covered in clauses (a), (b), (g), and (i)*, \$12 each;

(d) Watercraft more than 19 feet but less than 26 feet in length, \$20 each;

(e) Watercraft 26 feet but less than 40 feet in length, \$30 each;

(f) Watercraft 40 feet in length and over, \$40 each;

(g) Dealer's license, regardless of the number of watercraft owned by the dealer, \$30 per dealer;

(h) Any watercraft more than 19 feet in length for hire with an operator, \$50 each;

(i) Any watercraft used by a nonprofit organization for teaching boat and water safety, \$3 each; and

(j) Transfer or duplicate, \$3 each.

Sec. 3. Minnesota Statutes 1980, Section 361.03, Subdivision 12, is amended to read:

Subd. 12. [EXEMPTIONS.] No license hereunder shall be required for the following described watercraft:

(a) Watercraft which is covered by a license or number in full force and effect pursuant to federal law or a federally approved licensing or numbering system of another state, and which has not been within this state for more than 90 consecutive days, the aforesaid 90 consecutive days shall not include days in which a watercraft is laid up at dock over winter or for repairs at any Lake Superior port, or any other Minnesota port.

(b) Watercraft from a country other than the United States which have not been within this state for more than 90 consecutive days, the aforesaid 90 consecutive days shall not include days in which a watercraft is laid up at dock over winter or for repairs at any Lake Superior port, or any other Minnesota port.

(c) Watercraft owned by the United States, a state, or a political subdivision thereof except watercraft used for recreational purposes.

(d) Ship's lifeboat.

(e) Watercraft which has a valid marine document issued by the United States government.

(f) *Nonmotorized watercraft nine feet in length or less.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective January 1, 1983."*

Delete the title and insert:

"A bill for an act relating to waters and watercraft safety; clarifying certain watercraft definitions and changing registration fees; amending Minnesota Statutes 1980, Sections 361.02, by adding a subdivision; and 361.03, Subdivisions 3 and 12."

The motion prevailed and the amendment was adopted.

S. F. No. 1908, A bill for an act relating to waters and watercraft safety; amending the definition of watercraft; defining paddle boat; changing registration fees; amending Minnesota Statutes 1980, Sections 361.02, Subdivision 7, and by adding a subdivision; and 361.03, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

S. F. No. 536, A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Subdivision 12, as amended;

and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 639, A bill for an act relating to metropolitan government; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

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

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

Those who voted in the affirmative were:

Aasness	Begich	Byrne	Clawson	Drew
Ainley	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, G.	Blatz	Carlson, L.	Dean	Elioff
Anderson, I.	Brandl	Clark, J.	Dempsey	Ellingson
Battaglia	Brinkman	Clark, K.	Den Ouden	Erickson

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

Those who voted in the negative were:

Hokr

The bill was passed and its title agreed to.

S. F. No. 1503, A bill for an act relating to game and fish; fees for firearms safety courses; amending Minnesota Statutes 1980, Section 97.85, Subdivision 1.

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

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

Those who voted in the affirmative were:

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

Tomlinson	Vanasek	Weaver	Wenzel	Wynia
Valan	Vellenga	Welch	Wieser	Zubay
Valento	Voss	Welker	Wigley	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 518 was reported to the House.

Anderson, G., moved that S. F. No. 518 be continued on Special Orders. The motion prevailed.

S. F. No. 1955 was reported to the House.

Voss moved to amend S. F. No. 1955 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 284.28, Subdivision 8, is amended to read:

Subd. 8. There is established in the state treasury a real estate assurance account. This account is composed of money appropriated by the legislature for this purpose and all money deposited in the state treasury and credited to the account. Money in the state treasury credited to the real estate assurance account from all sources is annually appropriated to the state treasurer for the purpose of paying claims ordered by the district court to be paid from the fund. At the time of sale of a parcel of tax forfeited land, the county auditor shall charge and collect in full an amount equal to three percent of the total sale price of land. Before filing a notice of expiration of time for redemption, in cases where an auditor's certificate of sale or a state assignment certificate has been issued, the county auditor shall charge and collect in full from the holder of the certificate an amount equal to three percent of the appraised value of the property for tax purposes. The amounts so collected by the auditor shall be deposited in the state treasury and credited to the real estate assurance account. Income earned from moneys in the account shall be credited to the account. The state treasurer may separately invest account moneys. (THE UNOBLIGATED BALANCE IN THE REAL ESTATE ASSURANCE ACCOUNT IN EXCESS OF \$100,000 AS OF JULY 1 OF EACH FISCAL YEAR, SHALL BE CANCELLED INTO THE GENERAL FUND.)

In determining compensation for the unjust deprivation suffered by the claimant, which may include severance damages sustained if the claimant owns adjoining land, the court shall take into account delinquent taxes, penalties, costs, and interest which would have been due and owing if the claimant had redeemed the land.



No claimant shall recover the value of improvements made to the land by other persons or the increment in value of land that occurs after the claimant has actual notice of the forfeiture proceeding. All claims against the real estate assurance account and ordered by the district court to be paid therefrom shall be obligations of the state and shall be paid out of the first moneys coming into the assurance fund from legislative appropriations, the collection of money by county auditors or from any other sources as provided by law.

*There is appropriated from the general fund to the state treasurer amounts sufficient to pay the amount by which any claims ordered to be paid from the real estate assurance account pursuant to this subdivision exceed the amount existing in the account at the time of the order, but the total amount appropriated from the general fund shall not exceed the amounts transferred from the real estate assurance account to the general fund pursuant to Laws 1981, Chapter 356, Section 339, plus interest.*

## Sec. 2. [TRANSFER.]

*The transfer on July 1, 1982, shall not exceed \$100,000.*

## Sec. 3. [EFFECTIVE DATE.]

*Section 1 is effective July 2, 1982. Section 2 is effective the day following final enactment."*

The motion prevailed and the amendment was adopted.

S. F. No. 1955, A bill for an act relating to tax forfeited land; restoring certain funds to the real estate assurance account; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 284.28, Subdivision 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. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Elioff	Halberg	Jennings
Ainley	Carlson, L.	Ellingson	Hanson	Johnson, C.
Anderson, G.	Clark, J.	Erickson	Hauge	Johnson, D.
Anderson, I.	Clark, K.	Esau	Haukoos	Jude
Battaglia	Clawson	Evans	Heap	Kahn
Begich	Dahlvang	Ewald	Heinitz	Kaley
Berkelman	Dean	Fjoslien	Himle	Kalis
Blatz	Dempsey	Forsythe	Hoberg	Kelly
Brandl	Den Ouden	Greenfield	Hokanson	Knickerbocker
Brinkman	Drew	Gruenes	Hokr	Kostohryz
Byrne	Eken	Gustafson	Jacobs	Kvam

Laidig	Munger	Peterson, D.	Schreiber	Valento
Lehto	Murphy	Piepho	Shea	Vanasek
Lemen	Nelsen, B.	Pogemiller	Sherman	Vellenga
Levi	Nelson, K.	Redalen	Sherwood	Voss
Long	Niehaus	Rees	Sieben, M.	Weaver
Ludeman	Norton	Reif	Simoneau	Welch
Lukic	Novak	Rice	Skoglund	Welker
Mann	Nysether	Rodriguez, C.	Stadum	Wenzel
Marsh	O'Connor	Rodriguez, F.	Staten	Wieser
McCarron	Ogren	Rose	Stowell	Wigley
McDonald	Olsen	Rothenberg	Stumpf	Wynia
McEachern	Onnen	Samuelson	Sviggum	Zubay
Mehrkens	Osthoff	Sarna	Swanson	Spkr. Sieben, H.
Metzen	Otis	Schafer	Tomlinson	
Minne	Peterson, B.	Schoenfeld	Valan	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2040 was reported to the House. There being no objection H. F. No. 2040 was continued on Special Orders.

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

#### RECESS

#### RECONVENED

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

#### 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 added to Special Orders pending for Friday, March 12, 1982:

H. F. Nos. 1878 and 2290 and S. F. Nos. 1780, 1838, 2054, 1207, 2006, 2051, 1561, 744, 1588, 1837, 1713, 1793, 276, 2126, 1706 and 1818 and H. F. No. 2271 and S. F. Nos. 1957 and 2127.

S. F. No. 518, designated a Special Order on Thursday, March 11, 1982, was stricken from Special Orders.

There being no objection the order of business reverted to Messages from the Senate.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1685, A bill for an act relating to the military; providing for the administration of oaths and acknowledgments by a member of the armed forces of the United States; amend-

ing Minnesota Statutes 1980, Sections 192.205, by adding a subdivision; and 358.32.

H. F. No. 1789, A bill for an act relating to the environment; limiting and reducing emissions of sulphur dioxide in the state; requiring adoption of an acid deposition control standard and plan by the pollution control agency; requiring reports; imposing an assessment on utilities; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 116C.69, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 116.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee Messrs. Davis, Vega and Rued.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1799, A bill for an act relating to health; providing for evaluation of certain changes in certificate of need review; requiring certain price information to be reported and disseminated; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 145.833, Subdivision 5; 145.835, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivision 1; and 474.03; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845.

The Senate has appointed as such committee Messrs. Solon, Waldorf and Lindgren.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1897, A bill for an act relating to the state agricultural society; updating and clarifying certain powers and duties of the society; amending Minnesota Statutes 1980, Sections 37.01; 37.04, Subdivision 3; 37.05; 37.06; 37.17, Subdivisions 1, 2, and by adding a subdivision; 37.18; 37.19; 37.20; 37.21; and 37.22; repealing Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3; and 37.27.

The Senate has appointed as such committee Messrs. Chmielewski, Solon and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 917, A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; clarifying various aspects of the special retirement program for certain employees of the department of military affairs; amending Minnesota Statutes 1980, Section 352.-85, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 352.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Rose moved that the House concur in the Senate amendments to H. F. No. 917 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 917, A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; clarifying various aspects of the special retirement program for certain employees of the department of military affairs; extending deferred compensation option to Little Falls city administrator; amending Minnesota Statutes 1980, Section 352.85, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 352.

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

The question was taken on the repassage of the bill and the roll was called. There were 95 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Lehto	Osthoff	Sieben, M.
Ainley	Gruenes	Lemen	Otis	Stadum
Anderson, G.	Gustafson	Levi	Peterson, B.	Staten
Begich	Halberg	Long	Peterson, D.	Stumpf
Blatz	Hanson	Ludeman	Piepho	Sviggun
Brandl	Harens	Mann	Redalen	Swanson
Brinkman	Haukoos	Marsh	Reding	Tomlinson
Carlson, D.	Heap	McDonald	Rees	Valan
Carlson, L.	Heinitz	McEachern	Reif	Valento
Clark, J.	Himle	Mehrkins	Rodriguez, C.	Vanasek
Dahlvang	Hokanson	Munger	Rodriguez, F.	Vellenga
Dempsey	Jennings	Nelsen, B.	Rose	Voss
Den Ouden	Johnson, C.	Nelson, K.	Rothenberg	Weaver
Eken	Jude	Niehaus	Samuelson	Wenzel
Elioff	Kaley	Norton	Sarna	Wieser
Esau	Knickerbocker	Nysether	Schreiber	Wigley
Evans	Kostohryz	O'Connor	Shea	Wynia
Ewald	Kvam	Olsen	Sherman	Zubay
Fjoslien	Laidig	Onnen	Sherwood	Spkr. Sieben, H.

Those who voted in the negative were:

Anderson, I.	Clawson	Hoberg	Ogren	Skoglund
Battaglia	Drew	Kahn	Pogemiller	
Berkelman	Ellingson	McCarron	Schafer	
Byrne	Hauge	Murphy	Simoneau	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1803, A bill for an act relating to juveniles; providing for termination of jurisdiction over juveniles; providing for the apprehension of juvenile absconders and escapees;

amending Minnesota Statutes 1980, Sections 242.19; 260.181, Subdivision 4; and Minnesota Statutes 1981 Supplement, Sections 4.12, by adding subdivisions; and 242.44.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Levi moved that the House concur in the Senate amendments to H. F. No. 1803 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1803, A bill for an act relating to juveniles; designating a juvenile justice agency; providing for termination of jurisdiction over juveniles; providing for the apprehension of juvenile absconders and escapees; amending Minnesota Statutes 1980, Sections 242.19; 260.181, Subdivision 4; and Minnesota Statutes 1981 Supplement, Sections 4.12, by adding a subdivision; and 242.44.

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

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnson, C.

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1915, A bill for an act relating to local government; establishing a board to implement and administer a plan for a segment of the Minnesota river in Blue Earth, Brown, Le Sueur, Nicollet, Redwood and Renville counties.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 1915 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1915, A bill for an act relating to local government; establishing a board to implement and administer a plan for a segment of the Minnesota river in Blue Earth, Brown, Le Sueur, Nicollet, Redwood and Renville counties.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ludeman      Welker

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1176, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; authorizing rewards for information on violations; providing for pipeline testing; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B; proposing new law coded in Minnesota Statutes, Chapter 116.

PATRICK E. FLAHAVEN, Secretary of the Senate

Long moved that the House refuse to concur in the Senate amendments to H. F. No. 1176, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1176:

Long; Rothenberg; Harens; Anderson, I., and Johnson, D.

#### SPECIAL ORDERS

H. F. No. 1878, A bill for an act relating to the legislature; creating a legislative commission on science and technology; proposing new law coded in Minnesota Statutes, Chapter 3; and repealing Minnesota Statutes 1980, Section 3.351.



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 102 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kelly	Olsen	Stadum
Anderson, I.	Fjoslien	Knickerbocker	Onnen	Staten
Battaglia	Forsythe	Kostohryz	Osthoff	Stowell
Begich	Greenfield	Laidig	Otis	Stumpf
Berkelman	Gruenes	Lehto	Peterson, B.	Swanson
Blatz	Gustafson	Lemen	Peterson, D.	Tomlinson
Brandl	Hanson	Long	Piepho	Valan
Brinkman	Harens	Luknic	Pogemiller	Valento
Byrne	Hauge	Mann	Redalen	Vanasek
Carlson, D.	Haukoos	Marsh	Reding	Vellenga
Carlson, L.	Heap	McCarron	Rees	Voss
Clark, J.	Himle	McEachern	Rice	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Wenzel
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Wieser
Dean	Hokr	Minne	Rothenberg	Wigley
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Johnson, C.	Murphy	Sarna	Zubay
Eken	Johnson, D.	Nelson, K.	Shea	Spkr. Sieben, H.
Elioff	Jude	Novak	Sherman	
Ellingson	Kahn	O'Connor	Sieben, M.	
Evans	Kaley	Ogren	Skoglund	

Those who voted in the negative were:

Ainley	Kalis	McDonald	Schafer	Sviggum
Erickson	Kvam	Nelsen, B.	Schoenfeld	Welker
Esau	Levi	Niehaus	Schreiber	
Jennings	Ludeman	Nysether	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2290, A bill for an act relating to the organization and operation of state government; supplementing appropriations for the expenses of the department of revenue; appropriating money.

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 79 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Clawson	Evans	Hauge
Anderson, I.	Byrne	Dahlvang	Ewald	Heap
Battaglia	Carlson, D.	Dean	Greenfield	Hokanson
Begich	Carlson, L.	Eken	Gruenes	Jacobs
Berkelman	Clark, J.	Elioff	Gustafson	Johnson, C.
Brandl	Clark, K.	Ellingson	Hanson	Johnson, D.

Kahn	Metzen	Otis	Schoenfeld	Tomlinson
Kalis	Minne	Peterson, D.	Shea	Vanasek
Kelly	Murphy	Pogemiller	Sieben, M.	Vellenga
Kostohryz	Nelson, K.	Reding	Simoneau	Voss
Laidig	Norton	Reif	Skoglund	Weaver
Lehto	Novak	Rice	Stadum	Welch
Lemen	Ogren	Rodriguez, C.	Staten	Wenzel
Long	Olsen	Rodriguez, F.	Stumpf	Wynia
Mann	Onnen	Samuelson	Sviggun	Spkr. Sieben, H.
McEachern	Osthoff	Sarna	Swanson	

Those who voted in the negative were:

Ainley	Haukoos	Ludeman	Peterson, B.	Sherwood
Blatz	Heinitz	Luknic	Piepho	Stowell
Dempsey	Himle	Marsh	Redalen	Valan
Den Ouden	Hoberg	McCarron	Rees	Valento
Drew	Hokr	McDonald	Rothenberg	Welker
Esau	Jennings	Mehrkens	Schafer	Wieser
Fjoslien	Knickerbocker	Niehaus	Schreiber	Wigley
Halberg	Kvam	Nysether	Sherman	Zubay

The bill was passed and its title agreed to.

S. F. No. 1780 was reported to the House.

Anderson, G., moved to amend S. F. No. 1780, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 169.80, Subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] It is a misdemeanor for a person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in the group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as provided by law. For purposes of sections 169.80 to 169.88, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when the vehicle is used exclusively to transport implements of husbandry; and the term "temporarily moved upon a highway" shall mean a movement not to exceed 50 miles.

In addition to any other special permits authorized, an annual permit may be issued authorizing movements *on interstate highway and movements exceeding 50 miles on non-interstate highways of oversize vehicles and loads* when the vehicles or combination of vehicles are used exclusively to transport implements of husbandry. Annual permits are issued in accordance with the applicable provisions of section 169.86, except that the transporting vehicle or combination of vehicles may be moved at the discretion of the permittee without prior route approval from the permit issuing office of the department of transportation if:

(a) The overall width of the transporting vehicle, including load, does not exceed 12 feet;

(b) The transporting vehicle otherwise complies with equipment requirements and length, height and weight limitations prescribed by this chapter;

(c) The movement is made after the hour of sunrise and not later than 30 minutes after sunset;

(d) The movement is not made when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sundays *after twelve o'clock noon*, and holidays;

(e) The transporting vehicle shall display at the front and rear end of the load or vehicle a pair of flashing amber lights *whenever the overall width of the vehicle exceeds ten feet, six inches*, as provided in section 169.59, subdivision 4; and

(f) The movement, if made on a trunk highway, is made on a trunk highway with a surfaced roadway width of not less than 24 feet.

The fee for an annual permit is \$24.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 169.81, Subdivision 3, is amended to read:

Subd. 3. [LENGTH OF COMBINATIONS AND SEMI-TRAILERS AND TRUCK-TRACTORS.] (a) *Except as provided in clause (c)*, no combination of vehicles coupled together (UNLADEN OR WITH LOAD), including truck-tractor and (SEMI-TRAILERS) *semitrailer*, shall consist of more than two units (UNLESS THE COMBINATION CONSISTS OF A TRUCK-TRACTOR AND SEMITRAILER DRAWING ONE ADDITIONAL SEMITRAILER EQUIPPED WITH AN AUXILIARY DOLLY,) and no combination of vehicles, *unladen or with load*, shall exceed a total length of 60 feet. The *length* limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles, piling, or pole length pulpwood, and is subject to the following further exceptions: The length limitations shall not apply to vehicles when transporting pipe, or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in this subdivision, but with respect to night transportation a vehicle and the load shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load. Mount combinations may be drawn but the combinations may not exceed 65 feet in length. The limitation on the number of units shall not apply to vehicles used for transporting milk from point of production to point of first processing, in which case no combination of vehicles coupled together unladen or with load, including truck-tractor and semitrailers, shall consist of more than three units and no combination of those vehicles shall exceed a total length of 60 feet. For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination shall be (CONSIDERED THE SAME AS) *deemed* semitrailers. The state, as to state trunk highways, and a city or town, as to roads or streets located within the city or town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in this subdivision over highways, roads or streets within their boundaries. Combinations of vehicles authorized by this subdivision may be restricted as to the use of highways by the commissioner, as to state trunk highways, and a road authority, as to highways or streets subject to its jurisdiction. Nothing in this subdivision shall be deemed to alter or change the authority vested in local authorities under the provisions of section 169.04. This subdivision shall not apply to the operation of combinations of vehicles subject to the provisions of section 169.861.

(b) No single semitrailer or trailer shall have an overall length, exclusive of rear protective bumpers which do not increase the overall length by more than six inches and further exclusive of accessory equipment mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, in excess of 45 feet, except for those semitrailers governed by subdivisions 3a, 3b and 7. For purposes of determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer shall be determined separate from the overall length of the combination of vehicles.

(c) *A combination of vehicles between 55 and 65 feet in length regularly engaged in the transportation of commodities and consisting of a truck and semitrailer or a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly or a truck-tractor and semitrailer drawing one full trailer may operate only on divided highways having four or more lanes of travel, and on other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over the highway, for the purpose of providing access between the divided highways of four or more lanes of travel and truck terminals and marshalling yards or for the purpose of providing continuity of route. All vehicles operated under the provisions of this section shall conform to the standards for those vehicles as prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, and as may be amended. The total length of the combination, unladen or with load, shall not exceed 65 feet. For the purpose of registration, trailers coupled with a truck-tractor semitrailer combination shall be deemed semitrailers.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 8, is amended to read:

Subd. 8. [PNEUMATIC-TIRED VEHICLES.] No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated routes the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated routes the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem (SHALL NOT EXCEED) *may be up to* 16,000 pounds (AND) *provided* the gross weight of the tridem combination (SHALL) *does not* exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart.

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the (VEHICLE) *group under consideration*.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 10, is amended to read:

Subd. 10. [GROSS WEIGHT SCHEDULE.] (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Maximum gross weight in pounds on a group of			
	2	3	4
Distances in feet between centers of fore- most and rearmost axles of a group	consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000 (35,000)		

6	34,000 (36,000)		
7	34,000 (37,000)	41,500	
8	34,000 (38,000)	42,000	
9	35,000 (39,000)	43,000	
10	36,000 (40,000)	43,500	49,000
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500

27	(56,500)	60,000
28	(57,000)	61,000
29	(58,000)	61,500
30	(58,500)	62,000
31	(59,500)	63,000
32	(60,000)	63,500
33		64,000
34		65,000
35		65,500
36		66,000
37		67,000
38		67,500
39		68,000
40		69,000
41		69,500
42		70,000
43		71,000
44		71,500
45		72,000
46		(72,500)
47		(73,500)
48		(74,000)
49		(74,500)
50		(75,500)
51		(76,000)



**Maximum gross weight in pounds on a group of**

	<b>5</b>	<b>6</b>	<b>7</b>
<b>Distances in feet between centers of fore- most and rearmost axles of a group</b>	<b>consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles</b>	<b>consecutive axles of a combination of vehicles having a total of 6 or more axles</b>	<b>consecutive axles of a combination of vehicles having a total of 7 or more axles</b>
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500

7274	JOURNAL OF THE HOUSE		[88th Day
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	74,000	79,000	
42	74,500	79,500	
43	75,000	80,000	
44	75,500		
45	76,500		
46	77,000		
47	77,500		
48	78,000		
49	79,000		
50	79,500		
51	80,000		

The gross weights shown in parentheses in this clause are permitted only on routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load

of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed the following:

(1) 80,000 pounds for routes designated under section 169.852, subdivision 11; and

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes not designated under section 169.832, subdivision 11; and

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes not designated under Section 169.832, subdivision 11;

(d) The maximum weights specified in this subdivision for five (AND SIX) consecutive axles shall not apply to a combination of vehicles that includes a three axle semi-trailer first registered before (THE EFFECTIVE DATE OF LAWS 1981, CHAPTER 321, SECTIONS 1 TO 12. THE GROSS WEIGHT FOR FOUR OR FEWER CONSECUTIVE AXLES ON A COMBINATION OF VEHICLES EXCEPTED UNDER THIS CLAUSE SHALL NOT EXCEED ANY MAXIMUM WEIGHT SPECIFIED FOR FOUR OR FEWER CONSECUTIVE AXLES) *August 1, 1981. All other weight limitations in this section are applicable;*

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 12, is amended to read:

Subd. 12. [GROSS WEIGHT REDUCTION ON RESTRICTED ROUTES.] The gross weight of any axle or group of consecutive axles of any vehicle or combination of vehicles operated on (A) *any* route on which a load restriction is imposed in accordance with section 169.87 shall not exceed the gross weights allowed *for routes not designated* under (THIS) section 169.832 multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine (, EXCEPT THAT FOR ROUTES DESIGNATED UNDER 169.832, SUBDIVISION 11, ON WHICH A LOAD RESTRICTION

HAS BEEN IMPOSED, THE ALLOWABLE LOAD SHALL NOT EXCEED THE WEIGHTS LISTED FOR ROUTES NOT DESIGNATED UNDER SECTION 169.832 IN THE GROSS WEIGHT SCHEDULE IN THIS SECTION). The weight reductions imposed in this subdivision shall not apply to *the maximum total gross vehicle weight as limited in section 169.825, subdivision 10, clause (c).*

Sec. 6. Minnesota Statutes 1981 Supplement, Section 299D.03, Subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by (THE JUSTICE OF THE PEACE, OR) such (OTHER) person or officer collecting such fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by such employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. (ALL) *Five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to the (TRUNK HIGHWAY) highway user tax distribution fund. Three-eighths of such receipts shall be credited to the general revenue fund of the county.*

Section 7. [169.762] [PRESSURIZED FLAMMABLE GAS.]

*Subdivision 1. [MARKING REQUIRED.] Any vehicle within this state which carries liquefied petroleum gas fuel*

*or natural gas in a tank attached to the vehicle in any concealed area, including but not limited to trunks, compartments, or under the vehicle, shall display on the exterior of the vehicle the words "Pressurized Flammable Gas", or a standard abbreviation or symbol as determined by the department of public safety, in block letters at least two inches high. The letters shall be of contrasting colors and shall be placed as near as possible to the area where the tank is located.*

*Subd. 2. [DISPENSING PROHIBITION.] No person shall dispense liquefied petroleum gas fuel or natural gas into any tank in a concealed area of a vehicle unless the vehicle is in compliance with the requirements of subdivision 1.*

*Subd. 3. [PENALTY.] Any owner convicted of violating the provisions of subdivisions 1 or 2 is guilty of a misdemeanor.*

**Sec. 8. [REPEALER.]**

*Minnesota Statutes 1981 Supplement, Section 169.861, is repealed.*

**Sec. 9. [EFFECTIVE DATE.]**

*Sections 1 to 6 are effective the day following their final enactment. Section 7 is effective January 1, 1983."*

Delete the title and insert:

*"A bill for an act relating to highway traffic regulations; allowing the use of certain combinations of vehicles; allowing certain axle weight combinations; establishing allowable axle weight combinations; establishing allowable axle weights on restricted routes; modifying the distribution of receipts collected as fines; requiring certain exterior markings on vehicles carrying liquefied petroleum gas fuel in concealed tanks and prohibiting the dispensing of those fuels in unmarked vehicles; prescribing penalties; amending Minnesota Statutes 1980, Section 169.80, Subdivision 1; and Minnesota Statutes 1981 Supplement, Sections 169.81, Subdivision 3; 169.825, Subdivisions 8, 10, and 12; 299D.03, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1981 Supplement, Section 169.861."*

The motion prevailed and the amendment was adopted.

Anderson, G., and Mehrkens moved to amend S. F. No. 1780, the second engrossment, as amended, as follows:

Page 8, line 29 strike the parentheses before and after "72,500"

Page 11, lines 14 to 30, delete Section 5 and insert:

"Sec. 5. Minnesota Statutes 1981 Supplement, Section 169.825, is amended by adding a subdivision to read:

Subd. 12a. [GROSS WEIGHT REDUCTION ON RESTRICTED ROUTES.]

*The maximum weight on any single axle, two consecutive axles spaced within eight feet or less, three consecutive axles spaced within nine feet or less, or four consecutive axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine. No combination of axle weights shall exceed those weights specified in Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 10 for non-designated routes.*

Sec. 6. Minnesota Statutes 1981 Supplement, Section 169.87, Subdivision 2, is amended to read:

Subd. 2. [SEASONAL LOAD RESTRICTIONS.] *Except for portland cement concrete roads, (F) from March 20 to May 15 of each year, the weight on any single axle shall not exceed five tons on a county or town road that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 169.825 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight."*

Page 13, line 15 delete "Section 169.861, is" and insert "Sections 169.861 and 169.825, subdivision 12 are repealed."

Page 13, line 16 delete "repealed."

Page 13, line 18 delete "to 6" and insert "2, 3, 4, 5, 6, 7 and 9"

Page 13, line 19 delete "7" and insert "8"

Amend the title as follows:

Page 13, line 6 after the semicolon insert "providing for seasonal load restrictions"

Page 13, line 14, delete ", 10," and insert "and 10,"

Page 13, line 15 delete "and 12;"

Page 13, line 17 delete "Section 169.861." and insert "Sections 169.861, and 169.825, subdivision 12."

Renumber the sections, subdivisions, or clauses and correct all internal cross references as may be required by this amendment.

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 1780, the second engrossment, as amended, as follows:

Page 1, line 20 to Page 3, line 23, strike Section 1 from the first Anderson, G., amendment

The motion prevailed and the amendment was adopted.

Osthoff offered an amendment to S. F. No. 1780, the second engrossment, as amended.

#### POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the amendment was out of order. The Speaker ruled the point of order not well taken and the amendment in order.

Hanson moved to lay the Osthoff amendment on the table.

A roll call was requested and properly seconded.

The question was taken on the Hanson motion and the roll was called. There were 22 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Ainley	Clawson	Ludeman	Otis	Vellenga
Anderson, G.	Ellingson	Mann	Rothenberg	Wynia
Brandl	Greenfield	Munger	Skoglund	
Brinkman	Kahn	Norton	Staten	
Clark, K.	Laidig	Ogren	Vanasek	

Those who voted in the negative were:

Aasness	Ewald	Kostohryz	O'Connor	Simoneau
Anderson, I.	Fjoslien	Kvam	Olsen	Stadum
Battaglia	Gruenes	Lehto	Onnen	Stowell
Begich	Halberg	Lemen	Osthoff	Stumpf
Berkelman	Haukoos	Levi	Peterson, B.	Svigum
Blatz	Heap	Long	Piepho	Swanson
Byrne	Heinitz	Luknic	Redalen	Tomlinson
Carlson, D.	Himle	Marsh	Rees	Valan
Carlson, L.	Hoberg	McCarron	Reif	Valento
Dahlvang	Hokanson	McDonald	Rodriguez, C.	Weaver
Dean	Hokr	McEachern	Rose	Wenzel
Dempsey	Jacobs	Mehrkens	Samuelson	Wieser
Drew	Johnson, C.	Metzen	Sarna	Wigley
Eken	Johnson, D.	Minne	Schafer	Zubay
Elioff	Jude	Murphy	Schreiber	Spkr. Sieben, H.
Erickson	Kalis	Nelsen, B.	Shea	
Esau	Kelly	Niehaus	Sherman	
Evans	Knickerbocker	Novak	Sieben, M.	

The motion did not prevail.

POINT OF ORDER

Skoglund raised a point of order pursuant to section 401 of "Mason's Manual of Legislative Procedure" that the Osthoff amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Osthoff moved to amend S. F. No. 1780, the second engrossment, as amended, as follows:

Page 13, after line 13, insert:

"Section 9. Minnesota Statutes 1980, Section 161.12, is amended to read:

161.12 [ADDITIONAL ROUTES ADDED TO TRUNK HIGHWAY SYSTEM.]

To take advantage of federal aid made available by the United States to the state of Minnesota for highway purposes, the following trunk highway routes are added to the trunk highway system which routes form a part of the national system of interstate and defense highways and may be referred to as the interstate system:

Route No. 390. Beginning at a point on the boundary between the states of Minnesota and Iowa, southerly of Albert Lea; thence extending in a general northeasterly direction to a point in Duluth on the boundary between the states of Minnesota and Wisconsin. Route No. 390 shall not include any portion of (ROUTE NO. 382 AS DESIGNATED BY SECTION 161.117 OR ANY PORTION OF ANY ROUTE CONNECTING ROUTE NO. 382 TO ROUTE NO. 392, NOR SHALL IT INCLUDE ANY PORTION OF) trunk highway marked No. 3 from trunk highway marked No. 110 in Dakota county to East Seventh Street in the city of St. Paul.

Route No. 391. Beginning at a point on the boundary between the states of Minnesota and South Dakota, westerly of Luverne; thence extending in a general easterly direction to a point on the boundary between the states of Minnesota and Wisconsin, near La Crescent.

Route No. 392. Beginning at a point on the boundary between the states of Minnesota and North Dakota in or near Moorhead; thence extending in a general southeasterly direction through the city of Minneapolis; thence in a general easterly direction through the city of St. Paul to a point on the boundary between the states of Minnesota and Wisconsin in or near Lakeland.



Route No. 393. Beginning at a point on Route No. 392, easterly of the city of St. Paul; thence in a general southerly and westerly direction through the city of South St. Paul; thence in a general westerly direction to a point in Eden Prairie Township, Hennepin County; thence in a general northerly direction to a point in the city of Maple Grove, Hennepin County; thence in a general easterly direction to a point on Route 390; thence in a general easterly, southeasterly and southerly direction to the point of beginning on Route No. 392, easterly of St. Paul.

Route No. 394. Beginning at a point on Route No. 390, southerly of the Minnesota River; thence extending in a general northerly and northeasterly direction through the city of Minneapolis; thence continuing in a northeasterly direction to a point on Route No. 390, near Forest Lake and there terminating.

Route No. 395. Beginning at a point on Route No. 390 at or near the intersection of Superior Street and Nineteenth Avenue West in the city of Duluth, thence extending in a northeasterly direction to a point on Route No. 103 at or near the intersection of Superior Street and Tenth Avenue East in the city of Duluth.

Sec. 10. Minnesota Statutes 1980, Section 161.1245, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of transportation is authorized to construct a four-lane parkway with limited access along the right of way of Route No. 382 in the city of St. Paul, which parkway (MAY) *shall* be connected with Route No. 392 by a roadway that is (NOT) a controlled access highway as defined in section 160.02. The commissioner shall not construct any highway on Route No. 382 or connection to Route No. 392 other than that described in this subdivision.

Sec. 12. [BOND REQUIRED.]

*Any person initiating any administrative, judicial or quasi-judicial proceeding contesting the provisions of section 1 shall post bond for the benefit of the state conditioned upon the payment of all costs and damages caused by the proceeding that may result to the state from the possibility of exceeding the federal deadlines.*

Sec. 13. [REPEALER.]

*Minnesota Statutes 1980, Section 161.1245, Subdivision 2, is repealed."*

Renumber the remaining sections.

Kahn requested a division of the amendment.

## POINT OF ORDER

Halberg raised a point of order pursuant to section 315 of "Mason's Manual of Legislative Procedure" that the request for division was not in order. The Speaker ruled the point of order well taken.

Anderson, G., moved that S. F. No. 1780, as amended, be continued on Special Orders. The motion prevailed.

S. F. No. 1838 was reported to the House.

Rees moved to amend S. F. No. 1838, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 5, is amended to read:

Subd. 5. [TEMPORARY RULES; ADOPTION PROCEDURE.] When an agency is directed by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivisions 4 to 4h, or if an agency is expressly required or authorized by statute to adopt temporary rules, the agency shall adopt temporary rules in accordance with this subdivision. The proposed temporary rule shall be published with a notice of intent to adopt temporary rules in the state register, *and the same notice shall be mailed to all persons registered with the agency to receive notice of any rulemaking proceedings.* For at least 20 days after publication the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any modifications. The attorney general shall review the proposed temporary rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed temporary rule and any modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. The attorney general shall file two copies of the approved rule with the secretary of state. Failure of the attorney general to approve or disapprove a rule within five working days is approval. As soon as practicable, notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the manner as provided for adopted rules in subdivision 4f. Temporary rules adopted under this subdivision shall be effective for the period stated in the notice of intent to adopt temporary rules which may not be longer than 180 days. *The temporary rules may be continued in effect for an additional*

*period of up to 180 days if the agency gives notice of continuation by publishing notice in the state register and mailing the same notice to all persons registered with the agency to receive notice of any rulemaking proceedings. The continuation shall not be effective until these notices have been mailed. No temporary rule shall remain in effect on a date 361 days after its original effective date. The temporary rules may not be (ADOPTED AGAIN) continued in effect after 360 days without following the procedure of either subdivisions 4 to 4g or 4h. The secretary of state shall forward one copy of each approved and filed temporary rule to the revisor of statutes.*

No approved temporary rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has certified that the rule's form is approved.

Sec. 2. 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) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services, excluding cast metal restorations.
- (9) Laboratory and x-ray services.
- (10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall 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, *but the formulary committee shall review and comment on the formulary contents.* 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 costs of the drugs 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.

*Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.*

(11) Diagnostic, screening, and preventive services.

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

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

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

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

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

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

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

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

### Sec. 3. [MAILING LISTS.]

*A department, agency, or official of the state issuing for public distribution any book, document, journal, map, pamphlet, or report on a regular basis to a list of persons who have asked to receive regular publications shall insert into at least one publication per person per year a returnable card which must be returned by that person in order to receive future similar publications from that department, agency, or official.*

### Sec. 4. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to administrative procedures; providing for notice of temporary rulemaking; amending Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 5; and 256B.02, Subdivision 8, as amended."

The motion prevailed and the amendment was adopted.

S. F. No. 1838, A bill for an act relating to administrative procedures; providing for notice of temporary rulemaking; amending Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 5.

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

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

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

S. F. No. 2054, 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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker called Wynia to the Chair.

S. F. No. 1207 was reported to the House and given its third reading.

#### MOTION FOR RECONSIDERATION

O'Connor moved that the action whereby S. F. No. 1207 was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the O'Connor motion and the roll was called. There were 47 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Blatz	Gustafson	Kelly	O'Connor	Sherwood
Brinkman	Halberg	Kostohryz	Olsen	Stadum
Byrne	Harens	Laidig	Osthoff	Stowell
Clark, K.	Hauge	Lemen	Peterson, B.	Stumpf
Dempsey	Heap	Levi	Piepho	Tomlinson
Drew	Heinitz	Long	Reding	Valan
Ellingson	Hoberg	Mann	Reif	Welch
Erickson	Hokr	Marsh	Rodriguez, F.	
Esau	Jennings	Murphy	Schoenfeld	
Greenfield	Kalis	Norton	Sherman	

Those who voted in the negative were:

Aasness	Fjoslien	Luknic	Otis	Vanasek
Ainley	Forsythe	McCarron	Peterson, D.	Vellenga
Anderson, B.	Gruenes	McDonald	Pogemiller	Voss
Anderson, I.	Hanson	McEachern	Redalen	Weaver
Battaglia	Himle	Mehrkens	Rees	Wenzel
Begich	Hokanson	Metzen	Rodriguez, C.	Wieser
Berkelman	Jacobs	Minne	Rose	Wigley
Carlson, D.	Johnson, C.	Munger	Samuelson	Wynia
Carlson, L.	Johnson, D.	Nelsen, B.	Sarna	Zubay
Clark, J.	Jude	Nelson, K.	Schafer	Spkr. Sieben, H.
Dean	Kahn	Niehaus	Schreiber	
Den Ouden	Kvam	Nysether	Skoglund	
Elioff	Lehto	Ogren	Swanson	
Evans	Ludeman	Onnen	Valento	

The motion did not prevail.

S. F. No. 1207, A bill for an act relating to intoxicating liquor; providing an exemption from the multiple interest limitation on off-sale licenses for pre-existing franchise agreements; authorizing the issuance of two additional wine licenses outside the liquor patrol limit of the city of St. Paul; amending Minnesota Statutes 1980, Section 340.13, Subdivision 3.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 37 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Luknic	Ogren	Vellenga
Berkelman	Greenfield	McCarron	Osthoff	Voss
Byrne	Hanson	McEachern	Otis	Wenzel
Clark, J.	Jacobs	Minne	Peterson, D.	Wynia
Clark, K.	Jennings	Murphy	Pogemiller	Spkr. Sieben, H.
Dahlvang	Jude	Nelson, K.	Samuelson	
Elioff	Kahn	Norton	Sarna	
Ellingson	Long	Novak	Staten	

Those who voted in the negative were:

Aasness	Erickson	Hokanson	Mann	Rees
Ainley	Esau	Hokr	Marsh	Reif
Anderson, B.	Fjoslien	Johnson, C.	McDonald	Rodriguez, C.
Battaglia	Forsythe	Johnson, D.	Mehrkens	Rodriguez, F.
Begich	Gruenes	Kalis	Nelsen, B.	Schafer
Blatz	Gustafson	Kelly	Niehaus	Schoenfeld
Brinkman	Halberg	Knickerbocker	Nysether	Schreiber
Carlson, D.	Harens	Kostohryz	O'Connor	Sherman
Carlson, L.	Hauge	Kvam	Olsen	Sherwood
Clawson	Haukoos	Laidig	Onnen	Skoglund
Dean	Heap	Lehto	Peterson, B.	Stadum
Dempsey	Heinitz	Lemen	Piepho	Stowell
Den Ouden	Himle	Levi	Redalen	Stumpf
Drew	Hoberg	Ludeman	Reding	Swiggum



Swanson  
Tomlinson  
Valan

Valento  
Vanasek  
Weaver

Welch  
Welker  
Wieser

Wigley

Zubay

The bill was not passed.

The Speaker resumed the Chair.

S. F. No. 2006 was reported to the House.

Greenfield moved to amend S. F. No. 2006, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 349.26, Subdivision 9, is amended to read:

Subd. 9. [ISSUANCE OF LICENSE.] Licenses shall be issued only to a fraternal, religious, veterans or other nonprofit organization (COVERED BY SECTION 290.05, SUBDIVISION 1, CLAUSE (I) OR (K)) *which is a corporation, fund, foundation, trust, or association organized for exclusively scientific, literary, religious, charitable, educational, or artistic purposes, or for the purpose of making contributions to or for the use of the United States, the state of Minnesota, or any of its political subdivisions for exclusively public purposes, or for any combination of the above-enumerated purposes, if no part of the net income of any such corporation, fund, foundation, trust, or association inures to the benefit of any private member, stockholder, or individual, or is a club organized and operated exclusively for pleasure, recreation, or other nonprofitable purposes, no part of the net income of which inures to the benefit of any private member, stockholder, or individual, which organization has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.*

Sec. 2. Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15, is amended to read:

Subd. 15. [TOTAL PRIZE AWARD LIMITS.] Total prizes from the operation of paddlewheels, tipboards and pull-tabs (or ticket jars) awarded in any single day in which they are operated shall not exceed \$1,000. Total prizes resulting from any single spin of a paddlewheel, or from any single seal of a tipboard, each tipboard limited to a single seal, or from a single pull-tab (or ticket jar), shall not exceed \$150. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels, tipboards and pull-tabs (or ticket jars) and the conduct of raffles, *except as provided in subdivision 15a*, shall not exceed \$35,000. Merchandise prizes shall be valued at fair market retail value.

*The county attorney of each county shall be responsible for investigating and, if appropriate, prosecuting organizations for violations of this section.*

Sec. 3. Minnesota Statutes 1980, Section 349.26, is amended by adding a subdivision to read:

*Subd. 15a. [EXCEPTION; TOTAL PRIZE AWARDS LIMITATIONS.] (a) An organization which directly or under contract to the state or a political subdivision delivers health or social services and which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 30, 1981, may award total prizes in a calendar year from the conduct of raffles, in excess of the limitation provided in subdivision 15, provided the prizes consist of real or personal property donated to the organization by an individual, corporation, or other organization and, except as provided in clause (b), provided the organization complies with the other requirements and restrictions of section 349.26.*

*(b) For the purposes of this subdivision, an organization covered by clause (a) is not subject to the membership limitations of subdivisions 9, 11, and 12, nor to the compensation limitations of subdivision 12. Subject to the other requirements of subdivision 13, the person who accounts for gross receipts, expenses, and profits from the conduct of raffles may be the same person who accounts for other revenues of the organization."*

Delete the title and insert:

*"A bill for an act relating to gambling; providing an exception for certain nonprofit organizations to the annual limitation on prizes awarded from the conduct of raffles; amending Minnesota Statutes 1980, Section 349.26, Subdivision 9, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15."*

The motion prevailed and the amendment was adopted.

The Speaker called Mann to the Chair.

S. F. No. 2006, A bill for an act relating to gambling; providing an exception for certain non-profit organizations to the annual limitation on prizes awarded from the conduct of raffles; amending Minnesota Statutes 1980, Sections 349.17, Subdivision 1; and 349.26, Subdivision 9, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15.

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

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dahlvang	Jacobs	Norton	Sarna
Anderson, G.	Dean	Johnson, C.	Novak	Sherman
Anderson, I.	Eken	Jude	O'Connor	Sieben, M.
Anderson, R.	Elioff	Kahn	Ogren	Simoneau
Battaglia	Ellingson	Kelly	Olsen	Stadum
Begich	Evans	Kvam	Osthoff	Staten
Berkelman	Ewald	Levi	Otis	Stumpf
Blatz	Greenfield	Long	Peterson, D.	Swanson
Brandl	Gruenes	Luknic	Piepho	Tomlinson
Byrne	Hanson	McCarron	Pogemiller	Vanasek
Carlson, D.	Harens	McEachern	Redalen	Voss
Carlson, L.	Hauge	Metzen	Reif	Welch
Clark, J.	Heap	Minne	Rodriguez, F.	Wenzel
Clark, K.	Himle	Murphy	Rose	Wynia
Clawson	Hokanson	Nelson, K.	Samuelson	

Those who voted in the negative were:

Aasness	Jennings	Mehrkens	Rodriguez, C.	Welker
Ainley	Kalis	Nelsen, B.	Rothenberg	Wieser
Dempsey	Laidig	Niehaus	Sherwood	Wigley
Den Ouden	Lehto	Nysether	Skoglund	Zubay
Erickson	Lemen	Onnen	Stowell	
Esau	Ludeman	Peterson, B.	Sviggum	
Fjoslien	Marsh	Rees	Valento	
Haukoos	McDonald	Rice	Weaver	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2051, A bill for an act relating to rural development; changing the purposes of rural development financing authorities; providing for small business finance agency loans to a farm business; amending Minnesota Statutes 1980, Sections 362.52, Subdivision 3; 362A.01, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 362.50, Subdivisions 5 and 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Den Ouden	Greenfield	Himle
Ainley	Byrne	Drew	Gruenes	Hoberg
Anderson, B.	Carlson, D.	Eken	Gustafson	Hokanson
Anderson, I.	Carlson, L.	Elioff	Halberg	Hokr
Anderson, R.	Clark, J.	Ellingson	Hanson	Jacobs
Battaglia	Clark, K.	Erickson	Harens	Jennings
Begich	Clawson	Esau	Hauge	Johnson, C.
Berkelman	Dahlvang	Evans	Haukoos	Johnson, D.
Blatz	Dean	Ewald	Heap	Jude
Brandl	Dempsey	Fjoslien	Heinitz	Kahn

Kaley	McCarron	Ogren	Rose	Svigum
Kalis	McDonald	Olsen	Rothenberg	Swanson
Kelly	McEachern	Onnen	Samuelson	Tomlinson
Knickerbocker	Mehrkens	Osthoff	Sarna	Valan
Kostohryz	Metzen	Otis	Schafer	Valento
Kvam	Minne	Peterson, B.	Schoenfeld	Voss
Laidig	Munger	Peterson, D.	Schreiber	Weaver
Lehto	Murphy	Piepho	Sherman	Welch
Lemen	Nelsen, B.	Pogemiller	Sherwood	Wenzel
Levi	Nelson, K.	Redalen	Sieben, M.	Wieser
Long	Niehaus	Reding	Simoneau	Wigley
Ludeman	Norton	Rees	Skoglund	Wynia
Luknic	Novak	Reif	Staten	Zubay
Mann	Nysether	Rodriguez, C.	Stowell	
Marsh	O'Connor	Rodriguez, F.	Stumpf	

The bill was passed and its title agreed to.

S. F. No. 1561, A bill for an act relating to child support and maintenance payments; authorizing release of information for location of certain parents of deserted children; providing for the collection and withholding of payments; amending Minnesota Statutes 1980, Section 256.978; Minnesota Statutes 1981 Supplement, Sections 256.872, Subdivisions 1, as amended, and 2; 518.551, Subdivisions 1 and 2; and 518.611, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 518; repealing Minnesota Statutes 1980, Sections 256.874 and 256.878; and Minnesota Statutes 1981 Supplement, Sections 256.875 and 256.877.

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

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

Those who voted in the affirmative were:

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

Swiggum	Valento	Welch	Wigley	Zubay
Swanson	Vanasek	Welker	Wynia	Spkr. Sieben, H.
Tomlinson	Voss	Wenzel		
Valan	Weaver	Wieser		

The bill was passed and its title agreed to.

S. F. No. 744, A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 3, 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 112.53, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1588 was reported to the House.

Voss moved to amend S. F. No. 1588, as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [15B.01] [PURPOSE.]**

*It is the purpose of sections 1 to 7 to create in the legislative branch a permanent advisory council, composed of persons active and experienced in state and local government interrelationships, to serve as a forum for discussing and an organization for studying, reporting, and making recommendations on local government and intergovernmental relations, including the following subjects:*

*(a) Methods for improving relations among local governments and between local governments and the state government;*

*(b) Assignment of government responsibilities, powers, and functions;*

*(c) State and local government laws, structures, administrative practices, and procedures which govern or affect intergovernmental relations;*

*(d) Intergovernmental fiscal relations, local government finance, local revenue needs and resources, and the allocation of state and local fiscal powers and resources;*

*(e) The state's biennial budgets as they relate to local government finance and intergovernmental fiscal relations;*

*(f) Effects on local governments of federal and state actions, including fiscal and programmatic mandates and limitations;*

*(g) State services to local governments.*

**Sec. 2. [15B.02] [DEFINITIONS.]**

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 7, the terms defined in this section have the meanings ascribed to them.*

*Subd. 2. [COUNCIL.] "Advisory council" or "council" means the advisory council on local government created by section 3.*

*Subd. 3. [LOCAL GOVERNMENT.] "Local government" means statutory and home rule charter cities, counties, towns,*

*local and regional public authorities, corporations, special districts, and other political subdivisions of the state, except school districts.*

Sec. 3. [15B.03] [CREATION OF ADVISORY COUNCIL.]

*The advisory council on local government is created.*

Sec. 4. [15B.04] [MEMBERSHIP.]

*Subdivision 1. [APPOINTMENT.] The council shall be composed of 19 members, as follows:*

*(a) Three representatives and three senators, appointed by the respective appointing authority of each house;*

*(b) Three members appointed by the governor;*

*(c) The state auditor;*

*(d) The commissioner of revenue;*

*(e) Three members appointed by the league of Minnesota cities, at least two of whom shall be officials of cities of less than 2,500 population and at least two of whom shall be officials of cities outside the metropolitan area defined in section 473.121, subdivision 2;*

*(f) Three members appointed by the association of Minnesota counties, at least two of whom shall be officials of counties outside the metropolitan area defined in section 473.121, subdivision 2;*

*(g) Two members appointed by the Minnesota association of townships.*

*The appointing authorities shall select members to ensure broad and equitable representation of various geographic areas, interests, and local governments in the state. Two representatives and two senators shall be appointed from the majority caucus in each house and one representative and one senator from the minority caucus in each house. At least two of the appointees of the governor shall be appointed officers or employees of the executive branch of state government, and one shall be the chairman of the metropolitan council, established by section 473.123, or the chairman's designee. All members appointed pursuant to clauses (e), (f), and (g) shall be elected local government officials.*

*Subd. 2. [TERMS; COMPENSATION; REMOVAL.] Section 15.059, subdivisions 2 to 4, shall govern the term of office, compensation, and removal of members and the filling of vacan-*

*cies, provided that members of the legislature shall serve on the commission without compensation but shall receive per diems and expenses in the same manner as for legislative service, and executive branch officers or employees shall be reimbursed for expenses by the office or agency in which they serve or are employed. The terms of members appointed to the council by virtue of service in another office or employment shall expire upon termination of the other office or employment.*

**Sec. 5. [15B.05] [ADMINISTRATION.]**

*Subdivision 1. [MEETINGS.] The governor shall convene the first meeting of the council within 30 days following the effective date of sections 1 to 7. Thereafter the council shall meet at the call of the chair or a majority of the council, which shall be at least once quarterly.*

*Subd. 2. [OFFICERS; ELECTION; TERMS.] The council shall elect from among its membership a chair, vice-chair, and other officers it deems appropriate. The officers shall serve for one year terms.*

*Subd. 3. [CHAIR; POWERS AND DUTIES.] The chair or the chair's designee shall preside at meetings. The chair shall appoint council committees, execute contracts and agreements, hire and supervise the executive director of the council as provided in section 6, subdivision 4, and perform all other executive duties and functions assigned to the chair by the council or by law. The council shall approve contracts and agreements and the hiring of employees.*

*Subd. 4. [ADMINISTRATIVE AND STAFF SERVICES.] The legislative coordinating commission shall ensure the provision of office space, meeting rooms, and administrative and office services and equipment for the council for fiscal years 1982 and 1983. The legislative coordinating commission may assist in the provision of an executive director for employment by the council pursuant to section 6, subdivision 4. The council shall make recommendations about permanent office and administrative arrangements. Officers, departments, agencies, and staff in the executive and legislative branches of state government that have responsibilities in local government matters and state-local relations shall cooperate with the council and provide information and technical advice and assistance and may provide staff support as requested by the council. Until an executive director is employed by the council pursuant to section 6, subdivision 4, the commissioner of the department of energy, planning, and development shall coordinate requests from the council for assistance from other state departments and agencies.*

**Sec. 6. [15B.06] [POWERS.]**



**Subdivision 1. [RESEARCH AND INVESTIGATION.]** *The council may undertake research studies and programs, collect and analyze data, prepare reports and other materials, and conduct hearings and investigations for the accomplishment of its purposes. The council may encourage, monitor, and, where appropriate, coordinate studies of intergovernmental relations conducted by other entities.*

**Subd. 2. [ASSISTANCE TO STATE.]** *The council may advise and assist the governor, executive branch agencies, and the legislature on matters within its scope of responsibility.*

**Subd. 3. [GIFTS AND GRANTS.]** *The council may apply and contract for, accept and receive, and use or expend any appropriations, gifts, or grants of money or property in accordance with the purposes of the council and the terms of the appropriation, gift, or grant.*

**Subd. 4. [EMPLOYEES; CONTRACTS.]** *The council may enter into contracts and agreements necessary and proper for the accomplishment of its purposes. It may act under the provisions of section 471.59 or any other law providing for joint or cooperative governmental action. It may employ an executive director and other persons in the unclassified service. It may contract for the performance of professional and other services for the accomplishment of its purposes.*

## **Sec. 7. [15B.07] [DUTIES.]**

**Subdivision 1. [RECOMMENDATIONS TO LEGISLATURE AND GOVERNOR.]** *The council shall provide advice and recommendations to the governor, legislature, and executive agencies from time to time as it deems necessary and as directed by law. The council shall make biennial recommendations to the legislature and the governor by November 15 of each even-numbered year commencing in 1984. The council shall provide the advice and recommendations required in subdivision 3 by January 1, 1983.*

**Subd. 2. [FISCAL AFFAIRS.]** *The council shall give special attention to advising the governor, executive branch agencies, and the legislature about decisions on local government finance and intergovernmental fiscal relations, including: local government revenue needs, resources, and limits; local debt and debt limits; state and federal fiscal and programmatic mandates and limits; and state and federal financial assistance to local governments.*

**Subd. 3. [PRIORITY.]** *In particular, during fiscal years 1982 and 1983, the council shall study and provide advice and recommendations on:*

(a) *Changes in the state's budgets for fiscal years 1982 and 1983, as they relate to local government finance and intergovernmental fiscal relations;*

(b) *Development and modification of the state's budget for the 1984-1985 biennium, as it relates to local government finance and intergovernmental fiscal relations;*

(c) *Long-range state policy and state laws governing local government finance and intergovernmental fiscal relations;*

(d) *Systematic methods for bringing knowledge and information about local government finance and intergovernmental fiscal relations into the state's biennial budget-making process, including systems and procedures for collecting, maintaining, monitoring, and reporting on the requisite quantitative data.*

#### Sec. 8. [APPROPRIATIONS.]

*The sum of \$50,000 is appropriated from the general fund to the advisory council on local government for the purposes of sections 1 to 7. The sum is available until June 30, 1983. The limitation upon the appropriation for calendar year 1982 local government aids, contained in Minnesota Statutes 1981 Supplement, Section 477A.03, Subdivision 2, as amended by Laws 1981, Third Special Session Chapter 2, Article IV, Section 12, is reduced by the sum of \$50,000.*

#### Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 8 are effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to state and local government organization and relations; creating an advisory council on local government; prescribing its duties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 15B."*

The motion prevailed and the amendment was adopted.

Voss moved to amend S. F. No. 1588, as amended, as follows:

Page 6, after line 20, insert

*"Sec. 9. [273.79] [ADDITIONAL EXISTING PROJECTS.] An authority may elect to apply any of the provisions of sections 273.71 to 273.78 amended after January 1, 1982 to*

*any district for which certification was requested prior to June 30, 1982."*

Renumber the remaining section

Page 6, line 22, delete "8" and insert "9"

Amend the title as follows

Page 6, line 26, delete "organization"

Page 6, line 27, delete "and relations"

Page 6, line 28, after the second semicolon insert "applying provisions to certain tax increment districts;"

Page 6, line 30, before the period insert "; proposing new law coded in Minnesota Statutes, Chapter 273"

The motion prevailed and the amendment was adopted.

S. F. No. 1588, A bill for an act relating to state and local government organization and relations; creating an advisory council on local government; prescribing its duties; proposing new law coded as Minnesota Statutes, Chapter 15B.

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

The question was taken on the passage of the bill and the roll was called. There were 99 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ewald	Knickerbocker	O'Connor	Sherman
Anderson, G.	Forsythe	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Greenfield	Laidig	Olsen	Simoneau
Anderson, R.	Gustafson	Lehto	Osthoff	Skoglund
Battaglia	Halberg	Levi	Otis	Stadum
Begich	Hanson	Long	Peterson, D.	Staten
Berkelman	Harens	Luknic	Piepho	Stumpf
Blatz	Hauge	Mann	Pogemiller	Swanson
Brandl	Haukoos	Marsh	Reding	Tomlinson
Brinkman	Heap	McCarron	Reif	Valan
Byrne	Himle	McEachern	Rice	Vanasek
Carlson, L.	Hoberg	Metzen	Rodriguez, C.	Veillenga
Clark, J.	Hokanson	Minne	Rodriguez, F.	Voss
Clark, K.	Jacobs	Munger	Rose	Weaver
Clawson	Johnson, C.	Murphy	Rothenberg	Welch
Drew	Johnson, D.	Nelsen, B.	Samuelson	Wenzel
Eken	Jude	Nelson, K.	Sarna	Wieser
Elioff	Kahn	Niehaus	Schoenfeld	Wynia
Ellingson	Kalis	Norton	Schreiber	Spkr. Sieben, H.
Evans	Kelly	Novak	Shea	

Those who voted in the negative were :

Aasness	Fjoslien	Ludeman	Rees	Wigley
Ainley	Gruenes	McDonald	Schafer	Zubay
Dempsey	Hokr	Mehrkens	Stowell	
Den Ouden	Jennings	Nysether	Svigum	
Erickson	Kvam	Onnen	Valento	
Esau	Lemen	Peterson, B.	Welker	

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

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

H. F. No. 1852, A bill for an act relating to waters; making the water well contractors and exploratory borers advisory council permanent; amending Minnesota Statutes 1980, Section 156A.06, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 612, A bill for an act relating to cable communications; changing the definition of cable communications system; reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; Section 238.12, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lemen            Schafer            Welker

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Osthoff moved that the House concur in the Senate amendments to H. F. No. 1993 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Skoglund	Sviggum	Vanasek	Wenzel	Spkr. Sieben, H.
Stadum	Swanson	Vellenga	Wieser	
Staten	Tomlinson	Voss	Wigley	
Stowell	Valan	Weaver	Wynia	
Stumpf	Valento	Welch	Zubay	

Those who voted in the negative were :

Erickson      Welker

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

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 1894, A bill for an act relating to municipal housing; authorizing the planning, implementation, and financing of rehabilitation and energy improvement loans; providing for the allocation of mortgage bonds; amending Minnesota Statutes 1980, Sections 462C.01; 462C.02, Subdivisions 3, 4 and 5, and by adding subdivisions; 462C.03, as amended; 462C.04, Subdivision 2; 462C.05, Subdivisions 2 and 5; 462C.07, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 462C.05, Subdivisions 1 and 3; and 462C.09; repealing Minnesota Statutes 1981 Supplement, Section 462C.07, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vellenga moved that the House concur in the Senate amendments to H. F. No. 1894 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1894, A bill for an act relating to municipal housing; authorizing the planning, implementation, and financing of rehabilitation and energy improvement loans; providing for the allocation of mortgage bonds; amending Minnesota Statutes 1980, Sections 462C.01; 462C.02, Subdivisions 3, 4 and 5, and by adding subdivisions; 462C.03, as amended; 462C.04, Subdivision 2; 462C.05, Subdivisions 2 and 5; 462C.07, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 462C.05, Subdivisions 1 and 3; and 462C.09; repealing Minnesota Statutes 1981 Supplement, Section 462C.07, Subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Den Ouden	Jennings	Nysether	Schafer	Welker
Esau	Ludeman			

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1278, A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Dahlvang moved that the House concur in the Senate amendments to H. F. No. 1278 and that the bill be repassed as amended by the Senate. The motion prevailed.



H. F. No. 1278; A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 86 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kelly	Otis	Skoglund
Anderson, I.	Ewald	Knickerbocker	Peterson, B.	Staten
Anderson, R.	Fjoslien	Kostohryz	Peterson, D.	Stumpf
Battaglia	Forsythe	Long	Piepho	Swanson
Begich	Greenfield	Luknic	Pogemiller	Tomlinson
Berkelman	Gustafson	Mann	Redalen	Valento
Blatz	Halberg	McCarron	Reif	Vanasek
Brinkman	Hanson	Minne	Rice	Vellenga
Byrne	Harens	Munger	Rodriguez, C.	Voss
Carlson, D.	Hauge	Murphy	Rodriguez, F.	Welch
Carlson, L.	Heap	Nelsen, B.	Rothenberg	Wenzel
Clark, J.	Himle	Nelson, K.	Samuelson	Wieser
Clark, K.	Hoberg	Norton	Sarna	Wigley
Clawson	Hokanson	Novak	Schoenfeld	Spkr. Sieben, H.
Dahlvang	Jacobs	O'Connor	Schreiber	
Dean	Johnson, C.	Ogren	Sherman	
Drew	Johnson, D.	Olsen	Sieben, M.	
Eken	Jude	Osthoff	Simoneau	

Those who voted in the negative were:

Aasness	Gruenes	Kvam	Mehrkens	Sherwood
Ainley	Haukoos	Laidig	Metzen	Stadum
Dempsey	Heinitz	Lemen	Niehaus	Stowell
Den Ouden	Hokr	Levi	Nysether	Sviggum
Erickson	Jennings	Ludeman	Onnen	Welker
Esau	Kaley	McDonald	Rees	Zubay
Evans	Kalis	McEachern	Schafer	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1743, A bill for an act relating to courts; authorizing courts to obtain the presence of persons confined in state institutions for court appearances; proposing new law coded in Minnesota Statutes, Chapter 589.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 1743 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1743, A bill for an act relating to courts; authorizing courts to obtain the presence of persons confined in state institutions for court appearances; proposing new law coded in Minnesota Statutes, Chapter 589.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1698, A bill for an act relating to public welfare: delaying the duty of the commissioner of administration to sell

certain land and buildings; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Kaley moved that the House concur in the Senate amendments to H. F. No. 1698 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1698, A bill for an act relating to public welfare; delaying the duty of the commissioner of administration to sell certain land and buildings; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Shea

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1737, 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Rodriguez, F., moved that the House concur in the Senate amendments to H. F. No. 1737 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1737, A bill for an act relating to employee benefits; permitting political subdivisions to provide additional benefits to those provided under workers' compensation law; local police and salaried firefighters relief associations; 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; amending Minnesota Statutes 1980, Section 176.021, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 423A.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Den Ouden	Erickson	Esau	Kvam	Welker
-----------	----------	------	------	--------

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1547, A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.119, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Niehaus moved that the House concur in the Senate amendments to H. F. No. 1547 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1547, A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.119, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Aasness                      Erickson

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Peterson, B., moved that the House concur in the Senate amendments to H. F. No. 1469 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Skoglund	Swiggum	Vanasek	Welker	Zubay
Stadum	Swanson	Vellenga	Wenzel	Spkr. Sieben, H.
Staten	Tomlinson	Voss	Wieser	
Stowell	Valan	Weaver	Wigley	
Stumpf	Valento	Welch	Wynia	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 685, A bill for an act relating to crimes; providing photographic records of evidence shall be admissible as evidence; providing for the return of stolen property; proposing new law coded in Minnesota Statutes, Chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Lehto moved that the House concur in the Senate amendments to H. F. No. 685 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 685, A bill for an act relating to crimes; providing photographic records of evidence shall be admissible as evidence; providing for the return of stolen property; proposing new law coded in Minnesota Statutes, Chapter 609.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Evans	Himle	Kostohryz
Ainley	Clark, J.	Ewald	Hoberg	Kvam
Anderson, B.	Clark, K.	Fjoslien	Hokanson	Laidig
Anderson, G.	Clawson	Forsythe	Hokr	Lehto
Anderson, I.	Dahlvang	Greenfield	Jacobs	Lemen
Anderson, R.	Dean	Gruenes	Jennings	Levi
Battaglia	Dempsey	Gustafson	Johnson, C.	Long
Begich	Den Ouden	Halberg	Johnson, D.	Ludeman
Berkelman	Drew	Hanson	Jude	Luknic
Blatz	Eken	Harens	Kahn	Mann
Brandl	Elioff	Hauge	Kaley	Marsh
Brinkman	Ellingson	Haukoos	Kalis	McCarron
Byrne	Erickson	Heap	Kelly	McDonald
Carlson, D.	Esau	Heinitz	Knickerbocker	McEachern



Mehrkens	Olsen	Rodriguez, C.	Skoglund	Weaver
Metzen	Onnen	Rodriguez, F.	Stadum	Welch
Minne	Osthoff	Rose	Staten	Welker
Munger	Otis	Rothenberg	Stowell	Wenzel
Murphy	Peterson, B.	Samuelson	Stumpf	Wieser
Nelsen, B.	Peterson, D.	Sarna	Sviggum	Wigley
Nelson, K.	Piepho	Schafer	Swanson	Wynia
Niehaus	Pogemiller	Schreiber	Tomlinson	Zubay
Norton	Redalen	Shea	Valan	Spkr. Sieben, H.
Novak	Reding	Sherman	Valento	
Nysether	Rees	Sherwood	Vanasek	
O'Connor	Reif	Sieben, M.	Vellenga	
Ogren	Rice	Simoneau	Voss	

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

Mr. Speaker:

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

S. F. No. 1538.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1538

A bill for an act relating to peace officers; providing for appointment of peace officers, constables and deputy constables in towns; requiring towns to notify the peace officers standards and training board before employing law enforcement officers; amending Minnesota Statutes 1980, Sections 367.03, Subdivisions 1, 2, and 3; 367.22; 367.40, Subdivisions 3 and 4; 367.41; Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1; repealing Minnesota Statutes 1981 Supplement, Section 382.28.

March 10, 1982

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 1538, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. 1538 be further amended as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1980, Section 214.04, Subdivision 3, is amended to read:

Subd. 3. The executive secretary of each health related and non-health related board shall be the chief administrative officer for the board but he shall not be a member of the board. He shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive secretaries and other employees of the following boards shall be hired by the board, and the executive secretaries shall be in the unclassified civil service: dentistry; medical examiners; nursing; pharmacy; accountancy; architecture, engineering, land surveying and landscape architecture; barber examiners; cosmetology; electricity; (AND) teaching; *and peace officer standards and training*. The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service except for part-time executive secretaries, who are not required to be in the unclassified service. Boards not requiring a full-time executive secretary may employ such services on a part-time basis. To the extent practicable the sharing of part-time executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive secretaries of the boards and employees of the attorney general, shall be classified civil service employees of the department servicing the board. To the extent practicable the commissioner shall insure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 2. Minnesota Statutes 1980, Section 326.337, Subdivision 1, is amended to read:

Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money,

gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the words "police", "constable", "highway patrol", "state patrol", "trooper", "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, constable, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 357.09, Subdivision 2, is amended to read:

Subd. 2. When mileage is allowed the sheriff it shall be computed from the place where the court is usually held and shall be at the rate provided to *state employees* pursuant to section (43.327) *43A.18*, plus eight cents per mile notwithstanding any other provisions of law to the contrary."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, after "peace officers" insert ", private detectives, and protective agents; providing for unclassified civil service status of employees of board of peace officer standards and training; clarifying the use by certain protective agents and private detectives of the word "patrol" in their names; correcting a statutory reference"

Page 1, line 7, after "Sections" insert "214.04, Subdivision 3; 326.337, Subdivision 1;"

Page 1, line 9, delete "Section" and insert "Sections 357.09, Subdivision 2; and"

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

Senate Conferees: MYRTON O. WEGENER, DAVE RUED and BOB LESSARD.

House Conferees: ARLENE I. LEHTO, ROBERT E. VANASEK and DAVID M. JENNINGS.

Lehto moved that the report of the Conference Committee on S. F. No. 1538 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The bill was read for the 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Welch  
Welker

Wenzel  
Wieser

Wigley  
Wynia

Zubay

Spkr. Sieben, H.

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1611, A bill for an act relating to garnishment; authorizing an employer to recover expenses incurred for administering garnishment of an employee's wages; amending Minnesota Statutes 1980, Section 571.57.

PATRICK E. FLAHAVEN, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 1611, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1894, A bill for an act relating to energy; changing the duties of the commissioner of the department of energy, planning and development; expanding the scope of certain energy education programs; changing certain residential energy sales programs; providing for wind energy conversion systems in county and municipal zoning law; creating wind easements; amending Minnesota Statutes 1980, Sections 116H.02, by adding a subdivision; 116H.15, Subdivisions 1 and 3; 394.25, Subdivision 3; 462.357, Subdivision 1; 500.30; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.088, Subdivision 1; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.128; 116H.15, Subdivision 2; 116H.18; proposing new law coded in Minnesota Statutes, Chapter 325E; repealing Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.12, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Waldorf, Dahl and Bernhagen.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, K., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1894. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 303, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, by adding a section to authorize at the track parimutuel betting on races if authorized by law; proposing an amendment to the Minnesota Constitution by repealing Article XIII, Section 5, the prohibition against lotteries.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Purfeerst, Nelson, Dicklich, Vega and Ramstad.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 303. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1611:

Forsythe, Dempsey and Jude.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1894:

Nelson, K.; Evans and Wynia.

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

RECESS

RECONVENED

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

Anderson, R.; Ellingson and Rodriguez, C., were excused for the remainder of today's session.

Reif was excused between the hours of 9:00 p.m. and 11:00 p.m.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

March 12, 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. 1555 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1555 be further amended as follows:

Delete everything after the enacting clause and insert:

## "ARTICLE I

### FOUNDATION AID

Section 1. [120.181] [TEMPORARY PLACEMENTS FOR CARE AND TREATMENT OF NON-HANDICAPPED PUPILS.] *The responsibility for providing instruction and transportation for a non-handicapped pupil who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the state board, and who is temporarily placed for care and treatment for that illness or disability, shall be determined in the following manner:*

(a) *The school district of residence of the pupil shall be the district in which the pupil's parent or guardian resides or the district designated by the commissioner of education if neither parent nor guardian is living within the state.*

(b) *Prior to the placement of a pupil for care and treatment, the district of residence shall be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from*



*the district of residence, shall notify the district of residence of the emergency placement within 15 days of the placement.*

*(c) When a non-handicapped pupil is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence shall provide instruction and necessary transportation for the pupil. The district may provide the instruction at a school within the district of residence, at the pupil's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district.*

*(d) When a non-handicapped pupil is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed shall provide instruction for the pupil and necessary transportation within that district while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district shall bill the district of residence for the actual cost of providing the instruction, excluding transportation costs.*

*(e) The district of residence shall receive foundation aid for the pupil and pay tuition and other instructional costs, excluding transportation costs, to the district providing the instruction. Transportation costs shall be paid by the district providing the transportation and the state shall pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision shall be included in the handicapped transportation category.*

**Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.212, Subdivision 1, is amended to read:**

**Subdivision 1. [COMPONENTS.] Foundation aid for each school district for each school year shall equal the sum of the following:**

- (a) Basic foundation aid;**
- (b) Grandfather aid;**
- (c) Replacement aid;**
- (d) Discretionary aid;**
- (e) State school agricultural tax credit aid;**
- (f) Minimum aid; (AND)**
- (g) Foundation aid for shared time pupils; and**

(h) *Low fund balance aid.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.2122, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 5, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. The formula allowance shall be \$1,333 for foundation aid for the 1981-1982 school year. The formula allowance shall be \$1,346 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. *The formula allowance shall be \$1,475 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year.*

Sec. 4. Minnesota Statutes 1981 Supplement, Section 124.2122, Subdivision 2, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 6, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. The basic maintenance mill rate shall be .021 for the 1980 payable 1981 levy and for foundation aid for the 1981-1982 school year. The basic maintenance mill rate shall be .024 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. *The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. A district may levy less than 24 mills. If a district levies at least 95 percent of an amount equal to 23 mills times the adjusted assessed valuation of the district, basic foundation aid shall be computed as though the district had levied 24 mills times the adjusted assessed valuation of the district.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.2124, Subdivision 1, is amended as follows:

Subdivision 1. [REPLACEMENT COMPONENTS.] (a) A district's "fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for the 1980-1981 school year if declining or growing enrollment pupil units had been used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 2b or 2c.

(b) *Beginning with the aid and levy revenue for the 1983-1984 school year, in any district where the actual number of pupil units increased from the 1979-1980 school year to the 1980-1981 school year, the district's "recomputed fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for the 1980-1981 school year if the district had qualified for the greater of either the 1980-1981 declining enrollment pupil units or the 1980-1981 growing enrollment pupil units to be used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes 1979 Supplement, Section 275.125, Subdivision 2b or 2c.*

((B)) (c) A district's "sparsity replacement component" shall equal the amount of additional aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, Section 124.224 had been effective for 1980-1981.

((C)) (d) A district's "basic replacement entitlement" shall equal the sum of (1) *the greater of (i) its fluctuating enrollment replacement component, or (ii) its recomputed fluctuating enrollment replacement component*, and (2) its sparsity replacement component (.) ; divided by its total pupil units in 1980-1981.

((D)) (e) "Replacement inflator" for any school year means the ratio of the foundation aid formula allowance for that school year to \$1,265. For the 1981-1982 school year, however, the replacement inflator shall equal 107 percent.

((E)) (f) A district's "replacement allowance" for each school year shall equal its basic replacement entitlement times the replacement inflator for that school year.

((F)) (g) A district's "replacement levy limitation" means its levy limitation computed pursuant to section 275.125, subdivision 6c.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.-2125, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 8, is amended to read:

Subdivision 1. [DISCRETIONARY ALLOWANCE; DEFINITION.] "Discretionary allowance" means the amount of revenue per pupil unit used to compute discretionary aid for a particular school year and the discretionary levy for use in that school year. The discretionary allowance shall equal the formula allowance for the school year times the ratio of the discretionary mill rate to the basic maintenance mill rate for levies for use in that school year, rounded to the nearest cent. However, the

discretionary allowance for the (1981-1982 SCHOOL YEAR SHALL EQUAL \$64.48, AND THE DISCRETIONARY ALLOWANCE FOR THE) 1982-1983 school year shall (EQUAL \$138.52) *be computed as though the formula allowance were \$1,416.*

Sec. 7. Minnesota Statutes, 1981 Supplement, Section 124.-2125, Subdivision 2, is amended to read:

Subd. 2. [DISCRETIONARY MILL RATE.] "Discretionary mill rate" means the mill rate used to compute the discretionary levy, the discretionary allowance, and discretionary aid for use in a particular school year. The discretionary mill rate shall equal .001 for 1981-1982 aid. For the 1981 payable 1982 levy and 1982-1983 aid, (AND FOR THE LEVY AND AID FOR SUCCEEDING YEARS,) the discretionary mill rate shall (EQUAL) *not exceed .00225 in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3). For the 1982 payable 1983 levy and 1983-1984 aid, and for the levy and aid for succeeding years, the discretionary mill rate shall not exceed .00250 in districts which levy pursuant to section 275.125, subdivision 7a, clause (2), and .001 in districts which levy pursuant to section 275.125, subdivision 7a, clause (3).*

Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.-2126, Subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

(1) The amount of the district's state school agricultural tax credit aid for that school year;

(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;

(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135; (AND)

(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;

(5) *The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;*

(6) *The amount by which property taxes of the district for use in that school year are reduced by the state paid native prairie credit provisions in section 273.116; and*

(7) *The amount by which property taxes of the district for use in that school year are reduced by the credit for reduced assessment provisions in section 273.139.*

**Sec. 9. [124.21271] [LOW FUND BALANCE FOUNDATION AID.]**

**Subdivision 1. [LOW FUND BALANCE ALLOWANCE; DEFINITION.]** *"Low fund balance allowance" means an amount of revenue per actual pupil unit equal to the lesser of*

(a) *\$60; or*

(b) *the difference between*

(i) *\$316, and*

(ii) *the district's net unappropriated fund balance in all operating funds per actual pupil unit as of June 30 in the year the levy is certified.*

*The low fund balance allowance shall be used to determine the low fund balance aid for a particular school year, and the low fund balance levy for use in that school year.*

**Subd. 2. [LOW FUND BALANCE REVENUE.]** *A district's low fund balance revenue for each school shall equal its low fund balance allowance for that school year, times the actual pupil units for the preceding school year.*

**Subd. 3. [LOW FUND BALANCE AID.]** *A district's low fund balance aid for each school year shall equal its low fund balance revenue for that year, minus its low fund balance levy limitation for the levy for use in that school year.*

**Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.2128, Subdivision 1, is amended to read:**

**Subdivision 1. [UNDERLEVIES.]** *A district's basic foundation, grandfather, replacement (OR), discretionary or low fund balance aid, as applicable, for any school year when the actual amount of the corresponding levy for use in that year is less than the permitted amount, shall be reduced by a percentage equal to the difference between the actual amount and the permitted amount, divided by the permitted amount. This provision shall apply to basic foundation aid only for a school year when the actual amount of the basic maintenance levy for use in that year is less than 95 percent of the permitted amount.*

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.-2129, Subdivision 3, is amended to read:

Subd. 3. [NOTIFICATION OF RESIDENT DISTRICT.] (ANY SCHOOL) A district educating (CHILDREN) a *pupil* who (ARE RESIDENTS) is a *resident* of another (SCHOOL) district shall notify the district of residence within 60 days of the date the (CHILD) *pupil* is determined by the district to be a nonresident, but not later than (OCTOBER 1) *August 1* following the end of the school year in which the (CHILD) *pupil* is educated. If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it shall not be liable to that district for any tuition billing received after (OCTOBER 1) *August 1* of the next school year.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 2d, is amended to read:

Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by subdivision 2a may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. *However, more than one referendum may be held to approve a levy increase to commence in the 1983-1984 school year.* The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked *or reduced* by the voters of the district at a subsequent referendum.

(2) A referendum on the question of revoking *or reducing* the increased levy amount authorized pursuant to clause (1) of this subdivision may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. A levy approved by the voters of the district pursuant to clause (1) of this subdivision must be made at least once before it is subject to a referendum on its revocation *or reduction* for subsequent years. Only one such revocation *or reduction* election may be held to revoke *or reduce* a levy for any specific year and for years thereafter.

(3) A petition authorized by (CLAUSES) *clause* (1) (OR (2)) shall be effective if signed by a number of qualified voters

in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(4) *A petition authorized by clause (2) shall be effective if signed by a number of qualified voters in excess of five percent of the residents of the school district as determined by the most recent census. A revocation or reduction referendum invoked by petition shall be held within three months of submission of the petition to the school board.*

((4)) (5) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

((5)) (6) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 13. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 6d. [LOW FUND BALANCE LEVY.] (1) For purposes of this subdivision, the term "low fund balance revenue" shall have the meaning given it in section 9 of this article.*

(2) *Each year, a district where the net unappropriated fund balance in all operating funds as of June 30 is less than \$316 per actual pupil unit may levy an amount equal to*

(a) *the product obtained by multiplying*

(i) *the district's low fund balance revenue for the school year to which the levy is attributable, times*

(ii) *the lesser of*

(A) *one or*

(B) *the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year to which the levy is attributable, to 75 percent of the equalizing factor for the school year to which the levy is attributable.*

Sec. 14. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 7a, is amended to read:

Subd. 7a. [DISCRETIONARY LEVY.] (1) For purposes of this subdivision, the terms "discretionary allowance" and "dis-

cretionary mill rate" shall have the meanings given them in section 124.2125.

(2) (IN 1981 AND) Each year (THEREAFTER), a district which levies the maximum permissible amount pursuant to subdivision 2a and subdivision 6b may levy an additional amount which shall not exceed the lesser of (a) an amount equal to the discretionary mill rate times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying the applicable discretionary allowance times the actual and AFDC pupil units in the district in the school year when the levy is certified.

(3) (IN 1981 AND) Each year (THEREAFTER), a district which levies the maximum permissible amount pursuant to subdivision 2a and subdivision 6b, and where the net unappropriated balance in all operating funds as of the preceding June 30 is less than \$165 per actual and AFDC pupil unit in the district in the school year when the levy is certified, may levy an amount which shall not exceed the lesser of (a) one mill times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying the applicable discretionary allowance times the total number of pupil units in the district in the school year when the levy is certified, without holding a public hearing or conducting a referendum pursuant to clause (5).

(4) The board is not required to hold a public hearing or conduct a referendum on the levy authorized by this subdivision in any year when it levies pursuant to clause (3) or when the board proposes to levy an amount not to exceed an amount equal to the preceding year's adjusted assessed valuation times the largest number of EARC mills (PREVIOUSLY LEVIED BY THE DISTRICT) *the district was previously authorized to levy* pursuant to this subdivision.

(5)(a) Except as provided in clause (3), the provisions of clause (5) shall apply to the levy authorization in this subdivision in any year when the board either proposes to levy pursuant to this subdivision for the first time or proposes to increase the number of mills which it levies against its adjusted assessed valuation pursuant to this subdivision to a number of mills greater than the largest number of mills previously levied against its adjusted assessed valuation pursuant to this subdivision.

(b) By July 15 in any year when clause (5) applies, the board of the district shall hold a public hearing on the need for the proposed levy or increase. At least three weeks published notice of the hearing in 10 point type or 5.0 agate type, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy or increase in dollars, in EARC mills and in auditor's mills and the estimated net unappropriated



fund balance in the district's operating funds as of the June 30 before the levy or increase is certified.

(c) At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years, the estimated net unappropriated fund balances in all district funds as of the June 30 before the levy or increase is certified, and the estimated amount in dollars, in EARC mills and in auditor's mills of any reduction of the proposed levy which may be required by subdivision 7c. At the hearing, the board shall also hear all parties requesting to give testimony for and against the proposed levy or increase. Upon receipt of a petition within 30 days after the hearing, the board shall call a referendum on the proposed levy or increase. A petition shall be effective if signed by a number of qualified voters in (THE DISTRICT EQUAL TO THE GREATER OF 50 VOTERS OR 15 PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN THE DISTRICT AT THE MOST RECENT REGULAR SCHOOL BOARD ELECTION) *excess of three percent of the residents of the school district as determined by the most recent census.*

(d) The referendum shall be held on a date set by the school board, but no later than the September 20 before the levy is certified.

The ballot shall state substantially the following, as appropriate:

The board of ..... School District No. .... has proposed (a discretionary levy in a maximum amount of ..... EARC mills which would raise) (to increase a discretionary levy from ..... EARC mills to ..... EARC mills. This increase would provide an additional) \$ ..... in the first year levied.

... Yes      Shall the (increase in the) discretionary levy  
                  proposed by the Board of ..... School  
... No      District No. .... be approved?

(e) The approval of a majority of those voting on the question is required to pass the referendum.

(f) If a petition is not received or if the proposed levy or increase is approved at a referendum, the district may levy the amount provided by the number of mills proposed by the school board, in the year when the hearing or referendum is held and in succeeding years. If a proposed first time levy is not approved, except as provided in clause (3), the district may not levy pursuant to this subdivision in the year when the referendum is held and shall be required to comply with the provisions of clause (5) before levying pursuant to this subdivision in a subsequent year. If a proposed increase is not approved, the district may levy an amount not to exceed the amount provided by the

largest number of EARC mills *the district was* previously (LEVIED BY THE DISTRICT) *authorized to levy* pursuant to this subdivision, applied to the preceding year's adjusted assessed valuation.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 298.-28, Subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in

direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its (PERMITTED) *certified* levy for the prior year, computed pursuant to section 275.125, comprises of the sum of (PERMITTED) *certified* levies for the prior year for all qualifying districts, computed pursuant to section 275.125. For purposes of distributions pursuant to this part, (PERMITTED) *certified* levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2d.

(c) On July 15, 1982 and on July 15 in subsequent years, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 275.125, subdivision 2d, is authorized by referendum, according to the following formula. Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 275.125, subdivision 2d, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3)(c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3)(c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124.212 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the bene-

fit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection fund created in section 298.292 as follows: In 1981 and each year thereafter, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said

year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

#### Sec. 16. [BASIC MAINTENANCE UNDERLEVIES.]

*For the 1982-1983 and 1983-1984 school years, the deduction from basic foundation aid pursuant to Minnesota Statutes 1981 Supplement, Section 124.2128, Subdivision 1, shall be computed as though the basic maintenance mill rate for tax levies attributable to each of those school years were .023.*

#### Sec. 17. [STATUTORY OPERATING DEBT EXCEPTION, 1983.]

*Notwithstanding Minnesota Statutes 1980, Sections 121.914, Subdivision 2, and 121.917, for the purpose of determining school district expenditure limitations for fiscal year 1983, statutory operating debt shall be defined as operating debt that exceeds five percent of the district's expenditure amount for fiscal year 1983 for the funds considered under Minnesota Statutes 1980, Section 121.914, Subdivision 1. A district in which the net negative unappropriated fund balance in the operating funds, exclusive of the statutory operating debt account, as of June 30, 1983 is less than five percent of the district's unappropriated operating fund expenditures for fiscal year 1983 shall not be considered to have exceeded its expenditure limits and shall not be required to submit the special operating plan required by Minnesota Statutes 1980, Section 121.917, Subdivision 4. This section shall not be construed as altering statutory operating debt for fiscal years other than fiscal year 1983, or as altering the computation of the levies authorized in Minnesota Statutes 1980, Section 275.125, Subdivision 9a, or Laws 1976, Chapter 20, Subdivision 4.*

#### Sec. 18. [EFFECTIVE DATE.]

*Sections 1, 11, 12, and 14 are effective the day following final enactment.*

## ARTICLE II TRANSPORTATION AID

Section 1. Minnesota Statutes 1980, Section 123.78, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROVISIONS.] (THE SCHOOL BOARD OF ANY) A district (WHICH IS NOW OR HERE-AFTER) eligible to receive state aid for transportation under (CHAPTERS 123 AND) *chapter* 124, shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by (ANY) *the school board* (BY REASON) *because* of distance or traffic condition in like manner and form as provided in sections (123.16, SUBDIVISIONS 3 AND 4; 123.18; 123.37, SUBDIVISIONS 3 AND 4;) 123.39 (;) and 124.223, when applicable.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] ((A) THROUGH THE 1981-1982 SCHOOL YEAR, TRANSPORTATION OR BOARD OF RESIDENT PUPILS WHO RESIDE ONE MILE OR MORE FROM THE PUBLIC SCHOOLS WHICH THEY COULD ATTEND, OR TRANSPORTATION TO, FROM, OR BETWEEN THE SCHOOLS THEY ATTEND PURSUANT TO A PROGRAM APPROVED BY THE COMMISSIONER OF EDUCATION, OR WHO RESIDE ONE MILE OR MORE FROM A NONPUBLIC SCHOOL ACTUALLY ATTENDED, BUT ONLY TO THE EXTENT PERMITTED BY SECTIONS 123.76 TO 123.79 WITH RESPECT TO NONPUBLIC SCHOOL PUPILS;)

((B) BEGINNING IN THE 1982-1983 SCHOOL YEAR,) Transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils who reside two miles or more from the public schools which they could attend; transportation to, from, or between the schools the resident pupils attend pursuant to a program approved by the commissioner of education; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district



having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils from home or from school to other buildings, including hospitals and treatment centers where special instruction or services required by section 120.17 are provided, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that (THE PUPIL) *elementary pupils* reside at least one mile from school and *secondary pupils* reside at least two miles from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING; NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a state board approved summer school program;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are

approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 3. Minnesota Statutes 1980, Section 124.225, as amended by Laws 1981, Chapters 356, Section 167; 358, Article II, Sections 3 to 14; First Special Session Chapter 2, Section 8; and Third Special Session Chapter 2, Article II, Section 9, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

((B) "REGION" MEANS DEVELOPMENT REGION AS DEFINED IN SECTION 462.384, SUBDIVISION 5, EXCEPT THAT FOR PURPOSES OF THIS SECTION, DEVELOPMENT REGIONS 1 AND 2 ARE ONE REGION, DEVELOPMENT REGIONS 4 AND 5 ARE ONE REGION, DEVELOPMENT REGIONS 6E AND 6W ARE ONE REGION, AND DEVELOPMENT REGIONS 7E AND 7W ARE ONE REGION.)

((C)) (b) "(TOTAL) Authorized cost for regular transportation" (OR "TOTAL AUTHORIZED EXPENDITURE") means the sum of:

((I)) (1) all expenditures for transportation *in the regular category, as defined in clause (e)(1)*, for which aid is authorized in section 124.223, plus

((II)) (2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

((III)) (3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning, plus

(4) *beginning in fiscal year 1984, an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.44, subdivision 15, which were purchased after July 1, 1982 for authorized transportation of pupils, with the prior approval of the commissioner, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses.*

((D)) (c) *"(TOTAL) Adjusted authorized predicted cost per FTE" means the (TOTAL) authorized cost predicted by a multiple regression formula determined by the department of education, and adjusted pursuant to subdivision 7a.*

(d) *"Aid entitlement per FTE" means the adjusted authorized predicted cost per FTE, inflated pursuant to subdivision 7b.*

(e) *"Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:*

((I)) (1) *Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);*

((II)) (2) *(SECONDARY VOCATIONAL CENTER) During-day transportation is transportation services between schools provided under section 124.223, clause ((3)) (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;*

((III)) (3) *Handicapped transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6), and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;*

((IV)) (4) *Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);*

((V) *BETWEEN SCHOOLS TRANSPORTATION IS TRANSPORTATION SERVICES BETWEEN SCHOOLS PROVIDED UNDER SECTION 124.223, CLAUSE (1);)*

((VI) *SHARED TIME REGULAR TRANSPORTATION IS TRANSPORTATION SERVICES PROVIDED UNDER*

SECTION 124.223, CLAUSE (6), EXCLUDING TRANSPORTATION PROVIDED FOR PUPILS ATTENDING SHARED TIME SPECIAL EDUCATION CLASSES;)

((VII) SHARED TIME SPECIAL EDUCATION TRANSPORTATION IS TRANSPORTATION SERVICES FOR PUPILS ATTENDING SHARED TIME SPECIAL EDUCATION CLASSES PROVIDED UNDER SECTION 124.223, CLAUSE (6);)

((VIII) (5) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

((IX) COOPERATIVE ACADEMIC AND VOCATIONAL TRANSPORTATION IS TRANSPORTATION SERVICES PROVIDED UNDER SECTION 124.223, CLAUSE (9);)

((X)) (6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10) (;) .

(f) "Pupil weighting factor" means the ratio of the actual (REGIONAL) district average cost per FTE in a particular transportation category in the base year to the actual (REGIONAL) district average cost per FTE in the regular transportation category in the base year.

(g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

(i) "Percent excess handicapped FTE's transported" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) "Current year" means the school year for which aid will be paid.

(k) "Base year" means the second school year preceding the school year for which aid will be paid.

(l) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

(m) "Predicted base cost" means the base cost as predicted by subdivision 3.

Subd. 1a. [WEIGHTING FACTORS.] For each school year, in computing transportation aid, the department of education shall establish *as needed* the pupil weighting factors for each transportation category for each (REGION) district using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a (REGION) district had no experience during the second prior school year.

Subd. 3. [FORMULA.] For each school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. (A MULTIPLE REGRESSION FORMULA SHALL BE DETERMINED THROUGH STEPWISE) *The department of education shall conduct multiple regression analysis (FOR EACH REGION BY THE DEPARTMENT OF EDUCATION,) using the terms specified in subdivision 4a, to (MAXIMIZE THE AMOUNT OF VARIANCE ACCOUNTED FOR BETWEEN THE TOTAL ACTUAL AUTHORIZED COST PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR AND THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR) predict the base cost for each district. (THE) A formula (DETERMINED FOR EACH REGION) shall be derived based upon the regression analysis, but excluding the factors described in subdivision 4a, clauses (8), (9), and (10), except that in the 1982-1983 school year, these clauses shall not be excluded. This formula shall be used to determine a (TOTAL AUTHORIZED) predicted base cost (PER WEIGHTED FTE FOR THE SECOND PRECEDING SCHOOL YEAR) for each district (IN THE REGION). The amount determined for each district shall be adjusted according to the provisions of subdivisions (6) 7a and (7A) 7b.*

Subd. 4a. [FORMULA TERMS.] To predict the (TOTAL AUTHORIZED) base cost (PER WEIGHTED FTE) for each district pursuant to subdivision 3, (EACH REGIONAL) the

multiple regression formula shall use the following terms (AND THEIR SQUARES) for each district (IN THE REGION):

(1) (THE AREA OF THE DISTRICT MEASURED IN SQUARE MILES;)

((2)) The district's average daily membership;

(2) *The reciprocal of the district's average daily membership;*

((3)) THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((4)) THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE HANDICAPPED, SHARED TIME SPECIAL EDUCATION, AND TO AND FROM BOARD AND LODGING FACILITY TRANSPORTATION CATEGORIES AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((5)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE BOARD AND LODGING TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((6)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE BETWEEN SCHOOLS TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((7)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE SHARED TIME REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((8)) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE SECONDARY VOCATIONAL CENTER TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT;)

((9)) (3) *The logarithm of the number of authorized FTE's per square mile transported by the district in the regular transportation category;*

((10)) THE NUMBER OF AUTHORIZED FTE'S PER SQUARE MILE TRANSPORTED BY THE DISTRICT IN THE HANDICAPPED TRANSPORTATION CATEGORY;)

((11) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP;)

((12) AN INDEX OF THE DISTRICT'S SHAPE COMPUTED BY THE DEPARTMENT OF EDUCATION BASED ON A COMPARISON OF THE PERIMETER OF THE DISTRICT TO THE PERIMETER OF A CIRCLE WITH THE SAME SQUARE MILE AREA AS THE DISTRICT;)

((13)) (4) The percentage of the district's square mile area which is classified by the commissioner of energy, planning and development as water covered (OR), marshland, or *extractive*;

((14) THE NUMBER OF 40 ACRE PARCELS OF LAND IN THE DISTRICT WHICH ARE CONTIGUOUS TO OR INTERSECTED BY UNPAVED ROADS, AS A PERCENTAGE OF THE NUMBER OF 40 ACRE PARCELS OF LAND IN THE DISTRICT WHICH ARE CONTIGUOUS TO OR INTERSECTED BY ANY ROADS, PAVED OR UNPAVED. THE NUMBER OF 40 ACRE PARCELS OF EACH TYPE SHALL BE OBTAINED FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT;)

((15) THE PERCENTAGE OF THE DISTRICT'S SQUARE MILE AREA WHICH IS CLASSIFIED BY THE STATE PLANNING AGENCY AS HAVING A SLOPE OF LAND EXCEEDING SIX PERCENT;)

((16) THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED TO NONPUBLIC SCHOOLS BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY AS A PERCENTAGE OF THE TOTAL NUMBER OF AUTHORIZED FTE'S TRANSPORTED BY THE DISTRICT IN THE REGULAR TRANSPORTATION CATEGORY;)

((17) THE PERCENTAGE OF THE DISTRICT'S SQUARE MILE AREA WHICH IS CLASSIFIED BY THE STATE PLANNING AGENCY AS *EXTRACTIVE*.)

(5) *The district's administrative overhead for transportation per authorized FTE transported in the regular transportation category;*

(6) *The number of schools to which pupils are transported in the regular transportation category, either within or outside the district, divided by the number of authorized FTE's transported in the regular transportation category;*

(7) *Whether the district is non-rural, based upon criteria established by the department of education;*

(8) *Whether the district contracts for bus service, or transports pupils only on district-owned buses;*

(9) *The percentage of all regular transportation category bus routes using buses that are not owned by the district, if that percentage is not 100 percent;*

(10) *Whether the district operates a special bus to transport pupils to home from school who are involved in after-school activities.*

(SUBD. 6. [INFLATION FACTORS.] THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE DETERMINED FOR A DISTRICT UNDER SUBDIVISION 3 FOR 1979-1980 SHALL BE INCREASED BY 26 PERCENT. THE TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE DETERMINED FOR A DISTRICT UNDER SUBDIVISION 3 FOR 1980-1981 SHALL BE INCREASED BY 22 PERCENT.)

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) Each district's (ADJUSTED TOTAL AUTHORIZED) predicted base cost (PER WEIGHTED FTE) determined for each school year according to subdivision (6) 3 shall be (COMPARED TO) averaged with the (TOTAL ACTUAL EXPENDITURE PER WEIGHTED FTE FOR AUTHORIZED TRANSPORTATION) base cost for that district for that year to determine the district's (AID ENTITLEMENT) adjusted authorized predicted cost per (WEIGHTED) FTE for that year.

(2) (IF THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE IS GREATER THAN THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE, ITS AID ENTITLEMENT PER WEIGHTED FTE SHALL EQUAL THE ADJUSTED PREDICTED COST PER WEIGHTED FTE MINUS 20 PERCENT OF THE FIRST \$10 OF DIFFERENCE BETWEEN THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE AND THE ACTUAL EXPENDITURE PER WEIGHTED FTE; MINUS 40 PERCENT OF THE NEXT \$10; 60 PERCENT OF THE NEXT \$10; MINUS 75 PERCENT OF THE DIFFERENCE WHICH EXCEEDS \$30.)

((3) IF THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE IS LESS THAN THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE, ITS AID ENTITLEMENT PER WEIGHTED FTE SHALL EQUAL THE ADJUSTED TOTAL AUTHORIZED PREDICTED COST PER WEIGHTED FTE PLUS 20 PER-



CENT OF THE FIRST \$10 OF DIFFERENCE BETWEEN THE ADJUSTED PREDICTED COST PER WEIGHTED FTE AND THE ACTUAL EXPENDITURE PER WEIGHTED FTE; PLUS 40 PERCENT OF THE NEXT \$10; PLUS 60 PERCENT OF THE NEXT \$10; PLUS 75 PERCENT OF THE DIFFERENCE WHICH EXCEEDS \$30.) *Notwithstanding clause (1), for fiscal year 1983, the predicted base cost shall be adjusted as provided in this clause to determine adjusted authorized predicted cost per FTE for the base school year.*

(a) *If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.*

(b) *If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.*

Subd. 7b. [INFLATION FACTORS.] *The adjusted authorized predicted cost per FTE determined for a district under subdivision 7a for the base year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year.*

Subd. 8a. [AID.] *A district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, its during-day transportation aid pursuant to subdivision 8g, and its closed-school transportation aid pursuant to subdivision 8h, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. A district may levy less than two mills. Transportation aid shall be computed as if the district had levied two mills. If the total appropriation for transportation aid in any fiscal year after 1982 is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion. Aid for the 1982-1983 and 1983-1984 school years shall be reduced by the following amount: the product of*

(a) *the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times*

(b) *1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times*

(c) *the district's aid entitlement per FTE determined according to subdivision 7b, times the ratio of average daily membership used in subdivision 8b.*

Subd. (8A) 8b. [BASIC AID COMPUTATION.] (BEGINNING WITH THE 1982-1983 SCHOOL YEAR) *For the 1982-1983 and 1983-1984 school years, a district's basic transportation aid pursuant to this section for (EACH) the school year shall equal the district's aid entitlement per (WEIGHTED) FTE determined according to subdivision (7A) 7b times the total number of authorized weighted FTE's transported in the regular and handicapped transportation categories in the district in (THAT SCHOOL) the base year (, MINUS THE AMOUNT RAISED BY TWO MILLS TIMES THE ADJUSTED ASSESSED VALUATION WHICH IS USED TO COMPUTE THE TRANSPORTATION LEVY LIMITATION FOR THE LEVY ATTRIBUTABLE TO THAT SCHOOL YEAR) times the ratio of average daily membership in the district in the current year to the average daily membership in the district in the base year.*

*For the 1984-1985 school year and thereafter, a district's basic transportation aid pursuant to this section for each school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized FTE's transported in the regular and handicapped categories in the district in the current school year.*

Subd. (8B) 8c. [EXCESS HANDICAPPED AID.] (a) (IN ADDITION TO THE AMOUNT AUTHORIZED IN SUBDIVISION 8A,) *For each school year, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where (:), in the current school year,*

((1) THE AVERAGE DAILY MEMBERSHIP IN THAT YEAR IS 2,500 OR FEWER PUPILS,)

((2) THE TOTAL ACTUAL AUTHORIZED EXPENDITURES EXCEED THE AID ENTITLEMENT, AND)

((3) THE ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE IN THE HANDICAPPED AND BOARD

AND LODGING CATEGORIES EXCEEDS 140 PERCENT OF THE AID ENTITLEMENT PER WEIGHTED HANDICAPPED AND BOARD AND LODGING FTE) *the ratio of FTE's transported in the handicapped category to the total number of FTE's transported in the regular transportation category exceeds the same ratio for the state as a whole.*

(b) This aid shall equal (80 PERCENT OF THE DIFFERENCE BETWEEN):

((1) THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURES FOR TRANSPORTING HANDICAPPED AND BOARD AND LODGING FTE'S AND)

((2) 140 PERCENT OF THE DISTRICT'S AID ENTITLEMENT FOR TRANSPORTATION OF HANDICAPPED AND BOARD AND LODGING FTE'S.)

((3) FOR PURPOSES OF THE COMPUTATION OF AID PURSUANT TO THIS SUBDIVISION, THE AMOUNTS OF THE ACTUAL AUTHORIZED EXPENDITURE AND THE AID ENTITLEMENT SHALL EXCLUDE AMOUNTS ATTRIBUTABLE TO DEPRECIATION. AID PURSUANT TO THIS SUBDIVISION SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE DISTRICT'S TOTAL ACTUAL AUTHORIZED EXPENDITURES AND ITS TOTAL AID ENTITLEMENT.)

*the product of the percent excess handicapped FTE's transported, times the difference between*

(1) *the district's actual cost for transportation of all pupils in the handicapped category in the current year, and*

(2) *the product of*

(i) *the district's aid entitlement per FTE determined according to subdivision 7b, times*

(ii) *the number of FTE's transported in the handicapped category in the district in the current year.*

*Provided that for the 1982-1983 and 1983-1984 school years, the number in (2)(ii) above shall be replaced by the following computation: the product of the number of FTE's transported in the handicapped category in the district in the base year, times its pupil weighting factor for the handicapped category, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.*

**Subd. 8d. [HANDICAPPED BOARD AND LODGING AID.]** *For board and lodging of handicapped pupils, each district shall receive aid equal to the product of the number of FTE pupils boarded and lodged in the current year in the district in this transportation category, times the average of*

(a) *the state average board and lodging cost per FTE pupil boarded and lodged in the base year, times the inflation factor for that year prescribed in subdivision 7b; and*

(b) *the district's actual cost per FTE pupil boarded and lodged in the current year.*

**Subd. 8e. [TO AND FROM BOARD AND LODGING.]** *For transportation of handicapped pupils to and from board and lodging facilities, the state shall pay aid to each district for each year equal to the lesser of*

(a) *the sum of the distance in miles from the home of each pupil transported in this category to the board and lodging facility, times 36, times 24 cents; or*

(b) *the average of the amount in (a) and the district's actual cost for all transportation in this category in the current year.*

**Subd. 8f. [NONPUBLIC SUPPORT SERVICES AID.]** *For the 1982-1983 and 1983-1984 school years, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE pupils transported in the nonpublic support services category in the district in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. For the 1984-1985 school year and thereafter, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE's transported in that category in the current year.*

**Subd. 8g. [DURING-DAY TRANSPORTATION AID.]** *For the 1982-1983 and 1983-1984 school years, a district's during-day transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. For the 1984-1985 school year and thereafter, a district's during-day trans-*

*portation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the current year.*

**Subd. 8h. [CLOSED-SCHOOL TRANSPORTATION AID.]** *For the 1982-1983 and 1983-1984 school years, a district's closed-school transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times the number of authorized FTE's transported in the regular category in the current school year who were not transported in the base year and would not have been transported in the current year but for school closings or altered school attendance boundaries. The total amount of transportation aid computed pursuant to this subdivision in each year shall not exceed \$2,000,000. If this amount is insufficient to pay each qualifying district its full amount of aid pursuant to this subdivision, this amount shall be prorated among all qualifying districts in proportion to each district's number of FTE's for whom aid is claimed under this subdivision.*

**Subd. 9. [DISTRICT REPORTS.]** Each district shall report data to the department (BEFORE JULY 1 OF EACH YEAR AN ESTIMATE FOR THE NEXT SCHOOL YEAR OF THE TOTAL NUMBER OF FTE'S TRANSPORTED BY TRANSPORTATION CATEGORY AND AN ESTIMATE OF THE DISTRICT'S TOTAL ACTUAL AUTHORIZED TRANSPORTATION EXPENDITURE BY TRANSPORTATION CATEGORY) *as required by the department to implement the transportation aid formula. (THE DISTRICT'S AID SHALL BE DETERMINED FOR PURPOSES OF THE FIRST THREE TRANSPORTATION AID PAYMENTS FOR THE SCHOOL YEAR USING THESE ESTIMATES. BEFORE AUGUST 15 EACH YEAR, EACH DISTRICT SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION FOR THE PRECEDING SCHOOL YEAR WHICH THE DEPARTMENT DETERMINES IS NECESSARY TO COMPUTE THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER WEIGHTED FTE FOR PURPOSES OF THE COMPUTATION IN SUBDIVISION 7A AND THE DISTRICT'S ACTUAL TOTAL NUMBER OF WEIGHTED FTE'S TRANSPORTED FOR PURPOSES OF THE AID COMPUTATION IN SUBDIVISION 8A. THE DISTRICT'S FINAL TRANSPORTATION AID PAYMENT FOR THE SCHOOL YEAR SHALL BE BASED ON THESE COMPUTATIONS.) If a district's final transportation aid payment is adjusted after the final aid payment has been made to all districts, the adjustment shall be made by increasing or decreasing the district's aid for the next fiscal year.*

**Subd. 10.** Any school district which owns school buses or mobile units shall transfer annually from the unappropriated

fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each *type one or type two* bus or mobile unit until the original cost of each *type one or type two* bus or mobile unit is fully amortized, *plus 20 percent of the original cost of each type three bus included in the district's authorized cost under the provisions of subdivision 1, clause (b)(4), until the original cost of each type three bus is fully amortized*, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; *provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of*

(1) *the district's total transportation aid without the reduction pursuant to subdivision 8a, plus*

(2) *an amount equal to two mills times the adjusted assessed valuation of the district.* Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, for fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated school transportation aid (ENTITLEMENT) for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Subd. 12. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, the state shall pay each school district its estimated school transportation aid (ENTITLEMENT) for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 275.-125, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Except as may otherwise be provided in this section, the words and phrases defined in

sections 124.01, 124.212, 124.20 (AND), 124.2121 to 124.2125, 124.225, and section 7 of Article III when used in this section shall have the meanings ascribed to them in those sections.

Sec. 5. Minnesota Statutes 1980, Section 275.125, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 10, is amended to read:

Subd. 5. [TRANSPORTATION LEVY.] For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy of two mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may also levy under this subdivision for the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue. *A district which contracts for pupil transportation services may also levy an amount equal to \$18 times the number of FTE pupils transported on contracted school buses in the preceding school year in the regular transportation category, which shall be placed in the transportation fund and used for any lawful purpose. A district may levy an amount equal to the estimated cost, in the school year beginning in the year in which the levy is certified, of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended. A district may also levy for transportation costs or other related services which are (APPROVED BY THE COMMISSIONER AS) necessary because of extraordinary traffic hazards for the (CURRENT FISCAL) next school year. Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.*

Sec. 6. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] *In any fiscal year in which the transportation levy in a district attributable to that fiscal year of two mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following that fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a. For the levies certified in 1983 and 1984, the following additional amount shall be subtracted:*

*the product of*

*(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times*

*(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times*

*(c) the district's aid entitlement per FTE determined according to section 124.225, subdivision 7b, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.*

#### **Sec. 7. [ADDITIONAL TRANSPORTATION LEVY, 1982.]**

*In 1982 only, a district may levy for transportation costs or other related services which are necessary because of extraordinary traffic hazards for the 1982-1983 school year. Levies authorized by this section shall be computed according to procedures established by the commissioner.*

**Sec. 8.** Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3, is amended to read:

**Subd. 3. [CANCELLATION.]** Any unexpended balance remaining from the appropriation in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to (EITHER) the 1981-1982 school year for any purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts in proportion to the sum of aid earned by each district, plus an amount equal to the amount raised by one mill times the 1979 adjusted assessed valuation of the district. The state shall not be obligated for any amounts in excess of the total appropriations in (THIS SECTION) Laws 1981, Chapter 358, Article II, Section 15.

#### **Sec. 9. [REPEALER.]**

*Minnesota Statutes 1980, Section 121.96 is repealed.*

#### **Sec. 10. [EFFECTIVE DATE.]**

*Section 8 and the amendments to Minnesota Statutes 1981 Supplement, Section 124.225, Subdivision 9, in section 3, are effective the day following enactment.*



## ARTICLE III

## SPECIAL EDUCATION

Section 1. Minnesota Statutes 1980, Section 120.17, Subdivision 4a, is amended to read:

Subd. 4a. [ATTENDANCE IN ANOTHER DISTRICT.] No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service because he attends a public school in another school district pursuant to section 123.39, subdivision 5, if his attendance is not subject to section (120.065) *120.075*, *120.0751*, or (123.39, SUBDIVISION 5A) *120.0752*. If the pupil attends a public school located in a contiguous district and the district of attendance does not provide special instruction and services, the district of residence shall provide necessary transportation for the pupil between the boundary of the district of residence and the educational facility where special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for the pupil between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the boundary of the district of residence.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 120.17, Subdivision 5a, is amended to read:

Subd. 5a. [SUMMER PROGRAMS.] A district may provide summer programs for handicapped children living within the district and nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for special education aid for the summer program. For the purposes of computing the summer school revenue allowance as provided in section (124.20) *7 of this article*, pupils enrolled in these programs shall be counted by the district of residence and not by the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children, including the cost of board and lodging, may be billed to the district of the child's residence and shall be paid by the resident district. Transportation costs shall be paid by the district responsible for providing transportation pursuant to subdivision 6 or 7 and transportation aid shall be paid to that district.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 120.17, Subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of a child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation and an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

(c) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing (TRANSPORTATION AND) an appropriate educational program for the child *and necessary transportation within the district while the child is attending the educational program*; and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.

(d) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim foundation aid for the child as provided by law. Transportation costs shall be paid by the district responsible for providing the transportation and the state shall pay transportation aid to that district.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 121.904, Subdivision 7, is amended to read:

Subd. 7. [SUMMER SCHOOL REVENUE.] Summer school aids and the proceeds of the summer school levy for any summer school session shall be recognized as revenues and recorded as receivables in proportion to the total number of summer school days in each fiscal year in which the summer school session

occurs; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section (124.20) *7 of this article*.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.01, Subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in sections 124.20, (AND) 124.2121 to 124.2125 *and section 7 of this article* have the meanings attributed to them in those sections.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. [AVERAGE DAILY MEMBERSHIP.] Membership for pupils in grades kindergarten through twelve and for handicapped pre-kindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused. However, a pupil, regardless of age, who has been absent from school for 15 consecutive school days during the regular school year or for five consecutive school days during summer school or inter-session classes of flexible school year programs without receiving instruction in the home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this section shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days the schools are in session. *Days of summer school or inter-session classes of flexible school year programs shall only be included in the computation of membership for handicapped pupils appropriately served at levels 4, 5, or 6 of the continuum of placement model described in 5 MCAR 1.0120 B.11.*

Sec. 7. [124.201] [FOUNDATION AID FOR SPECIAL EDUCATION SUMMER SCHOOL.]

Subdivision 1. [PROGRAMS.] *Foundation aid for handicapped pupils enrolled in (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid under the provisions of this section.*

*Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for handicapped pupils enrolled in summer school and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.*

*(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and inter-session classes of flexible school year programs computed under the provisions of section 124.17. Only pupils who are handicapped and who are appropriately served at levels 4, 5, or 6 of the continuum of placement model described in 5 MCAR 1.0120 B.11. shall be included in the computation of summer school pupil units.*

*(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.*

*(3) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.*

*Subd. 3. [SUMMER SCHOOL AID.] Each year a district shall receive summer school aid equal to the difference between*

*(1) the product of*

*(a) the ratio of the district's actual levy to its permitted levy pursuant to section 26 of this article certified in the calendar year when the summer school program is offered; times*

*(b) the district's summer school revenue allowance; and*

*(2) the levy certified by the district pursuant to section 26 of this article in the calendar year when the summer school program is offered.*

*Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.273, Subdivision 1, is amended to read:*

*Subdivision 1. [1981-1982 TEACHERS SALARIES.] ((A)) For the 1981-1982 school year, the department shall pay a school district 70 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay 70 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.*

*((B)) Subd. 1a. [1982-1983 TEACHERS SALARIES.] (BEGINNING IN) For the 1982-1983 school year (, AND*

EACH YEAR THEREAFTER,) the department shall pay a school district (65) 60 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay (65) 60 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 124.273, is amended by adding a subdivision to read:

*Subd. 1b. [1983-1984 TEACHERS SALARIES.] For the 1983-1984 school year, and each year thereafter, the department shall pay a school district 65 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay 65 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.*

Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.273, Subdivision 2, is amended to read:

*Subd. 2. [1981-1982 PROHIBITION.] ((A)) For the 1981-1982 school year, the department of education shall not pay a school district an amount exceeding 70 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.*

*((B)) Subd. 2a. [1982-1983 PROHIBITION.] (BEGINNING IN) For the 1982-1983 school year (, AND EACH YEAR THEREAFTER,) the department of education shall not pay a school district an amount exceeding (65) 60 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.*

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.273, is amended by adding a subdivision to read:

*Subd. 2b. [1983-1984 PROHIBITION.] Beginning in the 1983-1984 school year, and each year thereafter, the department of education shall not pay a school district an amount exceeding 65 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.*

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1, is amended to read:

Subdivision 1. [1981-1982 TEACHERS SALARIES.] ((A)) For the 1981-1982 (AND 1982-1983) school (YEARS) *year*, the state shall pay to any district for the employment in its educational program for handicapped children 68.8 percent of the salary of essential personnel for the normal school year for each full time, *part time or limited time* person employed, (OR A PRO RATA AMOUNT FOR A PART TIME PERSON OR A PERSON EMPLOYED FOR A LIMITED TIME,) whether the essential personnel are employed by a district alone or jointly with another district.

*Subd. 1a. [1982-1983 TEACHERS SALARIES.] For the 1982-83 school year, the state shall pay to any district for the employment in its educational program for handicapped children 61 percent of the salary of essential personnel for the normal school year for each full time, part time or limited time person employed, whether the essential personnel are employed by a district alone or jointly with another district.*

((B)) *Subd. 1b. [1983-1984 TEACHERS SALARIES.] Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children 70 percent of the salary of essential personnel for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.*

Sec. 13. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1a, is amended to read:

Subd. 1a. [FOUNDATION AID FORMULA ALLOWANCE.] For purposes of this section, "foundation aid formula allowance" shall have the meaning attributed to it in section 124.2122, subdivision 1, and "summer school revenue allowance" shall have the meaning attributed to it in section (124.20) 7 of this article. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Sec. 14. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 1b, is amended to read:

Subd. 1b. [CONTRACT SERVICES.] (1) *Except for the 1982-1983 school year, for special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or volun-*

tary agencies other than Minnesota school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.

(2) *Except for the 1982-1983 school year, for special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil.*

Sec. 15. Minnesota Statutes 1980, Section 124.32, is amended by adding a subdivision to read:

*Subd. 1c. [1982-1983 CONTRACT SERVICES.] (1) For the 1982-1983 school year for special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 53.3 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.*

(2) *For the 1982-1983 school year for special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 53.3 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil.*

Sec. 16. Minnesota Statutes 1980, Section 124.32, Subdivision 2, is amended to read:

*Subd. 2. [SUPPLY AND EQUIPMENT AID.] Except for the 1982-1983 school year, the state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to one-half of the sum actually expended by the district but not to exceed an average of \$50 in any one school year for each handicapped child receiving instruction.*

Sec. 17. Minnesota Statutes 1980, Section 124.32, is amended by adding a subdivision to read:

*Subd. 2a. [1982-1983 SUPPLY AND EQUIPMENT AID.] For the 1982-1983 school year, the state shall pay each district for supplies and equipment purchased or rented for use in the*

*instruction of handicapped children an amount equal to 44.4 percent of the sum actually expended by the district but not to exceed an average of \$44.44 in any one school year for each handicapped child receiving instruction.*

Sec. 18. Minnesota Statutes 1981 Supplement, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL AID.] When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. *Except for the 1982-1983 regular school year, the aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. Except for 1983 summer school programs, the aid for summer school programs for each handicapped child placed in a residential facility shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child. No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.*

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 19. Minnesota Statutes 1980, Section 124.32, is amended by adding a subdivision to read:

*Subd. 5a. [1982-1983 RESIDENTIAL AID.] The aid for the 1982-1983 school year shall be paid according to subdivision 5, except that for the regular 1982-1983 school year the aid shall be an amount not to exceed 35.7 percent of the difference*



*between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs in 1983, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child.*

Sec. 20. Minnesota Statutes 1980, Section 124.32, Subdivision 7, is amended to read:

Subd. 7. [PROGRAM AND AID APPROVAL.] Before (MAY 1) *June 1* of each year, each district providing special instruction and services to handicapped children shall submit to the commissioner an application for approval of these programs and their budgets for the next school year. The application shall include an enumeration of the costs proposed as eligible for state aid pursuant to this section and of the estimated number and grade level of handicapped children in the district who will receive special instruction and services during the next school year. The application shall also include any other information deemed necessary by the commissioner for the calculation of state aid and for the evaluation of the necessity of the program, the necessity of the personnel to be employed in the program, the amount which the program will receive from grants from federal funds, or special grants from other state sources, and the program's compliance with the rules and standards of the state board. The commissioner shall review each application (IN ORDER) to determine whether the program and the personnel to be employed in the program are actually necessary and essential to meet the district's obligation to provide special instruction and services to handicapped children pursuant to section 120.17. The commissioner shall not approve aid pursuant to this section for any program or for the salary of any personnel he determines to be unnecessary or unessential on the basis of this review. The commissioner may also withhold all or any portion of the aid for programs which receive grants from federal funds, or special grants from other state sources. (ON OR BEFORE JULY 1 OF EACH YEAR) *By August 31, when the first aid payment is made,* the commissioner shall approve, disapprove or modify each application, and notify each applying district of (HIS) *the* action and of the estimated amount of aid for the programs. The commissioner shall provide procedures for districts to submit additional applications for program and budget approval during the school year, for programs needed to meet any substantial changes in the needs of handicapped children in the district. Notwithstanding the provisions of section 124.15, the commissioner may modify or withdraw (HIS) *the* program or aid approval and withhold aid pursuant to this section without proceeding according to section 124.15 at any time (WHEN HE) *the commissioner* determines that the program does not comply with (THE) rules

(AND STANDARDS) of the state board of that any facts concerning the program or its budget differ from the facts (PRESENTED) in the district's approved application.

Sec. 21. Minnesota Statutes 1980, Section 124.32, Subdivision 10, is amended to read:

Subd. 10. [SUMMER SCHOOL.] The state shall pay aid for summer school programs for handicapped children on the basis of the sections of Minnesota Statutes providing aid for handicapped children for the preceding school year. (ON OR BEFORE) *By* March 15 of each year, districts shall submit separate applications for program and budget approval for summer school programs. The review of these applications shall be as provided in subdivision 7. By May 1 of each year, the commissioner shall approve, disapprove or modify the applications and notify the districts of (HIS) *the* action and of the estimated amount of aid for the summer school programs. Aid for these programs shall be paid (ON OR BEFORE THE OCTOBER 1) *by November 15* after the summer when the programs are conducted.

Sec. 22. Minnesota Statutes 1980, Section 126.262, Subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] For purposes of sections *124.273* and 126.261 to 126.269, the terms defined in this section shall have the meanings given them.

Sec. 23. Minnesota Statutes 1980, Section 126.264, Subdivision 3, is amended to read:

Subd. 3. [PARENTAL INVOLVEMENT.] A district which receives moneys pursuant to section (126.263) *124.273* shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

Sec. 24. Minnesota Statutes 1980, Section 126.265, is amended to read:

#### 126.265 [GENERAL REQUIREMENTS FOR PROGRAMS.]

A district which receives aid pursuant to section (126.263) *124.273* shall comply with the following program requirements:

(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and

(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

Sec. 25. Minnesota Statutes 1980, Section 126.267, is amended to read:

**126.267 [TECHNICAL ASSISTANCE.]**

The state board of education shall provide technical assistance to school districts receiving aid pursuant to section (126.263) 124.273 and to post-secondary institutions for preservice and inservice training for bilingual education teachers and English as a second language teachers employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for these educational programs.

Sec. 26. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2h. [HANDICAPPED SUMMER SCHOOL LEVY.]  
A district may levy for summer school programs for handicapped pupils an amount equal to the following product:*

*(1) The district's summer school revenue allowance as defined in section 7, clause (2) of this article for the calendar year when the levy is certified, times*

*(2) the lesser of:*

*(a) one, or*

*(b) the ratio of*

*(i) the quotient derived by dividing the adjusted assessed valuation of the district in the third preceding year by the total pupil units in the district in the preceding regular school year, to*

*(ii) the equalizing factor for the preceding regular school year.*

Sec. 27. [SUPERVISION.]

*For the 1982-1983 school year, the rules on supervisory personnel of 5 MCAR 1.0122 D., D.1., D.2., D.3., and D.4 are suspended.*

*By February 1, 1983, the department of education shall report to the education committee of the legislature regarding the need to reinstate the rules or its recommendations for alternative rules for supervisory personnel.*

**Sec. 28. [STUDENT TO STAFF RATIOS; 1982-1983 SCHOOL YEAR.]**

*For the 1982-1983 school year, a school district may increase the student to staff ratios established pursuant to 5 MCAR 1.0122 C. by an amount not to exceed 20 percent. By February 1, 1983, the department shall report to the education committees of the legislature regarding recommendations on promulgating new student to staff rules which provide greater flexibility to school districts and which have cost containment features, including incentives for cooperation among school districts.*

**Sec. 29. [SPECIAL EDUCATION TEMPORARY GUIDELINES.]**

*The state board of education shall develop and test guidelines for districts to use in defining and serving the following groups of students: (a) students with learning disabilities, (b) students who are emotionally disturbed, and (c) students with special learning behavior problems. The department shall consider the feasibility of establishing entrance and exit criteria when developing and testing these guidelines. During the 1982-83 school year the department shall test the guidelines in a representative sample of districts statewide and report to the education committees of the legislature by February 1, 1984. The department shall report on the operation and fiscal impact of the guidelines.*

*The guidelines are only for the purposes of testing and determining proper policy for the department and do not represent a determination by the legislature or the department that the guidelines are permanent or binding. The guidelines shall not represent competent evidence in any legal proceeding arising in a state or federal court of law.*

**Sec. 30. [STUDENT ASSESSMENT CONFERENCE.]**

*Beginning with the 1982-1983 school year, the assessment requirement established pursuant to 5 MCAR 1.0124 B.1.b. and 1.0126B shall be reduced to one assessment every three years.*

**Sec. 31. [PERIODIC REVIEW.]**

*Beginning with the 1982-1983 school year, the periodic review requirement established pursuant to 5 MCAR 1.0126 A.2. shall be reduced to one review each year.*

**Sec. 32. [APPROPRIATION REDUCTION; SPECIAL EDUCATION SUMMER SCHOOL.]**

*The general fund appropriation for fiscal year 1983 for summer school special education aid in Laws 1981, Chapter 358, Article III, Section 21, Subdivision 3, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is further reduced by \$631,000. The remaining amount of the appropriation for summer school special education aid for 1983 shall not be used to reimburse school districts for summer school special education programs for pupils who are appropriately served at levels 2 or 3 of the continuum of placement model described in 5 MCAR 1.0120 B.11.*

**Sec. 33. [APPROPRIATION.]**

*There is appropriated from the general fund to the department of education for the year ending June 30, 1983, the sum of \$1,047,000. This amount is for foundation aid for summer school programs for handicapped pupils. If this amount is not sufficient to meet all obligations, the department of education shall proportionately reduce the summer school revenue allowance and allocate the aid accordingly.*

**Sec. 34. [EFFECTIVE DATE.]**

*Sections 2, 3, 4, 5, 6, 7, 13, 20 and 29 are effective the day following final enactment.*

**ARTICLE IV**

**MISCELLANEOUS**

**Section 1.** Minnesota Statutes 1980, Section 120.68, is amended to read:

**120.68 [FOUR DAY SCHOOL WEEK.]**

The state board of education, pursuant to sections 120.59 to 120.67, shall promulgate rules pursuant to chapter 15 permitting districts requesting to operate a four day week to qualify for a flexible school year program. (THE RULES SHALL NOT APPLY TO A SCHOOL DISTRICT LOCATED ENTIRELY WITHIN THE SEVEN COUNTY METROPOLITAN AREA.)

**Sec. 2. [120.34] [PERMANENT SCHOOL FUND ADVISORY COMMITTEE.]**

*A state permanent school fund advisory committee is established to advise the department of natural resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee shall consist of the following persons or their designees: the chairpersons of the education committees of the legislature, the chairpersons of the senate committee on finance and house committee on appropriations, the commissioner of education, one superintendent from a non-metropolitan district, and one superintendent from a metropolitan area district. The school district superintendents shall be appointed by the commissioner of education.*

*The advisory committee shall review the policies of the department of natural resources on management of school trust fund lands and shall recommend necessary changes in policy and implementation in order to ensure provident utilization of the permanent school fund lands.*

**Sec. 3. [DEPARTMENT OF NATURAL RESOURCES; LAND MANAGEMENT POLICY.]**

*By February 1, 1983, the department of natural resources shall submit a report to the education committees of the legislature on its policy for the management of permanent school fund land.*

**Sec. 4. Minnesota Statutes 1980, Section 121.11, Subdivision 12, is amended to read:**

**Subd. 12. [ADMINISTRATIVE (REGULATIONS) RULES.]** The state board shall (HAVE POWER FROM TIME TO TIME TO MAKE) adopt and enforce (SUCH) rules (AND REGULATIONS), consistent with this code, (AS MAY BE) appropriate for the administration and enforcement thereof. *Notwithstanding the provisions of section 15.0412, subdivision 1a, the state board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.*

**Sec. 5. Minnesota Statutes 1980, Section 121.908, Subdivision 3, is amended to read:**

**Subd. 3.** Prior to June 30 of the calendar year following the submission of the unaudited financial statement, the school district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of *material differences* in the unaudited statement.

**Sec. 6. Minnesota Statutes 1980, Section 123.32, Subdivision 1, is amended to read:**

Subdivision 1. [DATE.] Unless a different date is permitted under the provisions of subdivision 22 or section 7 of this article, the annual election in independent districts shall be held on the third Tuesday in May.

Sec. 7. Minnesota Statutes 1980, Section 123.32, is amended by adding a subdivision to read:

*Subd. 28. [ALTERNATIVE DATE.] The board of any school district may by resolution provide for the holding of the annual election on the first Tuesday after the first Monday in November of any year. If the annual election is held in November, the terms of office of all board members shall be lengthened to expire on January 1.*

Sec. 8. Minnesota Statutes 1980, Section 123.37, Subdivision 1b, is amended to read:

**Subd. 1b. [TRANSPORTATION; FUEL.]** Notwithstanding the provisions of subdivision 1 or section 471.345, a contract for the transportation of school children, or a contract for the purchase, by June 30, 1983, of petroleum heating fuel or fuel for district owned vehicles may be made by direct negotiation, by obtaining two or more written quotations for the service when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, negotiations shall be open to the public. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1 except as otherwise provided in this subdivision.

Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.

Sec. 9. Minnesota Statutes 1980, Section 124.19, Subdivision 1, is amended to read:

**Subdivision 1. [INSTRUCTIONAL TIME.]** Every district which receives special state aid shall maintain school in session or provide instruction in other districts, in state university laboratory school or in the university laboratory school, for at least (A MINIMUM TERM AS DEFINED BY THE STATE BOARD. THE NORMAL SCHOOL YEAR WHEN SCHOOL IS IN SESSION SHALL BE NOT LESS THAN) 175 days, not including summer school, or (THEIR) the equivalent is a district operating a flexible school year program. A district which holds school for (THAT PERIOD) the required minimum num-

*ber of days* and is otherwise qualified is entitled to special state aid as *provided* by law (PROVIDED). If school is *not* held (A LESS PERIOD SUCH SPECIAL) *for the required minimum number of days*, special state aid shall be reduced by the ratio that the difference between 175 days and the number of days school is held bears to 175 days, multiplied by 60 percent of the product of the (DISTRICT'S) foundation aid formula allowance times its pupil units for that year (; BUT). *However*, districts maintaining (LESS) school for fewer than the required minimum number of days (OF SCHOOL IN SESSION) do not lose special state aid, if the circumstances causing (SUCH) loss of school (TIME) days below the required minimum number of days (WERE) are beyond the control of the board and (PROVIDED), if proper evidence (HAS BEEN) is submitted and a good faith attempt made to make up time lost (ON ACCOUNT OF) due to these circumstances. *The loss of school days resulting from a lawful employee strike shall not be considered a circumstance beyond the control of the board.* Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school (IN SESSION). (EFFECTIVE THE 1979-1980 SCHOOL YEAR,) Not more than five days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days (SCHOOL IS IN SESSION), except that, for kindergarten classes, not more than ten days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days (SCHOOL IS IN SESSION).

Sec. 10. Minnesota Statutes 1980, Section 124.19, is amended by adding a subdivision to read:

*Subd. 5. [SCHEDULE ADJUSTMENTS.] (a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by school districts. School districts are encouraged to consider both cost and energy saving measures.*

*(b) Notwithstanding the provisions of subdivision 1 or 4, any district, including a district operating a program pursuant to sections 120.59 to 120.68 or 121.502 to 121.507, may adjust the annual school schedule throughout the calendar year so long as the number of instructional hours in the year is not less than the number specified in the rules of the state board.*

Sec. 11. Minnesota Statutes 1981 Supplement, Section 125.-611, Subdivision 5, is amended to read:

*Subd. 5. [SCHOOL BOARD APPLICATION; LIMIT.] If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by*



the commissioner and must be received by the commissioner by the March 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. The commissioner shall approve no more than 500 applications for early retirement incentives for teachers retiring at the end of each school year.

If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. *If the number of applications approved by the commissioner by March 15 is less than 500 and is within the limits of the appropriation, additional applications submitted to the school board after February 1 may be considered for approval by the school board and commissioner according to the order of receipt.*

Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Sec. 12 Minnesota Statutes 1981 Supplement, Section 136A.-81, Subdivision 1, is amended to read:

Subdivision 1. [FEES AND TUITION.] Except for an administration fee of \$6 a credit hour, to be collected only when a course is taken for credit, a senior citizen who is a legal resident of Minnesota is entitled without payment of tuition or activity fees to attend courses offered for credit (OR), audit any courses offered for credit, *or enroll in any noncredit adult vocational education courses* in any state supported institution of higher education in Minnesota when space is available after all tuition-paying students have been accommodated. *For the purposes of sections 136A.80 and 136A.81, the term "noncredit adult vocational education courses" shall not include those adult vocational education courses designed and offered specifically and exclusively for senior citizens.* Senior citizens enrolled under the provisions of sections 136A.80 and 136A.81 shall not be included by such institutions in their computation of full time equivalent students when requesting staff or appropriations. The enrollee shall pay laboratory or material fees.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 169.-974, Subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIREMENTS.] No person shall operate a motorcycle on any street or highway unless he has

a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with (SUCH REGULATIONS AS THE COMMISSIONER OF PUBLIC SAFETY SHALL PROMULGATE) *rules promulgated by the state board of education for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a private or commercial school or institute.* The commissioner may waive the road test for any applicant if he determines that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

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

(a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;

(b) Drive the motorcycle at night time;

(c) Drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to Title 23 of the United States Code.

(d) Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.

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

Sec. 14. Minnesota Statutes 1981 Supplement, Section 171.04, is amended to read:

## 171.04 [PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.]

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the (DEPARTMENT OF PUBLIC SAFETY) *state board of education for courses offered through the public schools*, or, in the case of a course offered by a private, commercial driver education school or institute (EMPLOYING DRIVER EDUCATION INSTRUCTORS), by the department of public safety (,); except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless his application therefor is approved by his employer. (BEHIND-THE-WHEEL) Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering (BEHIND-THE-WHEEL) driver education courses may charge an enrollment fee for the (BEHIND-THE-WHEEL) driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug-dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department

is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 354.66, Subdivision 6, is amended to read:

Subd. 6. [INSURANCE.] A board of an employing district entering into an agreement authorized by this section shall take all steps necessary to assure continuance of any insurance programs furnished or authorized a full time teacher on an identical basis and with identical sharing of costs for a part time teacher pursuant to this section, *provided, however, that the requirements of this sentence may be modified by a collective bargaining agreement between a board and an exclusive representative pursuant to chapter 179.* Notwithstanding the provisions of section 43.47, subdivision 16, teachers as defined in section 136.88 employed on a less than 75 percent time basis pursuant to this section shall be eligible for state paid insurance benefits as if the teachers were employed full time.

Sec. 16. Minnesota Statutes 1980, Section 475.61, Subdivision 1, is amended to read:

Subdivision 1. [DEBT SERVICE RESOLUTION.] The governing body of any municipality issuing general obligations shall, prior to delivery of the obligations, levy by resolution a direct general ad valorem tax upon all taxable property in the municipality to be spread upon the tax rolls for each year of the term of the obligations. The tax levies for all years *for municipalities other than school districts* shall be specified and such that if collected in full they, together with estimated collections of special assessments and other revenues pledged for the pay-

ment of said obligations, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the obligations. *The tax levies for school districts shall be specified and such that if collected in full they, together with estimated collection of other revenues pledged for the payment of the obligations, will produce between five and six percent in excess of the amount needed to meet when due the principal and interest payments on the obligations; except that, with the permission of the commissioner of education, a school board may specify a tax levy in a higher amount if necessary because of anticipated tax delinquency.* Such resolution shall irrevocably appropriate the taxes so levied and any special assessments or other revenues so pledged to the municipality's debt service fund or a special debt service fund or account created for the payment of one or more issues of obligations. The governing body may, in its discretion, at any time after the obligations have been authorized, adopt a resolution levying only a portion of such taxes, to be filed, assessed, extended, collected, and remitted as hereinafter provided, and the amount or amounts therein levied shall be credited against the tax required to be levied prior to delivery of the obligations.

Sec. 17. Minnesota Statutes 1980, Section 475.61, Subdivision 3, is amended to read:

Subd. 3. [IRREVOCABILITY.] Tax levies so made and filed shall be irrevocable, except (THAT) *as provided in this subdivision.*

*In each year when there is on hand any excess amount in the debt service fund of a school district at the time the district makes its property tax levies, the amount shall be certified by the school board to the county auditor and the auditor shall reduce the amount otherwise to be included in the rolls next prepared by the amount certified. An amount shall be presumed to be excess if it, together with the levy required by subdivision 1, will exceed 106 percent in excess of the amount needed to meet when due the principal and interest payments on the obligations due before the second following July 1. This subdivision shall not limit a school board's authority to specify a tax levy in a higher amount if necessary because of anticipated tax delinquency.*

If the governing body, including the governing body of a school district, in any year makes an irrevocable appropriation to the debt service fund of moneys actually on hand or if there is on hand any excess amount in the debt service fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

Sec. 18. Minnesota Statutes 1980, Section 475.61, Subdivision 4, is amended to read:

Subd. 4. [SURPLUS FUNDS.] All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the debt service fund when the obligations and interest thereon are paid may be appropriated to any other general purpose by the municipality. However, the amount of any surplus remaining in the debt service fund of a school district when the obligations and interest thereon are paid shall be used to reduce the maintenance levy authorized pursuant to section 275.125, subdivision 2a *except that from the effective date of this section of this article to June 30, 1983, a school district which has discontinued its levy for debt service may transfer to its general fund the amount of any surplus remaining in its debt service fund when the obligations and interest thereon are paid or when an escrow account for defeasance of the entire amount of the obligations and interest thereon has been established.*

Sec. 19. Laws 1981, Chapter 358, Article VII, Section 29, as amended by Laws 1981, Third Special Session Chapter 1, Article I, Section 10, is amended to read:

Sec. 29. [EXEMPTION FROM PUBLIC SALE.]

Notwithstanding Minnesota Statutes, Section 124.76, from June 1, 1981 until June 30, 1983, the requirements as to public sale of tax and aid anticipation certificates of indebtedness shall not apply to certificates which mature no later than (SIX) twelve months after their date of issue. The interest rate on these certificates may be determined by direct negotiation.

Sec. 20. Laws 1981, Third Special Session Chapter 2, Article II, Section 15 is amended to read:

Sec. 15. [REPAYMENT BY END OF FISCAL YEAR.]

Notwithstanding any law to the contrary, by June 30, 1982, the commissioner of finance shall draw warrants in favor of school districts, public library systems, multi-type library systems, educational cooperative service units or regional management information systems for any of the state aids, payments, reimbursements and fund transfers that were suspended by the commissioner of education pursuant to section 13. *In the event moneys become available for partial repayment of suspended aid payments, reimbursements, and fund transfers before June 30, 1982, the commissioner of education may consider the cash flow needs of the individual recipients in determining which suspended amounts shall be repaid before June 30, 1982.*

Sec. 21. [TRANSFER FROM CAPITAL EXPENDITURE FUND.]

*Notwithstanding the provisions of section 275.125, subdivision 11a or 11b, or any other law to the contrary, a school district may permanently transfer an amount not to exceed \$50 per actual pupil unit from the capital expenditure fund to the general fund of the district. The transfer shall be made before June 30, 1983.*

#### Sec. 22. [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 ensure an equitable balance in placing district personnel on unrequested leaves of absence, which may include consolidation of administrative positions.*

#### Sec. 23. [DRIVER EDUCATION RULES.]

*By July 1, 1982, the state board of education shall adopt temporary rules pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5, establishing criteria for approval of driver education courses offered through the public schools. Notwithstanding any law to the contrary, the temporary rules shall be effective until July 1, 1983 or until the state board adopts permanent rules, whichever is earlier.*

#### Sec. 24. [REPEALER.]

*Minnesota Statutes 1980, Section 128.05; Laws 1967, Chapters 251 and 253; and Laws 1976, Chapter 20, Section 8, are repealed.*

#### Sec. 25. [EFFECTIVE DATE.]

*Sections 1, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 22, 23, and 24 are effective immediately.*

### ARTICLE V

#### VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1981 Supplement, Section 121.912, Subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] No school district shall permanently transfer money from an operating fund to a non-operating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after

the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet or a substantial portion of a fleet, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner. The levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. (PERMANENT TRANSFERS MAY BE MADE FROM THE GENERAL FUND TO THE CAPITAL EXPENDITURE FUND OF A POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOL IN THE AMOUNT AND FOR THE PURPOSES AUTHORIZED BY THE STATE BOARD FOR VOCATIONAL EDUCATION IN APPROVING THE SCHOOL'S BUDGET PURSUANT TO SECTION 124.561. THE STATE BOARD SHALL NOT APPROVE ANY PERMANENT TRANSFER FOR THE PURPOSE OF AN ACQUISITION OR BETTERMENT OF LANDS OR BUILDINGS OR A CAPITAL IMPROVEMENT WHICH REQUIRES THE EXPENDITURE OF AN AMOUNT EQUAL TO OR GREATER THAN \$50,000, WHICH CHANGES THE PERIMETER WALLS OF AN EXISTING FACILITY, WHICH ADDS MORE THAN 1,000 SQUARE FEET TO A POST-SECONDARY VOCATIONAL FACILITY, OR WHICH REQUIRES THE ISSUANCE OF SCHOOL DISTRICT BONDS. THE STATE BOARD SHALL NOT APPROVE THE PERMANENT TRANSFER FOR ANY OTHER PURPOSE OF ANY AMOUNT WHICH EXCEEDS \$150,000.)

Sec. 2. Minnesota Statutes 1980, Section 123.351, is amended by adding a subdivision to read:

*Subd. 8a. [DISSOLUTION.] The boards of each participating district may agree to dissolve a center effective at the end of any school year or at an earlier time as they may mutually agree. A dissolution shall be accomplished in accordance with any applicable provisions of the agreement establishing the center. Upon receipt of the dissolution resolutions from the boards of the participating districts, the center board shall file a certified copy with the county auditors of the counties affected. The dissolution shall not affect the continuing liability of the previously participating districts for bonded indebtedness incurred prior to the dissolution, or for other continuing obligations, including unemployment compensation.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 124.5621, Subdivision 12, is amended to read:

*Subd. 12. [INSTRUCTIONAL AID FORMULA.] (IN EACH FISCAL) Except for the 1982-1983 school year, each district which operates an AVTI shall receive post-secondary*



vocational instructional aid computed according to the following formula:

(a) The instructional program allowance for that AVTI in the base year, multiplied by

(b) The AVTI staff compensation weighting for that AVTI, multiplied by

(c) 119 percent, multiplied by

(d) The student growth or decline factor for that AVTI.

Sec. 4. Minnesota Statutes 1980, Section 124.5621, is amended by adding a subdivision to read:

*Subd. 12a.* [1982-1983 INSTRUCTIONAL AID FORMULA.]

*For the 1982-1983 school year, each district which operates an AVTI shall receive post-secondary vocational instructional aid computed according to the following formula:*

*(a) The instructional program allowance for that AVTI in the base year, multiplied by*

*(b) The AVTI staff compensation weighting for that AVTI, multiplied by*

*(c) 109.5 percent, multiplied by*

*(d) The student growth or decline factor for that AVTI.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 124.5624, Subdivision 3, is amended to read:

**Subd. 3. [EQUIPMENT AID.]** "Post-secondary vocational equipment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and repair and betterment aid apportioned by the state board for vocational education to local school districts, *as necessary for the conduct of post-secondary vocational-technical training, for the purpose of:*

(a) acquisition or purchase of equipment or machinery;

(b) betterment, as defined in section 475.51, of equipment or machinery; (AND)

(c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment (,); and

(d) *renting or leasing buildings for school purposes* (AS NECESSARY FOR THE CONDUCT OF POST-SECONDARY VOCATIONAL-TECHNICAL TRAINING).

Post-secondary vocational equipment aid shall be utilized solely for the purposes enumerated in this section.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 124.-5624, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; EQUIPMENT AID ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1982, AND BEFORE) January 1 of each year (THEREAFTER) detailing estimated costs for the following fiscal year in each applicable component activity of the AVTI's operations for each of the following expenditure categories: acquisition of equipment or machinery, betterment of equipment or machinery (AND RENTS AND LEASES), *leasing fees, and renting or leasing buildings for school purposes*, for all instructional programs and support services, including special needs programs and related instruction. Each budget shall also include anticipated revenues from the sale of equipment and other capital goods. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or repair and betterment aid. The department of education shall recommend an allocation of equipment aid in each applicable component activity of the AVTI's operations for each of the expenditure categories and a total allocation of equipment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of equipment aid for each AVTI, and detail recommended levels of spending in each component activity for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 124.-5627, Subdivision 3, is amended to read:

Subd. 3. [REPAIR AND BETTERMENT AID.] (a) [DEFINITION.] "Post-secondary vocational repair and betterment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and equipment aid, apportioned by the state board for vocational education to local school districts for the purpose of reconstruction, improvement, remodeling and repair of the

existing AVTI buildings and grounds, (AND RENTING OR LEASING BUILDINGS FOR SCHOOL PURPOSES,) as necessary for the conduct of post-secondary vocational-technical training.

(b) [PROHIBITION.] Post-secondary vocational repair and betterment aid shall be utilized solely for the purposes enumerated in this section. The use of post-secondary vocational repair and betterment aid shall be governed by the provisions of section 121.21, subdivision 4a. Post-secondary vocational repair and betterment aid shall not be utilized for the acquisition or betterment of equipment or machinery.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; AID ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1982 AND BEFORE) January 1 of each (SUBSEQUENT) year detailing estimated costs for the following fiscal year (FOR RENTS AND LEASES AND) for each repair and betterment project proposed by the AVTI. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or equipment aid. The department of education shall recommend an allocation of repair and betterment aid (FOR RENTS AND LEASES AND) for each project proposed by the AVTI as well as a total allocation of repair and betterment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of repair and betterment aid for each AVTI, and detail recommended levels of spending (FOR RENTS AND LEASES AND) for each project proposed by the AVTI, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. The amount of each AVTI's estimated net positive unappropriated capital fund balance, as of June 30 of the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. The allocation of post-secondary vocational repair and betterment aid by the state board shall not constitute approval of a project by the state board for the purposes of section 121.21, subdivision 4a.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 124.5627, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before (AUGUST 1, 1982 AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the repair and betterment aid allocation to each AVTI. This report shall include recommended aid allocations (FOR RENTS AND LEASES AND) for each repair and betterment project proposed by an AVTI and an explanation comparing the amount of the authorized repair and

betterment aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the repair and betterment aid allocation shall be included.

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 10. Minnesota Statutes 1980, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. [ADULT VOCATIONAL AID.] *Except for the 1982-1983 school year*, the state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel or personnel exempt from licensure pursuant to section 125.031 in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives moneys from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to moneys from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Sec. 11. Minnesota Statutes 1980, Section 124.572, is amended by adding a subdivision to read:

Subd. 2a. [1982-1983 ADULT VOCATIONAL AID.] *The aid for the 1982-1983 school year shall be paid according to subdivision 2, except that the state shall pay 69 percent of salaries and 46.25 percent of necessary travel.*

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.573, Subdivision 2, is amended to read:

Subd. 2. [SALARIES, EQUIPMENT AND TRAVEL.] (IN THE 1981-1982 SCHOOL YEAR AND EACH YEAR THEREAFTER) *Except for the 1982-1983 school year*, the state shall pay to any district or cooperative center 45 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. (IN ADDITION) *Except for the 1982-1983 school year*, the state shall pay 45 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers (,) and 45 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes (, AND). *For the 1981-1982 school year, the state shall pay 45 per-*

cent of the costs of necessary equipment for these programs. No secondary vocational equipment aid shall be paid (BEGINNING WITH) for the 1982-1983 school year and thereafter. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source (, AND). In no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.

Sec. 13. Minnesota Statutes 1980, Section 124.573, is amended by adding a subdivision to read:

*Subd. 2a. [1982-1983 SALARIES AND TRAVEL.] For the 1982-1983 school year, the state shall pay to any district or cooperative center 41.6 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 41.6 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers, and 41.6 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source. In no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.*

Sec. 14. Minnesota Statutes 1981 Supplement, Section 124.573, Subdivision 3a, is amended to read:

*Subd. 3a. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services. Except for the 1982-1983 school year, the state shall pay each district or cooperative center 40 percent of the amount of a contract entered into pursuant to this subdivision. The state board shall promulgate rules relating to program approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 4, the district or cooperative center contracting for these services shall be construed to be providing the services. For the purposes of subdivision 5, aid for these con-*

tracts shall be distributed on the same basis as aids for salaries and travel.

Sec. 15. Minnesota Statutes 1980, Section 124.573, is amended by adding a subdivision to read:

*Subd. 3b. [1982-1983 AID FOR CONTRACTED SERVICES.] For the 1982-1983 school year, the state shall pay 37 percent of the amount of a contract entered into pursuant to subdivision 3a.*

Sec. 16. Minnesota Statutes 1981 Supplement, Section 124.574, Subdivision 2, is amended to read:

*Subd. 2. [1981-1982 SALARIES.] ((A)) For the 1981-1982 (AND 1982-1983) school (YEARS) year, the state shall pay to any district or cooperative center 65 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.*

*Subd. 2a. [1982-1983 SALARIES.] For the 1982-1983 school year, the state shall pay to any district or cooperative center 60 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district's or center's secondary vocational education program for handicapped children.*

*((B)) Subd. 2b. [(1983-1984 AND THEREAFTER) SALARIES.] (BEGINNING IN) For the 1983-1984 school year and each year thereafter, the state shall pay to any district or cooperative center 70 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.*

Sec. 17. Minnesota Statutes 1980, Section 124.574, Subdivision 3, is amended to read:

*Subd. 3. [EQUIPMENT, TRAVEL AND SUPPLIES.] In addition to the provisions of subdivision 2, the state shall pay for each school year, except for the 1982-1983 school year:*

(a) 50 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children;

(b) 50 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; and

(c) 50 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$50 in any one school year for each handicapped child receiving these services.

Sec. 18. Minnesota Statutes 1980, Section 124.574, is amended by adding a subdivision to read:

*Subd. 3a. [1982-1983 EQUIPMENT, TRAVEL, AND SUPPLIES.] The aid for the 1982-1983 school year shall be paid according to the provisions of subdivision 3, except that the state shall pay (a) 46.25 percent of the cost of necessary equipment; (b) 46.25 percent of the cost of necessary travel between instructional sites; and (c) 46.25 percent of the cost of necessary supplies, but not to exceed an average of \$46.25 in any one school year for each handicapped child receiving these services.*

Sec. 19. [EFFECTIVE DATE.]

*Sections 2, 5, 6, 7, 8 and 9 are effective the day following final enactment. Section 1 is effective August 1, 1982.*

## ARTICLE VI

### OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1980, Section 121.88, is amended by adding a subdivision to read:

*Subd. 5. [SUMMER SCHOOL PROGRAMS.] Notwithstanding any law to the contrary, during the summer a school district may offer community education programs to elementary and secondary pupils. The district may use community education revenue received pursuant to sections 124.271 and 275.125, subdivision 8 and charge fees for the cost of the programs.*

Sec. 2. Minnesota Statutes 1981 Supplement, Section 122.-542, Subdivision 3, is amended to read:

*Subd. 3. [ALTERNATIVE EDUCATIONAL DELIVERY SYSTEM GRANTS.] (a) The council on quality education shall make a grant to Independent School District No. 362, Littlefork, to serve as a demonstration model in the development and implementation of an alternative educational delivery system. The council shall provide supervision and coordination in the development and implementation of the demonstration model and in disseminating information about the model to other districts. Application for a grant pursuant to this subdivision shall be made in a manner prescribed by the council.*

(b) Alternative educational delivery systems shall include but are not limited to:

- (1) computer-assisted instruction;
- (2) extension courses offered by correspondence;
- (3) videotape courses; and
- (4) audiovisual courses.

(c) The goals of alternative educational delivery systems shall include but not be limited to:

- (1) expansion of curriculum in areas not otherwise available;
- (2) elimination of traditional classes of uneconomic or insufficient size without a reduction of learning opportunities;
- (3) provision of remedial instruction in basic skills.

(d) A grant made pursuant to this subdivision is to be used solely for development, implementation, and evaluation of the model, and to disseminate information about the model to other school districts in the state. The legislature does not intend that this grant is to be used for start-up costs of alternative educational delivery systems in other districts, nor does it intend to fund such start-up costs in the future. *However, the council on quality education may use a portion of the moneys appropriated for this grant to provide in-service training to other school districts for the purpose of replicating the demonstration model.*

Sec. 3. Minnesota Statutes 1981 Supplement, Section 122.542, Subdivision 4, is amended to read:

Subd. 4. [LOW-POWER TELEVISION SYSTEM GRANT.]

(a) The council on quality education shall make a grant to Independent School District No. 790, Eagle Bend, to serve as a demonstration model in the development and implementation of a two-way, low-power television transmission system. The council shall provide supervision and coordination in the development, implementation, and evaluation of the model and in disseminating information about the model to other districts. Applications for this grant shall be made in a manner prescribed by this council.

(b) This grant is to be used solely for the development, implementation, and evaluation of the model and for disseminating information about the model to other school districts in the state. The legislature does not intend that this grant is to be



used for start-up costs of two-way, low-power television transmission systems in other school districts nor does the legislature intend to fund such start-up costs in the future. *However, the council on quality education may use a portion of the moneys appropriated for this grant to provide in-service training to other school districts for the purpose of replicating the demonstration model.*

Sec. 4. Minnesota Statutes 1980, Section 123.35, is amended by adding a subdivision to read:

*Subd. 9a. [SUMMER SCHOOL CLASSES.] The board may establish and maintain summer school programs and inter-session classes of flexible school year programs.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 123.702, Subdivision 1a, is amended to read:

**Subd. 1a. [COMPONENTS.] (THE) A screening (PROGRAMS) program shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, (THE) review of health history and immunization status (AND NUTRITIONAL AND PHYSICAL ASSESSMENTS. THE SCHOOL BOARD MAY ALSO PROVIDE ADDITIONAL COMPONENTS, INCLUDING LABORATORY TESTS OR DENTAL ASSESSMENTS, IN THE SCREENING PROGRAM,) and assessments of height, weight and blood pressure.** All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component. No screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled screening clinic. *A school board may offer additional components such as nutritional, physical and dental assessments and laboratory tests. State aid shall not be paid for additional components.*

Sec. 6. Minnesota Statutes 1981 Supplement, Section 123.705, is amended to read:

**123.705 [STATE AID.]**

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$28 per child screened in fiscal year 1982 and (\$29) \$15 per child screened in fiscal year 1983. Any district may request and receive an ad-

vance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] (a) (IN) *For the 1981-1982 school year and each year thereafter, except for the 1982-1983 school year, the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. (IN ORDER) To qualify for aid pursuant to this subdivision in any school year, a district must have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.*

*For the 1982-1983 school year the state shall pay a school district the difference by which an amount equal to \$89 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$94 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.*

(b) In the 1982-1983 school year and each year thereafter, the aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is \$5 higher than the amount specified in clause (a).

(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year starting in 1982-1983 and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds (\$90) \$89 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, (\$95) \$94 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 124.245, Subdivision 1a, is amended to read:

Subd. 1a. [1982-1983 SPECIAL PURPOSE COMPUTATION.] (IN) *For the 1982-1983 school year (AND EACH YEAR THEREAFTER), the state shall pay a school district the difference by which an amount equal to (\$25) \$24.50 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. (IN ORDER) To qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 275.125, subdivision 11b for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11b may be used.*

Sec. 9. Minnesota Statutes 1980, Section 124.245, is amended by adding a subdivision to read:

Subd. 1b. [SPECIAL PURPOSE COMPUTATION.] *For the 1983-1984 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 275.125, subdivision 11b for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11b may be used.*

Sec. 10. Minnesota Statutes 1981 Supplement, Section 124.246, Subdivision 2, is amended to read:

Subd. 2. [AID.] *Except for the 1982-1983 school year, an eligible district shall receive \$1 for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,000.*

Sec. 11. Minnesota Statutes 1981 Supplement, Section 124.246, is amended by adding a subdivision to read:

Subd. 2a. [1982-1983 AID.] *For the 1982-1983 school year an eligible district shall receive 92.5 cents for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the*

*district upon request by or on behalf of the pupils. No district shall receive less than \$925.*

Sec. 12. Minnesota Statutes 1981 Supplement, Section 124.-247, Subdivision 3, is amended to read:

Subd. 3. [AID.] A district which establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to \$16.25, in the 1981-1982 school year, and (\$17.50) *\$16.18* in the 1982-1983 school year, times the number of gifted and talented students in the district. No more than 5 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the moneys received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 124.-251, is amended to read:

**124.251 [STATE AID; IMPROVED LEARNING PROGRAMS.]**

A district which establishes, pursuant to sections 121.501 to 121.507, a principal-teacher, counselor-teacher or career teacher component of an improved learning program approved by the state board of education, shall receive state aid for the purpose of this program in an amount equal to the salary and fringe benefits for the number of days each principal-teacher, counselor-teacher or career teacher works beyond the regular contract period. The daily rate paid shall be the contract rate including fringe benefits earned by the principal-teacher, counselor-teacher or career teacher during the year in which the application is submitted. The state board shall not approve applications or pay aids in excess of the state appropriation for this program. In addition, the board shall make an effort to distribute aid as equally as possible between rural, suburban and urban districts. In addition to other aids or moneys, a school district may use summer school (FOUNDATION) revenue to fund an improved learning program.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 124.26, Subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION.] For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds

are available. The state shall pay these aids on a current funding basis. *Except for the 1982-1983 school year*, the portion of (SUCH) the compensation from state appropriation shall be 90 percent of the compensation paid each teacher for (HIS) services in (SUCH) the programs up to \$8,000 per year based on the costs in that current year. All classes shall be tuition free when taught by teachers subsidized under this section and there shall be no charge for registration, materials and supplies. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Sec. 15. Minnesota Statutes 1980, Section 124.26, is amended by adding a subdivision to read:

*Subd. 1b. [1982-1983 COMPENSATION.] For the 1982-1983 school year the portion of the compensation from state appropriation shall be 83.25 percent of the compensation paid each teacher for services in the programs up to \$7,400 per year based on the costs in that current year.*

Sec. 16. Minnesota Statutes 1981 Supplement, Section 124.-271, Subdivision 2, is amended to read:

*Subd. 2. [AID.] In fiscal (YEARS) year 1982 (AND 1983) the state shall pay the greater of 65 cents per capita or \$6,100 to each school district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year. In fiscal year 1983, the state shall pay the greater of 60 cents per capita or \$5,642 to each school district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year.*

Sec. 17. Minnesota Statutes 1981 Supplement, Section 124.-38, Subdivision 7, is amended to read:

*Subd. 7. [MAXIMUM EFFORT DEBT SERVICE LEVY.] "Maximum effort debt service levy" means the lesser of:*

(1) A levy in whichever of the following amounts is applicable:

(a) In any school district granted a debt service loan after July 31, 1981 or granted a capital loan which is approved after July 31, 1981, a levy in a total dollar amount computed as 16 mills on the adjusted assessed value;

(b) In any school district granted a debt service loan before August 1, 1981 or granted a capital loan which was approved before August 1, 1981, a levy in a total dollar amount computed as 15 mills on the adjusted assessed value, until and unless the district receives an additional loan; or

(2) A levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5-1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan;

(d) In any school district (GRANTED) *for which* a capital loan (BETWEEN JULY 1, 1977 AND JUNE 2, 1981) *was approved prior to August 1, 1981*, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2)(d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2)(d), the liability of the district for the amount of the difference between the amount it levied under clause (2)(d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4.

Sec. 18. Minnesota Statutes 1980, Section 134.34, is amended by adding a subdivision to read:

*Subd. 5. [MAINTENANCE OF EFFORT; EXCEPTION.] Notwithstanding subdivision 4, a regional library system support grant may be made in fiscal year 1983 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1981 if the amount provided by the city or county in 1982 is not less than the amount provided by it in 1980. A regional library system support grant may be made in fiscal year 1984 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for 1982, if the amount provided by the city or county in 1983 is not less than the amount provided by it in 1981. This subdivision shall not affect the eligibility of cities or counties to declare all or part of their library levies as special levies under the provisions of section 275.50, subdivision 5, clause (c).*

Sec. 19. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2g. [SUMMER SCHOOL LEVY.] Beginning with the 1982 payable 1983 levy, a district may levy for summer school an amount not to exceed \$20 per actual pupil unit for the regular school year prior to the summer program. The levy shall be used for summer school programs offered in the year following the year the levy is certified.*

Sec. 20. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2h. [LEVY FOR 1982 SUMMER SCHOOL.] In addition to the levy authorized in section 19 of this article, in 1982 a district may certify a levy, for 1982 summer school programs, in an amount not to exceed \$20 per actual pupil unit for the regular school year prior to the summer program.*

Sec. 21. Minnesota Statutes 1980, Section 275.125, Subdivision 4, is amended to read:

*Subd. 4. [MISCELLANEOUS LEVIES.] A school district may levy the amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by section 275.125, subdivision 3, clause (7) (C), as it read in Minnesota Statutes 1974; the amounts necessary for repayment of debt service loans and capital loans; the amounts necessary to pay the district's obligations under section 6.62; the amount authorized for liabilities of dissolved districts pursuant to section 122.45; the amounts necessary to pay the district's obligations under section 268.06,*

subdivision 25; *the amounts necessary to pay for job placement services offered to employees who may become eligible for benefits pursuant to section 268.08*; the amounts necessary to pay the district's obligations under section 127.05; the amounts authorized by section 122.531; and the amounts necessary to pay the district's obligations under section 122.533.

Sec. 22. Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to \$90 per pupil unit, or \$95 per pupil unit in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year. No levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the tax may be used (ONLY) to acquire land, to equip and re-equip buildings and permanent attached fixtures, *to rent or lease buildings for school purposes*; to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, (INCLUDING BUT NOT LIMITED TO) *such as* those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures (FOR THE PURPOSE OF REDUCING) *to reduce* or (ELIMINATING) *eliminate* barriers to or (INCREASING) *increase* access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. *The proceeds of the tax may also be used to pay fees for capital outlay expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors.*

(c) Subject to the commissioner's approval, the tax proceeds may also be used to (RENT OR LEASE BUILDINGS FOR SCHOOL PURPOSES AND TO) acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital



expenditure tax proceeds for the (RENTING OR LEASING OF BUILDINGS FOR SCHOOL PURPOSES AND THE) acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal (WITH RESPECT TO) for the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per pupil unit for capital expenditures for equipment for these programs.

(g) For purposes of computing allowable levies under this subdivision and subdivision 11b, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.

Sec. 23. Minnesota Statutes 1980, Section 275.48, is amended to read:

**275.48 [ADDITIONAL TAX LEVIES IN CERTAIN MUNICIPALITIES.]**

(WHENEVER) *When* by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of (ANY) a city, township or school district for (ANY) a taxable year is reduced after the taxes for (SUCH) *the* year have been spread by the county auditor, and (WHENEVER) *when* the mill rate (AS) determined by the county auditor based (UPON) *on* the original assessed valuation is applied (UPON SUCH) *on the* reduced (VALUATIONS) *valuation* and does not produce the full amount of taxes (AS) actually levied and certified for (SUCH) *that* taxable year (UPON) *on* the original assessed (VALUATIONS) *valuation*, (SUCH) *the* city, township or school district may include *an additional amount* in its tax levy made following final determination and notice of (SUCH) *the* reduction in assessed valuation (, AN). *The amount shall equal* (TO) the difference between the total amount of taxes actually levied and certified for (SUCH) *that* taxable year upon the original assessed valuation, not exceeding the maximum amount

which could be raised (UPON SUCH) *on the* assessed valuation as reduced, within existing mill limitations, if any, and the amount of taxes collected for (SUCH) *that* taxable year (UPON SUCH) *on the* reduced (VALUATIONS) *valuation*. The total tax levy authorized for a school district by this section shall be reduced by the total amount of any abatement adjustments received by the district pursuant to section 124.214, subdivision 2, in the same calendar year in which the levy is certified. (PRIOR TO SEPTEMBER 15 OF EACH YEAR, THE COMMISSIONER OF EDUCATION SHALL CERTIFY TO EACH COUNTY AUDITOR THE AMOUNT OF ANY ABATEMENT ADJUSTMENTS PAID IN THAT YEAR TO EACH SCHOOL DISTRICT IN THAT COUNTY). *As part of the certification required by section 275.125, subdivision 10, the commissioner of education shall certify the amount of the abatement levy limitation adjustment for each school district headquartered in that county.*

*Except for school districts, the amount of taxes so included shall be levied separately and shall be levied in addition to all limitations imposed by law; and further shall not result in any penalty in the nature of a reduction in state aid of any kind.*

Sec. 24. Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 8, is amended to read:

Subd. 8. [SCHOOL LUNCH AID.] For school lunch aid pursuant to section 124.646 there is appropriated:

(\$3,838,200) \$3,859,200 . . . . . 1982,

(\$4,085,500) \$4,064,500 . . . . . 1983.

Any unexpended balance remaining from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 9 of (THIS SECTION) *Laws 1981, Chapter 358, Article VI, Section 46*, for food storage and transportation costs for U.S.D.A. donated commodities.

Sec. 25. Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 9, is amended to read:

Subd. 9. [FOOD STORAGE AND TRANSPORTATION.] For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:

\$765,300 . . . . . 1982,

\$880,100 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in Laws 1981, Chapter 358, Article VI, Section 46, Subdivisions*

8 and 9 for fiscal year 1982 because of decreased participation in the national school lunch program shall be prorated among the participating schools based on the number of fully paid student lunches served during the 1981-1982 school year.

Any unexpended balance remaining from the appropriations in Laws 1981, Chapter 358, Article VI, Section 46, Subdivisions 8 and 9 for fiscal year 1983 because of decreased participation in the national school lunch program shall be prorated, to the extent necessary to meet the state revenue matching requirement, among the participating schools based on the number of fully paid student lunches served during the 1982-1983 school year. If the total amount of the appropriations in Laws 1981, Chapter 358, Article VI, Section 46, Subdivisions 8 and 9 for fiscal year 1983 exceeds the state revenue matching requirement amount, any unexpended balance in excess of that amount shall cancel and revert to the general fund.

Sec. 26. Laws 1981, Third Special Session Chapter 2, Article II, Section 1, is amended to read:

Section 1. [EDUCATION AID REDUCTIONS; SUMMARY.]

The sums set forth in the columns designated "APPROPRIATION REDUCTIONS" are reduced from the general fund appropriations to the department of education. The figures "1982" and "1983" when used in (SECTION 2 OF THIS ARTICLE) Laws 1981, Third Special Session Chapter 2, Article II, Section 2, mean that the appropriation reductions listed are from the appropriations for the fiscal years ending June 30, 1982 or June 30, 1983, respectively.

SUMMARY OF REDUCTIONS

	1982	1983
EDUCATION AIDS .....	(( - 0 - )	(\$160,900,000))
	(\$22,500)	(\$160,877,500)

APPROPRIATION REDUCTIONS

1982	1983
------	------

Sec. 27. Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is amended to read:

Sec. 2. [APPROPRIATION REDUCTIONS.]

The general fund appropriations in Laws 1981, Chapter 358, as amended by Laws 1981, First Special Session, Chapter 2, are

	1982	1983
	\$	\$

reduced by the listed amounts. The appropriation reductions in this section are from the portion of the appropriation provided for the current year and not from the portion of the appropriation provided for the prior year.

(a) Foundation Aid ..... (- 0 -) (68,481,500)

The appropriation reduction in paragraph (a) represents four and nine-tenths percent of the formula allowance for foundation aid for fiscal year 1983 payable in fiscal year 1983, plus a reduction due to the one mill levy increase authorized by this article.

(b) Summer School ..... (- 0 -) (12,066,400)

(c) Transportation Aid ..... (- 0 -) ((84,655,400))  
(32,930,400)

The appropriation reduction in paragraph (c) represents: (1) *the product of: (i) the sum of the appropriation provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, Article II, Section 15, Subdivision 2, as amended by Laws 1981, First Special Session, Chapter 2, Section 9, Subdivision 2; plus ((2)) the proceeds of the (TWO-MILL) one-mill levy authorized by (THIS ARTICLE) Minnesota Statutes 1980, Section 275.125, Subdivision 5; times ((3)) (ii) seven and one-half percent; (2) plus a reduction due to the one-mill levy increase authorized by Laws 1981, Third Special Session Chapter 2, Article II, Section 12.*

(d) Special Education Aid ..... (- 0 -) (7,076,000)

The appropriation reductions in paragraphs (d) to (k) represent seven and one-half percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358, as amended by Laws 1981, First Special Session, Chapter 2.

	1982 \$	1983 \$
(e) Summer School Special Education Aid .....	(- 0 -)	(366,500)
(f) Handicapped Pupils Placed in Residential Facilities .....	(- 0 -)	(47,300)
(g) Limited English Proficiency Pupils Program Aid .....	(- 0 -)	(251,600)
(h) American Indian Language and Culture Program .....	(- 0 -)	(33,500)
(i) Hearing Impaired Support Services Aid .....	(- 0 -)	(3,000)
(j) Adult Education Aid .....	(- 0 -)	(84,600)
(k) Community Education Aid ...	(- 0 -)	(240,000)
(l) Post-Secondary Vocational Instructional Aids .....	(- 0 -)	(3,949,900)
The appropriation reductions in paragraphs (l) to (p) represent eight percent of the appropriations provided for fiscal year 1983 payable in fiscal year 1983 in Laws 1981, Chapter 358.		
(m) Post-Secondary Vocational Supply Aid .....	(- 0 -)	(1,186,300)
(n) Post-Secondary Vocational Support Services Aid .....	(- 0 -)	(1,215,300)
(o) Post-Secondary Vocational Equipment Aid .....	(- 0 -)	(729,600)
(p) Post-Secondary Vocational Repair and Betterment Aid .....	(- 0 -)	(95,200)
(q) Adult Vocation Education Aid .....	(- 0 -)	(481,400)

The appropriation reductions in paragraphs (q) to (ll) represent a reduction of seven and one-half percent of the appropriations provided for fiscal

	1982	1983
	\$	\$

year 1983 payable in fiscal year 1983 in  
Laws 1981, Chapter 358.

(r) Adult Vocational Programs in Energy Management for Building Operators .....	(- 0 -)	(3,300)
(s) Veteran Farmers Cooperative Training Programs .....	(- 0 -)	(44,200)
(t) Secondary Vocational Education Aid .....	(- 0 -)	(1,348,300)
(u) Secondary Vocational Programs for Handicapped Children .....	(- 0 -)	(159,700)
(v) Health and Developmental Screening Programs .....	(- 0 -)	(80,600)
(w) Abatement Aid .....	(- 0 -)	(224,100)
(x) Capital Expenditure Equalization Aid .....	(- 0 -)	(28,200)
(y) Special Purpose Capital Expenditure Equalization Aid .....	(- 0 -)	(4,400)
(z) Educational Cooperative Service Units .....	(- 0 -)	(57,700)
(aa) Gifted and Talented Students	(- 0 -)	(40,800)
(bb) Alternative Grants .....	(- 0 -)	(11,300)
(cc) Council on Quality Education Venture Fund Grants .....	(- 0 -)	(38,300)
(dd) Early Childhood and Family Education Programs .....	(- 0 -)	(95,600)
(ee) Basic Support Grants for Library Services .....	(- 0 -)	(273,000)
(ff) Multi-County Library Systems	(- 0 -)	(11,600)
(gg) Nonpublic Educational Aids	(- 0 -)	(288,600)
(hh) Indian Education Programs	(- 0 -)	(11,300)

	1982	1983
	\$	\$
(ii) Chemical Use Programs . . . . .	(- 0 -)	(62,000)
(jj) Extended Leaves of Absence . . . . .	(- 0 -)	(118,100)
(kk) Part-time Teaching . . . . .	(- 0 -)	(5,700)
(ll) Early Retirement Incentives . . . . .	(- 0 -)	(135,400)
(mm) Improved Learning Program . . . . .	(22,500)	(- 0 -)

*The appropriation reduction in paragraph (mm) represents a reduction of seven and one-half percent of the appropriation provided for fiscal year 1982 in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 19.*

((MM)) (nn) General Reduction . . . . . (- 0 -) ((26,894,300))  
(28,596,800)

The commissioner of education shall apportion the reduction in paragraph ((MM)) (nn) among school districts, public library systems, multi-type library systems, and educational cooperative service units (, AND REGIONAL MANAGEMENT INFORMATION SYSTEMS) in the same manner in which he apportioned the education aid reductions made in fiscal year 1981 pursuant to Minnesota Statutes 1980, Sections 16A.15, Subdivision 1, and 124.77, because funds in the state treasury were insufficient.

Sec. 28. Laws 1981, Third Special Session Chapter 2, Article II, Section 20, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 9 and 11 to 19 are effective the day following final enactment. Section 10 is effective (FOR LEVIES CERTIFIED IN 1982 PAYABLE 1983) on July 1, 1982.

Sec. 29. Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 16 is amended to read:

Subd. 16. [NONPUBLIC AIDS.] For programs for non-public educational aid pursuant to sections 123.931 to 123.937, there is appropriated:

\$4,109,800 . . . . . 1982,

\$3,848,460 . . . . . 1983.

*If the appropriation for fiscal year 1982 is insufficient, the appropriation for fiscal year 1983 is available to pay claims made in fiscal year 1982 for nonpublic aids.*

**Sec. 30. [APPROPRIATION REDUCTION; PRE-SCHOOL SCREENING.]**

*The general fund appropriation for fiscal year 1983 for health and developmental screening programs in Laws 1981, Chapter 358, Article VI, Section 46, Subdivision 2, as reduced by Laws 1981, Third Special Session Chapter 2, Article II, Section 2, is further reduced by \$416,000.*

**Sec. 31. [APPROPRIATION.]**

*There is appropriated from the general fund to Independent School District No. 309, Pine Point School, the sum of \$25,000 for fiscal year 1983. The money shall be used for repair of the Pine Point Experimental School.*

**Sec. 32. [REPEALER.]**

*Minnesota Statutes 1980, Section 123.37, Subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, are repealed.*

**Sec. 33. [EFFECTIVE DATE.]**

*Sections 1, 2, 3, 4, 13, 18, 24, 25, 26, 27, 28, and 29 are effective the day following final enactment.*

## ARTICLE VII

### PROPERTY TAX SHIFT

**Section 1.** Minnesota Statutes 1980, Section 121.904, Subdivision 2, is amended to read:

**Subd. 2. [APPLICABILITY TO PERIOD AND FUND.]**  
*Except as provided in this section, revenues shall be recorded in a manner which clearly indicates that they are applicable to a specific accounting period and fund.*

**Sec. 2.** Minnesota Statutes 1980, Section 121.904, Subdivision 4, is amended to read:



Subd. 4. [RECOGNIZED AS RECEIVABLE.] All current levies of local taxes, including portions assumed by the state, shall be recognized as receivable at the beginning of the calendar year during which collection normally takes place. (SUCH RECEIVABLES SHALL BE RESERVED FOR USE IN THE SUBSEQUENT FISCAL YEAR. PAYMENTS OF CURRENT TAXES INCLUDING BUT NOT LIMITED TO MARCH PERSONAL PROPERTY TAX SETTLEMENTS, RECEIVED PRIOR TO JULY 1, SHALL BE RECORDED AS REVENUE TO BE EARNED AS OF JULY 1 WITH APPROPRIATE ADJUSTMENTS TO THE RECEIVABLES AND THE RESERVES FOR SUCH TAXES. ALL CURRENT TAXES RECEIVED PRIOR TO JULY 1 PLUS THE BALANCE OF THE RESERVES SHALL BE RECOGNIZED AS REVENUE ON JULY 1.)

Sec. 3. Minnesota Statutes 1980, Section 121.904, Subdivision 4a, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 1, is amended to read:

Subd. 4a. [LEVY RECOGNITION (; PAYABLE 1983).]  
((1) FOR TAXES ASSESSED IN 1982, PAYABLE IN 1983, ALL CURRENT LEVIES OF LOCAL TAXES, INCLUDING PORTIONS ASSUMED BY THE STATE, SHALL BE RECOGNIZED AS PROVIDED IN THIS SUBDIVISION.)

((2) ONE-THIRD OF THE MARCH AND MAY PROPERTY TAX SETTLEMENTS SHALL BE RECOGNIZED AS RECEIVABLE AND RECORDED AS REVENUE IN THE SAME FISCAL YEAR DURING WHICH COLLECTION NORMALLY TAKES PLACE. THESE RECEIVABLES SHALL BE FOR USE IN THE CURRENT FISCAL YEAR.)

((3) TWO-THIRDS OF THE MARCH AND MAY PROPERTY TAX SETTLEMENTS SHALL BE RECOGNIZED AS RECEIVABLE AND SHALL BE RESERVED FOR USE IN THE FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR DURING WHICH COLLECTION NORMALLY TAKES PLACE.)

((4) ALL OF THE OCTOBER PROPERTY TAX SETTLEMENTS SHALL BE RECOGNIZED AS RECEIVABLE AND RECORDED AS REVENUE IN THE SAME FISCAL YEAR DURING WHICH COLLECTION NORMALLY TAKES PLACE. THESE RECEIVABLES SHALL BE FOR USE IN THE CURRENT FISCAL YEAR.)

(a) "School district tax settlement revenue" means the current, delinquent, and mobile home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and

*excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4.*

*(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:*

*(1) the June and July school district tax settlement revenue received in that calendar year; or*

*(2) the sum of the state aids and credits enumerated in section 9 of this article which are for the fiscal year payable in that fiscal year; or*

*(3) one-sixth of the amount of the spread levy in the current calendar year which remains after subtracting, by fund, the amounts levied for the following purposes:*

*(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;*

*(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4; and*

*(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, Chapter 261, Section 4.*

*(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).*

*(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.*

**Sec. 4.** Minnesota Statutes 1980, Section 124.14, is amended by adding a subdivision to read:

*Subd. 6. [ADJUSTMENT APPROPRIATION.] There is annually appropriated from the general fund to the department of education any additional amounts necessary for the adjustments made pursuant to section 8 of this article.*

**Sec. 5.** Minnesota Statutes 1981 Supplement, Section 124.2121, Subdivision 5, as amended by Laws 1981, Third Special Session Chapter 2, Article IV, Section 4, is amended to read:

Subd. 5. [LEVY USE.] A levy "for use in a particular school year," "attributable to a particular school year," or "recognized as revenue in a particular school year," means the levy (AS RECOGNIZED PURSUANT TO SECTION 121.904) *certified in the calendar year ending in the school year preceding that particular school year, and payable in the calendar year in which that school year begins.*

Sec. 6. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

Subd. 21. [REPORTING.] *For each tax settlement, the county auditor shall report to each school district by fund, the school district tax settlement revenue defined in section 3 of this article, clause (a), and the amount levied pursuant to subdivision 9a on the form specified in section 276.10. The county auditor shall send to the school district a copy of the spread levy report specified in section 275.124.*

Sec. 7. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REDUCTION.] State (AID) *aids and credits enumerated in section 9 of this article due any school district in fiscal year 1983 for the 1982-1983 school year (UNDER THE PROVISIONS ENUMERATED IN SUBDIVISION 3) shall be reduced in the order listed by the following amount: (1) the amount the district (LEVIED FOR TAXES ASSESSED IN 1982, PAYABLE IN 1983, WHICH IS TO BE RECOGNIZED) recognizes as revenue (IN) for fiscal year 1983 pursuant to section (1) 3 of this article, clause (b), minus (2) the amount the district received pursuant to Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 2d. The school district shall be notified of the amount, by fund, of the reductions to each aid payment made according to this section. (THE DISTRICT LEVY AGAINST WHICH THE REDUCTION IS APPLIED SHALL NOT INCLUDE ANY LEVY PORTIONS THAT ARE ASSUMED BY THE STATE. FOR PURPOSES OF COMPUTING THIS STATE AID REDUCTION, THE AMOUNT LEVIED BY THE DISTRICT SHALL NOT INCLUDE THE AMOUNTS LEVIED TO MAKE PAYMENTS FOR BONDS ISSUED AND FOR INTEREST THEREON; THE AMOUNTS LEVIED FOR REPAYMENT OF DEBT SERVICE LOANS AND CAPITAL LOANS; THE AMOUNTS LEVIED TO PAY THE DISTRICT'S OBLIGATIONS UNDER SECTION 268.06, SUBDIVISION 25; AND AMOUNTS LEVIED PURSUANT TO SECTION 275.125, SUBDIVISIONS 2D, 6A, 9A, 14A, AND 20.)*

Sec. 8. Laws 1981, Third Special Session, Chapter 2, Article IV, Section 3, is amended by adding a subdivision to read:

*Subd. 2a. [AMOUNT OF ADJUSTMENT.] Beginning with fiscal year 1984 and each year thereafter, state aids and credits enumerated in section 9 of this article payable to any school district in a particular fiscal year for that fiscal year shall be adjusted, in the order listed, by an amount equal to (1) the amount the district recognized as revenue for the prior fiscal year pursuant to section 3 of this article, clause (b); minus (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 3 of this article, clause (b). Any loan amount authorized from the cash flow loan fund or payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.*

Sec. 9. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 3, is amended to read:

*Subd. 3. [SUBTRACTION FROM AIDS.] The amount specified in subdivision 2 shall be subtracted from the following state (AID PAYMENTS) aids and credits in the order listed in fiscal year 1983. The amount specified in section 8 of this article shall be used to adjust the following state aids and credits in the order listed:*

- (a) Foundation aid as authorized in section 124.212, subdivision 1;
- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- (g) Aid for improved learning programs authorized in section 124.251;
- (h) Aid for chemical use programs authorized in section 124.246;
- (i) Transportation aid authorized in section 124.225;
- (j) School lunch aid authorized in section 124.646;
- (k) Community education programs aid authorized in section 124.271;

- (l) Adult education aid authorized in section 124.26;
- (m) Capital expenditure equalization aid authorized in section 124.245;
- (n) Homestead credit (PAYMENTS) authorized in section 273.13, subdivisions 6, 7, and 14a;
- (o) (TACONITE HOMESTEAD CREDIT PAYMENTS AUTHORIZED IN SECTION 273.135;) *Reduced assessment credit authorized in section 273.139;*
- (p) Wetlands credit authorized in section 273.115;
- (q) Native prairie credit authorized in section 273.116; and
- (r) Attached machinery aid authorized in section 273.138, subdivision 3.

The commissioner of education shall schedule the timing of the reductions from state (AID PAYMENTS) *aids and credits specified in subdivision 2, and the adjustments to state aids and credits specified in section 8 of this article, as close to the end of the fiscal year as possible and in such a manner that will minimize the impact of this article on the cash flow needs of the school districts.*

Sec. 10. Laws 1981, Third Special Session Chapter 2, Article IV, Section 3, Subdivision 4, is amended to read:

Subd. 4. [ACCOUNTING.] (NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE AMOUNT OF THE LEVY SUBTRACTED FROM STATE AID PAYMENTS SHALL BE RECOGNIZED AND REPORTED ON THE SCHOOL DISTRICT BOOKS OF ACCOUNT IN THE SAME WAY THAT THE STATE AID PAYMENTS WOULD HAVE BEEN RECOGNIZED AND REPORTED.) *Each district shall establish an account which shall be designated "property tax recognition account". This account shall reflect the adjustments made pursuant to section 8 of this article according to the fiscal year specified.*

Sec. 11. Laws 1981, Third Special Session Chapter 2, Article IV, Section 5, Subdivision 3, is amended to read:

Subd. 3. [APPROPRIATION.] There is appropriated from the general fund to the department of education for the cash flow loan fund the sum of (\$15,000,000) *\$35,000,000*. This sum shall be transferred to the cash flow loan fund as needed.

Sec. 12. Laws 1981, Third Special Session Chapter 2, Article IV, Section 5, is amended by adding a subdivision to read:

*Subd. 4. [CANCELLATION.] The cash flow loan fund shall expire on June 29, 1983, and the entire balance in the fund, including any loan amounts that have been repaid by school districts, shall revert to the general fund on that date. Any delinquent loan payments received after June 29, 1983, shall be placed in the general fund.*

**Sec. 13. [REPEALER.]**

*Minnesota Statutes 1980, Sections 121.904, Subdivision 4b, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 2; and 275.125, Subdivision 1a, as added by Laws 1981, Third Special Session Chapter 2, Article IV, Section 7, are repealed."*

Delete the title and insert:

"A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies, and the distribution of tax revenues; governing the recognition of school district property tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, and others; altering the method of distribution of transportation aid; altering aids for summer school; reducing certain appropriations; appropriating money; amending Minnesota Statutes 1980, Sections 120.17, Subdivision 4a; 120.68; 121.11, Subdivision 12; 121.88, by adding a subdivision; 121.904, Subdivisions 2, 4, and 4a, as added; 121.908, Subdivision 3; 123.32, Subdivision 1, and by adding a subdivision; 123.35, by adding a subdivision; 123.351, by adding a subdivision; 123.37, Subdivision 1b; 123.78, Subdivision 1; 124.14, by adding a subdivision; 124.19, Subdivision 1, and by adding a subdivision; 124.225, as amended; 124.245, by adding a subdivision; 124.26, by adding a subdivision; 124.32, Subdivisions 2, 7, and 10, and by adding subdivisions; 124.5621, by adding a subdivision; 124.572, Subdivision 2, and by adding a subdivision; 124.573, by adding subdivisions; 124.574, Subdivision 3, and by adding a subdivision; 126.262, Subdivision 1; 126.264, Subdivision 3; 126.265; 126.267; 134.34, by adding a subdivision; 275.125, Subdivisions 4 and 5, as amended, and by adding subdivisions; 275.48; 475.61, Subdivisions 1, 3, and 4; Minnesota Statutes 1981 Supplement, Sections 120.17, Subdivisions 5a and 6; 121.904, Subdivision 7; 121.912, Subdivision 1; 122.542, Subdivisions 3 and 4; 123.702, Subdivision 1a; 123.705; 124.01, Subdivision 1; 124.17, Subdivision 2; 124.212, Subdivision 1; 124.2121, Subdivision 5, as amended; 124.2122, Subdivision 1, as amended, and Subdivision 2, as amended; 124.2124, Subdivision 1; 124.2125, Subdivision 1, as amended, and Subdivision 2; 124.2126, Subdivision 3; 124.2128, Subdivision 1; 124.2129, Subdivision 3; 124.223; 124.245, Subdivisions 1 and 1a; 124.246, Subdivision 2, and by adding a subdivision; 124.247, Subdivision 3; 124.251; 124.26, Subdivision 1; 124.271, Subdivision 2; 124.273, Subdivisions 1, 2, and by adding subdivisions; 124.32, Subdivisions 1, 1a, 1b, and 5; 124.38, Subdivision 7; 124.-

5621, Subdivision 12; 124.5624, Subdivisions 3 and 4; 124.5627, Subdivisions 3, 4, and 5; 124.573, Subdivisions 2 and 3a; 124.574, Subdivision 2; 125.611, Subdivision 5; 136A.81, Subdivision 1; 169.974, Subdivision 2; 171.04; 275.125, Subdivisions 1, 2d, 7a, and 11a; 298.28, Subdivision 1; 354.66, Subdivision 6; Laws 1981, Chapter 358, Article II, Section 15, Subdivision 3, Article VI, Section 46, Subdivisions 8, 9, and 16, Article VII, Section 29, as amended, Third Special Session Chapter 2, Article II, Sections 1, 2, 15, and 20, Article IV, Section 3, Subdivisions 2, 3, 4, and by adding a subdivision, Article IV, Section 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, Subdivision 4b, as added; 121.96; 123.37, Subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and 128.05; 275.125, Subdivision 1a, as added; Laws 1967, Chapters 251 and 253; and Laws 1976, Chapter 20, Section 8."

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

House Conferees: BOB MCEACHERN, BRUCE ANDERSON, JOHN D. TOMLINSON, DAVID M. JENNINGS and CONNIE LEVI.

Senate Conferees: NEIL DIETERICH, GENE MERRIAM, JEROME M. HUGHES, KEITH LANGSETH and DAVE RUED.

McEachern moved that the report of the Conference Committee on H. F. No. 1555 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, and placed upon its repassage.

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

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



## CONFERENCE COMMITTEE REPORT ON H. F. NO. 1804

A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; proposing new law coded in Minnesota Statutes, Chapter 344.

March 11, 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. 1804, 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. 1804 be further amended as follows:

Page 1, delete lines 8 to 10, and insert:

*"A town board may, by resolution, exempt adjoining owners or occupants from this chapter when the land of the adjoining owners or occupants considered together is less than 20 acres."*

Page 1, line 12, delete "governing body" and insert "town board"

Page 1, line 14, delete "chapter 344" and insert "this chapter"

Page 1, line 16, delete "governing body" and insert "town board"

Page 1, line 18, delete "governing body" and insert "town board"

Page 1, line 18, delete "such" and insert "the adoption of"

Page 1, line 19, delete "voters" and insert "electors"

Page 1, line 19, delete "a" and insert "an annual or special"

Page 1, line 20, after "meeting" delete everything before the period

Page 1, line 21, delete "Chapter 344 governs" and insert "This chapter applies to"

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

House Conferees: CARL M. JOHNSON, MARY MURPHY and GARY W. LAIDIG.

Senate Conferees: EARL W. RENNEKE, GERALD L. WILLET and MARION (MIKE) MENNING.

Johnson, C., moved that the report of the Conference Committee on H. F. No. 1804 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1804, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; proposing new law coded in Minnesota Statutes, Chapter 344.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 253

A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.-

11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.-261; and 282.35, Subdivisions 2 and 3.

March 12, 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. 253, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment and that H. F. No. 253 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 92.06, Subdivision 1, is amended to read:

Subdivision 1. [TERMS] The terms of payment on the sale of all state public lands shall be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber. At least 15 percent of the purchase price of the land exclusive of timber shall be paid in cash at the time of sale and the balance in not to exceed 20 equal annual instalments, payable on June 1 each year following that in which the purchase was made, with interest (AT FOUR PERCENT PER ANNUM) *at a rate equal to the rate in effect at the time under section 549.09* on the balances remaining (FROM TIME TO TIME) unpaid, payable with the instalments or principal. Any instalment of principal or interest may be paid in advance, but part payment of an instalment shall not be accepted (, AND). For the purpose of computing interest any instalment of principal not paid on June 1 shall be credited as of *the following* June 1 (NEXT FOLLOWING).

Sec. 2. Minnesota Statutes 1980, Section 94.11, is amended to read:

#### 94.11 [TERMS OF PAYMENT.]

(THE TERMS OF PAYMENT FOR ALL LOTS OR TRACTS SO SOLD SHALL BE) Not less than ten percent of the purchase price (THEREOF) *shall be paid* at the time of sale with the balance payable as (HEREINAFTER PROVIDED.) *follows:* If the purchase price of any lot or parcel is \$5,000 or less, the balance shall be paid within 90 days of the date of sale. If the purchase price of any lot or parcel is in excess of \$5,000, the balance shall be paid in (NOT LESS THAN) equal annual in-

stallments for not (TO EXCEED) *more than* five years, at the option of the purchaser, with principal and interest payable annually in advance at (THE RATE OF NOT LESS THAN SIX PERCENT PER ANNUM) *a rate equal to the rate in effect at the time under section 549.09* on the unpaid balance, payable to the state treasury on or before June first each year. *Any installment of principal or interest may be prepaid.*

Sec. 3. Minnesota Statutes 1980, Section 282.15, is amended to read:

282.15 [SALES OF FORFEITED LANDS.]

(SUCH) *The* sale shall be conducted by the auditor of the county (WHEREIN SUCH) *in which the* parcels lie (AND). *The parcels* shall be sold to the highest bidder but not for less than the appraised value. (SUCH) *The* sales shall be for cash or on the following terms: The appraised value of all merchantable timber on (SUCH) agricultural lands shall be paid for in full at the date of sale. At least 15 percent of the purchase price of the land shall be paid in cash at the time of purchase (, AND). The balance *shall be paid* in not (TO EXCEED) *more than* 20 equal annual instalments, with interest at (THE RATE OF EIGHT PERCENT PER ANNUM) *a rate equal to the rate in effect at the time under section 549.09* on the unpaid balance each year (,). Both principal and interest (TO BECOME) *are* due and payable on December 31 each year following that in which the purchase was made. The purchaser may pay any number of instalments of principal and interest on or before their due date. When the sale is on terms other than for cash in full, the purchaser shall receive from the county auditor a contract for deed, in (SUCH) a form (AS SHALL BE) prescribed by the attorney general. The county auditor shall make a report to the commissioner of natural resources not more than 30 days after each public sale (,) showing the lands sold at (SUCH) *the* sales, and submit a copy of each contract of sale.

All lands sold pursuant to (THE PROVISIONS HEREOF) *this section* shall, on the second day of January following the date of (SUCH) *the* sale, be restored to the tax rolls and become subject to taxation in the same manner as (THE SAME) *they* were assessed and taxed before becoming the absolute property of the state.

Sec. 4. Minnesota Statutes 1980, Section 282.222, Subdivision 4, is amended to read:

Subd. 4. [TERMS OF SALE.] All sales under sections 282.221 to 282.226 shall be for cash or on the following terms: at least 15 percent of the purchase price shall be paid in cash at the time of the sale, and the balance (THEREOF) shall be paid in equal annual instalments over a period of 20 years, with inter-

est at (THE RATE OF EIGHT PERCENT PER ANNUM) *a rate equal to the rate in effect at the time under section 549.09*, payable annually, on the portion (FROM TIME TO TIME) remaining unpaid, with privilege of prepayment of any instalment on any interest date. Sales on terms shall be evidenced by a certificate issued by the county auditor in (SUCH) *a form (AS) prescribed by the attorney general (SHALL PRESCRIBE,).* *The county auditor shall submit a copy of (WHICH SHALL BE SUBMITTED) the certificate to the commissioner of natural resources (FORTHWITH) within 30 days.* The appraised value of all merchantable timber on such agricultural lands shall be paid for in cash in full at the time of sale. The county auditor shall report all sales to the commissioner of natural resources (FORTHWITH) *within 30 days.* Failure of the purchaser to make any payment of any instalment or of any interest required under any contract within six months from the date on which (SUCH) *the payment (SHALL BECOME) is due, or to pay (BEFORE THEY BECOME DELINQUENT)* all taxes that may be levied upon the land (SO) *purchased before they become delinquent*, shall constitute a default (, AND THEREUPON). *Upon default* the contract shall be deemed canceled and all right, title, and interest of the purchaser, his heirs, representatives, or assigns in the premises shall *automatically* terminate (WITHOUT THE DOING BY THE STATE OF ANY ACT OR THING WHATSOEVER). A record of (SUCH) *the default* shall be made in the state land records kept by or under the direction of the commissioner of natural resources (, AND). A certificate of (SUCH) *the default* may be made by or under the direction of the commissioner and filed with the county treasurer or recorded in the office of the county recorder of the county in which the premises are situated. Any (SUCH) record or certificate shall be prima facie evidence of the facts (THEREIN) stated (, BUT) *in it.* The making of (SUCH) *the record or certificate (SHALL NOT BE) is not* essential to the taking effect of (SUCH) *the cancellation and termination (, AND THEREUPON).* *Upon cancellation and termination*, the land described in the contract shall be subject to disposition as provided in this section (, UPON FIRST) *after having been reclassified and reappraised as provided by section 282.221.* The county auditor shall report any (SUCH) default to the commissioner of natural resources on or before June 30th of each year.

Sec. 5. [REPEALER.]

*Minnesota Statutes 1980, Section 282.35, is repealed."*

Delete the title and insert:

"A bill for an act relating to state bonds and tax-forfeited land sales; changing the interest rate on unpaid sale balances; repealing an obsolete provision; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.15; 282.222, Subdivision 4; and repealing Minnesota Statutes 1980, Section 282.35."

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

House Conferees: BILL PETERSON, JOHN J. SARNA and GEORGE C. DAHLVANG.

Senate Conferees: ROBERT J. TENNESSEN, RANDOLPH W. PETERSON and DUANE D. BENSON.

Peterson, B., moved that the report of the Conference Committee on H. F. No. 253 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 253, A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

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 113 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Ogren	Schafer	Staten	Welker
Ludeman	Redalen			

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

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 303:

Reding, Kostohryz, Halberg, McDonald and Osthoff.

There being no objection the order of business reverted to Messages from the Senate.

## MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

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

H. F. No. 1523, A bill for an act relating to driver licensing; allowing certain reports to be made to the commissioner of public safety; proposing new law coded in Minnesota Statutes, Chapter 171.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1176, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; authorizing rewards for information on violations; providing for pipeline testing; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B; proposing new law coded in Minnesota Statutes, Chapter 116.

The Senate has appointed as such committee Messrs. Merriam; Davies; Pehler; Peterson, R. W., and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1550, A bill for an act relating to the city of Big Falls; authorizing the establishment of detached banking facilities.

The Senate has appointed as such committee Messrs. Lessard, Kroening and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2190, A bill for an act relating to education; changing the requirements for membership on the higher education coordinating board; allowing the regional management information centers to be considered governmental units for purposes of the joint powers law; requiring the approval of a plan for spending federal education block grant funds for state administrative purposes; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; broadening the planning process relating to declining enrollments in higher education; repealing mandates; amending Minnesota Statutes 1980, Sections 136A.02, Subdivision 1; 471.59, by adding a subdivision; Laws 1981, Chapter 359, Section 2, Subdivision 8; and Section 9, Subdivision 12; Third Special Session Chapter 2, Article I, Section 6, Subdivision 1; repealing Minnesota Statutes, Sections 120.17, Subdivision 10; and 121.12.

The Senate has appointed as such committee Messrs. Willet, Sikorski, Luther, Penny and Engler.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on



the amendments adopted by the Senate to the following House File:

H. F. No. 1885, A bill for an act relating to public welfare; providing for approval of mental health clinics and centers pending promulgation of permanent rules.

The Senate has appointed as such committee Messrs. Sikorski, Solon and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1572, A bill for an act relating to health; establishing the right to complete information on all alternative treatments for patients with breast cancer; amending Minnesota Statutes 1980, Section 144.651.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Byrne moved that the House concur in the Senate amendments to H. F. No. 1572 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1572, A bill for an act relating to health; establishing the right to complete information on all alternative treatments for patients with breast cancer; amending Minnesota Statutes 1980, Section 144.651.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, G.	Begich	Brandl	Carlson, D.
Ainley	Anderson, I.	Berkelman	Brinkman	Carlson, L.
Anderson, B.	Battaglia	Blatz	Byrne	Clark, J.

Clark, K.	Heinitz	Mann	Peterson, B.	Stumpf
Clawson	Himle	Marsh	Peterson, D.	Sviggum
Dahlvang	Hoberg	McCarron	Piepho	Swanson
Dean	Hokanson	McDonald	Pogemiller	Tomlinson
Dempsey	Hokr	McEachern	Redalen	Valan
Den Ouden	Jacobs	Mehrken	Rees	Valento
Drew	Johnson, C.	Metzen	Reif	Vanasek
Eken	Johnson, D.	Minne	Rice	Vellenga
Elioff	Jude	Munger	Rose	Voss
Erickson	Kahn	Murphy	Samuelson	Weaver
Esau	Kaley	Nelsen, B.	Sarna	Welch
Evans	Kalis	Nelson, K.	Schafer	Welker
Ewald	Kelly	Niehaus	Schoenfeld	Wenzel
Fjoslien	Knickerbocker	Norton	Schreiber	Wieser
Forsythe	Kostohryz	Novak	Sherman	Wigley
Greenfield	Kvam	Nysether	Sherwood	Wynia
Gruenes	Laidig	O'Connor	Sieben, M.	Zubay
Hanson	Lehto	Ogren	Simoneau	Spkr. Sieben, H.
Harens	Levi	Olsen	Skoglund	
Hauge	Long	Onnen	Stadum	
Haukoos	Ludeman	Osthoft	Staten	
Heap	Luknic	Otis	Stowell	

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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 "burglary"; amending Minnesota Statutes 1980, Sections 609.53, Subdivisions 1 and 3; and 609.58, Subdivision 2; 626A.05, 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pogemiller moved that the House refuse to concur in the Senate amendments to H. F. No. 1760, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1948, A bill for an act relating to the Hennepin County park reserve district and the city of Anoka; authorizing the district to participate in hydroelectric power generation with other local government units under certain conditions.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther, Merriam and Peterson, R. W.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1948. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1760:

Pogemiller, Lehto and Johnson, D.

#### SPECIAL ORDERS

S. F. No. 1837, A bill for an act relating to health; establishing a permanent council on health promotion and wellness; proposing new law coded in Minnesota Statutes, Chapter 145.

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 102 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fjoslien	Jacobs	Levi
Anderson, B.	Clark, J.	Forsythe	Johnson, C.	Long
Anderson, G.	Clark, K.	Greenfield	Johnson, D.	Luknic
Anderson, I.	Clawson	Gruenes	Jude	Mann
Battaglia	Dahlvang	Hanson	Kahn	Marsh
Begich	Dean	Hauge	Kaley	McCarron
Berkelman	Drew	Heap	Kalis	McEachern
Blatz	Eken	Heinitz	Kelly	Metzen
Brandl	Elioff	Himle	Knickerbocker	Minne
Brinkman	Erickson	Hoberg	Kostohryz	Munger
Byrne	Evans	Hokanson	Laidig	Murphy
Carlson, D.	Ewald	Hokr	Lehto	Nelsen, B.

Nelson, K.	Otis	Samuelson	Skoglund	Vellenga
Niehaus	Peterson, B.	Sarna	Stadum	Voss
Norton	Peterson, D.	Schoenfeld	Staten	Welch
Novak	Piepho	Schreiber	Stowell	Wenzel
O'Connor	Pogemiller	Shea	Stumpf	Wynia
Ogren	Redalen	Sherman	Swanson	Spkr. Sieben, H.
Olsen	Rice	Sherwood	Tomlinson	
Onnen	Rodriguez, F.	Sieben, M.	Valan	
Osthoff	Rose	Simoneau	Vanasek	

Those who voted in the negative were:

Ainley	Haukoos	Schafer	Welker	Wigley
Dempsey	Ludeman	Svigum	Wieser	Zubay
Den Ouden	Mehrken	Valento		
Esau	Rees	Weaver		

The bill was passed and its title agreed to.

The Speaker called Vanasek to the Chair.

S. F. No. 1713 was reported to the House.

Swanson moved to amend S. F. No. 1713, the first engrossment, as follows:

Page 2, delete lines 21 to 34

A roll call was requested and properly seconded.

Voss moved to lay the Swanson amendment on the table. The motion prevailed.

Stumpf moved to amend S. F. No. 1713, the first engrossment, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 169.72, Subdivision 1, is amended to read:

Subdivision 1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer, having any metal tire in contact with the roadway, except in case of emergency.

Except as provided in this section no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible to use any of the

following on highways: Farm machinery with tires having protuberances which will not injure the highway (, AND); tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid; and between the dates of October 15 of one year and May 1 of the following year, ambulances equipped with pneumatic tires with metal type studs not exceeding 5/16 of an inch in diameter inclusive of the stud casing with an average protrusion beyond the tread surface of not more than 7/64 of an inch, and in which the number of studs in the tire shall not exceed two percent of the total tire area in contact with the roadway. For the purposes of this subdivision, ambulance has the meaning given it in section 144.801, subdivision 2.

The commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter."

Renumber the following sections.

The motion did not prevail and the amendment was not adopted.

S. F. No. 1713 was read for the third time.

#### MOTION FOR RECONSIDERATION

Voss moved that the action whereby S. F. No. 1713 was given its third reading be now reconsidered.

Nelsen, B., moved to lay the Voss motion on the table. The motion prevailed.

S. F. No. 1713, A bill for an act relating to transportation; providing for the coordination and regulation of special transportation services; amending Minnesota Statutes 1980, Sections 174.29 and 174.30.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Clawson	Drew
Ainley	Begich	Carlson, D.	Dahlvang	Eken
Anderson, B.	Berkelman	Carlson, L.	Dean	Elioff
Anderson, G.	Blatz	Clark, J.	Dempsey	Erickson
Anderson, I.	Brandl	Clark, K.	Den Ouden	Esau

Ewald	Kahn	Minne	Pogemiller	Sviggum
Fjoslien	Kaley	Munger	Redalen	Tomlinson
Forsythe	Kalis	Murphy	Rees	Valan
Greenfield	Kelly	Nelsen, B.	Rodriguez, F.	Valento
Gruenes	Knickerbocker	Nelson, K.	Samuelson	Vanasek
Gustafson	Laidig	Niehaus	Sarna	Vellenga
Hanson	Lehto	Norton	Schafer	Weaver
Hauge	Lemen	Novak	Schoenfeld	Welch
Haukoos	Levi	Nysether	Schreiber	Welker
Heap	Long	O'Connor	Sherman	Wenzel
Heinitz	Ludeman	Ogren	Sherwood	Wieser
Himle	Luknic	Olson	Sieben, M.	Wigley
Hoberg	Mann	Onnen	Simoneau	Wynia
Hokanson	Marsh	Osthooff	Skoglund	Zubay
Hokr	McCarron	Otis	Stadum	Spkr. Sieben, H.
Johnson, C.	McDonald	Peterson, B.	Staten	
Johnson, D.	McEachern	Peterson, D.	Stowell	
Jude	Metzen	Piepho	Stumpf	

Those who voted in the negative were:

Swanson      Voss

The bill was passed and its title agreed to.

S. F. No. 1793 was reported to the House.

Voss moved that S. F. No. 1793 be continued on Special Orders. The motion prevailed.

S. F. No. 276, A bill for an act relating to health; establishing an advisory task force on the use of state facilities in lieu of reimbursing private facilities for some purposes; appropriating money.

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 76 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ewald	Kalis	Novak	Staten
Anderson, I.	Fjoslien	Kelly	O'Connor	Stumpf
Battaglia	Forsythe	Knickerbocker	Ogren	Swanson
Begich	Greenfield	Laidig	Olson	Tomlinson
Berkelman	Gruenes	Lehto	Osthooff	Vanasek
Brandl	Halberg	Levi	Otis	Vellenga
Byrne	Hanson	Long	Peterson, D.	Voss
Carlson, D.	Hauge	Mann	Pogemiller	Weaver
Carlson, L.	Heap	McCarron	Rodriguez, F.	Welch
Clark, J.	Heinitz	McEachern	Samuelson	Wenzel
Clark, K.	Hokanson	Metzen	Sarna	Wynia
Clawson	Johnson, C.	Minne	Schoenfeld	Spkr. Sieben, H.
Dahlvang	Johnson, D.	Munger	Shea	
Dean	Jude	Murphy	Sieben, M.	
Eken	Kahn	Nelson, K.	Simoneau	
Elioff	Kaley	Norton	Skoglund	

Those who voted in the negative were:

Aasness	Haukoos	Marsh	Schafer	Valento
Ainley	Hoberg	Niehaus	Schreiber	Welker
Blatz	Hokr	Nysether	Sherwood	Wieser
Dempsey	Jennings	Onnen	Stadum	Wigley
Den Ouden	Kvam	Piepho	Stowell	Zubay
Drew	Lemen	Redalen	Sviggum	
Erickson	Ludeman	Rees	Valan	

The bill was passed and its title agreed to.

#### MOTIONS FOR RECONSIDERATION

Onnen moved that the vote whereby S. F. No. 1713 was passed earlier today be now reconsidered. The motion prevailed.

Onnen moved that the action whereby S. F. No. 1713 was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 1713 was again reported to the House.

Swanson moved to amend S. F. No. 1713, the first engrossment, as follows:

Page 2, delete lines 21 to 34

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 8 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Carlson, L.	Clark, K.	Peterson, D.	Swanson	Vellenga
Clark, J.	Minne	Rodriguez, F.		

Those who voted in the negative were:

Aasness	Esau	Jude	Metzen	Rees
Ainley	Evans	Kahn	Munger	Samuelson
Anderson, B.	Fjoslien	Kaley	Murphy	Sarna
Anderson, I.	Forsythe	Kalis	Nelsen, B.	Schafer
Battaglia	Gruenes	Knickerbocker	Niehaus	Schoenfeld
Begich	Halberg	Kvam	Norton	Schreiber
Blatz	Hanson	Laidig	Novak	Shea
Brinkman	Hauge	Lehto	Nysether	Sherman
Carlson, D.	Haukoos	Lemen	O'Connor	Sherwood
Dahlvang	Heap	Levi	Ogren	Skoglund
Dean	Heinitz	Ludeman	Olsen	Stadum
Dempsey	Himle	Mann	Onnen	Staten
Den Ouden	Hoberg	Marsh	Osthoff	Stowell
Drew	Hokr	McCarron	Otis	Stumpf
Eken	Jennings	McDonald	Peterson, B.	Sviggum
Elioff	Johnson, C.	McEachern	Piepho	Tomlinson
Erickson	Johnson, D.	Mehrkens	Redalen	Valan

Valento	Welch	Wieser	Zubay	Spkr. Sieben, H.
Voss	Welker	Wigley		
Weaver	Wenzel	Wynia		

The motion did not prevail and the amendment was not adopted.

S. F. No. 1713, A bill for an act relating to transportation; providing for the coordination and regulation of special transportation services; amending Minnesota Statutes 1980, Sections 174.29 and 174.30.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 2126 was reported to the House.

Eken moved that S. F. No. 2126 be continued on Special Orders. The motion prevailed.

S. F. No. 1706 was reported to the House.

There being no objection, S. F. No. 1706 was continued on Special Orders.



S. F. No. 1818, A bill for an act relating to financial institutions; providing for maximum interest rates on the unpaid balance of loans made by a bank, savings bank, savings association, or credit union; making a temporary, superseding interest rate provision permanent; amending Minnesota Statutes 1980, Sections 48.153, Subdivisions 1a and 3a; 52.14, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 48.195; repealing Minnesota Statutes 1980, Sections 48.153, Subdivisions 1 and 3; and 52.14, Subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2271 was reported to the House.

Rees moved to amend H. F. No. 2271, as follows:

Page 1, line 22, delete "and,"

Page 1, delete line 23

Page 1, line 24, delete "either by the airlines or localities;"

The motion prevailed and the amendment was adopted.

H. F. No. 2271, A resolution memorializing the President of the United States and the Administrator of the Federal Aviation Administration against any attempt to prohibit local governments from restricting aircraft noise.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

S. F. No. 1957 was reported to the House.

McDonald pursuant to rule 4.5 gave notice of intention to debate a resolution and S. F. No. 1957 was laid over one day.

S. F. No. 1706 continued earlier today was again reported to the House.

Wynia moved to amend S. F. No. 1706, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 60C.03, Subdivision 8, is amended to read:

Subd. 8. "Insolvent insurer" means an insurer licensed to transact insurance in this state, either at the time the policy

was issued, or when the insured event occurred, and against whom an order of liquidation with a finding of insolvency has been entered after (AUGUST 1, 1981) *April 30, 1979* by a court of competent jurisdiction, in the insurer's state of domicile or of this state, under the provisions of chapter 60B, and which order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 60C.09, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] A covered claim is any unpaid claim, including one for unearned premium, which:

(a) Arises out of and is within the coverage of an insurance policy issued by a member insurer if (SUCH) *the* insurer becomes an insolvent insurer after (AUGUST 1, 1981) *April 30, 1979*;

(b) Arises out of a class of business which is not excepted from the scope of Laws 1971, Chapter 145 by section 60C.02; and

(c) Is made by:

(i) A policyholder, or an insured beneficiary under a policy, who, at the time of the insured event, was a resident of this state; or

(ii) A person designated in the policy as having an insurable interest in or related to property situated in this state at the time of the insured event; or

(iii) An obligee or creditor under any surety bond, who, at the time of default by the principal debtor or obligor, was a resident of this state; or

(iv) A third party claimant under a liability policy or surety bond, if: (a) the insured or the third party claimant was a resident of this state at the time of the insured event; (b) the claim is for bodily or personal injuries suffered in this state by a person who when he suffered the injuries was a resident of this state; or (c) the claim is for damages to real property situated in this state at the time of damage; or

(v) A direct or indirect assignee of a person who except for the assignment might have claimed under (i), (ii) or (iii).

Sec. 3. [61A.275] [SEPARATE ACCOUNTS; PENSION PLANS.]

*Subdivision 1. [ESTABLISHMENT.] Any domestic life insurance company, by adoption of a resolution by its governing body, may establish one or more separate accounts and may allocate thereto, in accordance with the terms of a written agreement, any amounts which are paid to or held by the company in connection with a pension, retirement, or profit-sharing plan described under section 401, 414(d), or 457 of the Internal Revenue Code of 1954, as amended through December 31, 1981. In connection with the separate accounts, the company may issue, subject to the terms of the written agreement, group policies or contracts with benefits payable in fixed or variable amounts.*

*The assets held in a separate account pursuant to this section shall be owned by the company. The company shall not be, nor hold itself out to be, a trustee with respect to the assets.*

*Subd. 2. [ALLOCATIONS, CREDITS, OR CHARGES.] The income, if any, and gains or losses realized or unrealized on each separate account may be credited to or charged against the amount allocated to that separate account in accordance with the written agreement, without regard to the other income, gains, or losses of the company.*

*Subd. 3. [TRANSFER OF ASSETS.] No sale, exchange, or other transfer of assets may be made by a company between any of its separate accounts or between any other investment account and one or more of its separate accounts unless:*

*(1) in case of a transfer into a separate account, the transfer is made solely to establish the account or to support the contractual obligations of the company with respect to the separate account to which the transfer is made; or*

*(2) in case of a transfer from a separate account, the transfer would not cause the remaining assets of the account to become less than the reserves and other contract liabilities with respect to that separate account. A transfer, whether into or from a separate account, shall be made by a transfer of cash, or by a transfer of securities having a readily determinable market value, if the transfer of securities is approved by the commissioner. The commissioner may approve other transfers among separate accounts if, in his or her opinion, the transfers would not be inequitable.*

*Except as the commissioner may otherwise approve, where a company transfers assets into a separate account for the purpose of establishing the account, the transfer shall be in the form of cash and shall be made only from its surplus. Not more than five percent of its surplus may be so invested in its separate accounts.*

*Subd. 4. [APPLICATION OF INVESTMENT LAW.] Notwithstanding any inconsistent provision in the company's charter*

or other law, the amounts allocated to separate accounts and accumulations thereon may be invested and reinvested in any class of loans and investments. The loans and investments shall not be included in applying any of the limitations provided in section 61A.28. However, unless otherwise approved by the commissioner, a portion of the assets of each separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds, if any, shall be invested in accordance with the requirements otherwise applicable to the company's general assets.

**Subd. 5. [VALUATION OF ASSETS.]** Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the requirements or other written agreement applicable to the separate account. However, unless otherwise approved by the commissioner, a portion of the assets of each separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds, if any, shall be valued in accordance with the requirements otherwise applicable to the company's general assets.

**Subd. 6. [OTHER LAWS.]** No separate account established pursuant to this section shall be subject to the provisions of sections 61A.13 to 61A.21, nor shall any of the provisions of this section be construed to have any application to separate accounts established pursuant to sections 61A.13 to 61A.21.

**Sec. 4.** Minnesota Statutes 1981 Supplement, Section 61A.-282, Subdivision 2, is amended to read:

**Subd. 2. [LENDING OF SECURITIES.]** A company may loan securities held by it under this chapter to a broker-dealer registered under the Securities and Exchange Act of 1934 or to a bank which is a member of the Federal Reserve System. The market value of loaned securities outstanding at any one time, excluding securities held in a separate account established pursuant to section 61A.14, subdivision 1 or section 3, shall not exceed 50 percent of the company's capital and surplus as of the December 31 immediately preceding. Each loan must be evidenced by a written agreement which provides:

(a) that the loan will be fully collateralized by cash or obligations issued or guaranteed by the United States or an agency or an instrumentality thereof, and that the collateral will be adjusted each business day during the term of the loan to maintain the required collateral in the event of market value changes in the loaned securities or collateral;

(b) that the loan may be terminated by the company at any time, and that the borrower must return the loaned securities or their equivalent within five business days after termination;

(c) that the company has the right to retain the collateral or to use the collateral to purchase securities equivalent to the loaned securities if the borrower defaults under the terms of the agreement; and

(d) that the borrower remains liable for any losses and expenses, not covered by the collateral, which are incurred by the company due to default.

**Sec. 5. [EFFECTIVE DATE.]**

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

Delete the title and insert:

"A bill for an act relating to insurance; modifying the definitions of insolvent insurer and a covered claim for purposes of the insurance guaranty association act; authorizing separate accounts for certain pension plans; amending Minnesota Statutes 1981 Supplement, Sections 60C.03, Subdivision 8; 60C.09, Subdivision 1; and 61A.282, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 61A."

The motion prevailed and the amendment was adopted.

Gruenes and Vellenga moved to amend S. F. No. 1706, as amended, as follows:

Page 5, after line 17, insert:

"Sec. 5. Minnesota Statutes 1980, Section 62A.145, is amended to read:

**62A.145 [SURVIVORS (OF DECEASED EMPLOYEE); (DEFINITIONS) DEFINITION.]**

**(SUBDIVISION 1.) For the purposes of (THIS SECTION AND) section 62A.146, (THE TERMS DEFINED IN THIS SECTION SHALL HAVE THE MEANINGS HERE GIVEN THEM.)**

**(SUBD. 2. "COVERED EMPLOYEE" MEANS ANY PERSON WHO, AT THE TIME OF HIS DEATH, WAS EMPLOYED BY ANY EMPLOYER PROVIDING, OFFERING OR CONTRIBUTING TO GROUP INSURANCE COVERAGE FOR THAT EMPLOYEE WHO WAS SO ENROLLED FOR THE COVERAGE.)**

**(SUBD. 3. "GROUP INSURANCE" MEANS ANY POLICY OR CONTRACT OF ACCIDENT AND HEALTH PROTEC-**

TION, REGARDLESS OF BY WHOM UNDERWRITTEN, PAID FOR IN FULL OR IN PART BY AN EMPLOYER, WHICH PROVIDES BENEFITS, INCLUDING CASH PAYMENTS FOR REIMBURSEMENT OF EXPENSES AND THE PROVISION OF USUAL AND NEEDED HEALTH CARE AND MEDICAL SERVICES AS THE RESULT OF ANY INJURY, SICKNESS, DISABILITY OR DISEASE SUFFERED BY A GROUP OF EMPLOYEES, OR ANY ONE OF THEM, AND THE DEPENDENTS OF SUCH EMPLOYEES.)

(SUBD. 4. "EMPLOYER" MEANS ANY NATURAL PERSON, COMPANY, CORPORATION, PARTNERSHIP, ASSOCIATION OR FIRM WHICH EMPLOYS ANY EMPLOYEE.)

(SUBD. 5.) "survivor" means (ANY) a person who would be entitled to and be dependent upon economic support by an (EMPLOYEE) insured, subscriber or enrollee if (THAT EMPLOYEE) he were alive; including (ANY) a spouse (AND/OR) , child or children as defined by the (GROUP INSURANCE) policy or plan of accident and health protection.

Sec. 6. Minnesota Statutes 1980, Section 62A.146, is amended to read:

62A.146 [(GROUP INSURANCE;) CONTINUATION OF BENEFITS TO SURVIVORS.]

(EVERY EMPLOYER PROVIDING A POLICY OR PLAN OF ACCIDENT AND HEALTH PROTECTION AND BENEFITS FOR HIS EMPLOYEES, OR ANY OF THEM, AND THE DEPENDENTS OF SUCH EMPLOYEES) *No policy or plan of accident and health protection issued by an insurer, nonprofit health service plan corporation, or health maintenance organization, providing coverage of hospital or medical expense on either an expense incurred basis or other than an expense incurred basis which in addition to coverage of the insured, subscriber, or enrollee, also provides coverage to his dependents, shall (NOT), except upon the written consent of the survivor or survivors of (ANY) the deceased (COVERED EMPLOYEE) insured, subscriber or enrollee, terminate, suspend or otherwise restrict the participation in or the receipt of benefits otherwise payable under (SUCH) the policy or plan (OF GROUP INSURANCE) to (SUCH) the survivor or survivors (WITHIN ONE YEAR OF THE COVERED EMPLOYEE'S DEATH) until the earlier of the following dates:*

(a) *The date of remarriage of the surviving spouse; or*

(b) *The date coverage would have terminated under the policy or plan had the insured, subscriber, or enrollee lived.*

(PROVIDED, HOWEVER, THAT ANY) *The survivor or survivors, in order to have the coverage and benefits extended (FOR SUCH ONE YEAR PERIOD, AS HEREIN PROVIDED), may be required to pay the entire cost of (SUCH) the protection. Failure of the survivor to make premium or fee payments (IN ADVANCE TO THE EMPLOYER) within 30 days after notice of the requirement to pay the premiums or fees shall be a basis (IN ITSELF) for the termination of the coverage without (THE) written consent (HERETOFORE REQUIRED FOR SUCH TERMINATION, BUT). In event of termination by reason of the survivor's failure to make required premium (PAYMENTS, IF ANY) or fee contributions, written notice of (SUCH) cancellation must be (SENT BY THE POLICY-HOLDER BY MAIL) mailed to (SAID) the survivor's last known address at least 15 days (PRIOR TO SUCH) before the cancellation. If the coverage is provided under a group policy or plan, any required premium or fee contributions for the coverage shall be paid by the survivor to the group policyholder or contract holder for remittance to the insurer, nonprofit health service plan corporation, or health maintenance organization.*

Sec. 7. Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivision 2a, is amended to read:

Subd. 2a. [CONTINUATION PRIVILEGE.] Every (GROUP) policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's former spouse and *dependent* children upon entry of a valid decree of dissolution of marriage, if the decree requires the insured to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the insured or the insured's former spouse; or

(b) The date coverage would otherwise terminate under the (GROUP) policy.

*If the coverage is provided under a group policy, any required premium contributions for the coverage shall be paid by the insured to the group policyholder for remittance to the insurer.*

Sec. 8. Minnesota Statutes 1981 Supplement, Section 62A.21, Subdivision 2b, is amended to read:

Subd. 2b. [CONVERSION PRIVILEGE.] Every (GROUP) policy described in subdivision 1 shall contain a provision allowing a former spouse *and dependent children* of an insured, without providing evidence of insurability, to obtain from the insurer at the expiration of any continuation of coverage required under subdivision 2a *or section 62A.146*, or upon termi-



nation of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse *and dependent children*, conversion coverage providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the insurer within 30 days following *notice of* the expiration of the continued coverage and upon payment of the appropriate premium. A policy providing reduced benefits at a reduced premium rate may be accepted by the former spouse *and dependent children* in lieu of the optional coverage otherwise required by this subdivision. The individual policy shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the former spouse's original age at entry, and shall apply equally to all similar policies issued by the insurer.

Sec. 9. Minnesota Statutes 1980, Section 62C.142, is amended to read:

**62C.142 [CONTINUATION AND CONVERSION (PRIVILEGE) PRIVILEGES FOR FORMER (SPOUSE) SPOUSES AND CHILDREN.]**

Subdivision 1. [TERMINATION OF COVERAGE.] No subscriber contract of a nonprofit health service plan corporation which, in addition to covering the subscriber, also covers the subscriber's spouse shall contain a provision for termination of coverage for a spouse covered under the subscriber contract solely as a result of a break in the marital relationship except by reason of an entry of a valid decree of dissolution of marriage between the parties.

Subd. 2. [CONVERSION PRIVILEGE.] Every subscriber contract, other than a contract whose continuance is contingent upon continued employment or membership, which contains a provision for termination of coverage of the spouse upon dissolution of marriage shall contain a provision (TO THE EFFECT THAT UPON THE ENTRY OF A VALID DECREE OF DISSOLUTION OF MARRIAGE BETWEEN THE COVERED PARTIES THE SPOUSE SHALL BE ENTITLED TO HAVE ISSUED TO HIM OR HER) *allowing a former spouse and dependent children of a subscriber, without providing evidence of insurability, (UPON APPLICATION MADE TO THE CORPORATION WITHIN 30 DAYS FOLLOWING THE ENTRY OF THE DECREE AND UPON THE PAYMENT OF THE*

APPROPRIATE FEE, AN INDIVIDUAL SUBSCRIBER CONTRACT. THE CONTRACT SHALL PROVIDE THE COVERAGE THEN BEING ISSUED BY THE CORPORATION WHICH IS MOST NEARLY SIMILAR TO, BUT NOT GREATER THAN, THE TERMINATED COVERAGE. ANY PROBATIONARY OR WAITING PERIOD SET FORTH IN THE CONVERSION CONTRACT SHALL BE CONSIDERED AS BEING MET TO THE EXTENT COVERAGE WAS IN FORCE UNDER THE PRIOR CONTRACT) to obtain from the corporation at the expiration of any continuation of coverage required under subdivision 2a or section 62A.146, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse, an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the corporation within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A subscriber contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual subscriber contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual subscriber contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the corporation.

Subd. 2a. [CONTINUATION PRIVILEGE.] Every subscriber contract, other than a contract whose continuance is contingent upon continued employment or membership, shall contain a provision which permits continuation of coverage under the contract for the subscriber's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the subscriber to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the subscriber or the subscriber's former spouse; or

(b) The date coverage would otherwise terminate under the subscriber contract.

Subd. 3. [APPLICATION.] (THIS SECTION) Subdivision 1 applies to every subscriber contract which is delivered,

issued for delivery, renewed or amended on or after (THE EFFECTIVE DATE OF THIS SECTION) *July 19, 1977.*

*Subdivisions 2 and 2a apply to every subscriber contract which is delivered, issued for delivery, renewed, or amended on or after August 1, 1982.*

Sec. 10. Minnesota Statutes 1980, Section 62D.101, is amended to read:

**62D.101 [CONTINUATION AND CONVERSION PRIVILEGES FOR FORMER SPOUSES AND CHILDREN.]**

Subdivision 1. [TERMINATION OF COVERAGE.] No health maintenance contract which, in addition to covering an enrollee, also covers the enrollee's spouse shall contain a provision for termination of coverage for a spouse covered under the health maintenance contract solely as a result of a break in the marital relationship except by reason of an entry of a valid decree of dissolution of marriage between the parties.

Subd. 2. [CONVERSION PRIVILEGE.] Every health maintenance contract, other than a contract whose continuance is contingent upon continued employment or membership, which contains a provision for termination of coverage of the spouse upon dissolution of marriage shall contain a provision (TO THE EFFECT THAT UPON THE ENTRY OF A VALID DECREE OF DISSOLUTION OF MARRIAGE BETWEEN THE COVERED PARTIES THE SPOUSE SHALL BE ENTITLED TO HAVE ISSUED TO HIM OR HER) *allowing a former spouse and dependent children of an enrollee, without providing evidence of insurability, (UPON APPLICATION MADE TO THE HEALTH MAINTENANCE ORGANIZATION WITHIN 30 DAYS FOLLOWING THE ENTRY OF THE DECREE, AND UPON THE PAYMENT OF THE APPROPRIATE FEE, AN INDIVIDUAL HEALTH MAINTENANCE CONTRACT. THE CONTRACT SHALL PROVIDE THE COVERAGE THEN BEING ISSUED BY THE ORGANIZATION WHICH IS MOST NEARLY SIMILAR TO, BUT NOT GREATER THAN, THE TERMINATED COVERAGE. ANY PROBATIONARY OR WAITING PERIOD SET FORTH IN THE CONVERSION CONTRACT SHALL BE CONSIDERED AS BEING MET TO THE EXTENT COVERAGE WAS IN FORCE UNDER THE PRIOR CONTRACT) to obtain from the health maintenance organization at the expiration of any continuation of coverage required under subdivision 2a or section 62A.146, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the health maintenance organization to provide continued coverage for the former spouse, an individual health maintenance contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, a number one qualified plan*

as provided by section 62E.06, subdivisions 1 to 3, provided application is made to the health maintenance organization within 30 days following notice of the expiration of the continued coverage and upon payment of the appropriate fee. A contract providing reduced benefits at a reduced fee may be accepted by the former spouse and dependent children in lieu of the optional coverage otherwise required by this subdivision. The individual health maintenance contract shall be renewable at the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the health maintenance organization.

*Subd. 2a. [CONTINUATION PRIVILEGE.] Every health maintenance contract, other than a contract whose continuance is contingent upon continued employment or membership, shall contain a provision which permits continuation of coverage under the contract for the enrollee's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the enrollee to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:*

*(a) The date of remarriage of either the enrollee or the enrollee's former spouse; or*

*(b) The date coverage would otherwise terminate under the health maintenance contract.*

*Subd. 3. [APPLICATION.] (THIS SECTION) Subdivision 1 applies to every health maintenance contract which is delivered, issued for delivery, renewed or amended on or after (THE EFFECTIVE DATE OF THIS SECTION) July 19, 1977.*

*Subdivisions 2 and 2a apply to every health maintenance contract which is delivered, issued for delivery, renewed, or amended on or after August 1, 1982."*

Renumber the remaining section

Amend the title as follows:

Page 5, line 26, after "plans," insert "broadening continuation and conversion privileges of survivors and former spouses; amending Minnesota Statutes 1980, Sections 62A.145; 62A.146; 62C.142; and 62D.101;"

Page 5, line 29, after the semicolon insert "62A.21, Subdivisions 2a and 2b;"

The motion prevailed and the amendment was adopted.

S. F. No. 1706, A bill for an act relating to insurance; authorizing separate accounts for certain pension plans; amending Minnesota Statutes 1981 Supplement, Section 61A.282, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 61A.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

#### MOTIONS FOR RECONSIDERATION

Vanasek moved that the vote whereby S. F. No. 1207 was not passed earlier today be now reconsidered. The motion prevailed.

Vanasek moved that the action whereby S. F. No. 1207 was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 1207 was again reported to the House.

Wynia moved to amend S. F. No. 1207, the first engrossment, as follows:

Page 3, delete lines 7 to 16, Sections 4 and 5 from the bill

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete "authorizing the issuance of two additional"

Page 1, line 6, delete "wine licenses outside the liquor patrol limit of the"

Page 1, line 7, delete "city of St. Paul;"

The motion prevailed and the amendment was adopted.

S. F. No. 1207, A bill for an act relating to intoxicating liquor; providing an exemption from the multiple interest limitation on off-sale licenses for pre-existing franchise agreements; authorizing the issuance of two additional wine licenses outside the liquor patrol limit of the city of St. Paul; amending Minnesota Statutes 1980, Section 340.13, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Lehto	Ogren	Stowell
Anderson, I.	Elioff	Levi	Osthoff	Swanson
Battaglia	Halberg	Long	Otis	Valan
Begich	Hanson	Mann	Peterson, B.	Valento
Berkelman	Heap	Marsh	Peterson, D.	Vanasek
Blatz	Hoberg	McCarron	Pogemiller	Vellenga
Brandl	Hokanson	Mehrkens	Rice	Voss
Byrne	Jacobs	Metzen	Rodriguez, F.	Wenzel
Carlson, L.	Jennings	Minne	Rose	Wieser
Clark, J.	Johnson, C.	Munger	Samuelson	Wynia
Clark, K.	Jude	Nelson, K.	Sarna	Zubay
Dahlvang	Kahn	Norton	Sieben, M.	Spkr. Sieben, H.
Dempsey	Kaley	Novak	Simoneau	
Drew	Kostohryz	O'Connor	Staten	

Those who voted in the negative were:

Aasness	Erickson	Gustafson	Kvam	Onnen
Ainley	Esau	Hauge	Lemen	Piepho
Anderson, B.	Evans	Haukoos	Ludeman	Redalen
Brinkman	Ewald	Heinitz	McDonald	Rees
Carlson, D.	Fjoslien	Himle	Nelsen, B.	Schafer
Clawson	Forsythe	Hokr	Niehaus	Schoenfeld
Dean	Greenfield	Kelly	Nysether	Schreiber
Den Ouden	Gruenes	Knickerbocker	Olsen	Sherman

Sherwood  
SkoglundStadum  
SviggumTomlinson  
WeaverWelch  
Welker

Wigley

The bill was passed, as amended, and its title agreed to.

Eken moved that the remaining bills on Special Orders be continued. The motion prevailed.

### GENERAL ORDERS

Eken moved that the bills on General Orders be continued. The motion prevailed.

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2136

A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.826; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

March 12, 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. 2136, 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. 2136 be further amended as follows:

Page 1, delete lines 21 to 28

Page 2, delete lines 1 to 36, and insert:

#### "SUMMARY

ADMINISTRATION .....	\$1,048,000
NATURAL RESOURCES .....	162,000
MILITARY AFFAIRS .....	350,000

VETERANS AFFAIRS .....	63,000
EDUCATION .....	752,300
STATE UNIVERSITIES .....	924,000
UNIVERSITY OF MINNESOTA .....	1,235,000
TRANSPORTATION .....	2,255,600
PUBLIC SAFETY .....	100,000
CORRECTIONS .....	300,000
BOND SALE EXPENSES .....	5,700
TOTAL .....	\$7,195,600
Game and Fish Fund .....	100,000
Trunk Highway Fund .....	2,355,600
Building Fund .....	4,740,000

## APPROPRIATIONS

\$            \$

## Sec. 2. [ADMINISTRATION.]

Subdivision 1. To the commissioner of administration for the purposes specified in this section .....

1,048,000

Subd. 2. Fire and Life Safety—  
Capitol building .....

700,000

Subd. 3. Replace roofs—  
Capitol complex .....

130,000

Subd. 4. Reset steps and repair  
upper landing—Capitol building .....

108,000

Subd. 5. Emergency alarm and  
lighting systems—Capitol complex .....

110,000

## Sec. 3. [NATURAL RESOURCES.]

Subdivision 1. To the commissioner of natural resources or the commissioner of ad-



\$            \$

ministration for the purposes specified in this section .....	162,000
--	---------

Subd. 2. To the commissioner of admin- istration for the Hibbing minerals office roof replacement .....	62,000
---	--------

Subd. 3. To the commissioner of natural resources for conversion to a wood pellet heating system at the French River hatchery .....	100,000
---	---------

The appropriation in this subdivision is  
from the game"

Page 4, delete lines 23 to 37, and insert:

"Sec. 9. [TRANSPORTATION.]

Subdivision 1. To the commissioner of transportation for the purposes more specifi- cally described in the following subdivisions of this section .....	2,255,600
--	-----------

Subd. 2. International Falls equipment storage .....	275,000
---	---------

Building and site acquisition costs shall  
not exceed \$150,000.

Subd. 3. Chemical storage sheds .....	35,600
---------------------------------------	--------

Subd. 4. Energy savings modifications .....	420,000
---	---------

Subd. 5. Construct north Minneapolis equipment storage facility to replace Haw- thorne Avenue facility .....	900,000
--	---------

Subd. 6. Sleepy Eye equipment storage .....	310,000
---	---------

Subd. 7. Dodge Center equipment storage .....	315,000"
---	----------

Page 4, line 38, delete "6" and insert "8"

Page 5, after line 26, insert:

"Sec. 10. [PUBLIC SAFETY.] .....	100,000
----------------------------------	---------

To the commissioner of public safety to  
establish and equip a decentralized animated  
audio-visual traffic accident reconstruction

\$

\$

system. This money shall be used in conjunction with federal grants or private contributions. This appropriation is from the trunk highway fund."

Page 5, line 30, delete "500,000" and insert "300,000"

Page 5, line 36, delete the comma

Page 5, line 38, delete "and/or" and insert ", or"

Page 5, line 40, before the period insert ", or both"

Page 5, line 56, delete "6,000" and insert "5,700"

Page 6, line 5, delete "\$5,350,000" and insert "\$4,740,000"

Page 7, after line 25, insert:

"Sec. 16. [REPLACEMENT BUILDING, ST. CLOUD STATE UNIVERSITY.]

*The state university board is authorized to replace the existing building at the highway safety center at St. Cloud state university. Funding for the building shall be exclusively from earned revenue and shall not exceed \$28,000. For purposes of this section, "earned revenue" includes user fees."*

Pages 7 and 8, delete section 17

Page 12, delete lines 6 to 21 and insert:

"Sec. 26. Minnesota Statutes 1980, Section 16A.63, Subdivision 2, as amended by Laws 1981, Third Special Session Chapter 2, Article VII, Section 1, is amended to read:

Subd. 2. [TEMPORARY FINANCING.] In anticipation of the receipt of proceeds of state bonds (TO BE CREDITED TO THE MINNESOTA STATE BUILDING FUND), the commissioner of finance may transfer amounts not in excess of the anticipated proceeds from the general fund to the Minnesota state building fund or other state fund to which the proceeds are appropriated. Upon receipt of the state bond proceeds in anticipation of which a general fund transfer has been made, the commissioner of finance shall transfer to the general fund from the (MINNESOTA STATE BUILDING) fund to (THE GENERAL FUND) which the proceeds were appropriated an amount equal to the sum originally transferred from the general fund. There (IS) are annually appropriated to the commissioner of

finance from the general fund and from the (MINNESOTA STATE BUILDING FUND) *proceeds of the bonds* sums sufficient to effect the transfers authorized by this subdivision.

Sec. 27. Minnesota Statutes 1980, Section 16A.64, Subdivision 4, is amended to read:

Subd. 4. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including, but not limited to, actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the Minnesota state building fund, and the amounts necessary therefor are appropriated from said fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be (LIMITED TO) *first paid to the extent possible from the amount so appropriated.*

Sec. 28. Minnesota Statutes 1981 Supplement, Section 16A.671, Subdivision 8, is amended to read:

Subd. 8. [APPROPRIATION FOR PAYMENT AND COSTS.] The principal of and interest and premium, if any, on all certificates of indebtedness issued hereunder, and all expenses incidental to the sale, guaranty of sale, placement, printing, execution, authorization, registration, and delivery thereof, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees, *and costs arising from lines of credit obtained with respect to outstanding debt* shall be paid from the general fund and shall be included in the computation of current cash flow requirements and of amounts available for allotment pursuant to appropriations, and the amounts necessary for these purposes are appropriated from the general fund. These appropriations are irrevocable and shall not be canceled. *The commissioner of finance may enter into a covenant, on behalf of the state, for the security of the holders of certificates of indebtedness, for the segregation of cash and cash equivalent assets in a special account within the general fund for the payment of interest, principal, and premium, if any, in the amounts and at the times in advance of the due dates that the commissioner determines to be advisable for the state in marketing the certificates of indebtedness and to take action required under section 16A.15, subdivision 1, to enable the performance of the covenant."*

Page 16, after line 25, insert:

"Sec. 34. Minnesota Statutes 1980, Section 180.03, Subdivision 2, is amended to read:

Subd. 2. Every person, firm or corporation that is or has been engaged in the business of mining or removing iron ore, taconite, semitaconite or other minerals except sand, crushed

rock and gravel by the open pit method in any county which has appointed an inspector of mines pursuant to section 180.01 shall erect two inch by four inch mesh fencing along the outside perimeter of the excavation, open pit, or shaft of any mine in which mining operations have ceased for a period of six consecutive months or longer. The top and bottom wire shall not be less than 9 gauge and the filler wire shall not be less than 11 gauge. The fencing shall be not less than five feet in height with two strands of barbed wire six inches apart affixed to the top of the fence. The fence posts shall be no more than ten feet apart. In the case of open pit mines in which mining operations cease after November 1, 1979, and before March 1, 1980, the fencing shall be erected as soon as possible after March 1, 1980. Where mining operations cease on or after March 1, 1980, the fencing shall be erected forthwith. In the case of open pit mines in which mining operations had ceased for a period of six consecutive months or longer before November 1, 1979, and not resumed, the fencing shall be erected within (THREE) *four* years after November 1, 1979. Any fencing required by an inspector of mines pursuant to subdivision 3 or other applicable law shall meet the standards of this section as a minimum. This subdivision does not apply to any excavation, open pit, or shaft, or any portion thereof, exempted from its application by the commissioner of natural resources pursuant to laws relating to mineland reclamation or exempted from its application by the county mine inspector pursuant to subdivision 4."

Page 16, line 27, delete "*Sections 1 to 30 are*" and insert "*This act is*"

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 6, after the semicolon insert "authorizing inter-fund borrowing in anticipation of bond proceeds; providing for bond sale expenses; authorizing covenants to secure certificates of indebtedness;"

Page 1, line 7, after the first semicolon insert "postponing the deadline for fencing certain open pit mines;"

Page 1, line 8, after the semicolon insert "16A.63, Subdivision 2, as amended; 16A.64, Subdivision 4;"

Page 1, line 9, after the last semicolon insert "180.03, Subdivision 2; Minnesota Statutes 1981 Supplement, Section 16A.671, Subdivision 8."

Page 1, delete lines 10 and 11

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

House Conferees: MICHAEL R. SIEBEN, PHYLLIS L. KAHN, GLEN H. ANDERSON, LYNDON R. CARLSON and BRUCE G. NELSON.

Senate Conferees: GERALD L. WILLET, WILLIAM P. LUTHER, STEVE ENGLER and TOM A. NELSON.

Sieben, M., moved that the report of the Conference Committee on H. F. No. 2136 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2136, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.826; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

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

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Novak	Sieben, M.
Anderson, B.	Erickson	Kalis	O'Connor	Simoneau
Anderson, G.	Evans	Kelly	Ogren	Skoglund
Anderson, I.	Ewald	Kostohryz	Onnen	Stadum
Battaglia	Forsythe	Laidig	Osthoff	Staten
Begich	Greenfield	Lehto	Otis	Stowell
Berkelman	Gruenes	Levi	Peterson, B.	Stumpf
Blatz	Gustafson	Luknic	Peterson, D.	Swanson
Brandl	Halberg	Mann	Piepho	Tomlinson
Brinkman	Hanson	Marsh	Pogemiller	Valan
Byrne	Hauge	McCarron	Reding	Valento
Carlson, D.	Haukoos	McEachern	Reif	Vanasek
Carlson, L.	Himle	Mehrkins	Rice	Vellenga
Clark, J.	Hoberg	Metzen	Rodriguez, F.	Voss
Clark, K.	Hokanson	Minne	Rose	Weaver
Clawson	Jacobs	Munger	Samuelson	Welch
Dahlvang	Johnson, C.	Murphy	Sarna	Wenzel
Dempsey	Johnson, D.	Nelsen, B.	Schoenfeld	Wynia
Drew	Jude	Nelson, K.	Sherman	Zubay
Eken	Kahn	Norton	Sherwood	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Jennings	McDonald	Rees	Welker
Den Ouden	Knickerbocker	Niehaus	Schafer	Wieser
Fjoslien	Kvam	Nysether	Schreiber	Wigley
Heinitz	Lemen	Olsen	Shea	
Hokr	Ludeman	Redalen	Svigum	

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

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Hokanson moved that the House refuse to concur in the Senate amendments to H. F. No. 2058, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 534, A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

PATRICK E. FLAHAVEN, Secretary of the Senate

Byrne moved that the House refuse to concur in the Senate amendments to H. F. No. 534, that the Speaker appoint a Conference Committee of 3 members of the House, and that the

House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 1576 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; 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 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, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Begich

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 534:

Clawson, Byrne and Dean.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2058:

Hokanson, Hokr and Samuelson.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Saturday, March 13, 1982. The motion prevailed.



Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Saturday, March 13, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

