

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 9, 1983

The House of Representatives convened at 2:00 p.m. and was called to order by Ann Wynia, Speaker pro tem.

Prayer was offered by Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Sherman
Anderson, G.	Erickson	Knuth	Otis	Simoneau
Anderson, R.	Evans	Kostohryz	Pauly	Skoglund
Battaglia	Findlay	Krueger	Peterson	Solberg
Beard	Fjoslien	Kvam	Piepho	Sparby
Begich	Forsythe	Larsen	Piper	Stadum
Bennett	Frerichs	Levi	Price	Staten
Bergstrom	Graba	Long	Quinn	Sviggunn
Berkelman	Greenfield	Ludeman	Quist	Swanson
Bishop	Gruenes	Marsh	Redalen	Thiede
Blatz	Gustafson	McDonald	Reif	Tomlinson
Brandl	Gutknecht	McEachern	Rice	Tunheim
Brinkman	Halberg	McKasy	Riveness	Uphus
Burger	Haukoos	Metzen	Rodosovich	Valan
Carlson, D.	Heap	Minne	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Vanasek
Clark, J.	Himle	Murphy	St. Onge	Vellenga
Clark, K.	Hoberg	Nelson, D.	Sarna	Voss
Clawson	Hoffman	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	Norton	Schoenfeld	Welker
Dempsey	Jensen	O'Connor	Schreiber	Welle
DenOuden	Johnson	Ogren	Seaberg	Wenzel
Dimler	Kahn	Olsen	Segal	Wigley
Eken	Kalis	Omamm	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke

A quorum was present.

Hokr, Mann, Rose and Sieben were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Rodosovich 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. 223, 252, 342, 398 and 381 and S. F. Nos. 96 and 186 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

March 4, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983</i>	<i>Date Filed 1983</i>
	57	4	March 4	March 4
118		5	March 4	March 4
26		6	March 4	March 4
71		7	March 4	March 4

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and com-

pliance 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, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

Sections 1 to 19 may be cited as the Environmental Response and Liability Act.

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

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 19, the following terms have the meanings given them.

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

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

Subd. 4. [DIRECTOR.] “Director” means the director of the pollution control agency.

Subd. 5. [FACILITY.] “Facility” means:

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

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

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

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

Subd. 6. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 7. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 19.

Subd. 8. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:

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

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

(c) Any hazardous waste.

"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

Subd. 9. [HAZARDOUS WASTE.] "Hazardous waste" means:

(a) Any hazardous waste as defined in section 116.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and

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

Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

Subd. 11. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who holds title to, is in possession of, or controls the use of real property, including a fee owner, lessee, renter or tenant.

Subd. 12. [PERSON.] "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.

Subd. 13. [POLLUTANT OR CONTAMINANT.] "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

Subd. 14. [RELEASE.] "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

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

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

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

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied

pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25, if the containers and the residues were disposed of in a manner consistent with any instructions on the pesticide label and with common usage.

Subd. 15. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.

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

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

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

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

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

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

(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be creat-

ed by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.

Subd. 16. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;

(b) Necessary actions taken in the event of a threatened release of a hazardous substance, or a pollutant or contaminant, into the environment;

(c) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;

(d) Disposal or processing of removed material; or

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

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

Subd. 17. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 18. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

Sec. 3. [115B.03] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 19, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:

(a) Owned or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;

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

(c) Knew or reasonably should have known that waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.

Subd. 2. [EMPLOYEES AND EMPLOYERS.] When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:

(a) The employee is subject to liability under section 4 or 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm.

(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or 5 regardless of the degree of care exercised by the employee.

Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:

(a) was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;

(b) knowingly permitted any person to make regular use of the facility for disposal of waste;

(c) knowingly permitted any person to use the facility for disposal of a hazardous substance;

(d) knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he acquired the property and engaged in conduct by which he associated himself with the release; or

(e) took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the property.

Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 11, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:

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

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

(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.

Subd. 3. [LIABILITY FOR A THREATENED RELEASE.] Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 16, subdivision 6.

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 6. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.] It is a

defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 16, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.

Subd. 7. [DEFENSE FOR INTERVENING ACTS.] *It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) An act of God;*
- (b) An act of war; or*
- (c) An act or omission of a third party.*

“Third party” for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 8. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] *It is a defense to liability under this section that:*

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

(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;

(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or

state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

Subd. 9. [NATURAL RESOURCES.] It is a defense to liability under this section, for the loss of, destruction of, or injury to natural resources that:

(a) The natural resources were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and

(b) The project or facility was being operated within the terms of its permit or license.

Subd. 10. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.

Subd. 11. [BURDEN OF PROOF FOR DEFENSES.] Any person claiming a defense provided in subdivisions 6 to 10 has the burden to prove all elements of the defense by a preponderance of the evidence.

Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 9, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:

(a) All damages for actual economic loss resulting from such a release including:

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

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

(3) Any loss of past or future income or profits resulting from injury to or destruction of real or personal property without regard to the ownership of the property; and

(b) All damages for death or personal injury or disease including:

(1) Any medical expenses, rehabilitation costs or burial expenses;

(2) Any loss of past or future income, or loss of earning capacity resulting from personal injury or disease; and

(3) Damages for physical impairment or other pain and suffering.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for damages which result from the release of a pollutant or contaminant.

Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous

substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 6. [DEFENSE AVAILABLE FOR INTERVENING ACTS:] *It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) *An act of God;*
- (b) *An act of war; or*
- (c) *An act or omission of a third party.*

"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 7. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] *It is a defense to liability under this section that:*

- (a) *The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;*
- (b) *The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*
- (c) *The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

(d) *The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

(e) *The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pre-treatment standards specified for that substance under state and federal law; or*

(f) *Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).*

Subd. 8. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] *It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

Subd. 9. [BURDEN OF PROOF FOR DEFENSES.] *Any person claiming a defense provided in subdivisions 6 to 8 has the burden to prove all elements of the defense by a preponderance of the evidence.*

Sec. 6. [115B.06] [LIABILITY FOR CERTAIN PAST ACTIONS.]

When a defendant establishes that the hazardous substance which is alleged to have caused the damages claimed by the plaintiff was placed or came to be located in or on the facility before April 1, 1982, the defendant is not liable under section 5 if he establishes that the activity in which he was involved with respect to the substance was not an abnormally dangerous activity.

For the purpose of this section, the determination of whether an activity with respect to a hazardous substance was an abnormally dangerous activity shall be made by the court, which may consider factors including:

(1) *The character of the substance, including the tendency of the substance to cause harm if it escapes from the control of the person who has possession of it;*

(2) *The character and location of the activity in which the person was involved with respect to the substance, including:*

(a) *Whether harm to persons or property would necessarily result from the activity regardless of the reasonable precaution with which it is conducted;*

(b) *Inappropriateness of the activity to the place where it is carried out;*

(c) *The extent to which the activity is not a matter of common usage;*

(d) *Likelihood that the harm that results from the activity will be serious and;*

(e) *Whether the activity is of a type which, despite its social utility, should not be permitted without liability for serious harm resulting from its performance.*

Sec. 7. [115B.07] [CAUSATION; INFERENCE PERMITTED.]

In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, if the plaintiff produces evidence sufficient to enable a reasonable person to find that:

(a) *the plaintiff was exposed to the hazardous substance;*

(b) *under all of the circumstances, the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and*

(c) *it is more likely than not that the death, injury or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff;*

then the court may not direct a verdict against the plaintiff on the issue of causation, and the trier of fact is permitted but not required to draw the inference that the death, injury, or disease of the plaintiff was caused or significantly contributed to by the release of a hazardous substance.

Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury or disease is not required for the question of causation to be submitted to the trier of fact.

Nothing in this section shall be construed to relieve the plaintiff of the burden of proving the causal connection between the release of the hazardous substance and the plaintiff's death, injury or disease.

Sec. 8. [115B.08] [APPORTIONMENT OF LIABILITY; LIMITATION; CONTRIBUTION.]

Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] Any person held jointly and severally liable under section 4 or 5 has the right at trial to have the trier of fact apportion liability among the defendants as provided in this section. The burden is on each defendant to show how his liability should be apportioned.

In apportioning the liability of any defendant under this section, the trier of fact shall consider the following:

(a) The extent to which that defendant's contribution to the release of a hazardous substance can be distinguished;

(b) The amount of hazardous substance involved;

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

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

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

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

Subd. 2. [LIMITATION OF LIABILITY.] If a person is held jointly and severally liable under section 4 or 5 and establishes his proportionate share of the aggregate liability, the liability of that person shall be limited to three times his proportionate share.

Subd. 3. [CONTRIBUTION.] Any person held jointly and severally liable under section 4 or 5 who is required to pay more than that person's proportionate share of the aggregate liability is entitled to seek contribution from any other person liable for the damages or response costs to the extent of the other person's proportionate liability.

Sec. 9. [115B.09] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]

No conveyance, indemnification, hold harmless agreement, or similar agreement shall be effective to transfer the liability imposed under sections 1 to 14 from the owner or operator of a facility or from any person who may be liable under those

sections to any other person. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under sections 1 to 14 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

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

(c) To bar any cause of action brought by a party who may be liable under sections 1 to 14 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 10. [115B.10] [STATUTE OF LIMITATIONS.]

No person may recover pursuant to sections 1 to 14 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court may consider factors including the following:

(a) When the plaintiff discovered the injury or loss;

(b) Whether a personal injury or disease had sufficiently manifested itself; and

(c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.

Sec. 11. [115B.11] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 14 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 14 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in the facility. The provisions of sections 1 to 14 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the inapplicability

of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.

Sec. 12. [115B.12] [DOUBLE RECOVERY PROHIBITED.]

A person who recovers response costs or damages pursuant to sections 1 to 14 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 14.

Sec. 13. [115B.13] [AWARD OF COSTS.]

Upon motion of a party prevailing in an action under sections 1 to 14 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.

Sec. 14. [115B.14] [APPLICATION OF SECTIONS 1 TO 14.]

Sections 1 to 14 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 14 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 15. [115B.15] [DISPOSITION OF FACILITIES.]

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

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

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

Subd. 2. [RECORDING OF AFFIDAVIT.] *Before any transfer of ownership of any property which the owner knew*

or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

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

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

(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.

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

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

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

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

Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any owner who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.

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

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

Sec. 16. [115B.16] [STATE RESPONSE TO RELEASES.]

Subdivision 1. [REMOVAL AND REMEDIAL ACTION.]

Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:

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

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

(2) *Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and*

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

(b) *The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).*

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

Subd. 2. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 17.

Subd. 3. [DUTY TO PROVIDE INFORMATION.] Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

Subd. 5. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person,

the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 17, or to other public agencies concerned with the implementation of sections 1 to 17.

Subd. 6. [RECOVERY OF EXPENSES.] *Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and may be appropriated only for additional response actions as provided in section 19, subdivision 2, clause (b) or (c).*

Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] *For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and may be appropriated only for the purposes provided in section 19, subdivision 2, clause (e).*

Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.] *When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A-37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 19, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.] *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sec-*

tions 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.

Subd. 10. [ACTIONS RELATING TO HEALTH.] *The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.] *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.] *For the purpose of permitting a political subdivision or private person to recover response costs as provided in section 4, subdivision 6, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.*

Subd. 13. [PRIORITIES; RULES.] *By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*

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

All other considerations being equal, agency remedial action for any risk or danger which was created or aggravated by the action or inaction of any government entity shall take precedence over remedial action for similar risks or dangers not significantly contributed to by government action or inaction.

Sec. 17. [115B.17] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]

Subdivision 1. [CIVIL PENALTIES.] Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$25,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.

The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 16, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.

Subd. 2. [ACTION TO COMPEL PERFORMANCE.] When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If the owner of real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the release or threatened release, the owner may be joined as an indispensable party in an action to compel performance in

order to assure that the requested response actions can be taken on that property by the responsible parties.

Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.] A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.

Subd. 4. [INJUNCTIVE RELIEF.] The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.

Sec. 18. [115B.18] [PURPOSES OF FUND AND TAXES.]

In establishing the environmental response, compensation and compliance fund in section 19 and imposing taxes in section 21 it is the purpose of the legislature to:

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

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

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

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

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

(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state waste management activities on those whose products and services con-

tribute to waste management problems and increase the risks of harm to the public and the environment.

Sec. 19. [115B.19] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

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

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

(a) Preparation by the agency for taking removal or remedial action under section 16, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 16 or 17;

(b) Removal and remedial actions taken or authorized by the agency or director under section 16, including related enforcement and compliance efforts under section 16 or 17, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;

(c) Reimbursement to any person for expenditures made between April 1, 1982 and July 1, 1983 to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;

(d) Removal and remedial actions taken or authorized by the agency or director under section 16, including related enforcement and compliance efforts under section 16 or 17, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;

(e) Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or dis-

posal facilities located pursuant to the siting authority of chapter 115A;

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

(g) *Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(h) *Grants by the agency or the waste management board to demonstrate alternatives to land disposal of solid and hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling solid and hazardous waste, and to assist counties to develop comprehensive waste management plans; and*

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

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

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

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

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

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

(a) *The proceeds of the taxes imposed pursuant to section 21, including interest and penalties;*

(b) *All money recovered by the state under sections 1 to 17 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 24;*

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

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

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

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

Sec. 20. [TAXES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] *The definitions provided in this section and section 2 apply to sections 20 to 23.*

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

Subd. 3. [GENERATOR.] *“Generator” means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.*

Subd. 4. [LONG TERM CONTAINMENT.] *“Long term containment” means land disposal or storage for a period of more than one year.*

Subd. 5. [TREATMENT.] *“Treatment” means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.*

Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.

Sec. 21. [HAZARDOUS WASTE GENERATOR TAX.]

Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse or to used crankcase oil.

Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.

Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.

Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for treatment, other than as provided in subdivision 5, to produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.

Subd. 5. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in a wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.

Subd. 6. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.

Sec. 22. [SEVERABILITY.]

If any tax imposed under section 21 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 19, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objec-

tionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 19, subdivision 2.

Sec. 23. [TAX ADMINISTRATION AND ENFORCEMENT.]

Subdivision 1. [QUARTERLY REPORTS AND PAYMENTS; EXCEPTION.] By the fourteenth day following the last day of each calendar quarter beginning after December 31, 1983, every person liable for payment of a tax under section 21, except as provided in subdivision 4 of this section, shall make and file with the commissioner of revenue a report under oath, in the form and containing the information required by the commissioner. The amount of the tax due shall be remitted together with the form. The commissioner may establish rules under which a generator of a low volume of hazardous wastes may file the report and pay the tax annually.

Subd. 2. [AMENDED RETURNS.] A taxpayer who finds that a return filed under this section as originally filed is in error may correct the error by filing an amended return. If the taxpayer is entitled to a refund due to the correction, the amended return will serve as a claim for the refund provided it is filed no later than three years after the original return is filed.

Subd. 3. [EXCHANGE OF INFORMATION.] Notwithstanding the provisions of sections 116.075 or 290.61 or any other law to the contrary, the commissioner of revenue and the pollution control agency may provide each other with the information necessary for the enforcement of section 21 and this section. Information disclosed in a return filed pursuant to this section or information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 15.1673.

Subd. 4. [PAYMENT BY OUT-OF-STATE GENERATORS.] A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 21, subdivisions 2 to 4 shall pay the tax imposed by section 21 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

Subd. 5. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.] The agency shall provide to the commis-

sioner the names and addresses of all persons known to the agency who are subject to tax under section 21, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 20 when requested by the commissioner.

Subd. 6. [PENALTIES; ENFORCEMENT.] The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 21 and those provisions shall be administered by the commissioner.

Subd. 7. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 21.

Subd. 8. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner or agency from a general fund appropriation to enforce and administer section 21 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.

Sec. 24. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 in order to raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency, excluding any amount appropriated to the agency for these purposes under section 19, subdivision 2.

The legislature may appropriate additional amounts which need not be raised by fees or may provide that the fees shall cover a proportion of the appropriation for the hazardous waste activities of the agency in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.

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

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

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.

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

Sec. 25. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] (EXCEPT AS PROVIDED IN SUBDIVISION 2.) By December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the type and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state.

The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 26. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

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

Sec. 27. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

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

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

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

(c) *Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 14 or under any other law.*

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

Sec. 28. [APPROPRIATION; COMPLEMENT.]

Subdivision 1. [APPROPRIATION TO FUND.] The sum of \$ is appropriated from the general fund and transferred to the environmental response, compensation and compliance fund established in section 19.

Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] The following sums are appropriated from the general fund to be available until June 30, 1985, for costs of administering and enforcing sections 20 and 22.

(a) *To the commissioner of revenue*

The approved complement of the department of revenue is increased by positions.

(b) *To the pollution control agency*

The approved complement of the pollution control agency is increased by positions.

Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS.] For the biennium ending June 30, 1985, and except as provided in subdivision 4, all money in the environmental response, compensation and compliance fund except any money recovered with respect to natural resources under section 16, subdivision 7, is appropriated to the pollution control agency for the purposes described in section 19, subdivision 2, clauses (a), (b) and (c).

Subd. 4. [RULES; PRIORITY LISTS; COMPLEMENT.] The sum of \$ is appropriated from the environmental response, compensation and compliance fund to the pollution control agency for the cost of establishing priority lists and adopting rules as required under section 16, subdivision 13, to be available until June 30, 1984.

The approved complement of the pollution control agency is increased by positions.

Sec. 29. [REPEALER.]

Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.

Sec. 30. [EFFECTIVE DATE.]

Sections 16 to 23, and 28 are effective the day following final enactment. The taxes imposed by section 21 are effective January

1, 1984. The remaining sections of this act are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 89, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear for personal safety because of race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

Reported the same back with the following amendments:

Page 2, line 1, after "sex," insert "*physical or mental handicap,*"

Page 2, line 2, delete "or"

Page 2, line 2, after "origin" insert "*or political persuasion*"

Page 2, line 6, strike the semicolon

Page 2, line 7, strike "provided that" and insert a new period

Page 2, line 20, strike "such"

Page 2, line 26, delete "*for personal safety*" and insert "*in the person threatened or in another person*"

Page 2, line 27, before "*person's*" insert "*threatened*"; after "*sex,*" insert "*physical or mental handicap,*"

Page 2, line 28, delete "*or*"

Page 2, line 28, after "*origin*" insert "*or political persuasion*"

Page 2, line 33, strike "*such*"

Amend the title as follows:

Page 1, line 3, delete "*for*"

Page 1, line 4, delete "*personal safety*"; after "*sex,*" insert "*physical or mental handicap,*"

Page 1, line 5, delete the second "*or*"

Page 1, line 5, after "*origin*" insert "*or political persuasion*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 107, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased and for evaluations of abusive parents; eliminating the evidentiary privilege of medical health professionals in actions or proceedings for neglect, dependency, or termination of parental rights; prohibiting exclusion of evidence in any proceeding arising out of alleged neglect or physical or sexual abuse; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783; subdivision 3; 245.-

801, subdivisions 1 and 4; 260.011, subdivision 2; 260.151, by adding a subdivision; 260.242, subdivision 2, and by adding a subdivision; 364.09; 595.02; 626.556, subdivisions 8 and 10; and 626.557.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.783, subdivision 3, is amended to read:

Subd. 3. Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department (WITH THE INFORMED CONSENT OF) *after notice to the subject of the data shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data, arrest information, reports regarding abuse or neglect of children, and investigation results available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care.* If the commissioner is satisfied that the provisions of sections 245.781 to 245.812 and 252.28, subdivision 2 and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license may be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

Sec. 2. Minnesota Statutes 1982, section 245.801, subdivision 1, is amended to read:

Subdivision 1. An applicant who has been denied a license by the department shall be given prompt written notice thereof, by certified mail to the address shown in the application. The notice shall contain a statement of the reasons for the denial and shall inform the applicant of his right to appeal the decision to the commissioner. Written notice of appeal must be mailed with-

in 20 days after receipt of the notice of denial. Upon receiving a timely written appeal, the commissioner shall give the applicant reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner of whether the application shall be denied or granted either for a license or a provisional license. *In the case of a family day care license or a family foster care license, unless the hearing examiner determines that the decision of the department to deny the application was arbitrary and capricious, the hearing examiner shall recommend to the commissioner that the denial be affirmed.* The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be sent to the applicant by certified mail, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

Sec. 3. Minnesota Statutes 1982, section 245.801, subdivision 4, is amended to read:

Subd. 4. An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. *In the case of a family day care license or a family foster care license, unless the hearing examiner determines that the decision of the department to suspend or revoke the license or to make it probationary was arbitrary and capricious, the hearing examiner shall recommend to the commissioner that the department's decision be affirmed.* However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision

of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

Sec. 4. [245.8131] [REPORTING ABUSE OR NEGLECT OF CHILDREN IN FACILITIES.]

Subdivision 1. [DEFINITION.] "Child" means anyone who has not reached his or her eighteenth birthday.

Subd. 2. [PERSONS MANDATED TO REPORT.] Any professional individual or his delegate in the field of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care education, or law enforcement, who has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or physically or sexually abused by an individual in that facility or agency, shall immediately report the information to the commissioner, the local welfare agency, or police department. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this section may voluntarily report to the commissioner, the local welfare agency or police department if he has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or subjected to physical or sexual abuse by an individual in that facility or agency. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner.

Subd. 3. [IMMUNITY FROM LIABILITY.] Any person participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Subd. 4. [FALSIFIED REPORTS.] Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 5. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual abuse who willfully fails to do so is guilty of a misdemeanor.

Subd. 6. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 2 to report shall be followed

as soon as possible thereafter by a report in writing to the commissioner, the appropriate police department or local welfare agency. Any report shall be of sufficient content to identify the child, the facility or agency responsible for his care, the nature and extent of the child's injuries, and the name and address of the reporter. Written reports received by a police department or local welfare agency shall be forwarded immediately to the commissioner.

Subd. 7. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 2 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner. Medical examiners or coroners shall notify the commissioner, the local welfare agency, or police department in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the appropriate law enforcement authorities, the commissioner, and the local welfare agency.

Subd. 8. [INVESTIGATION.] The commissioner shall immediately investigate any report received under this section. The commissioner shall arrange for the transmittal of reports received by local agencies to him, and may delegate to any local welfare agency the duty to investigate reports. The commissioner and the local welfare agencies delegated to investigate reports have the right to enter facilities and inspect and copy records of a facility or agency required to be licensed as part of its investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility or agency under investigation that it is conducting an investigation and to disclose to the facility or agency the names of the individuals under investigation for abusing or neglecting a child and to provide the facility or agency with a copy of the report and its investigative findings.

Subd. 9. [RECORDS.] All records maintained by the commissioner of public welfare or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private data on individuals, except insofar as copies of reports are required by subdivision 6 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse in-

volving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by the commissioner of public welfare, local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, commissioner of public welfare, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, commissioner of public welfare, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 5. Minnesota Statutes 1982, section 260.011, subdivision 2, is amended to read:

Subd. 2. (THE PURPOSE OF THE LAWS RELATING TO JUVENILE COURTS IS TO SECURE FOR EACH CHILD ALLEGED OR ADJUDICATED NEGLECTED OR DEPENDENT AND UNDER THE JURISDICTION OF THE COURT, THE CARE AND GUIDANCE, PREFERABLY IN HIS OWN HOME, AS WILL SERVE THE SPIRITUAL, EMOTIONAL, MENTAL, AND PHYSICAL WELFARE OF THE CHILD AND THE BEST INTERESTS OF THE STATE; TO PRESERVE AND STRENGTHEN THE CHILD'S FAMILY TIES WHENEVER POSSIBLE, REMOVING HIM FROM THE CUSTODY OF HIS PARENTS ONLY WHEN HIS WELFARE OR SAFETY CANNOT BE ADEQUATELY SAFEGUARDED WITHOUT REMOVAL; AND, WHEN THE CHILD IS REMOVED FROM HIS OWN FAMILY, TO SECURE FOR HIM

CUSTODY, CARE AND DISCIPLINE AS NEARLY AS POSSIBLE EQUIVALENT TO THAT WHICH SHOULD HAVE BEEN GIVEN BY HIS PARENTS.) (a) *The purpose of the laws relating to juvenile court and alleged or adjudicated dependent or neglected children is to carry out the public policy of protecting children whose health or welfare may be jeopardized by physical abuse, neglect, or sexual abuse and to secure for each of these children care and guidance which will serve the spiritual, emotional, mental, and physical welfare of the child.*

Further, it is the policy of this state to preserve and strengthen the family by improving parental and guardian capacity for responsible child care so that a child under the jurisdiction of the juvenile court may safely reside in his or her own home. Although it is preferable that a child's needs be met in his or her own home, if the child's welfare or safety cannot be adequately safeguarded, the child should be removed from the custody of his or her parents, guardian, or custodian and placed in a safe temporary or permanent home environment.

When the child is removed from his or her own family, it is the policy of the state to secure for him or her custody, care and discipline, as nearly as possible equivalent to that which should have been given by his or her parents. Whenever the child's interests and parental rights conflict, the interests of the child should prevail.

(b) The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

(c) The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 6. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. *If upon petition to the juvenile court by any reputable person, including but not limited to any agent of the commissioner of public welfare and upon hearing in the manner provided in section 260.155, the court finds that both parents are deceased and that a guardian has not been appointed pursuant to Minnesota Statutes, sections 525.6155 to 565.6165, the court shall order the guardianship and legal custody of the child transferred to:*

(a) *the commissioner of public welfare;*

(b) *a licensed child placing agency; or*

(c) *an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.*

Sec. 7. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of (SUBDIVISION 1) *this section* has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to (SUBDIVISION 1, CLAUSE (A)) *this section*, the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of (SUBDIVISION 1) *this section* shall not of itself include the guardianship of the estate of the ward.

Sec. 8. Minnesota Statutes 1982, section 364.09, is amended to read:

364.09 [LAW ENFORCEMENT; EXCEPTION.]

This chapter shall not apply to the practice of law enforcement or to eligibility for a family day care license or a family foster care license; but nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion to apply to law enforcement.

Sec. 9. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer protective social services

for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for investigating the child abuse report shall include, but not be limited to, authority to interview, without the consent of a parent, legal custodian, or guardian, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any other facility where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified, no later than the conclusion of the investigation, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, notification of this interview be withheld from the parent, legal custodian, or guardian.

(c) Where a parent, custodian, or guardian of the alleged victim or other minor, or the perpetrator prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents to produce the alleged victim or other minor for questioning by the local welfare agency outside the presence of the perpetrator and parents at reasonable places and times as specified by court order.

(d) Before making any order under clause (c), the court shall issue an order to show cause on the need for interviewing the minor or other alleged victim, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause."

Further, delete the title and insert:

"A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating

applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of a guardian in certain cases for children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests' shall prevail over parental rights; allowing for the appointment of a guardian ad litem in certain instances; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.242, subdivision 2; and by adding a subdivision; 364.09; and 626.556, subdivision 10; proposing new law coded in Minnesota Statutes, chapter 245."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 166, A bill for an act relating to county attorneys; providing for the prosecution of certain offenses by county attorneys other than county attorneys from Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 388.051; repealing Minnesota Statutes 1982, section 487.25, subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 or an ordinance in conformity therewith before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under

this section is in the district court. *The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of chapter 169 shall also be responsible for prosecution of violations of this section.*

Sec. 2. Minnesota Statutes 1982, 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) *officers of the state patrol*, shall be paid by (SUCH) *the person or officer collecting (SUCH) the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which (SUCH) these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of (SUCH) these receipts shall be credited to the general revenue fund of the county. The other five-eighths of (SUCH) these 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) *these 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. Five-eighths of (SUCH) these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of (SUCH) these receipts shall be credited to the general revenue fund of the county.*

Sec. 3. Minnesota Statutes 1982, section 357.13, subdivision 1, is amended to read:

Subdivision 1. [CITY POLICE; WITNESS FEES.] No police officer of any city shall receive any *witness fee* in a suit or prosecution brought in the name of the state, but any county may reimburse him for expenses actually incurred therein, *ex-*

cept that when the prosecution is for a misdemeanor or petty misdemeanor where the arrest was made or citation was issued by a city police officer and the county attorney is the prosecuting authority, the county shall not pay these expenses but the city in which the violation is alleged to have occurred may pay them.

Sec. 4. Minnesota Statutes 1982, section 357.23, is amended to read:

357.23 [WITNESS FEES OF OFFICERS OF MUNICIPALITIES.]

No officer or employee of any city or county in this state shall receive or be paid any sum as witness fees in any case in which the state of Minnesota, the county, or the city, of which he is an officer or employee, is a party, if the case be tried in the city of which he is a resident. *If the offense alleged is a misdemeanor, petty misdemeanor, or a violation of a municipal ordinance, regulation or rule or charter provision and is prosecuted by a county attorney, any witness who is a city police officer shall not be paid any witness fees by the county but may be paid by the city employing the officer if the trial or proceeding the officer is required to attend is held in a city of which the officer is not a resident.*

Sec. 5. Minnesota Statutes 1982, section 388.051, is amended to read:

388.051 [DUTIES.]

It is the duty of the county attorney to:

- (a) Appear in all cases in which the county is a party;
- (b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;
- (c) Prosecute felonies, including the drawing of indictments found by the grand jury, gross misdemeanors and, to the extent prescribed by law, (VIOLATIONS OF) misdemeanors, *petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;*
- (d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;
- (e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Sec. 6. Minnesota Statutes 1982, section 388.09, is amended to read:

388.09 [OTHER ATTORNEY EMPLOYED.]

Subdivision 1. [GENERAL PROVISIONS.] When there is no county attorney the county board may employ any competent attorney to perform such legal services for the county as may be necessary. The board may employ an attorney other than the county attorney either to assist him or to appear for the county or any officer thereof in any action in which such county or officer in his official capacity is a party, or to advise the board or its members in relation thereto, or in relation to any other matter affecting the interests of the county, and may pay such attorney out of the funds of the county.

Subd. 2. [MISDEMEANORS; OTHER PROSECUTIONS.] Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

Sec. 7. Minnesota Statutes 1982, section 388.18, subdivision 5, is amended to read:

Subd. 5. [BUDGET FOR OFFICE.] The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of said office and ((3)) (4) the payment of premiums of any

bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office and the board is authorized to appropriate funds therefor.

Sec. 8. Minnesota Statutes 1982, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Violations of state law which are *petty misdemeanors*, misdemeanors, or *gross misdemeanors to the extent otherwise provided by law*, or violations of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred (IF THAT MUNICIPALITY HAS AN ATTORNEY). *The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any of the foregoing offenses.* All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 9. Minnesota Statutes 1982, section 487.33, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the clerk of county court shall pay to the county treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him.

Sec. 10. Minnesota Statutes 1982, section 487.33, subdivision 5, is amended to read:

Subd. 5. The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed *which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or otherwise provided for prosecution of the offense* for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and (ONE-HALF) *one-third* of all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government *from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract.* Additionally, *one-third* of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution

of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law (.), all other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense the same as provided by law.

Sec. 11. [487.331] [CHISAGO COUNTY; EXCEPTION.]

Sections 5 to 10 do not apply to Chisago County and cities within it. Laws 1975, chapter 392, sections 1 and 2 shall continue to govern prosecutions for offenses alleged to have occurred within Chisago County. The county attorney of Chisago County shall also prosecute petty misdemeanor violations of state law alleged to have occurred within the county, and may also prosecute alleged violations of municipal charter provisions or municipal rules or regulations when requested to do so by the municipality, in addition to the offenses he is authorized to prosecute under Laws 1975, chapter 392, sections 1 and 2.

Sec. 12. [487.332] [JOINT POWERS.]

Nothing contained in this act shall supersede any powers any governmental unit has under section 471.59.

Sec. 13. [487.333] [ANOKA COUNTY; EXCEPTIONS.]

Sections 5 to 10 and section 14 do not apply to Anoka County or cities within it. Fines or penalties collected by the Anoka County court shall be paid as follows: The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and one-half of all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city except as provided in section 299D.03, subdivision 5, or as otherwise provided by law. All other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer who shall dispense the same as provided by law.

Sec. 14. Minnesota Statutes 1982, section 609.487, is amended by adding a subdivision to read:

Subd. 5. [PROSECUTING AUTHORITY.] The attorney in the jurisdiction in which a violation of subdivision 3 occurred who is responsible for prosecution of misdemeanor violations of state law shall also be responsible for prosecution of violations of subdivision 3.

Sec. 15. Minnesota Statutes 1982, section 574.34, is amended to read:

574.34 [FINES, HOW DISPOSED OF.]

Subdivision 1. [GENERAL.] Fines and forfeitures not specially granted or appropriated by law shall be paid into the treasury of the county where the same are incurred.

Subd. 2. [MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.] In any case in which a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the county, municipal, or district court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal court.

Sec. 16. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1984. Sections 2, 3, 4, 9, 11, and 15 are effective the day after final enactment. Sections 5, 6, 7, 8, 10, 12, 13, and 14 are effective January 1, 1984."

Delete the title and insert:

"A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 190, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Dodge and Olmstead counties; proposing new law coded in Minnesota Statutes, chapter 517.

Reported the same back with the following amendments:

Page 1, line 10, after "third" insert "or fifth"

Page 1, line 10, delete "district" and insert "districts"

Page 1, line 11, after "for" insert "Brown,"

Page 1, line 11, delete "and Olmstead" and insert ", Fillmore and Olmsted"

Page 1, line 11, after "counties" insert "respectively"

Page 1, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Further, amend the title:

Page 1, line 3, after "in" insert "Brown,"

Page 1, line 3, after "Dodge" insert ", Fillmore"

Page 1, line 4, delete "Olmstead" and insert "Olmsted"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo foundation; amending Minnesota Statutes 1982, section 147.20.

Reported the same back with the following amendments:

Page 1, line 18, after "attending" strike "the"

Page 1, line 18, strike "school" and insert "programs"

Page 1, line 19, capitalize "foundation"

Amend the title as follows:

Page 1, lines 3 and 4, delete "the graduate school of the Mayo foundation" and insert "certain graduate programs"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 260, A bill for an act relating to conciliation courts; eliminating certain obsolete provisions; amending Minnesota Statutes 1982, section 491.06, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes 1982, sections 491.01; 491.02; 491.03; 491.04; 491.05; 491.06; 491.07; 491.08; 492.01; 492.02; 492.03; 492.04; 492.05; 492.06; 493.01; 493.02; and 493.04; are repealed.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Amend the title as follows:

Page 1, line 2, after "courts" insert ", traffic violations bureaus, and ordinance violations bureaus"

Page 1, line 3, delete "amending" and insert "repealing"

Page 1, line 4, delete "section 491.06, subdivision 1" and insert "chapters 491; 492; and 493"

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; designating priorities for trunk highway construction and reconstruction; proposing new law coded in Minnesota Statutes, chapter 169; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; and 297B.09.

Reported the same back with the following amendments:

Pages 2 to 4, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1982, section 296.02, is amended to read:

296.02 [GASOLINE, EXCISE TAX.]

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is (HEREBY) imposed an excise tax (OF 13 CENTS PER GALLON) on (ALL) gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in this chapter. *The tax is payable at the rate specified in subdivision 1b.*

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station (SHALL) *may* not exceed, or the tax on gasoline delivered to a qualified service station (SHALL) *must* be reduced to, a rate not more than (3) *three* cents per gallon above the state or provincial tax rate imposed on such products sold by a service station in a contiguous state or Canadian province located within the distance indicated in clause (b).

(b) A "qualifying service station" means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state or Canadian province.

(c) A qualified service station shall be allowed a credit by the supplier or distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 1b. [RATES IMPOSED.] *The gasoline excise tax is imposed at the following rates:*

(a) *For the period beginning on the first day of the month following the month of final enactment of this act, or on the first day of the second month following the month of final enactment of this act if the date of final enactment of this act is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 15 cents per gallon.*

(b) *For the period on and after January 1, 1984, gasoline is taxed at the rate of 16 cents per gallon.*

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though (SUCH) the gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] (THE TAX ON GASOLINE IMPOSED BY SUBDIVISION 1 SHALL BE REDUCED BY FOUR CENTS PER GALLON FOR GASOLINE WHICH IS AGRICULTURAL ALCOHOL GASOLINE AS DEFINED IN SECTION 296.01, SUBDIVISION 24, WHICH IS BLENDED BY A DISTRIBUTOR WITH ALCOHOL DISTILLED IN THIS

STATE FROM AGRICULTURAL PRODUCTS PRODUCED IN THIS STATE, AND WHICH IS USED IN PRODUCING AND GENERATING POWER FOR PROPELLING MOTOR VEHICLES USED ON THE PUBLIC HIGHWAYS OF THIS STATE. THE TAX IMPOSED BY THIS SUBDIVISION SHALL BE PAYABLE AT THE SAME TIME, AND COLLECTED IN THE SAME MANNER, AS THE TAX IMPOSED BY SUBDIVISION 1. THE REDUCTION IN GASOLINE TAXES IMPOSED BY THIS SUBDIVISION SHALL EXPIRE ON DECEMBER 31, 1984. BY THE SUPPLIER OR DISTRIBUTOR, OR BOTH, FOR THE AMOUNT OF REDUCTION COMPUTED IN ACCORDANCE WITH CLAUSE (A.) *The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning January 1, 1984, and continuing through June 30, 1985, and four cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.*

Page 5, line 24, strike "June 30, 1983" and insert "January 1, 1984"

Page 5, line 27, strike "June 30, 1983" and insert "December 31, 1984"

Page 6, line 9, strike "June 30, 1983" and insert "January 1, 1984"

Page 6, line 11, strike "June" and insert "December"

Page 6, line 12, strike "30" and insert "31"

Pages 7 to 12, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for pay-

ment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

(IN ANY STATUTORY OR HOME RULE CHARTER CITY OR TOWN IN THE METROPOLITAN TRANSIT TAXING DISTRICT WHICH IS RECEIVING FINANCIAL ASSISTANCE UNDER SECTION 174.265, THE COMMISSION SHALL LEVY A TAX EQUAL TO TEN PERCENT OF THE SUM OF LEVIES PROVIDED FOR IN CLAUSES (A) TO (C), PLUS A LEVY SUFFICIENT TO YIELD THE AMOUNTS OF AVAILABLE LOCAL TRANSIT FUNDS TRANSFERRED PURSUANT TO SECTION 174.265 FROM THE STATE ASSISTANCE AVAILABLE TO THE COMMISSION, LESS ANY AMOUNT PAID TO THE COMMISSION BY THE CITY OR TOWN UNDER A CONTRACT FOR SERVICE ENTERED INTO PURSUANT TO SUBDIVISION 2.)

Sec. 9. [LIMITATIONS.]

Notwithstanding the provision of Minnesota Statutes 1982, section 297B.09, as amended by section 6 of this act, the amount allocated from motor vehicle excise tax revenues to the highway user tax distribution fund may not exceed \$3,750,000 and the amount allocated from motor vehicle excise tax revenues to the transit assistance fund may not exceed \$1,250,000 for the period beginning January 1, 1984 and ending June 30, 1985. All motor vehicle excise tax revenues in excess of those amounts for that period must be deposited in the general fund."

Page 12, line 34, delete "9" and insert "10"

Page 13, line 5, after "date" insert ", except that the tax rate which becomes effective on January 1, 1984, applies to all gasoline in distributor storage on that date"

Page 13, line 5, after "6," insert "and"

Page 13, line 5, delete ", and 8"

Amend the title as follows:

Page 1, lines 8 and 9, delete "designating priorities for trunk highway construction and reconstruction;" and insert "eliminating the authority of the metropolitan transit commission to levy a certain tax;"

Page 1, line 13, delete "and" and before the period insert "; and 473.446, subdivision 1"

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Reported the same back with the following amendments:

Page 1, line 11, delete "other"

Page 1, line 11, delete "Minnesota Statutes,"

Page 1, line 12, delete "chapter 429" and insert "section 429.-101, subdivisions 2 and 3"

Page 1, line 12, delete "other"

Page 1, line 25, delete "ways" and insert "rights-of-way"

Page 2, line 6, delete "or other"

Page 2, line 7, delete "public areas and facilities" and insert "and related facilities"

Page 2, line 8, after "benefited" insert "; provided that special charges may not be levied against detached, single-family housing for the operation, maintenance or repair of public parks and related facilities"

Page 2, line 14, after "removal" insert "within public rights-of-way, boulevards and sidewalks"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 89, 166, 190, 236, 260 and 413 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

O'Connor introduced:

H. F. No. 614, A bill for an act relating to juveniles; authorizing release of adjudicated delinquents' names to the media; amending Minnesota Statutes 1982, section 260.161, subdivision 2, and by adding a subdivision.

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

Begich; Simoneau; Rodriguez, F., and Battaglia introduced:

H. F. No. 615, A bill for an act relating to workers' compensation; providing for a fee-for-service reimbursement system for services provided to injured workers; proposing new law coded in Minnesota Statutes, chapter 176.

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

Rice, Begich, Simoneau and Rodriguez, F., introduced:

H. F. No. 616, A bill for an act relating to workers' compensation; providing for an exclusive state insurance agency; appropriating money; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 79.

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

Nelson, D.; Munger; Otis and Nelson, K., introduced:

H. F. No. 617, A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

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

Long, Munger, Kelly, Otis and Piper introduced:

H. F. No. 618, A bill for an act relating to game and fish; reaffirming the protected status of mourning doves; amending Minnesota Statutes 1982, section 100.27, subdivision 6 and by adding a subdivision.

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

Brandl; Simoneau; Clark, K.; Sviggum and Reif introduced:

H. F. No. 619, A bill for an act relating to unemployment compensation; regulating the disqualification of certain health facility workers; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Begich; Brinkman; Jacobs; Carlson, D., and Mann introduced:

H. F. No. 620, A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Becker, Clay, Kittson, Marshall, Norman, Polk, and Wilkin to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

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

Long, McEachern, Brandl and Rodriguez, C., introduced:

H. F. No. 621, A bill for an act relating to commerce; authorizing municipalities to grant franchises for the operation of certain video game arcades; providing for the regulation of these franchises; proposing new law coded in Minnesota Statutes, chapter 465.

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

Clawson; Sarna; Wigley; Rodriguez, F., and Metzen introduced:

H. F. No. 622, A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

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

Sarna, O'Connor, McEachern, Scheid and Hoberg introduced:

H. F. No. 623, A bill for an act relating to commerce; permitting the sale of certain eye glasses by persons other than optometrists; amending Minnesota Statutes 1982, section 148.56.

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

Sarna; Wigley; Clawson; Rodriguez, F., and Metzen introduced:

H. F. No. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

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

Staten; Rodriguez, F.; Simoneau; Rice and Clark, K., introduced:

H. F. No. 625, A bill for an act relating to labor; providing funds for labor education; appropriating money.

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

McDonald, Schafer and Valento introduced:

H. F. No. 626, A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

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

Ogren introduced:

H. F. No. 627, A bill for an act relating to game and fish; allowing resident owners and lessees to trap fur bearing animals upon their own land without a license; amending Minnesota Statutes 1982, section 98.47, subdivision 10.

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

Ogren introduced:

H. F. No. 628, A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

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

Munger; Berkelman; Carlson, D.; Kahn and Murphy introduced:

H. F. No. 629, A bill for an act relating to appropriations; directing utilization of the balance of a prior appropriation to provide a public access fishing pier and observation site in Duluth.

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

Ogren introduced:

H. F. No. 630, A bill for an act relating to motor vehicles; authorizing judicial action and collection of a fee upon dishonor of payment for registration plates, tabs, certificate, or title certificate; appropriating money; proposing new law coded in Minnesota Statutes, chapter 168.

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

Ellingson; Carlson, L., and Sarna introduced:

H. F. No. 631, A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

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

Heinitz introduced:

H. F. No. 632, A bill for an act relating to unemployment compensation; providing an exception for contributions and coverage for self-employed business owners; proposing new law coded in Minnesota Statutes 1982.

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

Brinkman introduced:

H. F. No. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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

Gruenes, Marsh, Wenzel, McEachern and Nelson, K., introduced:

H. F. No. 634, A bill for an act relating to education; providing for a statewide laboratory school at St. Cloud; establishing committees; authorizing state aid to be paid for a laboratory school; appropriating money; proposing new law coded in Minnesota Statutes, chapter 125.

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

Wynia, Swanson, Scheid, Rice and Reif introduced:

H. F. No. 635, A bill for an act relating to health; providing for the distribution of federal funds for maternal and child health care; amending Minnesota Statutes 1982, sections 145.881, subdivision 1; and 145.882; proposing new law coded in Minnesota Statutes, chapter 145.

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

Tunheim, Ludeman, Erickson, Sparby and Anderson, B., introduced:

H. F. No. 636, A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2.

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

Rodriguez, C.; Schreiber; Vellenga; Anderson, G., and Pauly introduced:

H. F. No. 637, A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 473.

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

Minne introduced:

H. F. No. 638, A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.

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

Anderson, B.; Sieben; Eken; Schreiber and Jennings introduced:

H. F. No. 639, A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guarantees by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

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

Battaglia, Gustafson, Murphy, Minne and Berkelman introduced:

H. F. No. 640, A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

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

Jacobs and Metzen introduced:

H. F. No. 641, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1982, sections 2.031, subdivision 2; and 2.041 to 2.712.

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

Clawson, Norton, Knickerbocker, Hokr and Otis introduced:

H. F. No. 642, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

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

McEachern; Rodriguez, C.; Levi; Anderson, B., and Heap introduced:

H. F. No. 643, A bill for an act relating to education; requiring the board of teaching to adopt temporary rules relating to placing provisionally licensed teachers on unrequested leaves of absence.

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

Nelson, K.; Solberg; Elioff; Levi and Burger introduced:

H. F. No. 644, A bill for an act relating to education; modifying the state aid penalty when school boards authorize or permit within the district certain violations of law; modifying the state aid penalty when school districts employ one or more teachers who do not hold a valid teaching certificate; amending Minnesota Statutes 1982, sections 124.15, subdivision 5; and 124.19, subdivision 3.

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

McEachern, Segal, Price, Schafer and Burger introduced:

H. F. No. 645, A bill for an act relating to education; changing the date school districts submit audited financial statements from June 30 to December 31; amending Minnesota Statutes 1982, section 121.908.

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

Segal; Anderson, B.; Olsen; Thiede and Price introduced:

H. F. No. 646, A bill for an act relating to education; removing a requirement for certain associations to file statements with the commissioner of education as a condition to school board membership; amending Minnesota Statutes 1982, section 123.33, subdivisions 10 and 14.

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

Segal; Anderson, B.; Solberg; Olsen and Schafer introduced:

H. F. No. 647, A bill for an act relating to education; exempting certain school aids and grants from contract approval procedures; amending Minnesota Statutes 1982, section 124.14, subdivision 1.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivision 2c.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

O'Connor moved that the House concur in the Senate amendments to H. F. No. 201 and that the bill be repassed as amended by the Senate.

Onnen moved that the House refuse to concur in the Senate amendments to H. F. No. 201, 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.

A roll call was requested and properly seconded.

The question was taken on the Onnen motion and the roll was called. There were 55 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	Hoberg	Omann	Sherman
Bennett	Fjoslien	Jennings	Onnen	Stadum
Bishop	Forsythe	Johnson	Pauly	Swiggum
Blatz	Frerichs	Knickerbocker	Piepho	Thiede
Burger	Gruenes	Kvam	Quist	Uphus
Carlson, D.	Gutknecht	Levi	Redalen	Valan
Dempsey	Halberg	Ludeman	Reif	Valento
DenOuden	Haukoos	Marsh	Schafer	Waltman
Dimler	Heap	McDonald	Schreiber	Welker
Erickson	Heinitz	McKasy	Seaberg	Wigley
Evans	Himle	Olsen	Shaver	Zaffke

Those who voted in the negative were:

Anderson, B.	Eken	Larsen	Peterson	Simoneau
Anderson, G.	Elioff	Lång	Piper	Skoglund
Battaglia	Ellingson	McEachern	Price	Solberg
Beard	Graba	Metzen	Quinn	Sparby
Begich	Greenfield	Minne	Rice	Staten
Bergstrom	Gustafson	Munger	Riveness	Swanson
Berkelman	Hoffman	Murphy	Rodosovich	Tomlinson
Brandl	Jacobs	Nelson, D.	Rodriguez, C.	Turheim
Brinkman	Jensen	Nelson, K.	Rodriguez, F.	Vanasek
Carlson, L.	Kahn	Neuenschwander	St. Onge	Vellenga
Clark, J.	Kalis	Norton	Sarna	Voss
Clark, K.	Kelly	O'Connor	Scheid	Welch
Clawson	Knuth	Ogren	Schoenfeld	Welle
Cohen	Kostohryz	Osthoff	Segal	Wenzel
Coleman	Krueger	Otis	Shea	Wynia

The motion did not prevail.

The question recurred on the O'Connor motion that the House concur in the Senate amendments to H. F. No. 201 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivision 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision

5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

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 93 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Knuth	Osthoff	Sherman
Anderson, G.	Dimler	Kostohryz	Otis	Simoneau
Anderson, R.	Eken	Krueger	Pauly	Skoglund
Battaglia	Elioff	Larsen	Peterson	Solberg
Beard	Ellingson	Long	Piper	Sparby
Begich	Evans	McEachern	Price	Staten
Bennett	Graba	McKasy	Quinn	Swanson
Bergstrom	Greenfield	Metzen	Reif	Tomlinson
Berkelman	Gruenes	Minne	Rice	Tunheim
Blatz	Gustafson	Munger	Riveness	Valan
Brandl	Heap	Murphy	Rodosovich	Vanasek
Brinkman	Himle	Nelson, D.	Rodriguez, C.	Vellenga
Burger	Hoffman	Nelson, K.	Rodriguez, F.	Voss
Carlson, D.	Jacobs	Neuenschwander	St. Onge	Welch
Carlson, L.	Jensen	Norton	Sarna	Welle
Clark, J.	Kahn	O'Connor	Scheid	Wenzel
Clark, K.	Kalis	Ogren	Schoenfeld	Wynia
Clawson	Kelly	Olsen	Segal	
Cohen	Knickerbocker	Omann	Shea	

Those who voted in the negative were:

Dempsey	Gutknecht	Kvama	Quist	Thiede
DenOuden	Halberg	Levi	Redalen	Uphus
Erickson	Haukoos	Ludeman	Schafer	Valento
Findlay	Heinitz	Marsh	Schreiber	Waltman
Fjoslien	Hoberg	McDonald	Seaberg	Welker
Forsythe	Jennings	Onnen	Shaver	Wigley
Frerichs	Johnson	Piepho	Sviggum	Zaffke

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

Mr. Speaker:

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

S. F. No. 152.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 152, A bill for an act relating to conciliation courts, traffic violations bureaus, and ordinance violations bureaus; eliminating certain obsolete provisions; repealing Minnesota Statutes 1982, chapters 491; 492; and 493.

The bill was read for the first time.

Bennett moved that S. F. No. 152 and H. F. No. 260, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Findlay	Krueger	Piepho	Sparby
Beard	Fjoslien	Kvam	Piper	Stadum
Begich	Forsythe	Larsen	Price	Staten
Bennett	Frerichs	Levi	Quian	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Thiede
Bishop	Gruenes	Marsh	Reif	Tomlinson
Blatz	Gustafson	McDonald	Rice	Tunheim
Brandl	Gutknecht	McEachern	Riveness	Uphus
Brinkman	Halberg	McKasy	Rodosovich	Valan
Burger	Haukoos	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heap	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Heinitz	Murphy	St. Onge	Vellenga
Clark, J.	Himle	Nelson, D.	Sarna	Voss
Clark, K.	Hoberg	Nelson, K.	Schafer	Waltman
Clawson	Hoffman	Neuenschwander	Scheid	Welch
Cohen	Jacobs	Norton	Schoenfeld	Welker
Coleman	Jennings	O'Connor	Schreiber	Welle
Dempsey	Jensen	Ogren	Seaberg	Wenzel
DenOuden	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	

The bill was passed and its title agreed to.

S. F. No. 24, A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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

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

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Findlay	Krueger	Piepho	Sparby
Beard	Fjoslien	Kvam	Piper	Stadum
Begich	Forsythe	Larsen	Price	Staten
Bennett	Frerichs	Levi	Quinn	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Thiede
Bishop	Gruenes	Marsh	Reif	Tomlinson
Blatz	Gustafson	McEachern	Rice	Tunheim
Brandl	Gutknecht	McKasy	Riveness	Uphus
Brinkman	Halberg	Metzen	Rodosovich	Valan
Burger	Haukoos	Minne	Rodriguez, C.	Valento
Carlson, D.	Heap	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Heinitz	Murphy	St. Onge	Vellenga
Clark, J.	Himle	Nelson, D.	Sarna	Voss
Clark, K.	Hoberg	Nelson, K.	Schafer	Waltman
Clawson	Hoffman	Neuenschwander	Scheid	Welch
Cohen	Jacobs	Norton	Schoenfeld	Welker
Coleman	Jennings	O'Connor	Schreiber	Welle
Dempsey	Jensen	Ogren	Seaberg	Wenzel
DenOuden	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 223 was reported to the House and given its third reading.

CALL OF THE HOUSE

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

Anderson, B.	Berkelman	Clark, J.	Ellingson	Greenfield
Anderson, G.	Bishop	Clark, K.	Erickson	Gruenes
Anderson, R.	Blatz	Clawson	Evans	Gutknecht
Battaglia	Brandl	Cohen	Findlay	Halberg
Beard	Brinkman	Coleman	Fjoslien	Haukoos
Begich	Burger	DenOuden	Forsythe	Heap
Bennett	Carlson, D.	Eken	Frerichs	Heinitz
Bergstrom	Carlson, L.	Elioff	Graba	Himle

Hoberg	Marsh	Otis	Scheid	Tomlinson
Hoffman	McEachern	Pauly	Schoenfeld	Tunheim
Jacobs	McKasy	Peterson	Schreiber	Uphus
Jennings	Metzen	Piepho	Seaberg	Valan
Jensen	Minne	Piper	Segal	Valento
Johnson	Munger	Price	Shaver	Vanasek
Kahn	Murphy	Quinn	Shea	Vellenga
Kalis	Nelson, D.	Quist	Sherman	Voss
Knickerbocker	Nelson, K.	Redalen	Simoneau	Waltman
Knuth	Neuenschwander	Reif	Skoglund	Welch
Kostohryz	Norton	Rice	Solker	Welker
Krueger	O'Connor	Riveness	Sparby	Welle
Kvam	Ogren	Rodosovich	Stadum	Wenzel
Larsen	Olsen	Rodriguez, C.	Staten	Wigley
Levi	Omann	Rodriguez, F.	Sviggum	Wynia
Long	Onnen	St. Onge	Swanson	Zaffke
Ludeman	Osthoff	Schafer	Thiede	

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

H. F. No. 223, A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that the withholding tax clearance required for state contractors be expanded to include out-of-state subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.-49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 297A.-42, subdivision 2; and 524.3-805.

The bill was placed upon its final passage.

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

Gustafson moved that those not voting be excused from voting. The motion did not prevail.

There were 98 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, C.	Battaglia	Begich	Bergstrom	Bishop

Brandl	Gustafson	Metzen	Quinn	Sparby
Brinkman	Gutknecht	Minne	Redalen	Staten
Carlson, D.	Haukoos	Munger	Rice	Swanson
Carlson, L.	Hoffman	Murphy	Riveness	Tomlinson
Clark, J.	Jacobs	Nelson, D.	Rodosovich	Tunheim
Clark, K.	Jensen	Nelson, K.	Rodriguez, C.	Valan
Clawson	Johnson	Neuenschwander	Rodriguez, F.	Vanasek
Cohen	Kahn	Norton	St. Onge	Vellenga
Coleman	Kalis	O'Connor	Sarna	Voss
Dempsey	Kelly	Ogren	Scheid	Waltman
Eken	Knickerbocker	Onnen	Schoenfeld	Welch
Elioff	Knuth	Osthoff	Seaberg	Welle
Ellingson	Kostohryz	Otis	Segal	Wenzel
Evans	Krueger	Pauly	Shea	Wigley
Findlay	Larsen	Peterson	Sherman	Wynia
Graba	Long	Piepho	Simoneau	Zaffke
Greenfield	Marsh	Piper	Skoglund	
Gruenes	McEachern	Price	Solberg	

Those who voted in the negative were:

Blatz	Frerichs	Kvam	Quist	Thiede
Burger	Halberg	Levi	Reif	Uphus
DenOuden	Heap	Ludeman	Schafer	Valento
Dimler	Heinitz	McDonald	Schreiber	Welker
Erickson	Himle	McKasy	Shaver	
Fjoslien	Hoberg	Olsen	Stadum	
Forsythe	Jennings	Omann	Svigum	

The bill was passed and its title agreed to.

H. F. No. 56 was reported to the House and given its third reading.

CALL OF THE HOUSE LIFTED

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

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

H. F. No. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clark, J.	Eken	Forsythe
Anderson, G.	Blatz	Clark, K.	Elioff	Frerichs
Anderson, R.	Brandl	Clawson	Ellingson	Graba
Beard	Brinkman	Cohen	Erickson	Greenfield
Bennett	Burger	Coleman	Evans	Gruenes
Bergstrom	Carlson, D.	Dempsey	Findlay	Gustafson
Berkelman	Carlson, L.	DenOuden	Fjoslien	Gutknecht

Haukoos	Levi	Onnen	Schafer	Tomlinson
Heinitz	Long	Osthoff	Scheid	Tunheim
Himle	Ludeman	Otis	Schoenfeld	Uphus
Hoberg	Marsh	Pauly	Schreiber	Valan
Hoffman	McEachern	Peterson	Seaberg	Valento
Jacobs	McKasy	Piepho	Segal	Vanasek
Jennings	Metzen	Piper	Shaver	Vellenga
Jensen	Minne	Price	Shea	Voss
Johnson	Munger	Quinn	Sherman	Waltman
Kahn	Murphy	Quist	Simoneau	Welch
Kalis	Nelson, D.	Redalen	Skoglund	Welker
Kelly	Nelson, K.	Rice	Solberg	Welle
Knickerbocker	Neuenschwander	Riveness	Sparby	Wenzel
Knuth	Norton	Rodosovich	Stadum	Wigley
Kostohryz	O'Connor	Rodriguez, C.	Staten	Wynia
Krueger	Ogren	Rodriguez, F.	Sviggum	Zaffke
Kvam	Olsen	St. Onge	Swanson	
Larsen	Omann	Sarna	Thiede	

The bill was passed and its title agreed to:

H. F. No. 182, A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 478.408, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knickerbocker	Onnen	Sherman
Anderson, G.	Ellingson	Knuth	Osthoff	Simoneau
Anderson, R.	Evans	Kostohryz	Otis	Skoglund
Battaglia	Findlay	Krueger	Pauly	Solberg
Beard	Fjoslien	Larsen	Peterson	Sparby
Begich	Forsythe	Levi	Piper	Staten
Bennett	Frerichs	Long	Price	Sviggum
Bergstrom	Graba	Marsh	Quinn	Swanson
Berkelman	Greenfield	McDonald	Quist	Thiede
Bishop	Gruenes	McEachern	Rice	Tomlinson
Blatz	Gustafson	McKasy	Riveness	Tunheim
Brandl	Halberg	Metzen	Rodosovich	Valento
Brinkman	Heap	Minne	Rodriguez, C.	Vanasek
Burger	Heinitz	Munger	Rodriguez, F.	Vellenga
Carlson, D.	Himle	Murphy	St. Onge	Voss
Carlson, L.	Hoberg	Nelson, D.	Sarna	Waltman
Clark, J.	Hoffman	Nelson, K.	Scheid	Welch
Clark, K.	Jacobs	Neuenschwander	Schoenfeld	Welle
Clawson	Jensen	Norton	Schreiber	Wenzel
Cohen	Johnson	O'Connor	Seaberg	Wigley
Coleman	Kahn	Ogren	Segal	Wynia
Dimler	Kalis	Olsen	Shaver	Zaffke
Eken	Kelly	Omann	Shea	

Those who voted in the negative were:

Dempsey DenOuden Erickson Haukoos Jennings

Kvam Piepho Schafer Uphus Welker
Ludeman Redalen Stadum Valan

The bill was passed and its title agreed to.

H. F. No. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 2; and 52.17, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Skoglund
Anderson, G.	Erickson	Knuth	Pauly	Solberg
Anderson, R.	Evans	Kostohryz	Peterson	Sparby
Battaglia	Findlay	Kraeger	Piepho	Stadum
Beard	Fjoslien	Larsen	Piper	Staten
Bégich	Forsythe	Levi	Price	Sviggum
Bennett	Frerichs	Long	Quinn	Swanson
Bergström	Graba	Ludeman	Quist	Thiede
Berkelman	Greenfield	Marsh	Redalen	Tomlinson
Bishop	Gruenes	McDonald	Rice	Tunheim
Blätz	Gustafson	McEachern	Riveness	Uphus
Brandl	Gutknecht	McKasy	Rodosovich	Valan
Brinkman	Halberg	Metzen	Rodriguez, C.	Valento
Burger	Haukoos	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Heap	Munger	St. Onge	Vellenga
Carlson, L.	Heinitz	Murphy	Sarna	Voss
Clark, J.	Himle	Nelson, D.	Schafer	Waltman
Clark, K.	Hoberg	Nelson, K.	Scheid	Welch
Clawson	Hoffman	Neuenschwander	Schoenfeld	Welker
Cohen	Jacobs	Norton	Schreiber	Welle
Coleman	Jennings	O'Connor	Seaberg	Wenzel
Dempsey	Jensen	Ogren	Segal	Wigley
DenOuden	Johnson	Olsen	Shaver	Wynia
Dimler	Kahn	Omann	Shea	Zaffke
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64;

14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297A.15, subdivision 4; 298.09, subdivision 3; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 3; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 543.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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:

Anderson, B.	Erickson	Knuth	Otis	Skoglund
Anderson, G.	Evans	Kostohryz	Pauly	Solberg
Anderson, R.	Findlay	Krueger	Peterson	Sparby
Battaglia	Fjoslien	Kvam	Piepho	Stadum
Beard	Forsythe	Larsen	Piper	Staten
Begich	Frerichs	Levi	Price	Sviggum
Bennett	Graba	Long	Quinn	Swanson
Bergstrom	Greenfield	Ludeman	Quist	Thiede
Berkelman	Gruenes	Marsh	Redalen	Tomlinson
Bishop	Gustafson	McDonald	Rice	Tunheim
Blatz	Gutknecht	McEachern	Riveness	Uphus
Brandl	Halberg	McKasy	Rodosovich	Valan
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valento
Burger	Heap	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Munger	St. Onge	Vellenga
Carlson, L.	Himle	Murphy	Sarna	Voss
Clark, J.	Hoberg	Nelson, D.	Schafer	Waltman
Clark, K.	Hoffman	Nelson, K.	Scheid	Welch
Clawson	Jacobs	Neuenschwander	Schoenfeld	Welker
Cohen	Jennings	Norton	Schreiber	Welle
Coleman	Jensen	O'Connor	Seaberg	Wenzel
Dempsey	Johnson	Ogren	Segal	Wigley
DenOuden	Kahn	Olsen	Shaver	Wynia
Dimler	Kalis	Omann	Shea	Zaffke
Elioff	Kelly	Onnen	Sherman	
Ellingson	Knickerbocker	Osthoff	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 61, A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

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

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

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Greenfield	Kelly	Nelson, D.
Anderson, G.	Clawson	Gruenes	Knickerbocker	Nelson, K.
Anderson, R.	Cohen	Gustafson	Knuth	Neuenschwander
Battaglia	Coleman	Gutknecht	Kostohryz	Norton
Beard	Dempsey	Halberg	Kvam	O'Connor
Begich	DenOuden	Haukoos	Larsen	Ogren
Bennett	Dimler	Heap	Levi	Olsen
Bergstrom	Eken	Heinitz	Long	Omann
Berkelman	Elioff	Himle	Ludeman	Onnen
Bishop	Ellingson	Hoberg	Marsh	Osthoff
Blatz	Erickson	Hoffman	McDonald	Otis
Brandl	Evans	Jacobs	McEachern	Pauly
Brinkman	Findlay	Jennings	McKasy	Peterson
Burger	Fjoslien	Jensen	Metzen	Piepho
Carlson, D.	Forsythe	Johnson	Minne	Piper
Carlson, L.	Frerichs	Kahn	Munger	Price
Clark, J.	Graba	Kalis	Murphy	Quinn

Quist	Schoenfeld	Solberg	Uphus	Welle
Redalen	Schreiber	Sparby	Valan	Wenzel
Rodosovich	Seaberg	Stadum	Valento	Wigley
Rodriguez, C.	Segal	Staten	Vanasek	Wynia
Rodriguez, F.	Shaver	Sviggunn	Vellenga	Zaffke
St. Onge	Shea	Swanson	Voss	
Sarna	Sherman	Thiede	Waltman	
Schafer	Simoneau	Tomlinson	Welch	
Scheid	Skoglund	Tunheim	Welker	

The bill was passed and its title agreed to.

S. F. No. 121, A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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:

Anderson, B.	Ellingson	Knickerbocker	Pauly	Sparby
Anderson, G.	Erickson	Knuth	Peterson	Stadum
Anderson, R.	Evans	Kostohryz	Piepho	Staten
Battaglia	Findlay	Kvam	Piper	Sviggunn
Beard	Fjoslien	Larsen	Price	Swanson
Begich	Forsythe	Levi	Quinn	Thiede
Bennett	Frerichs	Long	Quist	Tomlinson
Bergstrom	Graba	Ludeman	Redalen	Tunheim
Berkelman	Greenfield	Marsh	Riveness	Uphus
Bishop	Gruenes	McDonald	Rodosovich	Valan
Blatz	Gustafson	McEachern	Rodriguez, C.	Valento
Brandl	Cutknecht	McKasy	Rodriguez, F.	Vanasek
Brinkman	Halberg	Metzen	St. Onge	Vellenga
Burger	Haukoos	Minne	Sarna	Voss
Carlson, D.	Heap	Munger	Schafer	Waltman
Carlson, L.	Heinitz	Murphy	Scheid	Welch
Clark, J.	Himle	Nelson, D.	Schoenfeld	Welker
Clark, K.	Hoberg	Nelson, K.	Schreiber	Welle
Clawson	Hoffman	Neuenschwander	Seaberg	Wenzel
Cohen	Jacobs	Norton	Segal	Wigley
Coleman	Jennings	Ogren	Shaver	Wynia
Dempsey	Jensen	Olsen	Shea	Zaffke
DenOuden	Johnson	Omann	Sherman	
Dimler	Kahn	Onnen	Simoneau	
Eken	Kalis	Osthoff	Skoglund	
Elioff	Kelly	Otis	Solberg	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Wynia in the Chair for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker pro tem Wynia resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 342 and 398 which it recommended to pass.

H. F. No. 359 which it recommended progress until Thursday, March 17, 1983 retaining its place on General Orders.

H. F. No. 91 which it recommended progress and to be placed at the bottom of General Orders.

H. F. No. 381 which it recommended to pass with the following amendment offered by Otis:

Page 33, line 34, delete "31" insert "28"

Page 34, lines 4, 9, and 13, delete "31" insert "28"

Page 51, lines 6 and 7, reinstate the old language and delete the new language

Page 53, line 3, delete "21" insert "19"

On the motion of Eken the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Rodriguez, F., moved that the names of Metzen and Clawson be added as authors on H. F. No. 251. The motion prevailed.

Rodriguez, F., moved that the name of Metzen be added as an author on H. F. No. 384. The motion prevailed.

Gustafson moved that the name of Rice be added as an author on H. F. No. 245. The motion prevailed.

Clawson moved that the name of Shaver be added as an author on H. F. No. 592. The motion prevailed.

Clark, J., moved that the name of Shea be stricken and the name of Coleman be added as an author on H. F. No. 337. The motion prevailed.

Fjoslien moved that the name of Metzen be stricken and the name of McDonald be added as an author on H. F. No. 156. The motion prevailed.

Vellenga moved that H. F. No. 613 be recalled from the Committee on Rules and Legislative Administration and be referred to the Committee on Energy. The motion prevailed.

Heinitz moved that the name of Bennett be added as an author on H. F. No. 632. The motion prevailed.

Jacobs moved that the name of Bennett be added as an author on H. F. No. 641. The motion prevailed.

Ogren moved that the name of Clark, K., be added as an author on H. F. No. 542. The motion prevailed.

McEachern moved that the name of Heap be stricken and the name of Fjoslien be added as an author on H. F. No. 643. The motion prevailed.

Riveness moved that the name of Scheid be stricken and the name of Swanson be added as an author on H. F. No. 318. The motion prevailed.

Heinitz moved that the name of Fjoslien be added as an author on H. F. No. 632. The motion prevailed.

McDonald, Begich, Dimler and Beard introduced:

House Concurrent Resolution No. 2, A house concurrent resolution designating the "Purple Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 14, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker pro tem Wynia declared the House stands adjourned until 2:00 p.m., Monday, March 14, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives