

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 17, 1983

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

Prayer was offered by Father Jack Donahue, Maternity of Mary Catholic Church, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Nelson, K., was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 30, 31, 274, 283, 463, 468, 569, 588, 90, 120, 313, 314, 341, 367, 371, 445, 89 and 643 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 11, 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>
25		8	March 11	March 11
65		9	March 11	March 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 73, A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing

new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [19.50] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 16 the terms defined in this section have the meanings given them.

Subd. 2. [APIARY.] "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

Subd. 3. [ABANDONED APIARY.] "Abandoned apiary" means any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease or parasite hazard to the beekeeping industry.

Subd. 4. [BEE DISEASES.] "Bee diseases" means infectious, contagious, or harmful diseases including but not limited to: American or European foulbrood, sacbrood, chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 5. [BEE EQUIPMENT.] "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 6. [BEEKEEPER.] "Beekeeper" means a person who keeps bees.

Subd. 7. [BEEKEEPING.] "Beekeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.

*Subd. 8. [BEES.] "Bees" means any stage of the common honey bee, *Apis mellifera* (L).*

Subd. 9. [COLONY.] "Colony" means the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling.

Subd. 10. [COMMISSIONER.] "*Commissioner*" means the commissioner of agriculture or his authorized agents.

Subd. 11. [DEPARTMENT.] "*Department*" means the department of agriculture.

Subd. 12. [EXOTIC PARASITE.] "*Exotic parasite*" means any parasite harmful to bees including but not limited to: *Varroa jacobsoni*, *Tropilaelaps clareae*, or *Acarapis woodi*.

Subd. 13. [HIVE.] "*Hive*" means a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part of one, which is used as domicile for bees.

Subd. 14. [INSPECTION CERTIFICATE.] "*Inspection certificate*" means an official record, recorded on a form prescribed by the department, which shows that the apiary has been inspected by the department and which states any diseases found.

Subd. 15 [PERMIT.] "*Permit*" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 16. [PERSON.] "*Person*" means an individual, firm, partnership, association, corporation, or organized group of persons whether incorporated or not.

Subd. 17. [QUEEN APIARY.] "*Queen apiary*" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Subd. 18. [AUTHORIZED AGENT.] "*Authorized agent*" means an individual who is not a state employee and who performs inspections under section 1 to 16 under contract with the commissioner.

Sec. 2. [19.51] [COMMISSIONER'S DUTIES.]

Subdivision 1. [ENFORCEMENT; RULES.] The commissioner shall enforce sections 1 to 16. The commissioner may make all necessary examinations and inspections, and adopt temporary or permanent rules necessary to enforce sections 1 to 16 promptly and effectively. The commissioner may employ classified civil service employees necessary to administer sections 1 to 16, and may contract with individuals to serve as authorized agents.

Subd. 2. [PREVENTION OF DISEASE, EXOTIC PARASITES, EXOTIC STRAINS.] The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of infectious diseases, exotic parasites, or exotic

strains of honey bees and to bring actions and proceedings to enforce sections 1 to 16.

Subd. 3. [APIARY SUPERVISOR.] *An apiary supervisor shall be appointed by the commissioner. The appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of apiculture or entomology covering a minimum of five years' experience in apicultural interests and bee diseases.*

Sec. 3. [19.52] [INSPECTIONS; ACCESS TO PROPERTY; IMPEDING COMMISSIONER.]

Subdivision 1. [ACCESS FOR INSPECTION AND ENFORCEMENT.] *The commissioner may enter upon any public or private premises at all reasonable times to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. The commissioner may open any hive, colony, package, or receptacle which contains, or which he has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state.*

Subd. 2. [IMPEDING COMMISSIONER UNLAWFUL.] *If it is unlawful to deny to the commissioner access to any premises which the commissioner is authorized to enter for purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out any authorized inspection, by misrepresentation, concealment of facts or conditions, or otherwise.*

Sec. 4. [19.53] [SANITARY INSPECTION OF APIARY OR STORAGE PLACE.]

The commissioner may inspect the sanitary conditions of any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed. If the commissioner finds any unsanitary conditions, he shall notify the owner or operator in writing to put the honey house, building, or portion of building or container in a sanitary condition within a reasonable length of time. Any operator or owner of a honey house, building, or container who fails to obey the notice is guilty of a misdemeanor.

Sec. 5. [19.54] [POSTING OF IDENTIFYING INFORMATION.]

An apiary which is not located at the owner's or operator's place of residence must have posted on it in a conspicuous place the name and address of the owner or the person responsible for the apiary.

Sec. 6. [19.55] [INSPECTION; NOTIFICATION OF DISEASES.]

If, upon inspection of a bee colony, the commissioner finds any bee disease or exotic parasite, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease or parasite. The disease or parasite must be eliminated by the owner or operator within the time period ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary, by leaving a copy with an adult person residing upon the premises, or by either registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 7. [19.56] [PUBLIC NUISANCES; DESTRUCTION OF BEES.]

Apiaries in which an existing disease or parasite cannot be successfully treated; apiaries which are affected by a disease amenable to treatment, but which have not been treated within a period of seven days after the owner received notice of the necessary treatment, as provided in section 6; apiaries having bees in hives without movable frames; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 9 or which were found to be infected or infested with a bee disease, exotic parasite, or exotic strain of bee; are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, any box hives or infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator, by leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 8. [19.57] [QUARANTINE.]

It is unlawful for a person to knowingly keep in his possession, without proper treatment, a colony of bees infected or infested with any bee disease, exotic parasite, or exotic strain of honey bees, or to expose any diseased or infested colony or bee equipment so that flying bees have access to them. A person who knows that bees owned or controlled by him are affected with

any infectious disease, exotic parasite, or exotic strain of honey bees, shall at once report that fact to the department, stating all facts known to him about the infection or infestation. Where it has been determined that disease, an exotic parasite, or an exotic strain of honey bees has been found in an apiary, the commissioner may quarantine the apiary to restrict or prevent movement of bee colonies. The commissioner shall post any quarantined apiary with a notice of quarantine and shall send a written notice to the owner or operator of the apiary. If any state is willing to accept bees or used bee equipment from a quarantined yard of bees in Minnesota, the commissioner may, after all known disease has been eliminated, issue a permit allowing the bees and used bee equipment to be moved out of the state.

Sec. 9. [19.58] [INTERSTATE MOVEMENT OF BEES AND USED BEE EQUIPMENT.]

Subdivision 1. [ENTRY PERMIT.] No person may bring into this state any bees on comb or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee equipment into the state shall apply for an entry permit at least 60 days before the date of entry. The 60-day requirement may be waived for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state.

Ten days before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated. The certificate must be based on an inspection within 60 days before entry, and must show that a percentage of the shipment acceptable to the commissioner was actually inspected.

This subdivision does not apply to a common carrier transporting bees or used bee equipment from a point of origin outside of the state to a destination outside of the state.

Subd. 2. [CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN.] No person may bring any combless bees, including queen bees or nuclei, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the official found that the materials were free from any infectious bee diseases, exotic parasites, or exotic strains of honey bees.

Subd. 3. [APPLICATION FOR ENTRY PERMIT.] A person applying for an entry permit shall supply:

(a) a statement of facts relating to the disease history of the apiary from which the colonies of bees will originate as required by the commissioner;

(b) a list of locations where the colonies of bees can be inspected after they are brought into the state by county, range, township, section, and quarter section; and

(c) a statement of any convictions of the applicant for violation of any apiary law of any state or of the United States.

Subd. 4. [EFFECT OF INSPECTION CERTIFICATES.] A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds an infectious bee disease, exotic parasite, or exotic strain of bee. If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.

Subd. 5. [DENIAL OF PERMIT.] The commissioner may deny a permit for just cause after five days' notice and an opportunity for the person to be heard.

Subd. 6. [PLACEMENT OF COLONIES.] Bee colonies for which an entry permit has been issued must be placed at the locations listed in the permit. Notice of the placement must be forwarded by the beekeeper to the commissioner within three days after the placement. Each placement of a colony of bees in an unlisted location is a separate violation of law.

Subd. 7. [DUTY TO REPORT.] Any person who transports or receives bees or used bee equipment knowing that the material is without a certificate of inspection or entry permit as required by this section shall report that fact promptly to the commissioner. A transporter shall report the names of the consignor and consignee and the nature of the shipment. A person receiving bees or used bee equipment shall keep them until they are released by the commissioner.

Subd. 8. [PENALTIES.] Any person who brings any bees or used bee equipment into the state without a certificate of inspection or entry permit as required by this section is guilty of a misdemeanor. Each shipment of bees or used bee equipment

brought into this state in violation of this section is a separate offense. Each day during which a shipment of bees or used bee equipment remains in this state in violation of this section is a separate offense.

Subd. 9. [NUISANCE; REMOVAL.] Bees and used bee equipment brought into the state in violation of this section may be declared a nuisance by the commissioner, and must be removed from the state within seven days after notification by the commissioner. If the bees and used bee equipment are not removed from the state, the commissioner may proceed as provided in section 7.

Sec. 10. [19.59] [ABANDONED APIARIES.]

An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary and proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

After deducting the expense of the public sale and applying the unpaid balance upon all encumbrances or liens existing against the abandoned apiary sold, the balance of the proceeds shall be paid to the owner of the apiary which was sold.

Sec. 11. [19.60] [RECIPROCAL AGREEMENTS.]

A person bringing a colony of bees from another state shall pay all fees required by sections 1 to 16 unless that state has been a party to a reciprocal agreement with Minnesota as provided in this section for at least 90 days prior to the date of application for an entry permit to bring the bees into Minnesota.

The commissioner may enter into written reciprocal agreements with the responsible officials of other states having laws governing apiculture. The agreements shall provide that persons transporting bee colonies from this state have exemptions, benefits, and privileges similar to those extended to persons from the other state transporting bee colonies into Minnesota. The commissioner may withdraw from a reciprocal agreement on 30 days' notice when it is in the best interests of Minnesota.

Reciprocal agreements under this section are effective when filed in the office of the commissioner. Withdrawals must be in writing and are effective at the end of the 30-day period.

Reciprocal agreements under this section may contain provisions denying exemptions, benefits, or privileges to persons who violate specified conditions.

Sec. 12. [19.61] [REARING QUEEN BEES.]

Subdivision 1. [CANDY FOR MAILING CAGES.] It is unlawful for any person who sells queen bees in this state in mailing cages to place any candy containing honey in any mailing cage.

Subd. 2. [INSPECTION OF APIARIES.] All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the commissioner. If upon an inspection, bee diseases are found to exist in an apiary, no queen bees may be shipped from the apiary until the commissioner declares the apiary free from bee diseases.

Sec. 13. [19.62] [BEE MOVEMENT AND SALES.]

It is unlawful for any person to knowingly sell or offer for sale or to remove or ship from any apiary or other premises bees, hives, or bee equipment infested with American or European foulbrood. Exceptions may be granted by the commissioner by special inspection and authorization.

Sec. 14. [19.63] [REVOCATION OF INSPECTION CERTIFICATE.]

An inspection certificate issued by the commissioner may be revoked for just cause.

Sec. 15. [19.64] [REGISTRATION; FEES.]

Subdivision 1. [REGISTRATION.] Every person who owns, leases, or possesses colonies of bees shall register the bees with the commissioner on or before July 1 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$7.50.

Subd. 2. [INSPECTION FEE.] In addition to the annual registration fee, a person owning, leasing, or possessing 11 or more bee colonies shall pay an annual inspection fee of 17 cents for each colony of bees owned, leased, or possessed. A person owning, leasing, or possessing one to ten colonies is not required to pay an inspection fee. The inspection fee is based upon the colony count taken as of June 15 of each year, and is payable on or before June 30 each year. A penalty of 50 percent of both

the inspection fee and the registration fee imposed by subdivision 1 is imposed if a registrant does not apply for a registration renewal certificate before August 1 of any year.

Subd. 3. [INITIAL ENTRY INSPECTION FEE.] *Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall pay in advance the required registration fee and an initial inspection fee of \$1.50 per colony of bees to be located in this state.*

Subd. 4. [INSPECTION FEE FOR INTERSTATE SHIPMENT OF BEE COLONIES.] *An interstate inspection fee of 40 cents for each colony inspected shall be paid by the owner, lessor, or possessor requesting inspection service.*

Subd. 5. [DEPOSIT IN GENERAL FUND.] *The commissioner shall deposit all fees collected under this section in the general fund.*

Sec. 16. [19.65] [VIOLATION; PENALTY.]

A person who violates any provision of sections 1 to 16 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 1 to 16 is also guilty of a misdemeanor.

Sec. 17. [REPEALER.]

Minnesota Statutes 1982, sections 19.18; 19.19; 19.20; 19.21; 19.22; 19.23; 19.24; 19.25; 19.26; 19.27; 19.28; 19.29; 19.30; 19.31; 19.32; 19.33; 19.34; 19.35; 19.36; 19.37; 19.38; 19.40; and 19.41 are repealed."

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. 76, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [115B.01] [CITATION.]

Sections 1 to 17 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 17, 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 Re-

sponse, 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 has a right, title, or interest in real property which would be sufficient to hold the person liable for a release if it were a nuisance.

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 created 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 17, 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 14, 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 14, 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 14 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to 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 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. 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. [DEFENSE FOR CERTAIN PAST ACTIONS.] *It is a defense to liability under this section 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 and that the activity in which the defendant was involved with respect to the substance was not an abnormally dangerous activity.*

For the purpose of this subdivision, the determination of whether an activity with respect to a hazardous substance was an abnormally dangerous activity shall be made by the court, which shall 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.*

Subd. 10. [BURDEN OF PROOF FOR DEFENSES.] *Any person claiming a defense provided in subdivisions 6 to 9 has the burden to prove all elements of the defense by a preponderance of the evidence.*

Sec. 6. [115B.06] [CAUSATION.]

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, the court may not direct a verdict against the plaintiff on the issue of causation if the plaintiff produces evidence sufficient to enable a reasonable person to find that:

(a) the defendant is a person who is responsible for the release;

(b) the plaintiff was exposed to the hazardous substance;

(c) the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and

(d) 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.

Medical opinion 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 that the defendant is a person who is responsible for the release and of proving the causal connection between the release of the hazardous substance for which the defendant is a responsible person and the plaintiff's death, injury, or disease.

Sec. 7. [115B.07.] [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. 8. [115B.08] [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 12 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 12 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 12 or by an insurer or guarantor, whether by right of subrogation or otherwise.*

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

No person may recover pursuant to sections 1 to 12 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 shall 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. 10. [115B.10] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 12 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 12 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 12 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. 11. [115B.11] [DOUBLE RECOVERY PROHIBITED.]

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

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

Sections 1 to 12 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 12 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. 13. [115B.13] [DISPOSITION OF FACILITIES.]

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

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

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

Subd. 2. [RECORDING OF AFFIDAVIT.] 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. 14. [115B.14] [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 15.

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 15, or to other public agencies concerned with the implementation of sections 1 to 15.*

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 17, 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 17, 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 17, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

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

Subd. 10. [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 subdivi-*

sion 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. 15. [115B.15] [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 substan-

tial 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 14, 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. 16. [115B.16] [PURPOSES OF FUND AND TAXES.]

In establishing the environmental response, compensation and compliance fund in section 17 and imposing taxes in section 19 it is the purpose of the legislature to:

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

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

(c) *Encourage the use of alternatives to land disposal of 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 hazardous waste management activities on those whose products and services contribute to hazardous waste management problems and increase the risks of harm to the public and the environment.*

Sec. 17. [115B.17] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

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

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

(a) *Preparation by the agency for taking removal or remedial action under section 14, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 14 or 15;*

(b) *Removal and remedial actions taken or authorized by the agency or director under section 14, including related enforcement and compliance efforts under section 14 or 15, 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 14, including related enforcement and compliance efforts under section 14 or 15, 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 disposal 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 hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling 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 15 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 22;

(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. 18. [TAXES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 18 to 21.

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. 19. [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. 20. [SEVERABILITY.]

If any tax imposed under section 19 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 17, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 17, subdivision 2.

Sec. 21. [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 19, 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 pollu-*

tion control agency may provide each other with the information necessary for the enforcement of section 19 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 19, subdivisions 2 to 4 shall pay the tax imposed by section 19 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 commissioner the names and addresses of all persons known to the agency who are subject to tax under section 19, 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 19 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 19.

Subd. 8. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner or agency from a general fund appropriation to enforce and administer section 19 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. 22. [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 17, 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. 23. 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 types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial 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. 24. 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. 25. 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. 26. [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 17.*

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 18 and 20.*

(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 14, subdivision 7, is appropriated to the pollution control agency for the purposes described in section 17, 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 14, subdivision 13, to be available until June 30, 1984.

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

Sec. 27. [REPEALER.]

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

Sec. 28. [EFFECTIVE DATE.]

Sections 14 to 21, and 26 are effective the day following final enactment. The taxes imposed by section 19 are effective January 1, 1984. The remaining sections of this act are effective July 1, 1983."

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

The report was adopted.

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

H. F. No. 123, A bill for an act relating to commerce; regulating debt collection practices; broadening the classification of prohibited practices; amending Minnesota Statutes 1982, section 332.37; proposing new law coded in Minnesota Statutes, chapter 332.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [332.46] [CITATION.]

Sections 1 to 9 may be cited as the Minnesota Fair Debt Collection Practices Act.

Sec. 2. [332.47] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 1 to 9, the following terms have the meanings given them.

Subd. 2. [CONSUMER.] "Consumer" means any natural person obligated, or allegedly obligated to pay any debt arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. This term includes the parent, if the consumer is a minor, or the guardian, conservator, executor, or administrator of the consumer.

Subd. 3. [CREDITOR.] "Creditor" means any person engaged in business who offers or extends credit to a consumer creating a debt, or any assignee, agent, or other person acting on behalf of a creditor.

Subd. 4. [DEBT.] "Debt" means any obligation or alleged obligation of a consumer to pay money to any creditor whether or not the obligation has been reduced to judgment.

Subd. 5. [DEBT COLLECTOR.] "Debt collector" means any collection agency as defined in section 332.31, or any creditor as defined in subdivision 3 who collects, or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due, to such creditor by a consumer domiciled in or located within the state of Minnesota. The term does not include the following:

- (a) a nonprofit consumer credit counseling service;
- (b) an attorney acting on behalf and in the name of a client;
- (c) a public official;
- (d) a person serving legal process;
- (e) a person acting under order of a court; or

(f) a public utility, as defined in Minnesota Statutes, section 216B.02.

Subd. 6. [LOCATION INFORMATION.] "Location information" means information concerning a consumer's place of abode, his telephone number, or his place of employment.

Subd. 7. [PERSON.] "Person" means a natural person, a partnership, an unincorporated association, a cooperative association, a joint stock association, a firm, a private corporation, a public corporation, a municipality, a business trust, or other legal entity.

Sec. 3. [332.48] [ACQUISITION OF LOCATION INFORMATION.]

A debt collection agency in communication with any person other than the consumer, and a creditor in communication with any person other than the consumer or the consumer's spouse, for the purpose of acquiring information as to the location of a consumer shall:

(a) identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer;

(b) not state that the consumer owes any debt;

(c) not communicate with any person more than once unless requested to do so by the person or unless the debt collector reasonably believes that the earlier response is erroneous or incomplete and that the person now had correct or complete location information;

(d) not communicate by postcard;

(e) not use any language or symbol on any envelope or in the contents of any communication that indicates that the debt collector is acting as a debt collector or that the communication relates to the collection of a debt; and

(f) not communicate with any person other than the consumer's attorney, after the debt collector knows the consumer is represented by an attorney, with regard to the subject debt and has knowledge of, or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within 15 days to a communication from the debt collector.

Sec. 4. [332.49] [COMMUNICATION IN CONNECTION WITH DEBT COLLECTION.]

Subdivision 1. [COMMUNICATION WITH CONSUMER.]
Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt:

(a) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m. local time at the consumer's location;

(b) if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, the attorney's name and address, unless

the attorney fails to respond within 15 days to a communication from the debt collector, or unless the attorney consents to direct communication with the consumer; or

(c) at the consumer's place of employment if the debt collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication.

Subd. 2. [COMMUNICATION WITH OTHER PERSONS.]

A debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, the consumer's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the creditor's attorney, a collection agency, the collection agency's attorney, or the debt collector's attorney, except as reasonably necessary to acquire location information concerning the consumer in compliance with section 3, or upon prior consent of the consumer given directly to the debt collector, or upon express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy.

Subd. 3. [CEASING COMMUNICATION.] *If a consumer notifies a creditor other than a collection agency in writing that the consumer wishes such creditor to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to the debt, except:*

(a) to advise the consumer that such creditor's further efforts are being terminated;

(b) to notify the consumer that such creditor may invoke specified remedies allowable by law which are ordinarily invoked by such creditor; or

(c) where necessary to effectuate any postjudgment judicial remedy.

Subd. 4. [CONSUMER DEFINED.] *For purposes of this section, the term "consumer" includes the consumer's spouse.*

Sec. 5. [332.50] [HARASSMENT OR ABUSE.]

A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(a) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

(b) *The use of obscene or profane language or language the natural consequence of which is to abuse the listener or reader.*

(c) *The publication of the name of a consumer or a list of consumers who allegedly refuse to pay debts, except to a bona fide consumer reporting agency, or to a person to whom a consumer reporting agency can lawfully furnish a consumer report.*

(d) *The advertisement for sale of or threat to advertise for sale any debt to coerce payment of the debt.*

(e) *Causing a telephone to ring, or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person.*

(f) *Except as provided in section 3, the placement of telephone calls without meaningful disclosure of the caller's identity.*

Sec. 6. [332.51] [FALSE OR MISLEADING REPRESENTATIONS.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(a) *The false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States, the state of Minnesota, or any other unit of state or local government, including, but not limited to, the use of any badge, uniform, or facsimile thereof, or the use or employment of a sheriff, deputy sheriff, policeman, constable, University of Minnesota peace officer, highway patrolman, or any other member of a law enforcement agency acting under color of law when attempting to collect a debt, except when performing legally authorized duties.*

(b) *The false representation of the character, amount, or legal status of any debt, or of any services rendered or compensation which may be lawfully received by any debt collector in connection with the collection of a debt.*

(c) *The false representation or implication that any individual is an attorney, that any communication is from an attorney, or that action will be taken in connection with the collection of a debt by a particular attorney unless this attorney has actually been retained with respect to the debt in question or is an attorney directly employed by a creditor.*

(d) *The representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person*

or the seizure, garnishment, attachment, or sale of any property or wages of any person unless the action is lawful and the debt collector or creditor intends to take such action.

(e) The threat to take any action that cannot legally be taken or that is not intended to be taken.

(f) The false representation or implication that sale, referral, or other transfer of any interest in a debt shall cause the consumer to lose any claim or defense to payment of the debt, or to become subject to any practice prohibited by this act.

(g) The false representation or implication that the consumer committed any crime or other conduct.

(h) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a debt is disputed.

(i) The use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States, state of Minnesota, or any other unit of state or local government, or which creates a false impression as to its source, authorization, or approval.

(j) The use of any false representation or deceptive means to collect or attempt to collect or to obtain information concerning a consumer.

(k) Except as provided in section 3, the failure by a creditor to disclose clearly in all communications with a consumer or a consumer's spouse made to collect a debt or to obtain information about a consumer, that the creditor is attempting to collect a debt and that any information obtained will be used for that purpose.

(l) The false representation or implication that accounts have been turned over to innocent purchasers for value.

(m) The false representation or implication that documents are legal process.

(n) The false representation or implication that documents are not legal process forms or do not require action by the consumer.

(o) The use of any business, company, or organization name other than the true name of the debt collector's business company or organization.

(p) *The false representation or implication that a debt collector operates or is employed by a consumer reporting agency.*

(q) *The designing, compiling, furnishing, or using of any form, knowing that the form will be used to create the false belief that a person other than the creditor of a consumer is participating in the collection or in the attempt to collect a debt from the consumer, when in fact the other person is not participating.*

Sec. 7. [332.52] [UNFAIR PRACTICES.]

A debt collector may not use unfair or unconscionable means to attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section.

(a) *The collection of any amount, including any interest, fee, charge, or expense incidental to the principal obligation, unless the amount is expressly authorized by the agreement creating the debt or is permitted by law.*

(b) *The intentional acceptance by a debt collector from any person of a check or other payment instrument postdated by more than five days unless the person is notified in writing not more than ten nor less than three business days prior to the deposit, of the debt collector's intent to deposit the check or instrument.*

(c) *The solicitation by a debt collector of any postdated check or other postdated payment instrument for the purpose of threatening or seeking criminal prosecution.*

(d) *Intentionally depositing or threatening to deposit any postdated check or other postdated instrument prior to the date on the check or instrument.*

(e) *Causing charges to be made to any person for any communication by concealment of the true purpose of the communication. These charges include, but are not limited to, collect telephone calls and telegram fees.*

(f) *Taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if there is no present right to possession of the property; or if there is no present intention to take possession of the property; or if the property is exempt by law from dispossession or disablement.*

(g) *Communicating with a consumer regarding a debt by post card.*

(h) *Using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mail or by telegram, except that a debt collector may use its business name if such name does not indicate that the communication relates to the collection of a debt.*

(i) *Threatening to take any action which would first require a judgment or court order, without notifying the consumer that a judgment or court order is required and that the consumer has the right to contest.*

Sec. 8. [332.53] [LEGAL ACTIONS BY DEBT COLLECTORS.]

Subdivision 1. [VENUE OF REAL PROPERTY ACTIONS.] *Any legal action brought by any debt collector against any consumer to enforce an interest in real property securing a debt shall only be brought in the county in which all or part of the real property is located.*

Subd. 2. [VENUE OF OTHER ACTIONS.] *Any action brought by any debt collector against any consumer or consumers on a debt other than as described in subdivision 1 shall only be brought in a county in which one of the consumers resides at the commencement of the action or, where the transaction occurred or, if the contract is in writing, in the county in which one of the consumers signed the contract.*

Subd. 3. [EFFECT OF ACT.] *Nothing in this act shall be construed to authorize the bringing of legal actions by collection agencies.*

Sec. 9. [332.54] [CIVIL LIABILITY.]

Subdivision 1. [AMOUNTS.] *Any debt collector who violates any provision of this act shall be liable to the consumer and to any other aggrieved person in an amount equal to the sum of:*

(a) *any actual damages sustained as a result of the violation;*

(b) *in an individual action, liquidated damages in the amount of \$100 per violation or twice the amount of any interest, finance charge, time price differential, or similar charge claimed as part of the debt, whichever is greater;*

(c) *punitive damages as the court may allow, where the debt collector continues to knowingly engage in conduct having been found by a court to be a violation; and*

(d) the costs of the action, together with reasonable attorney's fees as determined by the court. On a finding by the court that a claim under this section was asserted in bad faith, the court may award attorney's fees and costs to the debt collector against whom the claim was asserted.

Subd. 2. [NONLIABILITY.] A debt collector may not be held liable for a violation of this act if the debt collector shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error.

Subd. 3. [HOW CLAIMS ASSERTED.] A claim under this section may be asserted as a counterclaim, or setoff in an action to enforce a debt or as a cause of action.

Subd. 4. [LIMITATION OF ACTIONS.] A claim under this section must be asserted within one year from the date of the last communication from the debt collector, except where asserted as a counterclaim, or setoff.

Subd. 5. [REMEDIES CUMULATIVE.] The remedies under this section are in addition to, and do not limit any other remedies available at law or equity.

Sec. 10. Minnesota Statutes 1982, section 332.37, is amended to read:

332.37 [PROHIBITED PRACTICES.]

No collection agency shall: (1) in collection letters or publications, or in any communication, oral or written threaten wage garnishment or legal suit by a particular lawyer, unless it has actually retained the lawyer;

(2) (USE OR EMPLOY CONSTABLES, SHERIFFS OR ANY OTHER OFFICER AUTHORIZED TO SERVE LEGAL PAPERS IN CONNECTION WITH THE COLLECTION OF A CLAIM, EXCEPT WHEN PERFORMING THEIR LEGALLY AUTHORIZED DUTIES;)

((3)) use or threaten to use methods of collection which violate sections 1 to 9 or any other Minnesota law;

((4)) (3) furnish legal advice or otherwise engage in the practice of law or represent that it is competent to do so;

((5)) COMMUNICATE WITH DEBTORS IN A MISLEADING OR DECEPTIVE MANNER BY USING THE STATIONERY OF A LAWYER, FORMS OR INSTRUMENTS

WHICH ONLY LAWYERS ARE AUTHORIZED TO PREPARE, OR INSTRUMENTS WHICH SIMULATE THE FORM AND APPEARANCE OF JUDICIAL PROCESS;)

((6)) (4) exercise authority on behalf of a creditor to employ the services of lawyers unless the creditor has specifically authorized the agency in writing to do so and the agency's course of conduct is at all times consistent with a true relationship of attorney and client between the lawyer and the creditor;

((7) PUBLISH OR CAUSE TO BE PUBLISHED ANY LIST OF DEBTORS EXCEPT FOR CREDIT REPORTING PURPOSES, USE SHAME CARDS OR SHAME AUTOMOBILES, ADVERTISED OR THREATENED TO ADVERTISE FOR SALE ANY CLAIM AS A MEANS OF FORCEING PAYMENT THEREOF, OR USE SIMILAR DEVICES OR METHODS OF INTIMIDATION;)

((8)) (5) refuse to return any claim or claims and all valuable papers deposited with a claim or claims upon written request of the creditor, claimant or forwarder after tender of the amounts due and owing to the agency within 30 days after the request; refuse or intentionally fail to account to its clients for all money collected within 30 days from the last day of the month in which the same is collected; or, refuse or fail to furnish at intervals of not less than 90 days upon written request of the claimant or forwarder, a written report upon claims received from the claimant or forwarder;

((9)) (6) operate under a name or in a manner which implies that the agency is a branch of or associated with any department of federal, state, county or local government or an agency thereof;

((10)) (7) commingle money collected for a customer with the agency's operating funds or use any part of a customer's money in the conduct of the agency's business;

((11)) (8) transact business or hold itself out as a debt prorater, debt adjuster, or any person who settles, adjusts, prorates, pools, liquidates or pays the indebtedness of a debtor, unless there is no charge to the debtor, or the pooling or liquidation is done pursuant to court order or under the supervision of a creditor's committee;

((12)) (9) violate any of the provisions of the *Federal Fair Debt Collection Practices Act of 1977* while attempting to collect on any account, bill or other indebtedness."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 138, A bill for an act relating to malt beverages; requiring identification of kegs and purchasers thereof; proposing new law coded in Minnesota Statutes, chapter 340.

Reported the same back with the following amendments:

Page 1, delete lines 9 to 25 and insert:

"Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Beer" is any intoxicating or nonintoxicating malt beverage.

(b) "Off-sale retailer" is a holder of a license to sell beer at retail off-sale or a holder of a combination on-sale and off-sale license, or a municipal liquor store.

Subd. 2. [REGISTRATION NUMBER REQUIRED.] A licensed wholesaler of beer may not sell to an off-sale retailer a keg or barrel of beer with a capacity of seven or more gallons unless the keg bears a registration number permanently attached or engraved by the manufacturer of the beer.

Subd. 3. [RECORD OF SALE.] An off-sale retailer who sells a keg or barrel of beer must enter the date and time of purchase, the name and address of the purchaser, and the registration number of the keg or barrel. The entry must be in a book or register maintained for the purpose by the off-sale retailer and the book or register must be retained for 90 days after the last sale recorded therein.

Subd. 4. [ACCESS; STATEMENTS.] Books and registers kept under subdivision 3 must be made available for inspection during regular business hours by peace officers or the commissioner or his authorized agent.

Subd. 5. [VIOLATIONS.] A violation of any provision of this section is a misdemeanor.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1984."

Delete the title and insert:

"A bill for an act relating to malt beverages; defining terms; requiring registration numbers and records; requiring acces-

sibility to certain records; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 340."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 157, A bill for an act relating to education; providing for active military service to be counted toward the number of years required to be eligible for the teacher early retirement incentive program; extending the date of application to March 1, 1983, for certain individuals; requiring expeditious processing of certain applications in 1983; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1982, section 125.611, subdivision 1, is amended to read:

Subdivision 1. [CRITERIA.] For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary or area vocational-technical schools in the state and

(b) either

(1)(i) has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, or at least 15 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; or 354A.094 and

(ii) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made, or

(2) has not less than 30 total years of full time teaching service in elementary, secondary and area vocational-technical schools, or at least 30 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; or 354A.094."

Page 2, line 14, delete "*March*" and insert "*June*".

Page 2, line 14, after "1983," insert "or"

Page 2, line 15, after "section 125.611" insert ", subdivision 5"

Page 2, line 15, delete "*The*"

Page 2, delete lines 16 and 17

Delete the title and insert:

"A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 167, A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

Reported the same back with the following amendments:

Page 1, line 8, after "*one*" insert "*club*"

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

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Page 2, line 33, after "*(m)*" insert "*May*"

Page 3, line 26, delete "*The*"

Page 3, delete lines 27 and 28

Page 3, line 29, delete "*pursuant to section 116J.09, clause (m).*"

Page 4, line 3, after "*maximum*" insert "*reasonable*" delete "*practicable*"

Page 5, line 2, strike "*residential*"

Page 5, line 29, reinstate the stricken language and delete new language

Page 6, line 16, after "*utilities*" insert "*with operating revenues in excess of \$5,000,000*"

Page 6, line 17, delete "*gross*" and insert "*their operating*"

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 211, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for the assessment of certain class 3 property based upon its use; clarifying the requirements for homesteads of members of the armed forces; requiring publication of certain requirements for obtaining a homestead after the assessment date; clarifying the method of assessment for certain low income properties; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; removing certain exempt entities from payment of mortgage registration tax; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for depart-

ment action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for non-payment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 1; 273.11, subdivision 7; 273.111, subdivision 3; 273.13, subdivisions 4, 10, 16, 17, 17b, 17c, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.06; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.43; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 270.10, subdivision 1, is amended to read:

Subdivision 1. [IN WRITING; APPROVAL BY ATTORNEY GENERAL.] All orders and decisions of the commissioner of revenue, or any of his subordinates, respecting any tax, assessment, or other obligation, shall be in writing, filed in the offices of the department. No order or decision *issued after June 30, 1983*, increasing or decreasing any tax, assessment, or other obligation by a sum exceeding (\$500) \$1,000 on real or personal property, or the assessed valuation thereof, or other obligation relating thereto, the result of which is to increase or decrease the total amount payable including penalties and interest, by a sum exceeding \$1,000, and no order or decision increasing or decreasing any other tax by a sum exceeding \$1,000 exclusive of penalties and interest, shall be made without the written signature or facsimile signature of the commissioner, a deputy commissioner, assistant commissioner, division director, or acting division director in each case. Written

notice of every order granting a reduction, abatement, or refundment exceeding \$5,000 of any tax exclusive of penalties and interest, shall be given within five days to the attorney general. The attorney general shall forthwith examine such order, and if he deems the same proper and legal he shall approve the same in writing, and may waive the right of appeal therefrom in behalf of the state; otherwise he shall take an appeal from the order in behalf of the state as herein provided; but written approval of the commissioner or his deputy and written notice to the attorney general, shall not be required with respect to the following orders: (1) orders reducing assessed valuation of property by reason of its classification as a homestead; (2) orders not involving refunds which have the effect only of correcting income and franchise tax assessments to conform to the amounts shown on final returns filed as provided by section 290.42, clause (6); (3) original orders for the refundment of gasoline and special fuel taxes.

Sec. 2. Minnesota Statutes 1982, section 270.10, subdivision 3, is amended to read:

Subd. 3. [REDUCTIONS, ABATEMENTS, REFUNDMENTS; STATEMENT.] The commissioner shall maintain as a public record in the department a statement of all abatements, reductions, and refundments of assessments, taxes, or other obligations granted by the department during the biennium, which require the written approval of the commissioner or his deputy, and of which written notice to the attorney general is required, under the provisions of subdivision 1; and, all reductions of assessed valuation of more than (\$50,000) \$100,000 and all reductions, refundments, or abatements of real estate tax of more than \$1,000 shall be separately shown in such statement. Such statement shall show the names of all taxpayers or other persons concerned, the original amount of each assessment, tax, or other obligation, the amount of abatement, reduction, or refundment allowed in each case, and the totals of the respective items, notwithstanding any provisions of law requiring secrecy to the contrary. The commissioner shall include in such statement the amount of all increases of taxes or assessments made by the department, classified in such manner as he may deem proper, but not showing the names of taxpayers or other persons concerned or the amounts in individual cases.

Sec. 3. Minnesota Statutes 1982, section 270.12, subdivision 3, is amended to read:

Subd. 3. (FOR TAXES LEVIED IN 1980 AND 1981, WHEN A TAXING JURISDICTION LIES IN TWO OR MORE COUNTIES, AND THE SALES RATIO STUDIES PREPARED BY THE DEPARTMENT OF REVENUE SHOW THAT THE AVERAGE LEVEL OF ASSESSMENT IN THE SEVERAL PORTIONS OF THE DISTRICT IN THE DIFFERENT COUNTIES DIFFERS BY MORE THAN 20 PER-

CENT, THE BOARD SHALL ORDER THAT THE LEVY OF THE TAXING JURISDICTION BE APPORTIONED AMONG THE PORTIONS IN THE DIFFERENT COUNTIES IN THE SAME PROPORTION AS THE ADJUSTED ASSESSED VALUE AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE IN EACH PORTION IS TO THE TOTAL ADJUSTED ASSESSED VALUE, AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE, OF THE TAXING JURISDICTION; IF THE STUDIES SHOW THAT THE LEVEL DIFFERS BY MORE THAN FIVE PERCENT, THE BOARD MAY ORDER THE APPORTIONMENT OF THE LEVY.) For taxes levied in (1982) 1983 and thereafter *when a taxing jurisdiction lies in two or more counties, if the sales ratio studies prepared by the department of revenue show that the (LEVEL DIFFERS) average levels of assessment in the several portions of the districts in the different counties differ by more than five percent, the board shall order the apportionment of the levy, unless one of the following factors is present, in which case the board may order the apportionment of the levy. Factors which may affect the decision to apportion include (1) if the proportion of total adjusted assessed value in one county is less than ten percent of the total adjusted assessed value in the school district and if the average level of assessment in that portion of the school district is the one which differs by more than five percent from the assessment level in any one of the other portions of the district, or (2) if significant changes have been made in the level of assessment in the taxing jurisdiction which have not been reflected in the sales ratio study, and those changes alter the assessment levels in the portions of the taxing jurisdiction so that the assessment level now differs by five percent or less, or (3) if commercial, industrial, or public utility property predominates in one county within the school district and another class of property predominates in another county within that same school district.*

If, pursuant to this subdivision, the board apportions the levy, then that levy apportionment among the portions in the different counties shall be made in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value of the taxing jurisdiction.

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on August 15 of the state board of equalization, but notice of the action shall be given to the affected

jurisdiction and the appropriate county auditors by the following November 15.

Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 4. Minnesota Statutes 1982, section 270.19, is amended to read:

270.19 [MUNICIPALITIES TO BE PARTY TO TAX HEARINGS.]

Any city, town, school district, or county (all of which governmental subdivisions shall be embraced in the word "municipality" as used hereinafter) may appear at and become a party to any proceedings before the commissioner of revenue held for the purpose of equalizing or assessing any real or personal property in such municipality, or reducing the assessed valuation of any such property. For that purpose any such municipality may employ counsel and disburse money for other expenses in connection with such proceedings, on duly itemized, verified claims, which shall be audited and allowed as now provided by law for the allowance of claims against a municipality. It shall be the duty of the commissioner of revenue, at the time of such hearing, to grant the municipality, at its request, such further reasonable time as may be necessary for such municipality to prepare for further hearing. Before granting any reduction in assessed valuation exceeding (\$50,000) \$100,000, it shall be the duty of the commissioner of revenue, when any taxpayer or property owner has applied to the commissioner after June 30, 1983, for a reduction of the assessed valuation of any real or personal property in an amount exceeding (\$50,000) \$100,000, to give written notice to the officials of the municipality wherein such property is located and to permit such municipality to have reasonable opportunity to be heard at any proceedings concerning such reduction.

Sec. 5. Minnesota Statutes 1982, section 272.46, subdivision 2, is amended to read:

Subd. 2. [AUDITOR TO COMBINE LEGAL DESCRIPTIONS.] The county auditor, upon written application of any person, shall for property tax purposes only, combine legal descriptions, as defined in section 272.195, of contiguous parcels to which the applicants hold title.

The county auditor shall not be required to combine legal descriptions over section lines in the following situations: when the parcels to be combined are located in different school districts or different taxing jurisdictions or when a combination of legal

descriptions would require the auditor's office to modify an existing record-keeping system.

Sec. 6. Minnesota Statutes 1982, section 273.111, subdivision 3, is amended to read:

Subd. 3. Real estate consisting of ten acres or more shall be entitled to valuation and tax deferment under this section only if it is actively and exclusively devoted to agricultural use as defined in subdivision 6 and either (1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property, or (2) has been in possession of the applicant, his spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of Laws 1969, Chapter 1039, or (3) is the homestead of a shareholder in a family farm corporation as defined in section 500.24, notwithstanding the fact that legal title to the real estate may be held in the name of the family farm corporation. *Valuation of real estate under this section is limited to parcels the ownership of which is in noncorporate entities except for family farm corporations organized pursuant to section 500.24. Corporate entities who previously qualified for tax deferment pursuant to this section and who continue to otherwise qualify under subdivisions 3 and 6 for a period of at least three years following the effective date of this section will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period shall result in payment of deferred taxes as follows: sale within the first year requires payment of payable 1980, 1981, and 1982 deferred taxes; sale during the second year requires payment of payable 1981 and 1982 taxes deferred; and sale at any time during the third year will require payment of payable 1983 taxes deferred. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. Special assessments are payable at the end of the three-year period or at time of sale, whichever comes first.*

Sec. 7. Minnesota Statutes 1982, section 273.112, subdivision 7, is amended to read:

Subd. 7. When real property which is being, or has been, valued and assessed under this section (IS SOLD OR) no longer qualifies under subdivision 3, (THE PORTION SOLD OR) the portion which no longer qualifies (UNDER SUBDIVISION 3) shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivi-

sion 5. (SUCH) *The additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on (SUCH) the additional taxes if timely paid, and provided further, that (SUCH) the additional taxes shall only be levied with respect to the last seven years that the (SAID) property has been valued and assessed under this section.*

Sec. 8. Minnesota Statutes 1982, section 273.112, is amended by adding a subdivision to read:

Subd. 10. When real property qualifying under subdivision 3 is sold, no additional taxes shall be extended against the property if (a) the property continues to qualify pursuant to subdivision 3 and (b) the purchaser files an application for continued deferment of taxes pursuant to subdivision 6 within 30 days after the sale.

Sec. 9. Minnesota Statutes 1982, section 273.13, subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, (ALL BUILDINGS AND STRUCTURES ASSESSED AS PERSONAL PROPERTY AND SITUATED UPON LAND OF THE STATE OF MINNESOTA OR THE UNITED STATES GOVERNMENT WHICH IS RURAL IN CHARACTER AND DEVOTED OR ADAPTABLE TO RURAL BUT NOT NECESSARILY AGRICULTURAL USE) shall constitute class 3 and shall be valued and assessed at $33\frac{1}{3}$ percent of the market value thereof, except as provided in clause (b). *All buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall be assessed based upon the use made of the building or structure.* Except as provided in subdivision 5a, all real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on a specific day if it is used, or offered for use, and a fee is charged for such use. Class 3 shall also include commercial use real property used exclusively for recreational purposes in conjunction with class 3 property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 200 days in the year preceding the year of

assessment and is located within two miles of the class 3 property with which it is used.

(b) Agricultural land which is classified as class 3 shall be assessed at 19 percent of its market value. Real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 21 percent of its market value.

Sec. 10. Minnesota Statutes 1982, section 273.13, subdivision 16, is amended to read:

Subd. 16. [HOMESTEAD ESTABLISHED AFTER ASSESSMENT DATE.] (1) Any property which was not used for the purpose of a homestead on the assessment date, but which was used for the purpose of a homestead on June 1 of such year, shall constitute class 3b, class 3c or class 3cc, as the case may be, to the extent of one-half of the valuation which would have been includible in such class and one-half the homestead tax credit to which it would have been entitled had the property been used as a homestead on both such dates.

(2) Any taxpayer meeting the requirements of clause (1) must notify the county assessor, or the assessor who has the powers of the county assessor pursuant to section 273.063, in writing, prior to June 15 of such year in order to qualify thereunder.

The county assessor and the county auditor are hereby empowered to make the necessary changes on their assessment and tax records to provide for proper homestead classification and credit as provided in clauses (1) and (2).

(3) The owner of any property qualifying under this subdivision, which has not been accorded the benefits of this subdivision, regardless of whether or not the notification required in clause (2) has been timely filed, may be entitled to receive such benefits by proper application as provided in sections 270.07 or 375.192.

The county assessor shall cause to be published in a newspaper of general circulation within the county no later than June 1 of each year a notice to the public informing them of the requirement to file an application for homestead prior to June 15.

Sec. 11. Minnesota Statutes 1982, section 273.13, is amended by adding a subdivision to read:

Subd. 21. [LIMITATION ON HOMESTEAD CLASSIFICATION.] *In those cases where the assessor has classified property as both homestead and nonhomestead, only the values at-*

tributable to the portion of the property classified as 3b, 3c, or 3cc shall be entitled to homestead treatment.

Except for buildings classified pursuant to section 273.13, subdivision 19, if the portion of a building used as the owner's homestead is separate from other dwelling units in the building, only the owner's residence plus the land attributable to the residence is to receive either the 3b, 3c, or 3cc classification.

Sec. 12. Minnesota Statutes 1982, section 275.50, subdivision 2, is amended to read:

Subd. 2. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, home rule charter city, statutory city, or town (OR SPECIAL TAXING DISTRICT DETERMINED BY THE DEPARTMENT OF REVENUE), except a town that has a population of less than 5,000 according to the most recent federal census, provided that the population of an incorporated municipality located within the boundaries of a town is not included in the population of the town. The term does not include school districts (OR), the metropolitan transit commission created pursuant to section 473.404, or special taxing districts as determined by the department of revenue.

Sec. 13. Minnesota Statutes 1982, section 276.02, is amended to read:

276.02 [TREASURER TO BE COLLECTOR.]

The county treasurer shall be the receiver and collector of all the taxes extended upon the tax lists of the county, whether levied for state, county, city, town, school, poor, bridge, road, or other purposes and of all fines, forfeitures, or penalties received by any person or officer for the use of the county. He shall proceed to collect the same according to law and place the same when collected to the credit of the proper funds. This section shall not apply to fines and penalties accruing to municipal corporations for the violation of their ordinances which are recoverable before a city justice. *The county board shall by resolution authorize the treasurer to impose a \$10 charge for any checks returned due to insufficient funds.*

Sec. 14. Minnesota Statutes 1982, section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.]

On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific

purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. *The dollar amounts shall be rounded off to the nearest even whole dollar.* The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than January 31; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall show the amount attributable to section 124.2137 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit". The statement shall show the reduction attributable to the aid given pursuant to section 273.139 and shall indicate that the reduction is paid by the state of Minnesota. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 15. Minnesota Statutes 1982, section 276.10, is amended to read:

276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.]

On the settlement day in March, June, and November of each year, the county auditor and county treasurer shall distribute all undistributed funds in the treasury, apportioning them, as provided by law, and placing them to the credit of the state, town, city, school district, special district and each county fund. Within 20 days after the distribution is completed, the county auditor shall make a report of it to the state auditor in the form prescribed by the state auditor. The county auditor shall issue his warrant for the payment of moneys in the county treasury to the credit of the state, town, city, school district, or special districts on application of the persons entitled to receive them. *The county auditor may apply the mill rate from the year previous to the year of distribution when apportioning and distributing delinquent tax proceeds, provided that the composition of the previous year's mill rate between taxing districts is not*

significantly different than that which existed for the year of the delinquency.

Sec. 16. Minnesota Statutes 1982, section 277.02, is amended to read:

277.02 [DELINQUENT LIST FILED IN COURT.]

On the (TENTH) last secular day of July, of each year, the county treasurer shall make a list of all personal property taxes remaining delinquent July first, and shall immediately certify to and file the same with the clerk of the district court of his county, and upon such filing the list shall be prima facie evidence that all of the provisions of law in relation to the assessment and levy of such taxes have been complied with.

Sec. 17. Minnesota Statutes 1982, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. [ALTERNATE SALE PROCEDURE.] Land located in a home rule charter or statutory city, or in a town described in section 368.01, subdivision 1, which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. *If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision.* The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder but in no event shall the land be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Sec. 18. Minnesota Statutes 1982, section 282.33, subdivision 1, is amended to read:

Subdivision 1. Whenever an unrecorded deed from the state of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, an application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of revenue. If it appears to the commissioner of revenue that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. The application shall be accompanied by a fee of (\$3) \$10, payable to the commissioner of revenue, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 19. Minnesota Statutes 1982, section 287.08, is amended to read:

287.08 [TAX, HOW PAYABLE; RECEIPTS.]

The tax imposed by sections 287.01 to 287.12 shall be paid to the treasurer of the county in which the mortgaged land or some part thereof is situated at or before the time of filing the mortgage for record or registration. The treasurer shall endorse his receipt on the mortgage, countersigned by the county auditor, who shall charge the amount to the treasurer and such receipt shall be recorded with the mortgage, and such receipt of the record thereof shall be conclusive proof that the tax has been paid to the amount therein stated and authorize any county recorder to record the mortgage. Its form, in substance, shall be "registration tax hereon of _____ dollars paid." If the mortgages be exempt from taxation the endorsement shall be "exempt from registration tax," to be signed in either case by the treasurer as such, and in case of payment to be countersigned by the auditor. In case the treasurer shall be unable to determine whether a claim of exemption should be allowed, the tax shall be paid to the clerk of the district court of the county to abide the order of such court made upon motion of the county attorney, or of the claimant upon notice as required by the court. When any such mortgage covers real property situate in more than one county in this state the whole of such tax shall be paid to the treasurer of the county where the mortgage is first presented for record or registration, and the payment shall be receipted and countersigned as above provided (, AND SUCH). *When the amount of the tax is \$100 or more, the tax shall be divided and paid over by the county treasurer receiving the same, on or before the tenth day of each month after receipt thereof, to the county or counties entitled thereto in the ratio which the (ASSESSED) market value of the real property covered by the mortgage in each county bears to the (ASSESSED) market value of all the property described in the mortgage. In making such division and payment the county treasurer shall send therewith a statement giving the description of the property described in the mortgage and the (ASSESSED) market value of the part thereof situate in each county. For the purpose aforesaid, the*

treasurer of any county may require the treasurer of any other county to certify to him the (ASSESSED) *market* valuation of any tract of land in any such mortgage.

Sec. 20. Minnesota Statutes 1982, section 291.005, subdivision 1, is amended to read:

Subdivision 1. Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

(1) "Federal gross estate" means the gross estate of a decedent as valued and otherwise determined for federal estate tax purposes by federal taxing authorities pursuant to the provisions of the Internal Revenue Code.

(2) "Minnesota gross estate" means the federal gross estate of a decedent after (a) excluding therefrom any property included therein which has its situs outside Minnesota and (b) including therein any property omitted from the federal gross estate which is includable therein, has its situs in Minnesota, and was not disclosed to federal taxing authorities. The Minnesota gross estate shall be valued pursuant to the provisions of section 291.215, subdivision 1.

(3) "Personal representative" means the executor, administrator or other person appointed by the court to administer and dispose of the property of the decedent. If there is no executor, administrator or other person appointed, qualified, and acting within this state, then any person in actual or constructive possession of any property having a situs in this state which is included in the federal gross estate of the decedent shall be deemed to be a personal representative to the extent of the property and the Minnesota estate tax due with respect to the property.

(4) "Resident decedent" means an individual whose domicile at the time of his death was in Minnesota.

(5) "Nonresident decedent" means an individual whose domicile at the time of his death was not in Minnesota.

(6) "Situs of property" means, with respect to real property, the state or country in which it is located; with respect to tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death; and with respect to intangible personal property, the state or country in which the decedent was domiciled at death.

(7) "Commissioner" means the commissioner of revenue or any person to whom the commissioner has delegated functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1954 as amended through December 31, (1981) 1982.

(9) "Surviving spouse" means a person legally married to the decedent at time of death, either pursuant to section 517.01 for marriages contracted in Minnesota or pursuant to the governing laws in the locale where the marriage occurred.

Sec. 21. Minnesota Statutes 1982, section 291.03, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The tax imposed shall be an amount equal to the greater of:

(1) A tax computed by applying to the Minnesota taxable estate the following prescribed rates:

10 percent on the first \$100,000,

11 percent on the next \$500,000 or part thereof,

12 percent on the excess, or

(2) A tax equal to the (AMOUNT BY WHICH THE MAXIMUM CREDIT ALLOWABLE UNDER SECTION 2011 OF THE INTERNAL REVENUE CODE FOR STATE DEATH TAXES EXCEEDS THE AGGREGATE AMOUNT OF ALL ESTATE, INHERITANCE, LEGACY AND SUCCESSION TAXES ACTUALLY PAID TO OTHER STATES OF THE UNITED STATES IN RESPECT OF ANY PROPERTY SUBJECT TO FEDERAL ESTATE TAX; PROVIDED THAT WHERE THE DECEDENT IS A NONRESIDENT THE TAX SHALL BE IN THE) same proportion of the maximum credit allowable under section 2011 of the Internal Revenue Code for state death taxes described herein as the Minnesota gross estate bears to the value of the federal gross estate. *The tax determined under this paragraph shall not be greater than the maximum credit allowable under section 2011 of the Internal Revenue Code.*

Sec. 22. Minnesota Statutes 1982, section 291.07, subdivision 1, is amended to read:

Subdivision 1. In determining the tax imposed by section 291.01, the following additional deductions shall be allowed:

(1) funeral expenses;

(2) reasonable legal, accounting, fiduciary and administration expenses and fees with respect to both probate and non-

probate assets, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash;

(3) expenses of last illness unpaid at death;

(4) valid claims against and debts of the decedent, unpaid at death, which have been properly paid;

(5) (MINNESOTA AND FEDERAL INCOME TAXES ON "INCOME IN RESPECT OF A DECEDENT," AS COMPUTED UNDER SUBDIVISION 3;)

((6)) The portion of the federal estate tax allocable to Minnesota, which shall equal the amount obtained by multiplying the federal estate tax due and payable to the United States Treasury by a fraction, the numerator of which shall equal the value of the Minnesota gross estate reduced by: (a) in the case of a resident decedent, the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.07, subdivision 1, clauses (1), (2), (3), (4), ((5)), (6), and (7) (AND (8)); or (b) in the case of a nonresident decedent the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.08, clauses (1), (2), (4) and (5), and the denominator of which shall equal the value of the federal taxable estate as defined in section 2051 of the Internal Revenue Code; provided, however, in any case where any property is included in the Minnesota gross estate but incorrectly omitted from the federal gross estate or where any property that is included in both the Minnesota gross estate and the federal gross estate is valued at a higher or lower value in determining the Minnesota gross estate than in determining the federal gross estate, the federal taxable estate shall be recomputed for purposes of this provision and shall be based on a federal gross estate including the value of such omitted property and including or excluding the difference in value of such revalued property, and further provided that the federal estate tax deduction shall not exceed the federal estate tax due and payable to the United States Treasury;

((7)) (6) real estate taxes due and payable prior to or in the year of the decedent's death with respect to real estate subject to taxation under this chapter and other taxes which have accrued and are a lien on property in the estate at the time of death;

((8)) (7) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 23. Minnesota Statutes 1982, section 291.09, subdivision 3a, is amended to read:

Subd. 3a. (1) The commissioner may challenge matters of valuation or taxability of any assets reported on the return, or any deductions claimed, or the computation of tax, only if within 180 days from the due date of the return or the receipt of the return and all documents required to be filed with the return, whichever is later, the commissioner mails or delivers a written notice to the personal representative objecting to the return as filed and specifying the reasons for the objection.

(2) If the personal representative disagrees with the objection or does not wish to fully comply with the objection, he may request that the commissioner hold a hearing on the objection. Within 30 days of receipt of a request, the commissioner shall set a time and place for hearing. Unless otherwise agreed upon, the hearing date shall not be earlier than 30 days nor later than 60 days from the date of the notice setting the hearing. The notice of hearing shall set forth the rights available to the personal representative under chapter 14. Not later than 30 days after the commissioner receives the report and recommendation of the hearing examiner, or a written waiver of his hearing rights by the personal representative, the commissioner shall issue an order determining the tax. Any such determination made by the commissioner may be appealed to the tax court as provided in section 271.09.

(3) At any time together with or after the objection, the commissioner, on his own initiative, may set a time and place for a hearing in accordance with (2) above.

(4) In his objection, or at any time thereafter, the commissioner may assess any additional tax as the facts may warrant, subject to the right of the personal representative to demand a hearing under chapter 15. If the personal representative does not demand a hearing within 90 days of the date of the assessment, the tax so assessed shall be legally due and the commissioner may proceed to collect any unpaid tax after one year from the date of death. If the commissioner later finds the tax assessment to be erroneous, he may adjust the assessment prior to collection.

(5) The commissioner shall not be required to object to any subsequent original, amended or supplemental return in order to preserve his rights. The commissioner shall not be precluded from objecting to a subsequent original, amended or supplemental return even though an original return was accepted as filed. If the commissioner had accepted an original return showing no tax due and a subsequent original, amended or supplemental return discloses additional assets not disclosed on the original return, the commissioner may object to any matter of valuation, taxability, deduction or computation of tax on the original return within 180 days of receipt of the subsequent original, amended or supplemental return.

(6) Subject to the provisions of (SECTION) *sections 291.11 and 291.215*, the Minnesota estate tax liability shall be considered as finally determined on the date notification of acceptance is issued to the personal representative or, if no objection is filed, on the day following 180 days from the due date of the return or the receipt of the return, together with all other documents required to be filed with the return, whichever is later.

(7) Subject to the time limits imposed elsewhere in this chapter, the commissioner may refund an overpayment of tax, penalty or interest even though the personal representative has not made an application for refund.

Sec. 24. Minnesota Statutes 1982, section 291.131, subdivision 6, is amended to read:

Subd. 6. The amount of tax not timely paid, including the amount of unpaid tax when the taxpayer elects to pay the tax in installments, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid *if no extension had been granted or election to pay the tax in installments had been made* until paid. All interest and penalty shall be added to the tax and collected as a part thereof.

Sec. 25. Minnesota Statutes 1982, section 291.132, subdivision 1, is amended to read:

Subdivision 1. The commissioner may extend the time for filing returns or making payment of the tax, without penalty, for a period not to exceed six months. In lieu of the six month extension, the commissioner may extend the time for payment of the tax, without penalty, for a period not to exceed two years if the payment of the tax would result in an undue hardship on the estate. The written request for the undue hardship extension shall be made to the commissioner no later than nine months after the death of the person from whom the transfer is made. The taxpayer may elect to pay the taxes in installments as specified in section 291.11, subdivision 1, provided that the period of time for the payment of the taxes shall not exceed five years from the expiration of the extension granted by the commissioner. Where an extension of time has been granted (**INTEREST SHALL BE PAYABLE AT THE RATE SPECIFIED IN SECTION 270.75 FROM THE DATE WHEN SUCH PAYMENT SHOULD HAVE BEEN MADE, IF NO EXTENSION HAD BEEN GRANTED, UNTIL SUCH TAX IS PAID**) *for payment, interest shall be paid at the rate specified in section 270.75 from the date when payment should have been made if no extension had been granted, until the tax is paid. When an election has been made to pay the tax in installments, interest shall be paid at the rate specified in section 270.75 from the date when payment of the tax should have been made if no election to pay the tax in installments had been made.*

Sec. 26. Minnesota Statutes 1982, section 291.215, subdivision 3, is amended to read:

Subd. 3. The personal representative shall file an amended estate tax return within 90 days after any amended estate tax return is filed pursuant to the provisions of the United States Internal Revenue Code. If no amended federal estate tax return is filed but the federal estate tax return is changed or corrected, the (CHANGE OR CORRECTION SHALL BE REPORTED TO) *personal representative shall file an amended estate tax return with the commissioner of revenue within 90 days after the final determination of the change or correction is made. (UPON RECEIPT OF AN AMENDED FEDERAL ESTATE TAX RETURN OR UPON NOTIFICATION OF ANY CHANGE OR CORRECTION MADE ON THE FEDERAL ESTATE TAX RETURN) If the personal representative fails to file an amended estate tax return, the commissioner of revenue may reassess the estate tax.*

Sec. 27. Minnesota Statutes 1982, section 295.365, is amended to read:

295.365 [DECLARATIONS OF ESTIMATED GROSS EARNINGS TAX BY TELEGRAPH AND TELEPHONE COMPANIES.]

Every telegraph company subject to taxation pursuant to section 295.32 and every telephone company subject to taxation pursuant to section 295.34, shall make a declaration of estimated gross earnings tax for the calendar year *if the gross earnings tax can reasonably be expected to be in excess of \$1,000.* The declaration of estimated tax shall be filed on or before March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December. An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each such interval.

If any amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but such extension shall not be for more than six months.

Sec. 28. Minnesota Statutes 1982, section 295.366, subdivision 1, is amended to read:

Subdivision 1. [ADDITION TO THE TAX.] In case of any underpayment of estimated tax by a telegraph or telephone company, except as provided in subdivision 4, there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment (determined under subdivision 2) for the period of the underpayment (determined under subdivision 3). *For taxable years beginning after December 31, 1982, the amount in lieu of interest for that taxable year shall be the amount determined in section 270.75 for January 1 on which begins the taxable year or precedes the beginning of the taxable year.*

Sec. 29. Minnesota Statutes 1982, section 296.17, subdivision 3, is amended to read:

Subd. 3. [REFUNDS ON GASOLINE AND SPECIAL FUEL USED IN OTHER STATES.] Every person regularly or habitually operating motor vehicles upon the public highways of any other state or states and using in said motor vehicles gasoline or special fuel purchased or obtained in this state, shall be allowed a credit or refund equal to the tax on said gasoline or special fuel paid to this state on the gasoline or special fuel actually used in the other state or states. No credit or refund shall be allowed under this subdivision for taxes paid to any state which imposes a tax upon gasoline or special fuel purchased or obtained in this state and used on the highways of such other state, and which does not allow a similar credit or refund for the tax paid to this state on gasoline or special fuel purchased or acquired in such other state and used on the highways of this state. Every person claiming a credit or refund under this subdivision shall file, within 30 days after the tax to such other state, or states, is paid, a report in such form as may be prescribed by the commissioner, together with such proof of the payment of the tax, and of the fact that it was paid on gasoline or special fuel purchased or obtained within this state as the commissioner may require. *The claimant may file up to six months from the date the tax was paid to another state but any refund applied for after 30 days from date of payment shall be reduced by five percent for each 30-day period or portion thereof following the initial 30-day period.*

Sec. 30. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.] (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for such permit shall be (\$5) \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable against such motor carrier on account of such commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to such vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of such operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of such vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 31. Minnesota Statutes 1982, section 297.03, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION OF FREE SAMPLE PACKAGES.] The commissioner may authorize distribution in Minnesota of free packages of cigarettes without affixing stamps to said packages by the following persons provided that monthly reports and payment of a tax at the same rates prescribed by section 297.02, subdivision 1, shall be made directly to the commissioner (IN THE MANNER AND) under the terms provided for by (HIM) *the commissioner*:

(1) Any manufacturer, providing such packages contain not more than (TEN) 20 cigarettes each;

(2) Any person engaged as a common carrier in the transportation of persons, who purchases packages of cigarettes from a manufacturer for distribution without charge, provided that no such package shall contain more than (TEN) 20 cigarettes.

All packages distributed pursuant to this section shall be marked "Complimentary—Not For Sale." The commissioner

shall promulgate rules providing for the procedures to be complied with by any person distributing free sample packages.

Sec. 32. Minnesota Statutes 1982, section 340.485, subdivision 1, is amended to read:

Subdivision 1. [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.] The tax on wines and spirituous liquors, on which the excise tax has not been previously paid, shall be paid to the commissioner of revenue by persons having on file with the commissioner of revenue a sufficient bond as provided in subdivision 2 on or before the tenth day of the month following the month in which the first sale is made in this state by a licensed manufacturer or wholesaler. Every such person liable for any tax on wines or spirituous liquors imposed by section 340.47 shall file with the commissioner of revenue on or before the tenth day of the month following first sale in this state by a licensed manufacturer or wholesaler a return in such form and showing such information as the commissioner of revenue shall by rule prescribe, and shall keep records and render reports as the commissioner of revenue shall by rule prescribe. (IF THE EXCISE TAX IS NOT PAID WHEN DUE, THERE SHALL BE ADDED TO THE TAX AN AMOUNT EQUIVALENT TO FIVE PERCENT PER MONTH FROM THE DATE THE TAX BECAME DUE UNTIL PAID. IF ANY PERSON FILES A FALSE OR FRAUDULENT RETURN, THERE SHALL BE ADDED TO THE TAX A SUM EQUIVALENT TO 100 PERCENT OF THE AMOUNT OF THE TAX EVADED OR ATTEMPTED TO BE EVADED.) Any person liable for any tax on wines or spirituous liquors not having on file a sufficient bond shall pay the tax within 24 hours after first sale in this state. The commissioner of revenue shall pay all moneys received in the general fund. The commissioner of revenue may certify to the commissioner of public safety any failure to pay taxes when due as a violation of a statute relating to the sale of intoxicating liquor for possible revocation or suspension of license under section 340.135.

If any person fails to pay the tax within the time specified or within 30 days after final determination of an appeal to the Minnesota tax court relating thereto, there shall be added a penalty equal to ten percent of the amount so remaining unpaid. The penalty shall be collected as part of the tax, and the amount of the tax not timely paid, together with the penalty, shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid.

Sec. 33. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

Subd. 5. [FAILURE TO FILE RETURN; PENALTY.] *In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the*

commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.

For the purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

Sec. 34. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

Subd. 6. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN; PENALTY.] *Where any person, with intent to evade the tax, fails to file any return required or shall with intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.*

Sec. 35. Minnesota Statutes 1982, section 340.492, is amended to read:

340.492 [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.]

Subdivision 1. [FILING DATE; TIME OF PAYMENT.] The commissioner of revenue shall issue rules adopting the reporting method for paying and collecting the excise tax on fermented malt beverages. The rules shall require reports to be filed with and the excise tax to be paid to the commissioner on or before the fifteenth day of the month following the month in which the importation into or the first sale is made in this state, whichever first occurs. If the excise tax is not paid when due, there shall be added to the amount of the tax as penalty a sum equivalent to ten percent thereof, and in addition thereto interest on the tax and penalty at the rate of 20 percent per annum, adjusted

as provided in section 270.75, from the date the tax became due until paid. The commissioner shall deposit all moneys received in the funds as provided by section 340.47, subdivision 2.

Subd. 2. [FAILURE TO FILE RETURN.] In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.

For purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

Subd. 3. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN.] Where any person, with intent to evade the tax, fails to file any return required or shall with such intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.

Sec. 36. Minnesota Statutes 1982, section 505.04, is amended to read:

505.04. [RECORDING.]

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.03, and upon presentation of a certificate from the county auditor that the current year's taxes have been paid, shall be filed and recorded in the office of the county recorder.

Sec. 37. Minnesota Statutes 1982, section 524.3-1001, is amended to read:

524.3-1001 [FORMAL PROCEEDINGS TERMINATING ADMINISTRATION; TESTATE OR INTESTATE; ORDER OF DISTRIBUTION, DECREE, AND GENERAL PROTECTION.]

(a) (1) A personal representative or any interested person may petition for an order of complete settlement of the estate. The personal representative may petition at any time, and any other interested person may petition after one year from the appointment of the original personal representative except that no petition under this section may be entertained until the time for presenting claims which arose prior to the death of the decedent has expired. The petition may request the court to determine testacy, if not previously determined, to consider the final account or compel or approve an accounting and distribution, to construe any will or determine heirs and adjudicate the final settlement and distribution of the estate. After notice to all interested persons, *submission of a copy of the final account to the commissioner of revenue*, and hearing the court may enter an order or orders, on appropriate conditions, determining the persons entitled to distribution of the estate, and, as circumstances require, approving settlement and directing or approving distribution of the estate and discharging the personal representative from further claim or demand of any interested person.

(2) In such petition for complete settlement of the estate, the petitioner may apply for a decree. Upon the hearing, if in the best interests of interested persons, the court may issue its decree which shall determine the persons entitled to the estate and assign the same to them in lieu of ordering the assignment by the personal representative. The decree shall name the heirs and distributees, state their relationship to the decedent, describe the property, and state the proportions or part thereof to which each is entitled. In the estate of a testate decedent, no heirs shall be named in the decree unless all heirs be ascertained.

(3) In solvent estates, the hearing may be waived by written consent to the proposed account and decree of distribution or order of distribution by all heirs or distributees, and *submission of a copy of the final account to the commissioner of revenue*. The court may then enter its order allowing the account and issue its decree or order of distribution.

(4) Where a decree or order for distribution is issued, the personal representative shall not be discharged until all property is paid or transferred to the persons entitled thereto, and has otherwise fully discharged his trust. If objections are filed with the court by the commissioner of revenue, no discharge shall be issued until the objections are determined. If no objection is filed, the court shall have the power to settle and distribute the estate and discharge the personal representative without regard to tax obligations.

(b) If one or more heirs or devisees were omitted as parties in, or were not given notice of, a previous formal testacy proceeding, the court, on proper petition for an order of complete settlement of the estate under this section, and after notice to the omitted or unnotified persons and other interested parties determined to be interested on the assumption that the previous order concerning testacy is conclusive as to those given notice of the earlier proceeding, may determine testacy as it affects the omitted persons and confirm or alter the previous order of testacy as it affects all interested persons as appropriate in the light of the new proofs. In the absence of objection by an omitted or unnotified person, evidence received in the original testacy proceeding shall constitute prima facie proof of due execution of any will previously admitted to probate, or of the fact that the decedent left no valid will if the prior proceedings determined this fact.

Sec. 38. Minnesota Statutes 1982, section 524.3-1003, is amended to read:

524.3-1003. [CLOSING ESTATES; BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]

(a) Unless prohibited by order of the court and except for estates being administered in supervised administration proceedings, a personal representative may close an estate by filing with the court no earlier than six months after the date of original appointment of a general personal representative for the estate, a statement stating that he, or a prior personal representative whom he has succeeded, has or have:

(1) published notice to creditors and that the first publication occurred more than six months prior to the date of the statement;

(2) fully administered the estate of the decedent by making payment, settlement or other disposition of all claims which were presented, expenses of administration and estate and other taxes, except as specified in the statement, and that the assets of the estate have been inventoried and distributed to the persons entitled. If any claims, expenses or taxes remain undischarged, the statement shall state in detail other arrangements which have been made to accommodate outstanding liabilities; and

(3) sent a copy thereof to the commissioner of revenue and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected thereby.

(b) If no proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates. Letters of appointment remain in full force until one year after the filing of the closing statement at which time the authority of the personal representative shall terminate.

Sec. 39. Minnesota Statutes 1982, section 524.3-1204, is amended to read:

524.3-1204 [SMALL ESTATES; CLOSING BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]

(a) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a personal representative may close an estate administered under the summary procedures of section 524.3-1203 by filing with the court, at any time after disbursement and distribution of the estate, a statement stating that:

(1) to the best knowledge of the personal representative, the entire estate, less liens and encumbrances, did not exceed an exempt homestead as provided for in section 525.145, the allowances provided for in section 525.15, costs and expenses of administration, reasonable funeral expenses, and reasonable, necessary medical and hospital expenses of the last illness of the decedent;

(2) the personal representative has fully administered the estate by disbursing and distributing it to the persons entitled thereto; and

(3) the personal representative has sent a copy of the closing statement to the commissioner of revenue and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected.

(b) If no actions or proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates.

(c) A closing statement filed under this section has the same effect as one filed under section 524.3-1003.

Sec. 40. [REPEALER.]

(a) Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29;

273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 473F.04; and 477A.04, are repealed.

(b) Minnesota Statutes 1982, section 291.07, subdivision 3, is repealed.

Sec. 41. [EFFECTIVE DATE.]

Sections 1, 2, 4, 5, 10, 13, 17, and 18 are effective July 1, 1983. Sections 3, 6, 9, 12, and 14 are effective for taxes levied in 1983 and thereafter, payable in 1984 and thereafter. Sections 16, 29, 30, and 40, clause (a) are effective the day after final enactment. Section 11 is effective for taxes levied in 1984 and thereafter, payable in 1985 and thereafter. Sections 19, 28, 31, 32, 33, 34, and 35 are effective August 1, 1983. Section 20 is effective for estates of decedents dying after December 31, 1981. Sections 21, 22, 23, 24, 25, 26, 37, 38, 39, and 40, clause (b) are effective for estates of decedents dying on or after July 1, 1983. Section 27 is effective January 1, 1983. Section 36 is effective for plats filed after July 1, 1983."

Delete the title and insert:

"A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; excluding certain corporations from receiving agricultural property tax valuation; providing for continued deferred assessment of open space property after certain sales; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; allowing the use of the previous year's mill rate in certain cases when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings

tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4 and 16, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04."

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. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; requiring criminal justice agencies to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [611A.01] [STATEMENT OF PURPOSE.]

The legislature recognizes that victims of crime bear much of the social cost of crime and the responsibility for successful

prosecution of criminal acts against society. The legislature also recognizes that the importance of the role played by victims and witnesses and the social cost to victims have not always received an appropriate response from society or the criminal justice system. Sections 1 to 17 are intended to provide practical, enforceable legal mechanisms for appropriate responses to victim and witness needs by discouraging intimidation of citizens who report crimes and testify as witnesses; strengthening the laws concerning restitution and civil liability for criminal acts; notifying victims of financial and social resources; and increasing victim input in the plea agreement and sentencing process.

Sec. 2. [611A.02] [DEFINITIONS.]

Subdivision 1. [TERMS DEFINED.] For the purposes of sections 1 to 17, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. [CRIME.] "Crime" means conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime under section 609.02, subdivision 2, but for the fact that the act was alleged or found to have been committed by a juvenile.

Subd. 3. [CRIME AGAINST THE PERSON.] "Crime against the person" means any of the following crimes, whether alleged or proved to have been committed by an adult or juvenile: murder in the first, second, or third degree; manslaughter in the first or second degree; adulteration of a substance or distribution of an adulterated substance in violation of section 609.687; assault in the first, second, third, or fourth degree; simple robbery; aggravated robbery; false imprisonment; criminal sexual conduct in the first, second, third, or fourth degree; intrafamilial sexual abuse in the first, second, third, or fourth degree; arson in the first degree; incest; and kidnapping or burglary as defined under section 609.58, subdivision 2, clauses (1)(b) and (2). For the purposes of section 5, "crime against the person" also includes any act which would be a crime against the person but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime against the person but for the fact the act was alleged or found to have been committed by a juvenile.

Subd. 4. [DISPOSITION.] "Disposition" means:

(a) stay of imposition or execution of sentence;

(b) continuance of a criminal or juvenile matter for a specified time period pursuant to an agreement that the charge will be dismissed at the end of that period if the criminal defendant or juvenile complies with the conditions of the agreement, or court approval of the criminal defendant's or the juvenile's entry into a pretrial diversion program;

(c) juvenile court dispositions authorized by sections 260.-181 to 260.193; or

(d) commitment of a convicted person to the state commissioner of corrections or pursuant to sections 609.105, subdivision 3.

For the purposes of restitution, "disposition" does not include any criminal or juvenile commitment to the commissioner of corrections or other imprisonment which is not a condition of probation.

Subd. 5. [PLEA AGREEMENT.] "Plea agreement" means an agreement between the person charged with a crime against the person and the county attorney, in which the person so charged agrees to plead guilty or admit to a juvenile court petition in exchange for a promise by the prosecuting attorney that the person will be charged in court or petitioned in juvenile court on a lesser or different offense in exchange for pleading guilty, or that the person will receive a disposition beneficial to his interest.

Subd. 6. [PERSON CHARGED WITH A CRIME AGAINST THE PERSON.] "Person charged with a crime against the person" means an adult charged by criminal complaint or indictment with, or a juvenile who is alleged by juvenile court petition to have committed, a crime against the person.

Subd. 7. [VICTIM.] For purposes of sections 7 and 8 "victim" means a natural person who is the victim of a crime as defined by subdivision 3. For purposes of all other sections of this act "victim" means any natural person who is the victim of any crime as defined by subdivision 2. If the victim has died as a result of a crime as defined by this section, "victim" includes the deceased's surviving spouse or next of kin; or for purposes of section 5, it includes the victim's surviving spouse, next of kin, or legal representative of his estate.

Subd. 8. [JUVENILE.] "Juvenile" means an individual under 18 years of age at the time he or she allegedly committed a crime.

Subd. 9. [RESTITUTION.] "Restitution" means money payment or any other form of compensation made by the offender to one or more victims of his or her crime.

Sec. 3. [611A.03] [VICTIM SERVICE NOTIFICATION.]

The commissioner of corrections, in cooperation with the executive director of the crime victims reparations board, shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but not be limited to, information about available victim crisis centers, and to victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

In developing the plan, the commissioner shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs. The commissioner shall also take precautions to ensure that the plan does not involve duplication of effort concerning these information services by the state or its political subdivisions.

This plan shall be presented to the appropriate standing committees of the legislature by February 1, 1984.

No cause of action of whatever kind arising out of a failure to give or receive the information required by this section shall accrue to any person against the state or any of its agencies or local political subdivisions or any police officer or other agent, servant, or employee of them.

Sec. 4. Minnesota Statutes 1982, section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 2:*

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE FIRST DEGREE AND MAY BE SENTENCED);

(b) intentionally threatens to cause injury to person, family, or property in retaliation against a person who was summoned as a witness at any trial, proceeding, or inquiry authorized by law, within a year following that trial, proceeding, or inquiry;

(c) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to person or damage to property, a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally threatens to cause injury to person, family, or damage to property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person so providing this information.

Subd. 2. [PENALTY.] Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.

Subd. (2) 3. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 4:

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clauses (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE SECOND DEGREE AND); or

(b) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime.

Subd. 4. [SENTENCE.] Whoever violates subdivision 3 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.

Sec. 5. [611A.04] [CIVIL ACTIONS.]

Subdivision 1. [RIGHT.] Victims have the right to bring against the offender all civil actions for legal and equitable relief authorized by the common law of this state. Any victim of a crime against the person may bring an action for three times the total amount of the special damages sustained by the plaintiff or \$500, whichever is greater, the costs of the suit, and reasonable attorneys' fees. The provisions of this subdivision shall not limit or prohibit the recovery of compensatory or punitive damages by the victim in any case where compensatory or punitive damages would otherwise be allowable by law.

Subd. 2. [SURVIVAL OF ACTION.] If the victim is deceased, or otherwise legally incompetent to commence or con-

tinue with the action described by subdivision 1, the victim's surviving spouse, next of kin, or legal representative of his or her estate may commence or continue the action. Upon written petition by the surviving spouse or one of the next of kin, the court having jurisdiction of an action falling within the provisions of this section shall appoint a suitable and competent person as trustee to commence or continue the action and obtain recovery of damages therein. The trustee before commencing his duties shall file his consent and oath. Before the trustee shall receive any money, he shall file a bond as security for it in a form and with sureties as the court may require.

Sec. 6. [611A.041] [RIGHT TO NOTICE IN MISDEMEANOR CASES.]

Crime victim crisis centers, programs for battered women, and programs for victims of sexual attack have the right to have available to them the following information:

In misdemeanor cases, a list prepared by the clerk of the municipal or county court of persons scheduled for sentencing for crimes against the person, containing the date and time scheduled for each sentencing hearing. This list shall be made available on a weekly basis to the victims services programs in the city at least five days before the earliest scheduled sentencing date on the list. The court shall not be required to revise the list if scheduled hearing dates or times are changed, but the victims services programs may obtain information on schedule changes by telephoning the clerk of the municipal or county court.

No cause of action of whatever kind arising out of a failure to give or receive the information required by this section shall accrue to any person against the state or any of its agencies or local political subdivisions, any city attorney, any court, any program for battered women, program for victims of sexual attack, or crime victim crisis center, or any employee, servant, or agent of any of these entities.

Sec. 7. [611A.031] [PLEA AGREEMENTS; NOTIFICATION.]

Subdivision 1. [PLEA AGREEMENTS; NOTIFICATION OF VICTIM.] *Prior to a final disposition pursuant to a plea agreement recommendation, a prosecuting attorney shall do all of the following:*

(a) Inform the victim of the offense or count to which the recommendation pertains that the prosecuting attorney has entered into discussions with the defendant or the attorney for the defendant concerning the possibility of a plea agreement;

(b) *Inform the victim of the contents of the plea agreement recommendation;*

(c) *Inform the victim of his right to be present at the sentencing hearing and to express in writing any objection he has to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated his objections to the prosecuting attorney, the prosecuting authority shall make these objections known to the court.*

Subd. 2. [NOTIFICATION DUTIES.] A prosecuting authority satisfies the requirements of this section pertaining to informing and notifying the victim of the offense by notifying:

(a) *The victim's next of kin, if the victim is deceased or his legal guardian or guardian ad litem if the victim is under 18 years of age;*

(b) *The three victims the prosecuting authority believes to have suffered the most, if there are more than three victims of the offense.*

Subd. 3. [LIABILITY EXCEPTION.] No cause of action of whatever kind arising out of a failure to give or receive the information required by this section shall accrue to any person against the state or any of its agencies or local political subdivisions, any county attorney, or court. No criminal defendant shall be entitled to any relief because of a prosecuting attorney's failure to notify a victim under this section. The defendant shall be entitled to any relief because of failure to notify a victim under this section.

Sec. 8. Minnesota Statutes 1982, section 609.115, subdivision 1, is amended to read:

Subdivision 1. *When a defendant has been convicted of a misdemeanor, gross misdemeanor, or felony the court may, and when the defendant has been convicted of a felony crime against the person the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.*

If the crime of which the defendant is convicted in criminal court, or found admitted or proven true by juvenile court, is a felony crime against the person, the officer conducting the pre-

sentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with information. This information shall consist of: the charge or juvenile court petition to which the defendant has plead guilty or the juvenile respondent has admitted in court, or of any plea agreement between the prosecution and the defense counsel. The officer shall also inform the victim of a felony crime against the person of his right to personally appear at the sentencing or juvenile court disposition and to object in writing to the court, prior to the time of sentencing or juvenile court disposition to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. Failure of the probation, court services, or other officer to comply with this section does not and shall not be construed to give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent. Failure of a probation, court, or other officer to comply with this section or failure of a victim of a felony crime against the person to respond to an officer conducting a presentence investigation does not entitle a defendant to withdraw a plea of guilty.

The presentence investigation report shall also include the following information relating to a victim or victims of a felony crime against the person:

(a) A summary of the economic loss, physical injury, psychological complications, and any other relevant readjustment problems generated by the criminal occurrence; and

(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion;

(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition, or to a plea agreement, if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.

If there is more than one victim, the report shall include the information described in clauses (a), (b), and (c), with respect to all of the victims to the extent practical.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. If a presentence investigation is ordered by the court, the worksheet shall be submitted as part of the presentence investigation report. If a presentence investigation is not ordered by the court, the worksheet shall nonetheless be submitted.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, Minnesota Statutes, section 244.10, upon its effective date, and Rule 27 of the rules of criminal procedure.

Sec. 9. [611A.042] [VICTIM'S RIGHT TO EXPRESS WRITTEN OPINION.]

Subdivision 1. [VICTIM'S RIGHT TO APPEAR.] The victim of a crime committed by an adult, or by a juvenile prosecuted as an adult pursuant to a reference for prosecution, has the right to be present at the offender's sentencing hearing, and has the right to have an advocate present with him. This section does not establish a right to an advocate for the victim at public expense.

Subd. 2. [VICTIM'S RIGHT TO RECOMMEND SENTENCE.] A victim may send a written recommendation to the court stating what sentence or other disposition the victim would recommend in a juvenile court or other court case. To be considered by the court, the recommendation must be received by the appropriate court at least three days prior to sentencing or disposition, excluding Saturdays, Sundays, and legal holidays. The clerk of court shall provide the prosecutor and the offender a copy of the victim's recommendation at least 24 hours before the sentencing or juvenile disposition hearing.

Subd. 3. [COURT'S DUTIES.] The court shall consider the victim's objections and recommendations except for any matters not already proven or admitted by the offender and except for recommendations for dispositions or sentences which are not authorized by law.

Sec. 10. [611A.043] [VICTIM'S RIGHT TO REQUEST RESTITUTION.]

Subdivision 1. [REQUEST PROCEDURES.] A victim of a crime has the right to request that monetary restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form, stating the victim's unreimbursed loss of wages

and amount of unreimbursed costs incurred for medical and hospital care for the injury or harm suffered; the market value of any property the victim has lost as a result of the crime which has not been recovered, the estimated dollar amount of any property damage or loss of use of property as a result of the crime, the total dollar amount of restitution claimed, and the reasons justifying this amount. In order to be considered by the court, the request must be received by the clerk of the appropriate court at least three days, excluding Saturdays, Sundays, and legal holidays, before the sentencing or dispositional hearing. The clerk of court shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

Subd. 2. [COURT DECISION.] The court shall order or deny restitution at the hearing at which disposition concerning a crime is made, and the court shall state on the record its reasons for its decision on restitution if a request for restitution has been made by a victim in compliance with this section or by the prosecuting attorney.

Subd. 3. [RESTITUTION PROCEDURES.] If the court orders restitution, the court shall state in the order the specific amount of restitution to be paid and that the offender make restitution payments to the clerk of the county, municipal, or district court of the county wherein the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order during the probationary period. However, the court may not, during the probationary period, increase the amount of restitution or accelerate the restitution payment schedule from the original order.

Subd. 4. [EFFECT OF ORDER FOR RESTITUTION.] A decision for or against monetary restitution in any criminal or juvenile proceeding shall not be a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender; provided, however, that the offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

Subd. 5. [RULES.] To facilitate collection of judgments in favor of any victim from incarcerated persons, authority is granted to the commissioner of corrections in sections 241.26 and 243.23 to make rules concerning collection of these judgments from income earned by inmates during imprisonment, and section 631.425 authorizes a person or agency designated by the court to collect restitution payments from the earnings of employed persons committed to jail.

Subd. 6. [CONCLUSIVE PROOF OF JUDGMENTS.] When a court or jury in a civil action returns a verdict against a convicted offender, the victim may request the court to make

a specific finding whether the behavioral incident upon which the civil verdict is based is the same incident for which the offender was convicted. If the court finds that the behavioral incident upon which the civil and criminal case were based are the same, the court shall so state in its written order for judgment. A certified copy of the order for judgment containing this finding shall, unless the judgment is vacated, constitute conclusive proof that the judgment is an award in favor of a victim of the offender's crime for purposes of sections 5, 11, and 13.

Subd. 7. [REPARATIONS BOARD.] If a crime victim has applied for reparations pursuant to sections 299B.01 to 299B.09, the crime victims reparations board shall not delay or diminish payment of reparations to the victim on the ground that restitution has been or may be ordered but has not yet been paid.

Sec. 11. Minnesota Statutes 1982, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in a work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and credited to the "work release account", which account is hereby established, to the account of such inmate. Such moneys shall be and remain under the control of the commissioner for the sole benefit of such inmate, subject to disbursement by the commissioner for the following purpose and in the following order:

(1) The cost of such inmate's keep as determined by the provision of subdivision 7, which moneys shall be deposited in the general fund of the state treasury if such inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if such inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) Court-ordered restitution and judgments in favor of victims of crimes committed by the inmate, if any;

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

((5)) (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" established by this subdivision are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 12. Minnesota Statutes 1982, section 241.26, subdivision 6, is amended to read:

Subd. 6. [EXEMPTION FROM PROCESS.] Wages or salaries of work placement inmates shall not be subject to garnishment, attachment, or execution in the hands of either the employer or a state agent authorized to hold such funds, *except to the extent authorized by the commissioner of corrections by rule.*

Sec. 13. Minnesota Statutes 1982, section 243.23, subdivision 3, is amended to read:

Subd. 3. Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of restitution and judgments in favor of victims of crimes committed by the respective inmates*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 14. Minnesota Statutes 1982, section 571.55, is amended by adding a subdivision to read:

Subd. 4. *The limitations of subdivision 2 do not apply to the earnings of inmates of state correctional institutions. The commissioner of corrections shall make rules, in accordance with sections 241.26, subdivision 5; and 243.23, subdivision 3, providing for the amount, if any, of an inmate's earnings which may be exempt from garnishment.*

Sec. 15. Minnesota Statutes 1982, section 631.425, subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From such earnings the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the

sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, (AND) court costs and fines, *restitution, and judgments in favor of victims of the crime for which the prisoner is incarcerated*, if any. Any balance shall be retained until his discharge when it shall be paid to him.

Sec. 16. [611A.044] [RIGHT TO NOTICE OF RELEASE.]

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim of the scheduled release of the offender from imprisonment or incarceration, other than work release, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority shall be deemed to have made a good faith effort to comply with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided in writing to the commissioner or other custodial authority.

Sec. 17. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber each section specified in Column A with the number set forth in Column B.

In addition, the revisor of statutes shall make necessary cross-reference changes consistent with renumbering required by this section.

Column A

Column B

**Minnesota Statutes
1982**

**VICTIM PROGRAMS
PROGRAM TO AID VICTIMS
OF SEXUAL ATTACK**

Section 241.51

Section 611A.501

Section 241.52

Section 611A.502

Section 241.53

Section 611A.503

BATTERED WOMEN

Section 241.61

Section 611A.511

Section 241.62

Section 611A.512

*Section 241.63**Section 611A.513**Section 241.64**Section 611A.514**Section 241.65**Section 611A.515**Section 241.66**Section 611A.516*

**VICTIM AGENCIES
CRIME VICTIM
CRISIS CENTER**

*Section 241.55**Section 611A.801**Section 241.56**Section 611A.802**Section 241.57**Section 611A.803**Section 241.58**Section 611A.804*

**CRIME VICTIMS
REPARATIONS BOARD**

*Section 299B.01**Section 611A.811**Section 299B.02**Section 611A.812**Section 299B.03**Section 611A.813**Section 299B.04**Section 611A.814**Section 299B.05**Section 611A.815**Section 299B.06**Section 611A.816**Section 299B.07**Section 611A.817**Section 299B.071**Section 611A.818**Section 299B.08**Section 611A.819**Section 299B.09**Section 611A.820**Section 299B.10**Section 611A.821**Section 299B.11**Section 611A.822**Section 299B.12**Section 611A.823**Section 299B.13**Section 611A.824*

Section 299B.14

Section 611A.825

Section 299B.15

Section 611A.826

Section 299B.16

Section 611A.827

Section 299B.17

Section 611A.828

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective August 1, 1983, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 8, delete "criminal"

Page 1, line 9, delete everything before "financial" and insert "development of a plan for notifying crime victims about available"

Page 1, line 10, delete "minimal"

Page 1, line 15, before "609.498;" insert "609.115, subdivision 1;"

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. 226, A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

Reported the same back with the following amendments:

Page 1, line 23, delete "Minnesota Statutes,"

Page 2, line 7, delete "physical" and insert "bodily"

Page 2, line 12, before "substantial" insert "reasonably foreseeable" delete "danger to his" and insert "bodily harm or death"

Page 2, line 13, delete "life or health"

Page 2, line 16, delete "physical" and insert "bodily"

Page 2, after line 25, insert:

"Subd. 3. [ACTION FOR WRONGFUL DEATH.] If the pledge or member dies as a result of the acts or conduct described in subdivision 1, an action for wrongful death may be brought pursuant to section 573.02."

Renumber the subdivisions accordingly

Page 2, line 31, delete the comma and insert a period

Page 2, delete lines 32 and 33

Page 3, line 3, delete ", clauses (a), (b), and (c)"

Page 3, line 6, delete "Minnesota Statutes,"

Page 3, line 8, delete "Section 1" and insert "This act"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 289, A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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

The report was adopted.

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

H. F. No. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, after "governmental unit" insert "as defined in subdivision 11"

Page 1, after line 21, insert

"Sec. 2. Minnesota Statutes 1982, section 62D.02, is amended by adding a subdivision to read:

Subd. 11. "Local governmental unit" means any statutory or home rule charter city or county."

Renumber subsequent sections.

Further amend the title:

Page 1, line 7, after "subdivision 4" insert ", and by adding a subdivision"

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. 315, A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2 and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, *school, and community* safe for children (THROUGH IMPROVEMENT OF PARENTAL AND GUARDIAN CAPACITY FOR) *by promoting* responsible child care *in all settings*; and to provide, *when necessary*, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children *in the home, school, and community settings*; to provide for the voluntary reporting of abuse or neglect of children; to require the in-

vestigation of such reports; and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes 1982, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS:] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by (THE CHILD'S PARENTS, GUARDIAN, OR) a person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "*Person responsible for the child's care*" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting, counseling, teaching, and coaching.

((B)) (c) "Neglect" means failure by a (PARENT, GUARDIAN OR OTHER) person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child; *nor shall anything in this section be construed to impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, and medical care, a duty to provide such care.*

((C)) (d) "Physical abuse" means:

(i) Any physical injury *intentionally* inflicted by a (PARENT, GUARDIAN OR OTHER) person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a (PARENT, GUARDIAN OR OTHER) person responsible for the child's care.

((D)) (e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

((E)) (f) "Facility" means a day care facility or a residential facility as defined in section 245.782.

((F)) (g) "Operator" means an operator or agency as defined in section 245.782.

Sec. 3. Minnesota Statutes 1982, section 626.556, subdivision 7, is amended to read:

Subd. 7. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, the (PARENT, GUARDIAN, OR OTHER) person 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 the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 4. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] *If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for a child's care, 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. If the report alleges neglect, physical abuse, or sexual abuse by an individual functioning outside the family unit as a person responsible for a child's care in a setting other than a facility licensed pursuant to sections 245.781 to 245.812, the local welfare agency shall immediately notify the appro-*

priate law enforcement agency and shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

Sec. 5. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Further, delete the title and insert:

"A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 1, 2, 7, and 10."

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

The report was adopted.

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

H. F. No. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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

The report was adopted.

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

H. F. No. 318, A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

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

The report was adopted.

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

H. F. No. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [FINDINGS.]

The legislature of the state of Minnesota finds that there is a potential for state economic growth in the area of international trading of Minnesota goods and services; that in particular small- and medium-sized export companies need financial assistance and marketing information; that it is in the best interests of the state and within the public purpose that the state take a more active part in developing and assisting export trade; and that for the state to become involved in foreign trade will stimulate the state economy and provide needed employment for persons in Minnesota.

Sec. 2. [45.20] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6 the following terms have the meanings given them.

Subd. 2. [AGENCY.] “Agency” means the Minnesota export agency.

Subd. 3. [OFFICE.] “Office” means the export information office.

Sec. 3. [45.21] [FOREIGN TRADE AGENCY.]

Subdivision 1. [CREATION; PURPOSE.] There is created the state foreign trade agency within the department of commerce. Its purpose is to promote state economic development by encouraging and supporting small- and medium-sized trading companies to export goods and services. There shall be two divisions in the foreign trade agency known as the export information office and the agency.

Sec. 4. [45.22] [EXECUTIVE DIRECTOR; STAFF.]

Subdivision 1. [APPOINTMENT.] The governor shall appoint an executive director of the foreign trade agency. The executive director shall be knowledgeable and responsive to both public and private sector concerns relating to foreign trade and economic development. The executive director shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the foreign trade agency

on a continuing basis. The foreign trade agency may request staff support from all other agencies of state government as needed for the execution of its responsibilities. The executive director may hire consultants as needed who shall serve at his or her pleasure in the unclassified service of the state civil service. Other matters relating to the executive director are governed by section 15.06.

Subd. 2. [DUTIES.] The executive director shall administer the foreign trade agency. In addition to other duties delegated by the commissioner of the department of commerce, the executive director shall:

(1) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading; and

(2) coordinate the current international trading activities of various state and local agencies and organizations.

Sec. 5. [45.23] [EXPORT INFORMATION OFFICE.]

Subdivision 1. [PURPOSE; DUTIES.] The export information office of the foreign trade agency shall:

(1) create a world-wide network of foreign communication offices to coordinate foreign trade information and activities and to promote tourism;

(2) compile foreign trade information available from the United States department of commerce and other experienced private sources into readily consumable marketing information;

(3) create a program to assess the potential of foreign investment in Minnesota and promote foreign investment if beneficial to the state;

(4) disseminate to Minnesota businesses, upon direction of the advisory board, collected market information that relates to potential exporting, and to export trading companies, export management companies, and other interested persons; and

(5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their future endeavors.

Subd. 2. [ADVISORY BOARD.] (a) The governor shall appoint an advisory board to establish policy and program goals for the office. The board shall ensure that the two functions of the information division, data collection and marketing outreach, are adequately performed.

(b) *There shall be 13 members of the advisory board appointed by the governor with the advice and consent of the senate. The board shall include the director of the office and board members from the following areas and in the following numbers:*

(1) *two members from export trading or management companies;*

(2) *one member with international finance experience;*

(3) *four members from small- or medium-sized manufacturing processing companies;*

(4) *one member with international transportation experience;*

(5) *two members from state government; and*

(6) *two members with knowledge of international law.*

Terms, compensation, and removal of board members are governed by section 15.059.

Subd. 3. [DIRECTOR.] The governor shall appoint a director of the export information office. Matters relating to the director that are not specifically addressed in this section are governed by section 15.06.

Sec. 6. [45.24] [MINNESOTA EXPORT AGENCY.]

Subdivision 1. [CREATION; PURPOSE.] The Minnesota export agency is created to aid and facilitate the financing of exports from the state of Minnesota.

Subd. 2. [POWERS.] The Minnesota export agency has the power and authority to perform general banking functions and may:

(a) *lend money; accept bills and drafts; issue, negotiate, and confirm letters of credit;*

(b) *purchase, discount, rediscount, sell, and negotiate notes, draft trade acceptances, bankers acceptances, and other instruments of indebtedness;*

(c) *guarantee indebtedness;*

(d) *insure, co-insure, and reinsure against commercial and foreign credit risks;*

(e) *sue and be sued;*

(f) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;

(g) acquire and hold personal and real property pursuant to the extension of credit, the providing of insurance, and the granting of guarantees;

(h) borrow money through the issuance of bonds, debentures, notes, and other certificates of indebtedness to the state treasurer, state, federal, and foreign government agencies and financial institutions;

(i) pledge and appropriate collateral;

(j) charge interest and fees;

(k) provide administrative, consultive, and technical services to assist in the financing of exports;

(l) prepare and receive reports regarding credit, insurance, and guarantees in respect of export finance; and

(m) perform all necessary and appropriate operations, administration, processing, and marketing functions related to its general banking functions.

Subd. 3. [STOCK.] The agency shall have capital stock in the amount of \$10,000,000 subscribed by the state. Payment for the stock subscription shall be made by the state treasurer.

Subd. 4. [PRESIDENT AND BOARD OF DIRECTORS.] The governor shall appoint, upon advice and consent of the senate, a president of the agency and a six-member board of directors. The six members shall be as follows: the commissioner of finance, three members with experience in international financing, one private exporter, and one attorney with experience in international law. Members of the board shall be compensated at the rate of \$100 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. The commissioner of finance shall suffer no loss in compensation or benefits from the state as a result of service on the board. Membership terms and removals are governed by section 15.0575. Board members shall perform their duties in a nonselfserving manner and in compliance with section 10A.07.

Subd. 5. [ANNUAL REPORT.] The president and the board of directors shall submit to the governor an annual report on the activities of the agency.

Subd. 6. [LIABILITY LIMITATION.] The agency may not have at any one time aggregate funded or unfunded liabilities greater than ten times its stated capital, undivided profits, or reserves.

Subd. 7. [LOANS, INSURANCE, AND GUARANTEES.] (a) The agency may provide loans, insurance, and guarantees to the following extent:

- (1) direct loans may not exceed \$40,000,000;*
- (2) insurance may not be provided in excess of \$40,000,000;*
- (3) guarantees may not exceed \$20,000,000.*

The agency may not provide to any one person a loan, insurance, or guarantee in excess of \$500,000.

(b) The policy of the agency is to provide loans, insurance, and guarantees for export credits that would otherwise not be made and that the president and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment.

(c) The agency shall make direct loans to Minnesota exporters and purchasers of Minnesota products on both fixed and floating interest rate terms, with short-, medium-, and long-term maturities. Interest and maturity for loans shall be provided as the president and board deem appropriate and in cases with the greatest likelihood of repayment.

(d) The agency shall contract with commercial banks within the state for the purchase of loans from the agency. The agency shall provide insurance on all loans purchased by commercial banks and shall use its best efforts to procure loan commitments in the amount of \$50,000,000 within the first year of its existence.

(e) The agency shall insure, co-insure, or reinsure loans purchased by commercial banks up to 85 percent of the principal amount of the loan.

(f) The agency shall contract with private insurers to provide insurance for country and commercial risk up to \$50,000,000 within the first year.

(g) The agency shall guarantee the indebtedness for which insurance is unavailable but which is deemed to have a reasonable likelihood of being repaid.

(h) Losses incurred by the agency that relate to its loan, insurance, or guarantee activities must first be borne by the agency to the extent it has retained earnings or reserves. Losses

in excess of earnings or reserves shall be borne by the state treasurer. The state treasurer shall reimburse the agency for the losses and the funds shall be used to replenish the capital account of the agency to the extent that its ratio of total liabilities to capital is not in excess of ten to one.

Sec. 7. [APPROPRIATION.]

The sum of \$ is appropriated from the general fund to the foreign trade agency for the purpose of fulfilling the duties described in This appropriation remains available until expended.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 5 are effective"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "creating the Minnesota export agency and the export information office;"

Page 1, line 5, delete "116J" and insert "45"

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

The report was adopted.

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

H. F. No. 419, A bill for an act relating to insurance; fire; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, line 28, after "and" insert " , after being informed that he has a right to counsel and that his answers may be used against him in later civil or criminal proceedings, the insured shall"

Page 5, line 31, after "documents" insert "reasonably related to the loss"

Page 8, after line 31, insert: "*Any authorized person not furnishing the information requested shall notify the insurance company of the reasons why the information cannot be furnished within 30 days of the request therefor.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 451, A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

Reported the same back with the following amendments:

Page 1, line 9, after "one" insert "club"

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

The report was adopted.

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

H. F. No. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021;

45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [45.011] [DEPARTMENT ESTABLISHED; FUNCTIONS.]

A department of business and commerce is created as the principal agency of the state for the promotion, regulation, and development of business and commerce in Minnesota.

Sec. 2. [45.012] [COMMISSIONER.]

The department of business and commerce is under the supervision and control of the commissioner of business and commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.

Sec. 3. [45.013] [EXECUTIVE COMMISSIONERS; ASSISTANT COMMISSIONERS; ASSISTANT TO THE COMMISSIONER.]

The commissioner of business and commerce may appoint four executive commissioners, five assistant commissioners, and an assistant to the commissioner. Those positions, as well as that of a confidential secretary, are unclassified. The commissioner may appoint other employees in the classified service necessary to carry out the duties and responsibilities entrusted to the commissioner as provided in chapter 43A.

Sec. 4. [POWERS AND DUTIES; TRANSFER.]

Subdivision 1. [COMMERCE COMMISSION; COMMERCE DEPARTMENT; COMMISSIONERS OF BANKS, INSURANCE, SECURITIES, AND REAL ESTATE.] The commissioner of business and commerce is the successor to the commerce commission, the commissioners of banks, insurance, and securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce as previously constituted. All powers, duties, and functions previously vested in or imposed on those individuals, divisions, or department of state government are transferred to, vested in, and imposed on the commissioner of business and commerce. The commerce commission, the positions of commissioner of banks, commissioner of insurance, and commissioner of securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce, as previously constituted, are abolished.

Subd. 2. [DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT; BUSINESS DEVELOPMENT.] *For the purposes of promoting and developing commerce and industry in the state, the commissioner of business and commerce is the successor to the business development division of the department of energy, planning and development. All powers, duties, and functions previously vested in or imposed on the commissioner of energy, planning and development by sections 116J.58 to 116J.91 are transferred to, vested in, and imposed on the commissioner of business and commerce.*

Subd. 3. [CABLE COMMUNICATIONS BOARD.] *For the purposes of providing administrative support and staffing to the cable communications board, the commissioner of business and commerce is the successor to the commissioner of administration. All powers, duties, and functions previously vested in or imposed on the commissioner of administration or the department of administration by chapter 238, are transferred to, vested in, and imposed on the commissioner of business and commerce.*

Sec. 5. [45.023] [RULES.]

The commissioner of business and commerce may adopt, amend, suspend, or repeal rules, including temporary rules, in accordance with chapter 14, and as otherwise provided by law, whenever necessary or proper in discharging the commissioner's official responsibilities.

Sec. 6. [45.024] [HEARINGS.]

Subdivision 1. [GENERAL.] *In any case in which the commissioner of business and commerce is required by law to conduct a hearing, the hearing must be conducted in accordance with chapter 14 and other applicable laws, if any.*

Subd. 2. [DELEGATION.] *The commissioner of business and commerce may delegate to one or more of his executive commissioners the exercise of his statutory powers and duties, including the authority to decide and issue final orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.*

Sec. 7. [TRANSFER OF POWERS FROM THE DEPARTMENT OF COMMERCE AND COMMERCE COMMISSION TO THE COMMISSIONER OF COMMERCE AND BUSINESS.]

Subdivision 1. [AUTHORIZATION.] *The commissioner of business and commerce, as successor to the commerce commission, and the commissioners of banks, insurance, and securities and real estate divisions, and the department of commerce as previously constituted is a continuation of the former authorities*

and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of those agencies as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of business and commerce remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by any of the agencies referred to in subdivision 1 under the authority of any power, duty, or responsibility transferred by this act to the commissioner of business and commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of business and commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to any of the agencies referred to in subdivision 1 for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of business and commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the commerce commission and the department of commerce are transferred to the department of business and commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 8. Minnesota Statutes 1982, section 45.034, is amended to read:

45.034 [PREPARATION OF DEPARTMENTAL BUDGET.]

The budget estimates prescribed by section 16A.10, subdivisions 1 and 2, shall be prepared and submitted by the (COMMISSION) *commissioner of business and commerce* in respect of the department of *business and commerce* (AND ALL OF ITS CONSTITUENT DIVISIONS).

Sec. 9. Minnesota Statutes 1982, section 45.04, is amended to read:

45.04 [BANK APPLICATIONS.]

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of (ANY) a bank proposed to be organized under the laws of this state shall execute and acknowledge (AN) a *written* application (, IN WRITING), in the form prescribed by the (DEPARTMENT) *commissioner of business and commerce* (,) and (SHALL) file (THE SAME) *it* in (ITS) *the commissioner's* office (, WHICH). *The* application (SHALL) *must* be signed by two or more of the incorporators (, REQUESTING) *and request* a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. At the time of filing the application, the applicant shall pay a \$1,000 filing fee (OF \$1,000, WHICH SHALL BE PAID INTO THE STATE TREASURY AND CREDITED) to the general fund (AND SHALL PAY TO THE COMMISSIONER OF BANKS THE SUM OF) *and a* \$500 (AS A) *investigation* fee (FOR INVESTIGATING THE APPLICATION), which shall be turned over by (HIM) *the commissioner* to the state treasurer and credited (BY THE TREASURER) to the general fund of the state. Thereupon the (COMMISSION) *commissioner* shall fix a time, within 60 days after the filing of the application, for a hearing (AT ITS OFFICE AT THE STATE CAPITOL, AT WHICH HEARING IT SHALL) *to* decide whether or not the application (SHALL) *will* be granted. A notice of the hearing (SHALL) *must* be published in the form prescribed by the (COMMISSION) *commissioner* in some newspaper published in the municipality in which the proposed bank is to be located, and if there be no such newspaper, then at the county seat of the county in which the bank is proposed to be located. The notice (SHALL) *must* be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the (COMMISSION) *commissioner* shall consider the application and hear the applicants and (SUCH) witnesses (AS MAY) *that* appear in favor of or against the granting of the application of the proposed bank.

Subd. 2. [APPROVAL, DISAPPROVAL.] If, upon the hearing, it (SHALL APPEAR) *appears* to the (COMMISSION) *commissioner* that the application should be granted, (IT) *he* shall, not later than 90 days after the hearing, and after the appli-

cants have otherwise complied with the provisions of law applicable to the organization of a bank, including the provisions herein contained, make and file in (THE) *his* office (OF THE COMMISSIONER OF BANKS ITS) *a written order* (, IN WRITING,) directing (HIM TO ISSUE) the *issuance of a certificate of authorization as provided by law*. If the certificate of authorization is not activated within a period of 12 months from date of (DIRECTIVE TO THE COMMISSIONER OF BANKS) *issuance*, the (DEPARTMENT OF COMMERCE) *commissioner may upon written notice* (IN WRITING) to the applicants request a new hearing. If the (COMMISSION SHALL DECIDE) *commissioner decides* that the application should not be granted, (IT) *he* shall deny the application and make (ITS) *a written order* (, IN WRITING,) to that effect, (AND) file (THE SAME) *it* in (THE) *his* office (OF THE COMMISSIONER OF BANKS), and forthwith give notice thereof by certified mail to one of the incorporators named in the application for the proposed bank, addressed to the incorporator at the address stated in the application (, AND). Thereupon the commissioner (OF BANKS) shall refuse to issue the certificate of authorization (, WHICH IS PRESCRIBED BY LAW,) to the proposed bank.

Sec. 10. Minnesota Statutes 1982, section 45.05, is amended to read:

45.05 [NOTICE AND HEARING, WHEN NOT GIVEN.]

The (DEPARTMENT) *commissioner of business and commerce may, at (ITS) his discretion, dispense with the notice and hearing provided for by section 45.04 (IN CASES WHERE) if application is made for the incorporation of a new bank to take over the assets of one or more existing banks (,) or (WHERE) if the application contemplates the reorganization of a national bank into a state bank in the same locality (; PROVIDED, THIS ACT SHALL NOT INCREASE THE NUMBER OF BANKS IN THE COMMUNITY AFFECTED).*

Sec. 11. Minnesota Statutes 1982, section 45.06, is amended to read:

45.06 [EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.]

The expenses of organization and incorporation to be paid by (ANY SUCH BANKS SHALL) *a bank may not exceed the statutory fees for filing applications as provided in section 45.04 and the necessary legal expenses incurred incident to drawing articles of incorporation, publication, and recording (THEREOF, AND). The incorporators shall, prior to the issuance of the certificate of authorization (PROVIDED FOR BY LAW), file with the commissioner (OF BANKS) a verified statement showing*

the total amount of expense incurred in the organization of the bank (AND) to be paid by it after commencing operation.

Sec. 12. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If the applicants are of good moral character and financial integrity, if there is a reasonable public demand for this bank in this location, if the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, if the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and if the (DEPARTMENT) *commissioner of business and commerce* is satisfied that the proposed bank will be properly and safely managed, the application (SHALL) *must* be granted; otherwise it (SHALL) *must* be denied. In case of the denial of the application, the (DEPARTMENT) *commissioner of business and commerce* shall specify the grounds for the denial and the supreme court, upon petition of (ANY) *a person aggrieved*, may review by certiorari (ANY SUCH ORDER OR) *the determination* (OF THE DEPARTMENT OF COMMERCE).

Sec. 13. Minnesota Statutes 1982, section 45.071, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR INSURANCE; UNINSURED BANKS.] Notwithstanding (THE PROVISIONS OF) subdivision 1, a bank which does not have insurance of its deposits or a commitment for insurance of its deposits by the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or collateral security deposited under section 48.74 (UPON THE EFFECTIVE DATE OF LAWS 1982, CHAPTER 473, SECTIONS 1 TO 29) *on March 19, 1982* must apply for insurance of deposits not later than July 1, 1983. A bank subject to this subdivision which has been denied a commitment for insurance of its deposits shall either dissolve, merge, or consolidate with another bank which is insured or apply in writing within 30 days of denial to the commissioner of (BANKS) *business and commerce* for additional time to obtain an insurance commitment. The commissioner (OF BANKS) shall grant additional time to obtain the insurance commitment upon satisfactory evidence that the bank has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time shall not extend later than July 1, 1984.

Sec. 14. Minnesota Statutes 1982, section 45.08, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT.] (THE WORD) "Department" means the department of *business and commerce* of the state of Minnesota.

Sec. 15. Minnesota Statutes 1982, section 45.08, is amended by adding a subdivision to read:

Subd. 4. [COMMISSIONER.] "*Commissioner*" means the *commissioner of business and commerce*.

Sec. 16. Minnesota Statutes 1982, section 45.17, subdivision 1, is amended to read:

45.17 [REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the *following* terms (DEFINED IN THIS SUBDIVISION SHALL APPLY) *have the meanings given them*:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or (ANY) *an* agency of the federal government (PROVIDED THAT). No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) ("CONSUMER SERVICES SECTION" MEANS THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE.)

((3)) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

((4)) (3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Sec. 17. Minnesota Statutes 1982, section 45.17, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The (CONSUMER SERVICES SECTION SHALL BE) *attorney general* is responsible for representing and furthering the interests of residential utility con-

sumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential utility consumers. The (CONSUMER SERVICES SECTION) *attorney general* shall expend a reasonable portion of (ITS) *his* efforts among all three kinds of utility services and shall identify and promote the needs of each class of residential consumers with respect to each of the utility services.

Sec. 18 Minnesota Statutes 1982, section 45.17, subdivision 3, is amended to read:

Subd. 3. [RIGHT OF INTERVENTION.] Subject to the limitations of subdivision 2, the (CONSUMER SERVICES SECTION) *attorney general* may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the (CONSUMER SERVICES SECTION) *attorney general* to participate or intervene (SHALL IN NO WAY) *does not* affect the obligation of the public utilities commission to protect the public interest.

Sec. 19. Minnesota Statutes 1982, section 45.17, subdivision 4, is amended to read:

Subd. 4. [NOTICE; PROCEDURES.] The public utilities commission shall give reasonable notice to the (CONSUMER SERVICES SECTION) *attorney general* of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission (SHALL) apply to the (CONSUMER SERVICES SECTION) *attorney general* and (ITS) *his* employees or representatives. The (CONSUMER SERVICES SECTION) *SHALL HAVE* *attorney general has* the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Sec. 20. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] The (CONSUMER SERVICES SECTION) *attorney general* shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 21. Minnesota Statutes 1982, section 45.17, subdivision 6, is amended to read:

Subd. 6. [RESIDENTIAL UTILITY CONSUMER BOARD.] There is (HEREBY) created the board of residential utility consumers whose duties (SHALL) include:

(1) Establishing policy guidelines concerning the utility related activities of the (COMMERCE DEPARTMENT'S CONSUMER SERVICES SECTION) *residential utility consumer unit*;

(2) Reviewing and commenting upon the (SECTION'S) *residential utility consumer unit's* staff employment decisions related to performing the responsibilities conferred in this section; and

(3) Annually reviewing and commenting upon the (CONSUMER SERVICES SECTION'S) *attorney general's* budget of estimated expenses for utility related activities.

The board shall consist of nine voting members to be appointed by the governor. At least one member shall represent each congressional district, and at least two members shall represent farm consumers. No more than six members shall be members of the same political party. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The board members shall elect from among their number a chairman and any other officers (AS) it (MAY DEEM) *deems* necessary. The board shall meet at the call of the chairman or the (DIRECTOR) *attorney general*. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.

The (DIRECTOR OF THE CONSUMER SERVICES SECTION) *attorney general* shall submit an annual budget of estimated expenses of the *residential utility consumer unit* to the board for review and comment. The (DIRECTOR) *attorney general* shall (ALSO) periodically seek the advice of the board concerning (ITS) *his* operations related to the responsibilities conferred by this section. The (DIRECTOR) *attorney general* shall (ALSO) file an annual report of (THE SECTION'S) *his* utility related activities with the board and the legislature on or before December 31 of each year.

Sec. 22. Minnesota Statutes 1982, section 45.17, subdivision 7, is amended to read:

Subd. 7. [INTERVENTION IN FEDERAL PROCEEDINGS.] The (CONSUMER SERVICES SECTION) *attorney general* shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation

of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The (CONSUMER SERVICES SECTION) attorney general may maintain, intervene in, or otherwise participate in (ANY) civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).

Sec. 23. Minnesota Statutes 1982, section 45.17, is amended by adding a subdivision to read:

Subd. 8. [ADDITIONAL POWERS.] The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

Sec. 24. [TRANSFER OF POWERS FROM THE CONSUMER SERVICES SECTION TO THE ATTORNEY GENERAL.]

Subdivision 1. [AUTHORIZATION.] The attorney general, as successor to the director of the consumer services section of the department of commerce in the administration of sections 45.16 and 45.17, subdivisions 1 to 5 and 7, and the supervision of the complaint unit and utility unit of the office of consumer services, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the attorney general remain in full force until modified or repealed in accordance with law by the attorney general.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the attorney general may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the attorney general shall, upon request by the attorney general or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the trans-

ferred function and necessary or convenient for the proper discharge of the attorney general's new duties. The transfer must be made in accordance with the directions of the attorney general or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the attorney general are transferred to the attorney general.

Subd. 6. [TRANSFER OF POSITIONS.] All classified positions in the consumer services section not covered by section 34, subdivision 6, are transferred to the attorney general. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 25. Minnesota Statutes 1982, section 15.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, *business and commerce*, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, and veterans affairs; (THE BANKING, INSURANCE AND SECURITIES DIVISIONS AND THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE;) the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners."

Sec. 26. Minnesota Statutes 1982, section 15A.081, subdivision 1, is amended to read:

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

Salary or Range

	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981
Administration, department of commissioner	\$44,000	\$47,000	
Administrative hearings office chief hearing examiner	38,000	40,000	
Agriculture, department of commissioner	38,000	40,000	
<i>Business and Commerce,</i> department of commissioner (OF BANKS)	(34,000)	(36,500)	
(COMMISSIONER OF INSURANCE)	(34,000)	(36,500)	
(COMMISSIONER OF SECURITIES AND REAL ESTATE)	(34,000)	(36,500)	
(DIRECTOR OF CONSUMER SERVICES)	(28,000)	(30,000)	
Community college system chancellor	44,000	46,000	
Corrections, department of commissioner	42,000	45,000	
ombudsman	33,000	35,000	
Economic security, department of commissioner	43,000	45,000	
Education, department of commissioner	43,000	45,000	
Energy, planning and development, department of commissioner			46,000

	July 1, 1979	July 1, 1980	July 1, 1981
	\$	\$	\$
Finance, department of commissioner	48,000	50,000	
Health, department of commissioner	47,000	49,000	
Higher education coordinating board executive director	40,000	42,000	
Housing finance agency executive director	39,000	41,000	
Human rights, department of commissioner	31,000	33,000	
Indian affairs board executive director	27,000	29,000	
Iron range resources and rehabilitation board commissioner	30,000	31,000	
Labor and industry, department of commissioner	38,000	40,000	
judge of the workers' compensation court of appeals	38,000	40,000	
Mediation services, bureau of director	36,000	38,000	
Natural resources, department of commissioner	44,000	47,000	
Personnel, department of commissioner	44,000	47,000	
Pollution control agency director	38,000	40,000	
Public safety, department of commissioner	38,000	41,000	

	July 1, 1979	July 1, 1980	July 1, 1981
	\$	\$	\$
Public service, department of commissioner, public utilities commission	34,000	36,000	
director	34,000	36,000	
Public welfare, department of commissioner	44,000	48,000	
Revenue, department of commissioner	44,000	47,000	
State university system chancellor	44,000	46,000	
Transportation, department of commissioner	44,000	48,000	
Transportation, regulation board, board member		32,000	
Veterans affairs, department of commissioner	31,000	33,000	

Sec. 27. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions (PURSUANT) *according to* this subdivision: the departments of administration; agriculture; *business and commerce*; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; (THE BANKING, SECURITIES AND REAL ESTATE, INSURANCE AND CONSUMER SERVICES DIVISIONS OF THE DEPARTMENT OF COMMERCE;) the housing finance and pollution control agencies; the state board of investment; and the offices of the secretary of state, state auditor, and state treasurer.

A position designated by an appointing authority (PURSUANT) *according to* this subdivision must meet the following standards and criteria:

(a) the designation of the position would not be contrary to (THE PROVISIONS OF) other law relating specifically to that agency;

(b) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(d) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) the position would be at the level of division or bureau director or assistant to the agency head; and

(g) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 28. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections 116J.05 to 116J.35; 116J.41 to 116J.54; (116J.58 TO 116J.91;) 299A.03; and 299A.04, the terms defined in this section have the meaning given them.

Sec. 29. Minnesota Statutes 1982, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner (, IN COOPERATION WITH THE DIRECTOR OF CONSUMER SERVICES,) shall develop the state plan for the program of energy audits of residential and commercial buildings required by (42) United States Code, (SECTION) *title 42, section 8211, et seq.* The (CONSUMER SERVICES DIVISION AND THE) attorney general (ARE AUTHORIZED TO) *may* release information on consumer complaints about the operation of the program to the commissioner.

Sec. 30. [116J.57] [DEFINITIONS.]

Subdivision 1. [TERMS.] For purposes of sections 116J.58 to 116J.91, the terms defined in this section have the meanings given.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of business and commerce.

Subd. 3. [DEPARTMENT.] "Department" means the department of business and commerce.

Sec. 31. Minnesota Statutes 1982, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board (, THE OFFICE OF CONSUMER SERVICES) or (ANY) other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that (ANY) an official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of public welfare, an appropriate prosecuting authority, or (ANY) other appropriate agency.

Sec. 32. Minnesota Statutes 1982, section 155A.03, is amended by adding a subdivision to read:

Subd. 13. [COMMISSIONER.] "Commissioner" means the commissioner of business and commerce.

Sec. 33. Minnesota Statutes 1982, section 155A.05, is amended to read:

155A.05 [RULES.]

The (DIRECTOR) *commissioner* shall develop and adopt rules to carry out (THE PROVISIONS OF) sections 155A.01 to 155A.18 (BY DECEMBER 31, 1982, PURSUANT) *according* to chapter 14. For purposes of sections 155A.01 to 155A.18, the (DIRECTOR) *commissioner* may adopt temporary rules, (PURSUANT) *according* to sections 14.29 to 14.36. (THESE RULES MAY BE REISSUED AS TEMPORARY RULES UNTIL PERMANENT RULES ARE ADOPTED OR UNTIL DECEMBER 31, 1982, WHICHEVER IS EARLIER.) These

(TEMPORARY) rules may provide that for (ANY) a renewal license issued by the (DIRECTOR) commissioner within one year after July 1, 1981, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee.

Sec. 34. [TRANSFER OF POWERS RELATING TO THE REGULATION OF THE PRACTICE OF COSMETOLOGY FROM THE OFFICE OF CONSUMER SERVICES TO THE COMMISSIONER OF BUSINESS AND COMMERCE.]

Subdivision 1. [AUTHORIZATION.] The commissioner of business and commerce, as successor to the director of the consumer services section of the department of commerce in the administration of chapter 155A, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of business and commerce shall remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the commissioner of business and commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of business and commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or

duties which are transferred by this act to the commissioner of business and commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the cosmetology unit of the office of consumer services are transferred to the department of business and commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 35. Minnesota Statutes 1982, section 155A.18, is amended to read:

155A.18 [PRIOR LICENSES.]

All licenses which were issued by the (BOARD OF COSMETOLOGY) *director of the office of consumer services* under chapter (155) 155A, shall continue in effect under the (OFFICE OF CONSUMER SERVICES) *commissioner* until the licenses expire.

Sec. 36. Minnesota Statutes 1982, section 214.04, subdivision 1, is amended to read:

Subdivision 1. The commissioner of administration with respect to the board of electricity, the commissioner of education with respect to the board of teaching, the commissioner of public safety with respect to the board of private detective and protective agent services and the board of peace officer standards and training, and the commissioner of revenue with respect to the board of assessors, shall provide suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, consulting services relating to evaluation procedures and techniques, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally available to other agencies of state government. Investigative services shall be provided the boards by employees of the office of attorney general. The commissioner of health with respect to the health related licensing boards and the (CHAIRMAN OF THE) *commissioner of business and commerce* (COMMISSION) with respect to the remaining nonhealth related licensing boards shall provide the above facilities and services at a central location for the health related and remaining nonhealth related licensing boards. The legal and investigative services for the boards shall be provided by employees of the attorney general assigned to the departments servicing the boards. Notwithstanding the foregoing, the attorney general shall not be precluded by this section from

assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation. Persons providing legal and investigative services shall to the extent practicable provide the services on a regular basis to the same board or boards.

Sec. 37. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules (PURSUANT) *according to* section 214.13. The commissioner shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. Each of the health related licensing boards, the state examining committee for physical therapists, (THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE,) the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards (OR SECTION), *committee, or council*. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed (PURSUANT) *according to* existing law, and five public members. The committee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 38. Minnesota Statutes 1982, section 325E.09, subdivision 4a, is amended to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the director of (CONSUMER SERVICES BY REGULATIONS) *the department of public service in accordance with applicable rules*, adopted (PURSUANT) *according to* the Administrative (PROCEDURES) *Procedure Act*. (SUCH REGULATIONS SHALL) *The rules must only be* (PROMULGATED) *adopted to place* Laws 1973, Chapter 687 in accordance with regulations promulgated by a federal agency.

Sec. 39. Minnesota Statutes 1982, section 325F.09, is amended to read:

325F.09 [DEFINITIONS.]

- (a) "Child" means any person less than 14 years of age;
- (b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;
- (c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:
- (1) from fracture, fragmentation, or disassembly of the article;
 - (2) from propulsion of the article or any part or accessory thereof;
 - (3) from points or other protrusions, surfaces, edges, openings, or closures;
 - (4) from moving parts;
 - (5) from lack or insufficiency of controls to reduce or stop motion;
 - (6) as a result of self-adhering characteristics of the article;
 - (7) because the article or any part or accessory thereof may be aspirated or ingested;
 - (8) because of instability;
 - (9) from stuffing material which is not free of dangerous or harmful substances; or
 - (10) because of any other aspect of the article's design or manufacture.
- (d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.
- (e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation, or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by (REGULATIONS) *rules* issued by the (DIRECTOR) *commissioner*.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) ("DIRECTOR") "*Commissioner*" means the (DIRECTOR) *commissioner* of the (CONSUMER SERVICES SECTION OF THE) department of (COMMERCE) *health*.

(i) "Inspector" means an inspector of the (CONSUMER SERVICES SECTION OF THE) department of (COMMERCE) *health*.

Sec. 40. Minnesota Statutes 1982, section 325F.11, is amended to read:

325F.11 [TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE.]

The (DIRECTOR) *commissioner* or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with (THE PROVISIONS OF) sections 325F.08 to 325F.18. The (DIRECTOR) *commissioner* may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The (DIRECTOR) *commissioner* may, by (REGULATION) *rule*, require that any toy or other article within the provisions of sections 325F.08 to 325F.18 be adequately tested by (THE CONSUMER SERVICES SECTION,) a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the (DIRECTOR) *commissioner* before the sale, distribution, or other movement in commerce within this state of the toys or articles. The (DIRECTOR) *commissioner* may by (REGULATION) *rule* provide for penalties for the failure to provide test results.

Sec. 41. [INSTRUCTIONS TO REVISOR.]

Subdivision 1. The revisor of statutes shall substitute the term "commissioner of business and commerce" or "commissioner" or "department" or similar terms as appropriate for the

following terms and similar terms, as necessary to reflect the transfers of powers, duties, and responsibilities prescribed by sections 1 to 40:

(a) "commerce commission" meaning the state commerce commission, "department of commerce," or "commerce department" where those terms appear in Minnesota Statutes;

(b) "commissioner of banks," "commissioner of banking," or "banking commissioner" where those terms appear in Minnesota Statutes;

(c) "commissioner of insurance" or "insurance commissioner" where those terms appear in Minnesota Statutes;

(d) "commissioner of securities and real estate" where that term appears in Minnesota Statutes;

(e) "division" where that term appears in chapters 46 to 59A, and "banking division" or "division of banking" where those terms appear in Minnesota Statutes;

(f) "division of insurance," "insurance division," "department of insurance," or "insurance department" where those terms appear in Minnesota Statutes;

(g) "department of securities and real estate," "securities and real estate department," "securities and real estate division," or "division of securities and real estate" where those terms appear in Minnesota Statutes;

(h) "department of administration" or "commissioner of administration" where those terms appear in chapter 238; and

(i) "director of office of consumer services," "office of consumer services," "consumer services section," where those terms appear in chapter 155A.

Subd. 2. The revisor of statutes shall renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A

Column B

45.04

46.041

45.05

46.042

45.06

46.043

45.07	46.044
45.071	46.045
45.08	46.046
45.17	8.32
116J.57	57.01
116J.58	57.02
116J.59	57.03
116J.60	57.04
116J.61	57.05
116J.62	57.06
116J.63	57.07
116J.64	57.08
116J.65	57.09
116J.66	57.10
116J.67	57.11
116J.68	57.12
116J.69	57.13
116J.70	57.14
116J.71	57.15
116J.72	57.16
116J.73	57.17
116J.74	57.18
116J.75	57.19
116J.76	57.20
116J.77	57.21

116J.78	57.22
116J.79	57.23
116J.80	57.24
116J.81	57.25
116J.82	57.26
116J.83	57.27
116J.84	57.28
116J.85	57.29
116J.86	57.30
116J.87	57.31
116J.88	57.32
116J.89	57.33
116J.90	57.34
116J.91	57.35

Sec. 42. [REPEALER.]

Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17 are repealed.

Sec. 43. [EFFECTIVE DATE.]

Sections 1 to 42 are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and com-

merce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 478, A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

Reported the same back with the recommendation that 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. 528, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

Reported the same back with the following amendments:

Page 1, lines 9 and 14, delete "join" and insert "request the annexation of"

Page 1, after line 22, insert:

"The annexation shall not be requested unless approved by a majority of the electors of the city of Big Falls and of the un-

organized townships voting together at a regular or special election."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 535, A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to the state.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 542, A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

Reported the same back with the following amendments:

Page 2, line 3, delete *"on or before March 1 of each odd-numbered year"* and insert *"as a supplement to the governor's budget and at the same time as provided for submission of the budget pursuant to section 16A.11, subdivision 1"*

Page 2, after line 20, insert:

"Subd. 4. [REVENUE ESTIMATES; LEGISLATIVE BILLS.] Upon reasonable notice from the chairman of the house or senate tax committee that a bill is scheduled for hearing, the department of revenue shall prepare an estimate of the effect on the state's tax revenues which would result from the passage of a legislative bill establishing, extending, or restricting a tax expenditure. These revenue estimates shall contain the same information as provided in subdivision 3 for expenditure items contained in the tax expenditure budget, as appropriate."

Page 2, line 21, delete *"4"* and insert *"5"*

Page 2, line 24, delete *"preferential"* and insert *"gross income definition,"*

Page 3, line 1, delete everything after the period

Page 3, delete line 2

Page 3, line 6, delete "*The department of revenue*"

Page 3, delete lines 7 to 9

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. 561, A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.-446, subdivision 1.

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

The report was adopted.

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

H. F. No. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 1, line 9, after "*individual*" insert "*or group*"

Page 1, line 10, after "*chapter*" insert "*or chapter 64A*"

Page 1, line 15, after "*insured*" insert "*, subscriber, or enrollee*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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

The report was adopted.

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

S. F. No. 186, A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 73, 123, 138, 157, 167, 211, 218, 226, 289, 290, 316, 318, 419, 451, 528, 561 and 576 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 186 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wynia, Skoglund, Quinn and Knickerbocker introduced:

H. F. No. 713, A bill for an act relating to insurance; requiring mandatory no-fault automobile underinsurance coverage; providing for notice of settlement of claims to underinsurance carriers; amending Minnesota Statutes 1982, section 65B.49, by adding a subdivision.

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

Peterson, Ogren and Wenzel introduced:

H. F. No. 714, A bill for an act relating to public utilities; directing rate schedules for certain customers; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Price; Nelson, K.; McEachern; Hoffman and Gruenes introduced:

H. F. No. 715, A bill for an act relating to education; authorizing the higher education coordinating board to provide supplemental and additional loans; clarifying certain provisions of student loan programs; making technical corrections; amending Minnesota Statutes 1982, sections 136A.14; 136A.141; 136A.15; 136A.16; 136A.17; proposing new law coded in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1982, section 136A.161.

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

Brandl; Nelson, K.; Welch; Erickson and Jennings introduced:

H. F. No. 716, A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1982, section 136A.121.

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

Scheid and Schreiber introduced:

H. F. No. 717, A bill for an act relating to fair campaign practices; permitting certain limitations on campaign activities of local government employees; amending Minnesota Statutes 1982, section 210A.081.

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

Brandl, Scheid and Osthoff introduced:

H. F. No. 718, A bill for an act relating to taxation; property; providing a declining maximum homestead credit; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, 14a, and by adding a subdivision.

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

Dimler introduced:

H. F. No. 719, A bill for an act relating to retirement; basing the annuities of retired judges upon the current salaries for active judges; amending Minnesota Statutes 1982, section 490.102, subdivision 2.

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

Kahn; Carlson, L.; Welch; Nelson, K., and Carlson, D., introduced:

H. F. No. 720, A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education consulting consortium; repealing Minnesota Statutes 1982, sections 120.81 and 120.82.

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

Begich; Brinkman; Elioff, Metzen and Battaglia introduced:

H. F. No. 721, A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

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

Jacobs, Eken, Redalen, Wigley and Battaglia introduced:

H. F. No. 722, A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; proposing new law coded in Minnesota Statutes, chapter 238.

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

Greenfield, Swanson, Brandl and Anderson, R., introduced:

H. F. No. 723, A bill for an act relating to public welfare; authorizing a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs; establishing an appeals board; defining "emergency services" for purposes of medical assistance outpatient services; amending Minnesota Statutes 1982, section 256B.02, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 256.

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

Elioff introduced:

H. F. No. 724, A bill for an act relating to health; directing the commissioner of health to revise rules regulating supervised living facilities; directing the commissioner of public welfare to revise certain rules for residential living facilities; amending Minnesota Statutes 1982, sections 144.56, subdivision 4; and 245.802, by adding a subdivision.

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

Kalis, Sviggum and Jensen introduced:

H. F. No. 725, A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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

Clark, J.; Greenfield; Solberg; Neuenschwander and Forsythe introduced:

H. F. No. 726, A bill for an act relating to public welfare; establishing a demonstration project, subject to local approval, for providing mental health and chemical dependency services in the counties of Aitkin, Itasca, and Koochiching; proposing new law coded in Minnesota Statutes, chapter 246.

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

Knuth, Kostohryz, Quinn, Greenfield and Shaver introduced:

H. F. No. 727, A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

Anderson, R., and Evans introduced:

H. F. No. 728, A bill for an act relating to establishing at the Fergus Falls State Hospital a nursing care home for veterans; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 198.

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

Carlson, D.; Vanasek; Battaglia; Fjoslien and Long introduced:

H. F. No. 729, A bill for an act relating to natural resources; requiring due consideration of town officer recommendations when local approval of acquisition of wildlife lands is required by law; amending Minnesota Statutes 1982, section 97.481, subdivision 2.

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

Segal, Vanasek, Sparby, Kelly and Bishop introduced:

H. F. No. 730, A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

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

Anderson, B.; Schreiber; Heinitz; Ellingson and Scheid introduced:

H. F. No. 731, A bill for an act relating to education; authorizing school districts to charge fees for certain make up courses; amending Minnesota Statutes 1982, section 120.73, subdivision 1.

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

Ludeman, Stadum, Welker, Schafer and McDonald introduced:

H. F. No. 732, A bill for an act relating to labor; providing for the freedom to work; regulating public employee labor relations; amending Minnesota Statutes 1982, sections 179.10, subdivision 1; 179.16, subdivision 1; 179.63, subdivisions 6 and 16; 179.64; 179.65; 179.66; 179.68; 179.69; 179.70; 179.71; 179.72, subdivisions 3 and 10; 179.74; 179.741, subdivisions 2, 3, and 4; 179.743; proposing new law coded in Minnesota Statutes, chapter 179; repealing Minnesota Statutes 1982, sections 179.63, subdivision 12; 179.67; 179.691; 179.692; and 179.742.

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

Munger; Battaglia; Beard; Carlson, D., and Krueger introduced:

H. F. No. 733, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; proposing new law coded in Minnesota Statutes, chapter 93.

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

Ogren, Munger and Greenfield introduced:

H. F. No. 734, A bill for an act relating to public welfare; exempting a portion of homestead property from claims filed to recover state hospital costs or medical assistance payments; amending Minnesota Statutes 1982, sections 246.53, subdivision 2; and 256B.15.

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

Quinn, Simoneau, Sieben and Wynia introduced:

H. F. No. 735, A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A; repealing Minnesota Statutes 1982, section 72A.20, subdivision 12.

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

Schafer introduced:

H. F. No. 736, A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

Norton; Clark, J.; Ogren and Coleman introduced:

H. F. No. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

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

Schafer introduced:

H. F. No. 738, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

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

O'Connor and Ogren introduced:

H. F. No. 739, A bill for an act relating to state departments and agencies; abolishing the cable communications board; eliminating state regulation of certain agreements between municipalities and cable service providers; repealing Minnesota Statutes 1982, chapter 238.

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

Clark, J.; Forsythe; Rice; Vanasek and Anderson, R., introduced:

H. F. No. 740, A bill for an act relating to public improvements; authorizing the planning for and construction of a high security detention facility for female inmates; authorizing issuance of state bonds; appropriating money.

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

Dempsey and Vanasek introduced:

H. F. No. 741, A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; and 386.36.

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

Swanson, Greenfield, Reif, Wynia and Heinritz introduced:

H. F. No. 742, A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medi-

care certification a condition of medical assistance reimbursement; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; 256B.27, subdivisions 3 and 4; and 256B.48, by adding a subdivision; and Laws 1981, chapter 360, article II, section 54, as amended.

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

Minne and Ellingson introduced:

H. F. No. 743, A bill for an act relating to data privacy; prohibiting the dissemination of data regarding a person's age or birthdate for use in mailing lists; amending Minnesota Statutes 1982, section 13.05, by adding a subdivision.

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

Solberg, Gustafson and Forsythe introduced:

H. F. No. 744, A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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

Berkelman, Simoneau, Blatz, Fjoslien and Rodosovich introduced:

H. F. No. 745, A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption deadline to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

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

Coleman, Piper, Welle, Knuth and Pauly introduced:

H. F. No. 746, A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, chapter 204B.

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

Hoberg introduced:

H. F. No. 747, A bill for an act relating to the city of Moorhead; restoring an excess payment; appropriating money; repealing Laws 1965, chapters 66 and 312.

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

Begich, Murphy, Beard and O'Connor introduced:

H. F. No. 748, A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by non-members of bargaining units; specifying the relationship between collective bargaining agreements and arbitration awards and municipal charters and ordinances; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.64, by adding a subdivision; 179.66, subdivision 5; 179.71, subdivision 3; and 179.72, subdivision 7.

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

Anderson, R., introduced:

H. F. No. 749, A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

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

Scheid, Ellingson, Otis and Schreiber introduced:

H. F. No. 750, A bill for an act relating to taxation; property; expanding the purposes for which a certain levy may be used; providing that the county board expend the funds raised by the levy; amending Minnesota Statutes 1982, sections 450.23; 450.24; and 450.25; proposing new law coded in Minnesota Statutes, chapter 450.

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

Clark, J.; Kalis; Vanasek; Welker and Voss introduced:

H. F. No. 751, A bill for an act relating to energy; simplifying hydropower lease procedures; amending Minnesota Statutes 1982, sections 105.482, subdivision 8; 272.02, by adding a subdivision; 273.19, by adding a subdivision; and 295.44, subdivision 1; repealing Minnesota Statutes 1982, section 295.44, subdivisions 2, 3, and 4.

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

Simoneau, Begich and Rice introduced:

H. F. No. 752, A bill for an act relating to workers' compensation; providing for increased liability for the workers' compensation reinsurance association; amending Minnesota Statutes 1982, section 79.34, subdivision 2.

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

Schafer; Nelson, K.; Tunheim; Levi and McEachern introduced:

H. F. No. 753, A bill for an act relating to education; authorizing a school district to levy for the costs of providing cooperative programs; providing for an equalized aid; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

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

Bergstrom and Quinn introduced:

H. F. No. 754, A bill for an act relating to taxation; extending Class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1982, section 273.13, subdivision 4.

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

Greenfield; Clark, J.; Clark, K., and Olsen introduced:

H. F. No. 755, A bill for an act relating to public welfare; continuing to allow personal care attendants' services as services under medical assistance; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Rodosovich, by request, introduced:

H. F. No. 756, A bill for an act relating to notaries public; changing the term of office; increasing the required bond amount; amending Minnesota Statutes 1982, section 359.02.

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

DenOuden introduced:

H. F. No. 757, A bill for an act relating to elections; exempting candidates for soil and water conservation supervisor from payment of filing fees; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

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

Begich, Battaglia, Elioff, Rose and St. Onge introduced:

H. F. No. 758, A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

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

Simoneau introduced:

H. F. No. 759, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of joint legislative agencies or commissions.

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

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

H. F. No. 760, A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

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

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

H. F. No. 761, A bill for an act relating to retirement; defining and providing for the payment of disability benefits to members of the teachers retirement association for occupational disability; amending Minnesota Statutes 1982, sections 354.05, by adding a subdivision; and 354.48, subdivisions 1, 2, 3, 4, 6, and 10.

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

Brandl, Rodosovich, Vanasek, Quist and Forsythe introduced:

H. F. No. 762, A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.65; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivision 2; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257 and 518; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

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

Ellingson introduced:

H. F. No. 763, A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

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

Ellingson introduced:

H. F. No. 764, A bill for an act relating relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

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

Reif, Simoneau, Brandl, Swanson and Haukoos introduced:

H. F. No. 765, A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 15.

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

Price; McEachern; Anderson, B.; Héap and Graba introduced:

H. F. No. 766, A bill for an act relating to education; establishing aid for certain adult vocational education programs; amending Minnesota Statutes 1982, section 124.572, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

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

McEachern, Shea, Graba, Redalen and Levi introduced:

H. F. No. 767, A bill for an act relating to local government aids; changing the formula for distribution to cities; amending Minnesota Statutes 1982, sections 477A.011, subdivision 5; and 477A.013.

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

Clawson, Welch, Wynia, Hokr and Gutknecht introduced:

H. F. No. 768, A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

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

Skoglund, Brandl, Sieben and Anderson, G., introduced:

H. F. No. 769, A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport.

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

Eken; Anderson, B.; Nelson, K.; DenOuden and Fjoslien introduced:

H. F. No. 770, A bill for an act relating to education; establishing an interdistrict cooperation aid and levy authority for districts meeting certain requirements; appropriating money; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

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

Nelson, K., introduced:

H. F. No. 771, A bill for an act relating to education; authorizing disaster or emergency reimbursements and metropolitan agricultural preserve reductions to be subtracted from a school district's minimum guarantee for minimum aid; amending Minnesota Statutes 1982, section 124.2126, subdivision 3.

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

Nelson, K.; Bergstrom and Levi introduced:

H. F. No. 772, A bill for an act relating to education; modifying payment application dates for aid for limited English proficiency programs; amending Minnesota Statutes 1982, section 124.273, subdivision 4.

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

Staten, Greenfield, Otis, Minne and Clark, K., introduced:

H. F. No. 773, A bill for an act relating to public utilities; specifying public utilities commission jurisdiction; amending Minnesota Statutes 1982, section 325E.015, by adding a subdivision.

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

Hoberg and Osthoff introduced:

H. F. No. 774, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

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

Redalen, Osthoff, Tomlinson and Evans introduced:

H. F. No. 775, A bill for an act relating to real estate; providing that municipalities may require the filing of contracts for deed; proposing new law coded in Minnesota Statutes, chapter 507.

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

Staten; Greenfield; Welch; Clark, K., and Clark, J., introduced:

H. F. No. 776, A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

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

McDonald and Dimler introduced:

H. F. No. 777, A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

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

Nelson, K.; Segal; Bergstrom; Schafer and Levi introduced:

H. F. No. 778, A bill for an act relating to education; providing a limit of 180 hours per pupil for determining state aid for summer school; amending Minnesota Statutes 1982, section 124.17, subdivision 2d.

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

Tunheim introduced:

H. F. No. 779, A bill for an act relating to liquor; authorizing the city of Roseau to issue one on-sale license to an Eagles Club.

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

Neuenschwander introduced:

H. F. No. 780, A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

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

Sviggum introduced:

H. F. No. 781, A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.

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

Vanasek; Clark, J.; Levi; Riveness and Bennett introduced:

H. F. No. 782, A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

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

Metzen; Carlson, L.; Riveness; Mann and Sieben introduced:

H. F. No. 783, A bill for an act relating to insurance; health and accident; requiring health maintenance organizations to provide chiropractic care equivalent to that provided by health insurance; amending Minnesota Statutes 1982, sections 62A.15; and 62D.02, subdivision 7.

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

Stadum, Wenzel, Valan, Frerichs and Johnson introduced:

H. F. No. 784, A bill for an act relating to agriculture; providing for state guaranteed crop planting loans; appropriating money; proposing new law coded in Minnesota Statutes, chapter 41.

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

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

H. F. No. 785, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivisions 2 and 3; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.35, subdivision 1; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; and 422A.221, subdivision 2; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

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

Sarna, Battaglia, Bennett, Munger and Osthoff introduced:

H. F. No. 786, A bill for an act relating to game and fish; designation of experimental and specialized fishing waters; notice of netting season; licensing fishing guides; fishing license surcharge and fees; establishing a sport fishing improvement account and joint select committee on sport fisheries; advisory committee; restricting the use of tip-ups; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.49, by adding a subdivision; 97.53, by adding a subdivision; 98.46, subdivision 5; and 101.42, subdivision 20; proposing new law coded in Minnesota Statutes, chapters 98 and 101.

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

Skoglund, Forsythe, Tomlinson, Otis and Wynia introduced:

H. F. No. 787, A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; 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.

Ogren; Sarna; Anderson, R.; Norton and O'Connor introduced:

H. F. No. 788, A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

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

Simoneau; Clark, K.; Neuenschwander; Evans and Norton introduced:

H. F. No. 789, A bill for an act relating to government operations; creating the Minnesota loan guarantee agency; authorizing guarantees of mortgage-backed securities and of other securities backed by eligible loans; prescribing agency functions and duties; authorizing the issuance of capital certificates; authorizing the acceptance of state investment board funds to finance small business investment corporations; appropriating money; proposing new law coded as Minnesota Statutes, chapter 462D.

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

Ellingson, Vanasek and Norton introduced:

H. F. No. 790, A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24; 571.41, subdivision 5, and by adding subdivisions; and 571.67.

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

Schoenfeld; Redalen; Anderson, G., and Valan introduced:

H. F. No. 791, A bill for an act relating to taxation; modifying the definition of market value; amending Minnesota Statutes 1982, section 272.03, subdivision 8.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Wenzel; Carlson, D.; Uphus; Sieben and Brinkman introduced:

H. A. No. 6, A proposal to study the impact of adopting federal milkhouse standards.

The advisory was referred to the Committee on Agriculture.

Kelly, Coleman, McKasy, Staten and Clark, J., introduced:

H. A. No. 7, A proposal to study prosecutorial charging and plea negotiation practices.

The advisory was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 46, A bill for an act memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Gruenes moved that the House concur in the Senate amendments to H. F. No. 364 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bennett	Brinkman	Coleman	Erickson
Anderson, G.	Bergstrom	Carlson, L.	Dempsey	Evans
Anderson, R.	Berkelman	Clark, J.	DenOuden	Findlay
Battaglia	Bishop	Clark, K.	Dimler	Fjoslien
Beard	Blatz	Clawson	Eken	Forsythe
Begich	Brandl	Cohen	Elioff	Frerichs

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

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 Files, herewith transmitted:

S. F. Nos. 31, 73, 221, 233, 237, 253, 269, 270 and 271.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 322, 325, 351 and 421.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 31, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivisions 2 and 2a.

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

S. F. No. 73, A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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

S. F. No. 221, A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

The bill was read for the first time.

Ludeman moved that S. F. No. 221 and H. F. No. 283, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 233, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

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

S. F. No. 237, A bill for an act relating to St. Louis County; allowing the county board to abate property taxes in certain instances.

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

S. F. No. 253, A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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

S. F. No. 269, A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

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

S. F. No. 270, A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

The bill was read for the first time.

Clark, J., moved that S. F. No. 270 and H. F. No. 569, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 271, A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

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

S. F. No. 322, A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, subdivision 4.

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

S. F. No. 325, A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

The bill was read for the first time.

Battaglia moved that S. F. No. 325 and H. F. No. 313, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 351, A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

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

S. F. No. 421, A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

The bill was read for the first time.

Berkelman moved that S. F. No. 421 and H. F. No. 341, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9 designated the following bill as a Special Order to be acted upon today, Thursday, March 17, 1983, immediately preceding the Consent Calendar:

H. F. No. 371.

SPECIAL ORDERS

H. F. No. 371 was reported to the House.

Jensen moved to amend H. F. No. 371, the third engrossment, as follows:

Page 8, line 31, delete "*Section 7 is*" and insert "*Sections 10 and 11 are*"

The motion prevailed and the amendment was adopted.

Jensen and Carlson, D., moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 1, after line 16, add sections to read:

"Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) (60) 53 percent to the trunk highway fund;
- (2) (31) 39 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) (9) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to (32) 22 percent of the county turnback account (SHALL) *must* be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length and on town road culverts that replace existing town road bridges. The expenditures on (SUCH) bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of (ANY SUCH) a bridge structure (SHALL) or culvert may be paid from the county turnback account.

An amount equal to 30 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3 of this act.

Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] *A town road account is created in the county state-aid highway fund, consisting of 30 percent of the county turnback account as provided in section 161.082.*

Subd. 2. [FORMULA.] *Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.*

Subd. 3. [APPORTIONMENT.] *When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivision 2. The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the treasurer of each county at the same time that payments are made under section 162.08, subdivision 2.*

Subd. 4. [PURPOSES.] *Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule.*

Money distributed to a town under this subdivision may be expended by the town only for the construction and reconstruction of town roads within the town."

Renumber the remaining sections

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

Page 8, line 32, delete "2 and 3" and insert "5 and 6"

Page 9, line 3, delete "1, 6 and 7" and insert "4, 9 and 12"

Page 9, line 4, after the period insert "*Sections 1 to 3 are effective on the effective date provided for sections 5 and 6 for apportionments made after that date.*"

Further, amend the title as follows:

Page 1, line 9, after the semi-colon insert "creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund;"

Page 1, line 10, delete "chapter" and insert "chapters 162 and"

Page 1, line 11, after "sections" insert "161.081; 161.082, subdivision 2a;"

The motion prevailed and the amendment was adopted.

Kalis and Fjoslien moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 2, line 9, delete " , GASOHOL"

Page 2, line 10, delete "or "gasohol" "

Page 2, line 11, delete "denatured"

Page 2, line 11, strike "agricultural" and insert "*agriculturally derived fermentation*"

Page 2, line 12, strike "at least"; delete "198"; strike "proof" and insert: "*a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States*"

Page 4, line 17, delete "January 1, 1984" and insert "July 1, 1983"

The motion prevailed and the amendment was adopted.

DenOuden moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 2, lines 23 to 36 strike the old language and delete the new language

Page 3, strike lines 1 to 6

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

McDonald, Dempsey, DenOuden and Ludeman moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 8, after line 29, insert:

"Sec. 10. Notwithstanding any other law to the contrary, the provisions of sections 177.43 and 177.44 shall not apply nor be enforced on any project financed in whole from the highway user tax distribution fund from the day after final enactment of this act until January 1, 1986."

Renumber the remaining sections

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

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

The question recurred on the amendment and the roll was called. There were 45 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bishop	Forsythe	Jennings	Piepho	Stadum
Blatz	Frerichs	Johnson	Quist	Sviggum
Burger	Gutknecht	Kvam	Redalen	Thiede
DenOuden	Halberg	Levi	Reif	Uphus
Dimler	Haukoos	Ludeman	Rose	Valan
Erickson	Heap	McDonald	Schafer	Waltman
Evans	Heinitz	Omann	Schreiber	Welker
Findlay	Hoberg	Onnen	Seaberg	Wigley
Fjoslien	Hokr	Pauly	Shaver	Zaffke

Those who voted in the negative were:

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

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

Frerichs moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 17, to page 7, line 12, delete Section 6

Page 8, lines 20 to 29, delete Section 9

Renumber the remaining sections

Amend the title:

Page 1, line 13, delete "297.09;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 57 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Schreiber moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 25, delete "91.7" and insert "80"

Page 5, line 26, delete "1984" and insert "1983"

Page 6, line 10, delete "6.2" and insert "15"

Page 6, line 14, delete "2.1" and insert "5"

Page 8, lines 20 to 29, delete Section 9

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kalis and Fjoslien moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 4, after line 26, insert:

"Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO LOCAL GOVERNMENTS.] The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning January 1, 1984, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 7, and is sold in bulk to local units of government. This reduction is in lieu of the reductions provided in subdivision 7."

The motion prevailed and the amendment was adopted.

H. F. No. 371 was read for the third time, as amended.

UNANIMOUS CONSENT

Jensen requested unanimous consent to offer an amendment. The request was granted.

Jensen moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 26, delete "1984" and insert "1983"

The motion prevailed and the amendment was adopted.

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; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 54 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Frerichs	Knickerbocker	Omamn	Stadum
Bishop	Gruenes	Kostohryz	Onnen	Sviggum
Blatz	Gutknecht	Kvam	Piepho	Thiede
Burger	Halberg	Levi	Quist	Uphus
Cohen	Haukoos	Ludeman	Rose	Valan
DenOuden	Heap	Marsh	Schafer	Valento
Erickson	Heinitz	McDonald	Scheid	Waltman
Evans	Himle	McEachern	Schoenfeld	Welker
Findlay	Hoberg	McKasy	Seaberg	Wigley
Fjoslien	Hokr	Norton	Shaver	Zaffke
Forsythe	Jennings	Olsen	Sherman	

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

Anderson, B., was excused for the remainder of today's session.

CONSENT CALENDAR

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

The bill was passed and its title agreed to.

H. F. No. 120 was reported to the House.

Brinkman moved that H. F. No. 120 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 274, A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 53 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

H. F. No. 468 was reported to the House.

McEachern moved that H. F. No. 468 be continued on the Consent Calendar. The motion prevailed.

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

CALENDAR

H. F. No. 89 was reported to the House and given its third reading.

Onnen moved that H. F. No. 89 be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

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

The question recurred on the Onnen motion and the roll was called.

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

There were 73 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Heap	Levi	Quist
Battaglia	Erickson	Heinitz	Ludeman	Redalen
Beard	Evans	Himle	Marsh	Reif
Begich	Findlay	Hoberg	McDonald	Rose
Bennett	Fjoslien	Hokr	McKasy	St. Onge
Bishop	Forsythe	Jennings	Neuenschwander	Schafer
Blatz	Frerichs	Johnson	Olsen	Schoenfeld
Brinkman	Graba	Kalis	Omann	Schreiber
Burger	Gruenes	Knickerbocker	Onnen	Seaberg
Carlson, D.	Gutknecht	Knuth	Pauly	Shaver
DenOuden	Halberg	Krueger	Piepho	Sherman
Dimler	Haukoos	Kvam	Quinn	Solberg

Sparby
Stadum
Sviggum

Thiede
Tunheim
Uphus

Valan
Valento
Waltman

Welker
Wenzel
Wigley

Zaffke

Those who voted in the negative were:

Anderson, G.
Bergstrom
Berkelman
Brandl
Carlson, L.
Clark, J.
Clark, K.
Clawson
Cohen
Coleman
Eken
Ellingson

Greenfield
Gustafson
Hoffman
Jacobs
Jensen
Kahn
Kelly
Kostohryz
Larsen
Long
Mann
McEachern

Metzen
Minne
Munger
Murphy
Nelson, D.
Norton
O'Connor
Osthoff
Otis
Peterson
Piper
Price

Rice
Riveness
Rodosovich
Rodriguez, C.
Rodriguez, F.
Scheid
Segal
Shea
Simoneau
Skoglund
Staten
Swanson

Tomlinson
Vanasek
Vellenga
Voss
Welch
Welle
Wynia
Speaker Sieben

The motion prevailed and H. F. No. 89 was re-referred to the Committee on Judiciary.

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

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.
Anderson, R.
Battaglia
Beard
Begich
Bennett
Berkelman
Bishop
Blatz
Brandl
Brinkman
Burger
Carlson, D.
Carlson, L.
Clark, J.
Clark, K.
Clawson
Cohen
Coleman
DenOuden
Dimler
Eken
Elioff
Erickson

Evans
Findlay
Fjoslien
Frerichs
Graba
Greenfield
Gruenes
Gustafson
Gutknecht
Halberg
Haukoos
Heap
Heinitz
Himle
Hoberg
Hoffman
Hokr
Jacobs
Jennings
Jensen
Johnson
Kahn
Kalis
Kelly

Knickerbocker
Knuth
Kostohryz
Krueger
Kvam
Larsen
Levi
Ludeman
Mann
Marsh
McDonald
McEachern
McKasy
Metzen
Minne
Munger
Murphy
Nelson, D.
Neuenschwander
Norton
O'Connor
Olsen
Omman
Onnen

Pauly
Peterson
Piepho
Piper
Price
Quinn
Quist
Risdalen
Reif
Rice
Riveness
Rodosovich
Rodriguez, C.
Rodriguez, F.
Rose
St. Onge
Sarna
Schafer
Scheid
Schoenfeld
Schreiber
Seaberg
Segal
Shaver

Shea
Sherman
Simoneau
Skoglund
Solberg
Sparby
Stadum
Sviggum
Swanson
Thiede
Tomlinson
Tunheim
Uphus
Valan
Valento
Vanasek
Vellenga
Waltman
Welch
Welker
Wenzel
Wigley
Zaffke
Speaker Sieben

Those who voted in the negative were:

Osthoff

Staten

The bill was passed and its title agreed to.

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending certain graduate programs; amending Minnesota Statutes 1982, section 147.20.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Brinkman moved that S. F. No. 31 be recalled from the Committee on Transportation and together with H. F. No. 120, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Vanasek moved that H. F. No. 314, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Eken moved that the names of Kelly, Otis and Berkelman be added as authors on H. F. No. 191. The motion prevailed.

Hoberg moved that the names of Bennett and Vanasek be added as authors on H. F. No. 774. The motion prevailed.

Hoberg moved that the names of Valan and Bishop be added as authors on H. F. No. 747. The motion prevailed.

Coleman moved that the name of Long be added as an author on H. F. No. 532. The motion prevailed.

Hoberg moved that the name of Evans be added as an author on H. F. No. 774. The motion prevailed.

Kelly moved that the name of Blatz be added as an author on H. F. No. 696. The motion prevailed.

O'Connor moved that the name of Piepho be added as an author on H. F. No. 739. The motion prevailed.

Anderson, R., moved that the name of Fjoslien be added as an author on H. F. No. 728. The motion prevailed.

Solberg moved that the name of Fjoslien be added as an author on H. F. No. 744. The motion prevailed.

Minne moved that the names of Osthoff and Blatz be added as authors on H. F. No. 743. The motion prevailed.

Jennings introduced:

House Concurrent Resolution No. 3, A house concurrent resolution adopting a limitation upon spending and revenue for the fiscal biennium.

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 21, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 21, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives