

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 25, 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 Pastor Delton Krueger, Portland Avenue United Methodist, Bloomington, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Hoberg and St. Onge were 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. 570, 253, 831, 957, 1021, 474, 1006 and 92 and S. F. Nos. 391, 420, 464, 506, 771, 238 and 639 have been placed in the members' files.

S. F. No. 292 and H. F. No. 315, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ellingson moved that the rules be so far suspended that S. F. No. 292 be substituted for H. F. No. 315 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 19, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House
276 State Office Building
St. Paul, Minnesota 55155

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 68, relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

H. F. No. 268, relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change;

amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivisions 1 and 2; and 52.17, subdivision 2.

H. F. No. 316, 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.

H. F. No. 364, relating to state lands; conveying certain state lands to the city of St. Cloud.

Sincerely,

RUDY PERPICH
Governor

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

April 19, 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>
73		37	April 19	April 19
81		38	April 19	April 19
351		39	April 19	April 19
552		40	April 19	April 19
589		41	April 19	April 19
	68	42	April 19	April 19
	268	43	April 19	April 19

<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>
	316	44	April 19	April 19
	364	45	April 19	April 19

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

April 20, 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>
96		46	April 20	April 20

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 21, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House
276 State Office Building
St. Paul, Minnesota 55155

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 25, relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

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

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

Sincerely,

RUDY PERPICH
Governor

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

April 21, 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
101		47	April 21	April 21
	25	48	April 21	April 21
	624	49	April 21	April 21
	633	50	April 21	April 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 111, A bill for an act relating to labor; making collective bargaining agreements binding and enforceable when ownership is transferred or sold; defining transferee employer; creating certain exclusions; requiring the disclosure of collective bargaining agreements; providing for enforcement procedures; proposing new law coded in Minnesota Statutes, chapter 179.

Reported the same back with the following amendments:

Page 2, line 21, after the comma, insert "*including business goodwill or other intangible assets,*"

Page 2, delete lines 28 to 34

Renumber the subdivisions

With the recommendation that when so amended the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 124, A bill for an act relating to employment; providing assistance to employees who lose their jobs, affected communities and businesses which may suffer due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state, of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating the Minnesota community, business, and job preservation board; providing penalties; appropriating money; proposing new law coded as Minnesota Statutes, chapter 268A.

Reported the same back with the following amendments:

Page 3, line 3, delete "*other than*"

Page 3, delete lines 4 and 5

Page 3, line 6, delete everything before the period

Page 3, line 8, delete "8" and insert "9"

Page 3, line 13, delete "*more than 50 percent of,*"

Page 3, line 13, delete "*a facility within*" and insert "*, either directly or through a related corporation, two facilities, one of which is in*"

Page 3, line 14, delete everything after "*state*"

Page 3, delete line 15

Page 3, line 16, delete everything before the period and after the period insert "*Such ownership or operation of the facility that is the affected establishment under this act must be for five or more years, unless a substantial purpose of the acquisition of ownership or operation was to avoid the effect of this act. For the purposes of this subdivision, ownership of a facility means having effective control of that facility. Effective control is presumed if a person, partnership, corporation, or other legal entity owns more than 20 percent of a facility and there is no larger shareholder in that facility. Effective control is conclusively presumed if a person, partnership, corporation, or other legal entity owns 50 percent or more of a facility.*"

Page 3, line 28, delete "*more than 50 percent of*"

Page 3, line 29, after the comma insert "*is owned by an employer who operates an affected establishment*"

Page 3, line 29, delete "*more*"

Page 3, line 30, delete "*than 50 percent*"

Page 3, line 30, delete "*more than*"

Page 3, line 31, delete "*50 percent of*"

Page 3, line 32, after the period insert "*For the purposes of this subdivision, ownership of an employer or corporation means having effective control of that employer or corporation. Effective control is presumed if an employer or corporation owns more than 20 percent of the employer or corporation in question and there is no larger shareholder in that employer or corporation. Effective control is conclusively presumed if an employer or corporation owns 50 percent or more of the employer or corporation in question.*"

Page 4, line 2, delete "*two year*" and insert "*two-year*"

Page 4, delete lines 10 to 16

Page 4, line 26, after "development" insert "or their delegates"

Page 5, line 29, after "security" insert "or the commissioner's delegate"

Page 6, line 29, after the period insert "*The board may delegate its powers and duties to its staff or executive director as it sees fit.*"

Page 6, line 31, delete "6" and insert "7"

Page 7, after line 1, insert:

"Subd. 4. [POWERS.] For the purpose of composing economic impact statements under section 6, subdivision 2, or for investigating complaints under section 9 or 10, or to fulfill any of the board's other duties under this act, the board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the board considers relevant or material to the inquiry. The attorney general shall enforce the board's subpoenas in court."

Page 7, line 2, delete "4" and insert "5"

Page 7, line 10, delete "4" and insert "6"

Page 7, line 15, delete "5" and insert "6"

Page 7, line 21, delete "6" and insert "7"

Page 7, line 29, delete "7" and insert "8"

Page 7, line 31, delete "8" and insert "9"

Page 7, line 33, delete "8" and insert "9"

Page 8, line 18, delete "9 and 10" and insert "10 and 11"

Page 8, line 19, delete "9" and insert "10"

Page 8, line 34, delete "employee owned" and insert "employee-owned"

Page 8, line 24, delete "10" and insert "11"

Page 9, line 12, delete "11" and insert "12"

Page 9, line 15, delete "12" and insert "13"

Page 11, delete lines 14 to 19 and insert:

"Subd. 3. [BOARD INVESTIGATION.] Upon receipt of an employee complaint the board shall undertake an investigation of the alleged violation.

Subd. 4. [ORDER.] The board shall issue an order within 60 days after the complaint is filed. The order shall include a determination of the merits of the complaint and shall cite the specific violation, if any, severance pay due, if any, and specific penalties assessed. An order shall be sent to each party by registered mail.

Subd. 5. [REVIEW OF ORDER.] The employer operating the affected establishment, the employee who filed the complaint, or the board may file for a review of the board's order within 14 calendar days after the order is issued. If a request for a review is not filed within 14 calendar days, the order is final."

Page 11, line 20, delete "4" and insert "6"

Page 11, after line 23, insert:

"Subd. 7. [STANDING TO ENFORCE ORDERS.] Once an order of the board becomes final, the board, the aggrieved employees, and any association or union representing the aggrieved employees shall all have standing to enforce the order in court. In any such action the attorney general shall act as counsel for the board."

Page 12, line 4, delete everything after the period

Page 12, delete lines 5 and 6

Page 12, line 15, delete "." and insert a semicolon

Page 12, line 16, delete "Subdivision 1. ["

Page 12, line 18, delete the second comma

Page 12, line 19, delete everything before the second "a"

Page 12, delete lines 22 to 29 and insert:

"Sec. 12. [268A.12] [REMEDIES NOT EXCLUSIVE.]

The remedies provided in this act are not exclusive. An employee who believes that his or her employer has violated this act's notice requirements, severance pay requirements, or nondiscrimination requirements may sue to redress his or her grievance without initial recourse to the board's complaint procedure. Any union or employee association representing the employee may also directly sue to enforce the employee's rights under this act."

Page 12, line 30, delete "[268A.12]" and insert "[268A.13]"

Page 12, line 35, delete "[268A.13]" and insert "[268A.14]"

Page 12, line 36, delete "12" and insert "13"

Page 13, line 4, delete "12" and insert "13"

Renumber the remaining sections

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 245, A bill for an act relating to the city of Duluth; authorizing group workers' compensation self insurance pools which include the city of Duluth and private employers.

Reported the same back with the following amendments:

Page 2, line 30, after "section." insert:

"As a condition of its authority to self insure workers' compensation liability, the pool shall be a member of the Minnesota workers' compensation reinsurance association."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 288, A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 116J.27, subdivision 3, is amended to read:

Subd. 3. [ENERGY CONSERVATION FOR RENTAL PROPERTY.] Effective January 1, 1980, all residences constructed prior to January 1, 1976, which are renter-occupied during all or a portion of the months of November through April shall be in compliance with standards pursuant to subdivision 1 pertaining to caulking and weatherstripping of exterior joints and sealing of other openings in the building envelope, and effective July 1, 1983, all such residences shall be in compliance with standards pursuant to subdivision 1 pertaining to installation of storm windows, storm doors, and positive shut-offs for fireplaces and fireplace stoves. Effective July 1, (1983) 1984, all residences which are renter-occupied during all or a portion of the months of November through April shall be in compliance with all applicable energy efficiency standards.

Sec. 2. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 3a. [RESIDENTIAL RENTAL PROPERTY WEATHERIZATION DISCLOSURE PROGRAM.] On or before January 1, 1985, and every tenth January 1 thereafter, the owner of a renter-occupied residence shall file with the commissioner a certificate of compliance with all applicable energy efficiency standards prescribed by subdivisions 1 and 3. The certificate shall be obtained from a building evaluator following an inspection of the residence conducted after July 1, 1984, and recorded on a form provided by the commissioner. A building evaluator certified according to the standards prescribed in subdivision 6, or pursuant to section 116J.31, is qualified to inspect the residence and to issue the certificate required by this subdivision. The building evaluator may charge a reasonable fee for inspecting the residence. After inspection, if the building evaluator determines that the energy efficiency standards prescribed in subdivisions 1 and 3 have been met, he or she shall issue and sign a certificate of compliance.

The certificate for low-rent housing projects owned by a public housing authority or a housing and redevelopment authority as defined in section 462.421, subdivision 2, may be provided by an officer, employee, or agent of the authority after completion of an energy audit of the building as required by the United States department of housing and urban development pursuant to Code of Federal Regulations, title 24, sections 865.301 to 865.310 and completion of any improvements as necessary to bring the building into compliance with the requirements of section 116J.27, subdivision 3. If the certificate is issued prior to July 1, 1984, the building shall be in compliance with the adopted standards which are to become effective July 1, 1984. The energy audit of low-rent housing projects owned by a public housing authority or a housing and redevelopment authority may be conducted before or after July 1, 1984.

No building evaluator may make energy efficiency improvements or profit directly or indirectly from the provision of energy efficiency improvements to a building that he or she has inspected.

The commissioner shall adopt a form for the certificate, and the form shall include at least the following information: (a) name, address, and social security or Minnesota tax identification number of the owner of the residence; (b) street address of the residence; (c) date of the inspection by the building evaluator; (d) name of the building evaluator who performed the inspection; (e) date the certificate is signed by the building evaluator; and (f) a statement that a copy of the certificate should be filed with the commissioner. The commissioner shall maintain a file by city street address, if applicable, of the certificates filed pursuant to this subdivision. The certificates shall be released to the public according to section 13.03. If a certificate is not on file for a particular residence, upon request of any person, the commissioner shall provide free of charge a written statement to the effect that a certificate is not on file as of the date of the execution of the statement, and that statement shall constitute prima facie proof in any court action of the facts stated therein. The commissioner may charge a fee to owners, other than public housing authorities and housing and redevelopment authorities, who file certificates under this subdivision in an amount sufficient to defray the costs of recording the certificates.

Sec. 3. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 4a. [ABATEMENT OF CERTAIN ACTIONS.] In a civil action to recover possession of property subject to subdivision 3 on the basis of nonpayment of rent, a defendant may plead a failure to file the certificate required by subdivision 3a in order to abate the action, if the action was commenced before the certificate was filed, and if the defendant notified the owner in writing prior to the commencement of the action that the rent was not being paid because the property was not in compliance with applicable energy efficiency standards prescribed by subdivisions 1 and 3. All proceedings in the action shall be stayed until the certificate is filed pursuant to subdivision 3a; and the defendant, whether or not he or she prevails in the action, may tax \$50 costs, in addition to other costs allowed by law. The court may condition the stay upon payment into court of the rent as it becomes due, and the defendant may elect to tax the \$50 costs allowed by this subdivision by reducing the rent to be paid into court by \$50. Upon written application supported by an affidavit and filed with the court, the court may disburse to the owner from the rent paid into court amounts the court determines necessary to permit the payment of documented sums expended or to be expended to comply with the energy efficiency standards prescribed in subdivisions 1 and 3. Upon the filing and presentation to the court of an affidavit setting forth a specific plan for

timely compliance with the requirements of subdivisions 3 and 3a, the court may, upon written application supported by an affidavit and filed with the court, disburse to the owner from rent paid into court an amount the court determines necessary to permit the timely payment of expenses directly affecting the property. Further disbursements for the payment of expenses directly affecting the property shall be subject to a showing of satisfactory progress toward implementation of the plan.

Sec. 4. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 4b. [CIVIL DAMAGES IN CERTAIN ACTIONS.] A tenant who occupies or occupied, after July 1, 1985, a property subject to subdivision 3 and who makes a claim in a civil action against the owner before the certificate prescribed by subdivision 3a is filed, shall be entitled to recover \$500 from the owner, provided that if the owner demonstrates good cause for not filing the certificate, the recovery may be in an amount less than \$500. For purposes of this subdivision, the term "owner" has the meaning given in section 566.18, subdivision 3.

Sec. 5. Minnesota Statutes 1982, section 116J.30, is amended by adding a subdivision to read:

Subd. 4. For purposes of sections 504.18 and 566.18 to 566.33, the weatherstripping, caulking, storm window, and storm door energy efficiency standards for renter-occupied residences prescribed by section 116J.27, subdivisions 1 and 3, shall be considered to be health and safety standards, and the penalties and remedies provided in this section are in addition to and do not limit remedies otherwise available to tenants of renter-occupied residences.

Sec. 6. [EXCEPTION TO APPLICATION.]

Sections 1 to 5 of this act do not apply to one single family residence located on farm property consisting of 50 or more acres.

Sec. 7. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of energy the sum of \$220,000 for the purpose of administering section 2.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 2, 5, and 6 are effective the day following final enactment. Section 3 is effective January 1, 1985. Section 4 is effective July 1, 1985. Section 7 is effective November 1, 1983."

Delete the title and insert:

"A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing tenant enforcement of the standards; providing for the abatement of certain court actions; allowing a penalty in certain cases; appropriating money; amending Minnesota Statutes 1982, sections 116J.27, subdivision 3, and by adding subdivisions; and 116J.30, by adding a subdivision."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 594, A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; transferring functions and powers of the corrections board to the commissioner of corrections; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 244.05; 244.06; 244.065; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 241.26, subdivision 1, is amended to read:

Subdivision 1. [(BOARD) COMMISSIONER.] When consistent with the public interest and the public safety, the (BOARD MAY, WITH THE RECOMMENDATION OF THE) commissioner (,) of corrections may conditionally release an inmate who is eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program. Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 2. Minnesota Statutes 1982, section 241.26, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner of corrections shall (, UPON CONSULTATION WITH THE CORRECTIONS BOARD,) establish rules for (THE) placement and supervision of such inmates and for (THE) administration of (THE) programs authorized by this section. When consistent with the public interest the (CORRECTIONS BOARD) *commissioner* may grant furloughs (NOT TO EXCEED 10 DAYS DURATION) to those (PERSONS SUBJECT TO THEIR CONTROL WHO PARTICIPATE IN SUCH CONDITIONAL RELEASE PROGRAMS) *inmates participating in the programs authorized by this section who have spent at least 30 days in a residential work release center operated by or under the control of the commissioner for a period of time not to exceed their supervised release date.*

Sec. 3. Minnesota Statutes 1982, section 241.26, subdivision 4, is amended to read:

Subd. 4. [REVOCATION.] The willful failure of an inmate to report to or return from planned employment, (THE) seeking (OF) employment, educational or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules (AS) provided for in subdivision 3, his work placement, educational, or vocational training privileges may be withdrawn by the (BOARD GRANTING SUCH CONDITIONAL RELEASE) *commissioner.*

Sec. 4. Minnesota Statutes 1982, section 243.05, is amended to read:

243.05 [(BOARD) COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS.]

Subdivision 1. [CONDITIONAL RELEASE.] The (CORRECTIONS BOARD) commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(a) no inmate serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years;

(b) no inmate serving a life sentence for murder who has been previously convicted of a felony or though not previously

convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years;

(c) any inmate sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; and

(d) (IN ALL CASES WHERE AN INMATE IS SERVING A LIFE SENTENCE FOR MURDER, UNANIMOUS CONSENT OF THE CORRECTIONS BOARD IS REQUIRED FOR PAROLE OF THE INMATE.) any new rule or policy or change (THEREOF) of rule or policy adopted by the (BOARD) *commissioner of corrections* which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change (THEREOF). Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the (CORRECTIONS BOARD) *commissioner*, subject at any time to be returned to a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the (BOARD, WHEN THE LEGAL CUSTODY OF THE CONVICTED PERSON REVERTS TO THE COMMISSIONER OF CORRECTIONS) *commissioner*. The written order of the (CORRECTIONS BOARD, CERTIFIED BY THE CHAIRMAN OF THE BOARD) *commissioner of corrections*, (SHALL BE) *is sufficient (TO) authority* for any peace officer or state parole and probation agent to retake and place in actual custody any person on parole (TO THE CORRECTIONS BOARD) *or supervised release*, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee *or person on supervised release or work release* to the (CORRECTIONS BOARD) *commissioner* for (ITS) *his* action. The written order of the commissioner of corrections is sufficient (TO) *authority* for any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. (PAROLED) *Persons conditionally released*, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or (WITHOUT) *outside* the boundaries of the state at the discretion of the (BOARD OR OF THE) *commissioner of corrections or the court*, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for (PAROLE) conditional release or (FINAL RELEASE) discharge, the (BOARD) commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any inmates, but (IT) the commissioner may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the inmate, and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. (EACH MEMBER OF THE BOARD) The commissioner is authorized to administer oaths to witnesses for these purposes.

Subd. 2. [RULES.] The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. [DUTY OF COMMISSIONER; FINAL DISCHARGE.] It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

- (a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that he or she is reliable and trustworthy;
- (b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and
- (c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmate's record while in prison, the date of his parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in sections 243.05 or 244.05 shall

be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. [HEARING OFFICERS; POWERS; DUTIES.]
To carry out the powers and duties conferred upon him by this section, the commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. [DEPUTIZATION OF OUT-OF-STATE AGENTS.]
The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of his deputization and must be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. [SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS.] (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. He may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Parole agents shall reside in the various districts of the state in which they are employed. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons

in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the county probation act, Laws 1959, chapter 698.

Sec. 5. Minnesota Statutes 1982, section 243.51, subdivision 3, is amended to read:

Subd. 3. [TEMPORARY DETENTION.] The commissioner of corrections is authorized to contract with the United States attorney general and with the appropriate officials of any county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined. (THIS SUBDIVISION IS EFFECTIVE TO JUNE 30, 1983.)

Sec. 6. Minnesota Statutes 1982, section 244.04, subdivision 1, is amended to read:

Subdivision 1. (AN INMATE'S) *Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980 shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate.*

If an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of his term of imprisonment after the violation without earning good time.

Sec. 7. Minnesota Statutes 1982, section 244.05, is amended to read:

244.05 [SUPERVISED RELEASE TERM.]

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of his term of imprisonment as reduced by any good time earned by the inmate. The supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Subd. 2. [RULES.] The (MINNESOTA CORRECTIONS BOARD) *commissioner of corrections* shall promulgate rules for the placement and supervision of inmates serving a supervised release term. The rules shall also provide standards and procedures for the revocation of supervised release, and shall specify the period of revocation for each violation of supervised release. Procedures for the revocation of supervised release shall provide due process of law for the inmate.

Subd. 3. [SANCTIONS FOR VIOLATION.] If an inmate violates the conditions of his supervised release imposed by the (MINNESOTA CORRECTIONS BOARD) *commissioner*, the (BOARD) *commissioner* may:

(1) Continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or

(2) Revoke the inmate's supervised release and reimprison him for the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence.

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence shall not be given supervised release under this section unless he has served a minimum term of imprisonment of 17 years.

Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] The (MINNESOTA CORRECTIONS BOARD) *commissioner of corrections* may, under rules promulgated by (IT) *him*, give supervised release to an inmate serving a mandatory life sentence after he has served the minimum term of imprisonment specified in subdivision 4.

Sec. 8. Minnesota Statutes 1982, section 244.06, is amended to read:

244.06 [EXTRAORDINARY DISCHARGE.]

The (MINNESOTA CORRECTIONS BOARD) *commissioner of corrections* may give extraordinary discharge to an inmate for reasons of serious health problems, senility, advanced age or other extraordinary circumstances. The (BOARD) *commissioner* shall promulgate rules specifying the circumstances under which extraordinary discharge may be approved (BY THE BOARD) and the appropriate procedures for approving the same. No extraordinary discharge shall be effective unless also approved by the Minnesota board of pardons.

Sec. 9. Minnesota Statutes 1982, section 244.065, is amended to read:

244.065 [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.]

When consistent with the public interest and the public safety, the (MINNESOTA CORRECTIONS BOARD) *commissioner of corrections* may (, WITH THE RECOMMENDATION OF THE COMMISSIONER,) conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of his term of imprisonment as reduced by good time earned by the inmate.

Sec. 10. Minnesota Statutes 1982, section 244.09, subdivision 11, is amended to read:

Subd. 11. The commission shall meet as necessary for the purpose of modifying and improving the guidelines. *Any modification of the guidelines which causes a duration change shall be retroactive for all inmates serving sentences imposed pursuant to the Minnesota sentencing guidelines if the durational change reduces the appropriate term of imprisonment.*

Sec. 11. Minnesota Statutes 1982, section 260.251, subdivision 1a, is amended to read:

Subd. 1a. [COST OF GROUP FOSTER CARE.] Whenever a child is placed in a group foster care facility as provided in section 260.185, subdivision 1, clause (b) or clause (c), item (5) or in section 260.194, subdivision 1, clause (b) or clause (c), the cost of providing the care shall, upon certification by the juvenile court, be paid from the welfare fund of the county in which the proceedings were held. To reimburse the counties for the costs of providing group foster care for delinquent children and to promote the establishment of suitable group foster homes, the state shall quarterly, from funds appropriated for that purpose, reimburse counties 50 percent of the costs not paid by federal and other available state aids and grants. Reimbursement shall be prorated if the appropriation is insufficient.

The commissioner of corrections shall establish procedures for reimbursement and certify to the commissioner of finance each county entitled to receive state aid under the provisions of this subdivision. Upon receipt of a certificate the commissioner of finance shall issue a state warrant to the county treasurer for the amount due, together with a copy of the certificate prepared by the commissioner of corrections.

Sec. 12. Minnesota Statutes 1982, section 383A.28, subdivision 2, is amended to read:

Subd. 2. [NUMBER AND COMPENSATION OF EMPLOYEES.] Subject to the Ramsey county civil service laws, the Ramsey county board of commissioners shall determine the number of employees and their compensation in each office or department in the county government except the abstract clerk, district court reporters, (COUNTY HOME SCHOOL EMPLOYEES,) the examiner of title and his deputies, the public defender and his assistants, (THE DIRECTOR OF COURT SERVICES AND HIS PRINCIPAL ASSISTANTS,) welfare department employees and officers and employees of an agency supported by money provided by Ramsey county and by the city of Saint Paul.

Sec. 13. [383A.405] [CORRECTIONS.]

Subdivision 1. The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county, shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to section 383A.29.

Subd. 2. Notwithstanding Minnesota Statutes, section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to section 383A.29.

Subd. 3. Notwithstanding Minnesota Statutes, section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to section 383A.29.

Sec. 14. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

Subd. 11. [SECOND OR SUBSEQUENT VIOLATION OR OFFENSE.] "Second or subsequent violation" or "second or subsequent offense" means that prior to the commission of the violation or offense, the actor has been adjudicated guilty of a specified similar violation or offense.

Sec. 15. Minnesota Statutes 1982, section 609.11, subdivision 6, is amended to read:

Subd. 6. [NO EARLY RELEASE.] Any defendant convicted and sentenced as required by this section shall not be eligi-

ble for probation, parole, discharge, or supervised release until that person shall have served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, (244.04,) 609.12 and 609.135.

Sec. 16. Laws 1923, chapter 289, section 1, as amended by Laws 1949, chapter 61, section 1, Laws 1965, chapter 469, section 1, and Laws 1974, chapter 322, section 11, is amended to read:

Section 1. [(COURT SERVICES DEPARTMENT, SECOND JUDICIAL DISTRICT) *COMMUNITY CORRECTIONS DEPARTMENT.*] There is established, in (THE SECOND JUDICIAL DISTRICT) *Ramsey county*, a (COURT SERVICES) *community corrections department* in connection with the courts of (RAMSEY COUNTY) *the second judicial district*. The department is in the charge of a director (OF COURT SERVICES) *who shall be appointed by and serve at the pleasure of a corrections management committee comprised of three judges of the second judicial district appointed by the chief judge of the district and three members of the board of county commissioners appointed by the chairman of the board.* (THE DISTRICT JUDGES SHALL APPOINT THE DIRECTOR WHO SHALL SERVE FOR FOUR YEARS UNLESS SOONER REMOVED FOR CAUSE BY THE JUDGES. THE DIRECTOR SHALL SUPERVISE AND ADMINISTER SERVICES OF THE DEPARTMENT TO ANY COURTS OF RAMSEY COUNTY, ESTABLISH NECESSARY POLICY, AND MAY DIVIDE THE DUTIES OF THE DEPARTMENT INTO BRANCHES OR DIVISIONS AND APPOINT FROM DEPARTMENT PERSONNEL, THE HEADS OF THE BRANCHES OR DIVISIONS, ALL WITH THE APPROVAL OF THE DISTRICT JUDGES.) *The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the corrections management committee.*

Sec. 17. Laws 1923, chapter 289, section 2, as amended by Laws 1965, chapter 469, section 2, and Laws 1974, chapter 322, section 12, is amended to read:

Sec. 2. [OFFICERS, EMPLOYEES.] The director may (APPOINT, AS THE JUDGES MAY APPROVE, THREE PRINCIPAL ASSISTANTS OR DIVISION SUPERVISORS) *employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified*

service. The director shall define the duties of these employees and may delegate powers, duties, and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey county board of commissioners.

Sec. 18. [DIRECTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the terms "commissioner of corrections" or "commissioner" for the terms "Minnesota corrections board," "board of corrections," "corrections board," or "board" as appropriate wherever that term appears.

Sec. 19. [REPEALER.]

Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14, are repealed.

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 11, 14, 15, 18, and 19 are effective the day after final enactment.

Sec. 21. [EFFECTIVE DATE; LOCAL APPROVAL.]

Sections 12, 13, 16, and 17 are effective the day after compliance with section 645.021, subdivision 3, by the Ramsey county board of commissioners."

Delete the title and insert:

"A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; defining second or subsequent violation or offense; providing for adjustment of certain sentences; providing for administration of Ramsey county corrections services; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.04, subdivision 1; 244.05; 244.06; 244.065; 244.09, subdivision 11; 260.251, subdivision 1a; 383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; proposing new law coded in chapter 383A; amending Laws 1923, chapter 289, sections 1 and 2, as amended; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [41A.01] [PURPOSE.]

Sections 1 to 6 provide a framework for an agricultural resource loan guaranty program, the purposes of which are to further the development of the state's agricultural resources, improve the market for its agricultural products, and increase the use of chemicals including fuel derived from renewable agricultural sources and having superior qualities for controlling pollution and conserving energy. Public debt is authorized by the constitution to be incurred for developing agricultural resources by extending credit on real estate security. The program contemplates the use of this power not to finance projects of the kind described herein, but to provide financial guaranties for a portion of the cost of viable projects to the extent necessary to enable qualified developers and operators to secure private financing which would not otherwise be available. All credit advanced pursuant to loan guaranty commitments is to be secured by subrogation of the state to mortgage security and other security interests granted to the private lender, in proportion to the amount advanced by the state. A loan guaranty board is established to investigate the feasibility of each project, its conformity to the above policies and to environmental standards, the qualifications of the owners, operators, and lenders, and the nature and extent of the security, prior to commitment, and to secure maximum financial participation by private persons, not supported by the guaranty, to assure that in these respects each project satisfies and will continue to satisfy criteria which are adequate in the judgment of the board.

Sec. 2. [41A.02] [DEFINITIONS; ACTIONS BY THE STATE.]

Subdivision 1. The definition of each term given in this section applies whenever the term is used in sections 1 to 6.

Subd. 2. "Agricultural resource" means any organic matter which is available on a renewable basis from agricultural processes, including cereal, animal, and wood production, waste, and residues.

Subd. 3. "Agricultural resource loan guaranty board" or "board" means the commissioner of finance as chairman, the commissioner of agriculture, the commissioner of commerce, and the director of the pollution control agency.

Subd. 4. "Agricultural resource loan guaranty fund" or "guaranty fund" means the special and dedicated fund of the state created by section 5.

Subd. 5. "Agricultural resource loan guaranty program" or "program" includes all projects and loan guaranties approved pursuant to sections 3 and 4 for the purposes set forth in section 1.

Subd. 6. "Agricultural resource project" or "project" means any facility (or portion of a facility) located in the state which is operated or to be operated primarily for the production from agricultural resources of gaseous, liquid, or solid fuel and other chemicals, and products and by-products, including mixing or producing substances to be mixed with other substances for use as a fuel or as a substitute for petroleum or petrochemical feedstocks.

Subd. 7. "Applicant" means any rural development finance authority organized, or any county exercising the powers of such an authority, pursuant to chapter 362A, which applies to the state for approval of a guaranty of a loan to a borrower for a project.

Subd. 8. "Borrower" means any applicant or any private individual, company, cooperative, partnership, corporation, association, consortium, or other entity organized for a common business purpose, which is obligated or to be obligated to pay a guaranteed loan.

Subd. 9. "Construction" means construction of a new agricultural resource project, or conversion of a facility to such a project, or expansion or improvement of a project to increase its capacity or efficiency. "Construction" includes acquisition of land, easements, buildings, structures, improvements, and equipment and machinery for use in or at the site of a project or on easements adjacent thereto.

Subd. 10. "Cost" of a project means the sum of all obligations paid or to be paid or incurred by the borrower which are reasonably required for the construction and completion of the project, including but not limited to (i) surveys, estimates, plans, specifications, supervision of construction, and other engineering and architectural service; (ii) payments under construction contracts and for payment and performance bonds; (iii) purchase and installation of equipment and machinery; (iv) recording, filing, permit, legal, financial, underwriting, placement, commitment, publication, advertising, and other charges, fees, and expenses incurred for establishing title, mortgage liens, and security interests with respect to the project, for securing permits for construction and approval of the loan guaranty, for establishing the terms of the loan and underlying security agreements, and for offering, selling, or placing with investors and printing and delivering the obligations evidencing the loan; and (v) interest, discount, fees, and expenses accruing with respect to the loan, and taxes and other government charges payable with respect to the project, during construction.

Subd. 11. "Lender" means any holder or holders of bonds, notes, or other obligations evidencing a guaranteed loan, any trustee representing such holders, and any investment or commercial banking institution, savings and loan institution, insurance company, investment company, or other financial institution or institutional investor making, purchasing, or participating in a loan or any part thereof.

Subd. 12. "Loan" means any obligation to repay money borrowed to finance the construction of a project or to refund or refinance such an obligation.

Subd. 13. "Loan agreement" means a written agreement or agreements setting forth the terms and conditions of the obligation of the borrower to the lender and the pledges and covenants made and mortgage lien and other security interests granted for the security of the obligations; including a mortgage, note, indenture, or other agreement however designated.

Subd. 14. "Loan guaranty" means a written agreement executed on behalf of the state that guarantees, in accordance with the terms and conditions contained therein or in a loan agreement, the payment of sums of money owing by a borrower to a lender.

Subd. 15. "State" actions contemplated in sections 1 to 6 may be taken on behalf of the state by resolutions of the agricultural resource loan guaranty board, subject to approval by the governor if required by the governor; or by a member of the board or another state officer in the department headed by the member, pursuant to authority delegated by resolution of the guaranty board. Resolutions of the guaranty board shall be effective when approved by the vote of a majority of its members.

Sec. 3. [41A.03] [LOAN GUARANTIES.]

Subdivision 1. [AUTHORITY FOR AND LIMITATION OF GUARANTY.] Subject to the provisions of sections 1 to 6 and upon determination that a loan hereunder will serve the public purposes and satisfy the conditions set forth therein, the state may guarantee and commit to guarantee against loss an amount not exceeding 95 percent, with accrued interest, of a loan for the construction of an agricultural resource project (or the refunding or refinancing of such a loan), secured by a first mortgage lien on and security interest in all real and personal property comprising the project and such other collateral as may be provided in the loan agreement.

Subd. 2. [LIMITATION OF LOAN AMOUNT.] The total principal amount of any guaranteed loan may not exceed 80 percent of the total cost of the related project as estimated by the state at the time the commitment to guarantee is made (or, in the case of a refunding or refinancing loan, 95 percent of the aggregate amount of principal and interest refunded or refinanced); except that if the actual cost exceeds the estimate the state may, upon request of the borrower and the lender, consent to an increase of the loan by a principal amount not greater than 80 percent of the excess cost, and may increase the guaranteed amount by not more than 95 percent of the increase in the principal amount, and accrued interest thereon.

Subd. 3. [REQUIRED PROVISIONS.] The loan guaranty or loan agreement pertaining to any loan guaranteed by the state shall provide that:

(a) Payments of principal and interest made by the borrower under the loan shall be applied by the lender to reduce the guaranteed and nonguaranteed portion of the loan on a proportionate basis, and the nonguaranteed portion shall not in any event receive preferential treatment over the guaranteed portion.

(b) A period of grace shall be allowed of not less than 60 days from a date a principal or interest payment is due, prior to the making of demand for payment pursuant to the loan guaranty, to permit adequate time for a decision on behalf of the state regarding principal and interest assistance in accordance with subdivision 4. Payment as required by the loan guaranty shall be made within 60 days after receipt by the state of written demand complying with the terms and conditions of the guaranty.

(c) The lender may not accelerate repayment of the loan or exercise other remedies available to the lender in the event of the borrower's default, except in the case of the borrower's failure to pay a required payment of principal or interest, without the prior written consent of the state or as otherwise permitted in the loan guaranty. In the event of such defaults, the lender shall not be entitled to make demand for payment pursu-

ant to the guaranty unless the state agrees in writing that such default has materially affected the rights or security of the parties, and finds that the lender should be entitled to receive payment pursuant to the loan guaranty.

(d) If a payment of principal or interest is made by the state upon default of the borrower, the state shall be subrogated to the rights of the lender with respect to such payment.

(e) The borrower shall cause to be promptly prepared and delivered to the state annual audited financial statements of the project prepared according to generally accepted accounting principles.

(f) Duly authorized representatives of the state shall have access to the project site at reasonable times during construction and operation of the project.

(g) The borrower shall maintain adequate records and documents concerning the construction and operation of the project in order that representatives of the state may determine its technical and financial conditions and its compliance with environmental requirements. Such records shall include the amounts of all sales and use taxes paid on personal property and services purchased for the construction and operation of the project, with tax receipts furnished by the sellers or other supporting documentation determined by the board to be satisfactory. The amounts of such taxes shall be reported to the board in the manner and at the times required by the board.

(h) The borrower shall protect and preserve at all times the project assets and other collateral securing the loan and shall assist in liquidation of collateral to minimize loss in the event of default.

(i) Orderly liquidation of assets of the project shall be provided for in the event of default, with an option on the part of the state to acquire from the lender the lender's interest therein pursuant to the nonguaranteed portion of the loan.

(j) The state shall be paid at or prior to the closing of the guaranteed loan a fee or fees for the loan guaranty or the commitment to guarantee the loan, which shall not in the aggregate exceed one percent of the total principal amount of the guaranteed portion.

(k) The lender shall cause to be perfected and maintained the mortgage lien on the real estate and the security interest in personal property and collateral granted as security for the loan, and shall cause all other loan servicing functions to be performed which are normally required or performed by a reasonable and prudent lender with respect to a loan without a guaranty.

(l) The state shall be notified in writing without delay of (i) the date and amount of and basis for each disbursement of loan proceeds; (ii) any nonpayment of principal or interest due (within ten days after the due date and with evidence of notification to the borrower); (iii) any failure to honor a commitment by any person of an intended source of capital for the project; and (iv) any significant adverse changes from original cash flow projections as evidenced by reports from the borrower, or any other known evidence that the borrower might be unable to meet a future scheduled payment of principal or interest.

Subd. 4. [PRINCIPAL AND INTEREST ASSISTANCE.] The state may at any time enter into a written contract with the borrower to pay the lender, on behalf of the borrower, an amount not greater than the amount of principal and interest to become due on one or more subsequent dates, without acceleration, if the state determines that (i) the borrower is not in default in payment of principal or interest due more than 60 days prior to the date of the contract; (ii) the borrower is or may become unable to meet in full principal or interest payments, or both, which are due or to become due within a specified period; (iii) it is in the public interest to permit the borrower to continue to pursue the purposes of the project; (iv) the probable net financial loss to the state will be less than that which would result in the event of a default; (v) the borrower is obligated by the contract to reimburse the state for all principal or interest advanced, with interest thereon, upon terms and conditions satisfactory to the state; and (vi) funds are available for allocation to the account established for the project in the guaranty fund, and are continuously allocated to the account in accordance with the provisions of section 4, subdivision 3, in an amount equal to the amount of interest on the advances until actually reimbursed to the state by the borrower. All sums so advanced and interest thereon shall be secured by the mortgage lien and security interest granted by the loan agreement, but none of such advances shall thereafter be repaid to the state until and unless all principal and interest currently due on the loan has been fully paid. In the event of subsequent default by the borrower, acceleration by the lender, and payment by the state of the full amount due under the loan guaranty, the state shall be subrogated to the rights of the lender with respect to the principal paid by it under the contract. Upon payment of the loan in full, with accrued interest, the remaining amount of said advances and interest thereon may be paid to the state.

Sec. 4. [41A.04] [APPLICATION AND APPROVAL.]

Subdivision 1. [REQUIREMENTS.] Any rural development finance authority, or county exercising the powers of such an authority, may file a written application with the state commissioner of finance, to be considered by the agricultural resource loan guaranty board, for a guaranty by the state of a portion of a loan for an agricultural resource project. In general,

the application shall provide information similar to that required by an investment banking or other financial institution considering such a project for debt financing. Specifically, each application shall include in brief but precise form the following information, as supplied by the applicant, the borrower, or the lender:

(1) a description of the scope, nature, extent, and location of the proposed project, including the identity of the borrower and a preliminary or conceptual design of the project;

(2) a description of the technology to be used in the project and the prior construction and operating experience of the borrower with such projects;

(3) a detailed estimate of the items comprising the total cost of the project, including escalation and contingencies, with explanation of the assumptions underlying the estimate;

(4) a general description of the financial plan for the project, including the mortgage and security interests to be granted for the security of the guaranteed loan, and all sources of equity, grants, or contributions or of borrowing the repayment of which is not to be secured by said mortgage and security interests, or, if so secured, is expressly subordinated to the guaranteed loan;

(5) an environmental report analyzing potential environmental effects of the project, any necessary or proposed mitigation measures, and other relevant data available to the applicant to enable the board to make an environmental assessment;

(6) a list of applications to be filed and estimated dates of approvals of permits required by federal, state, and local government agencies as conditions for construction and commencement of operation of the project;

(7) an estimated construction schedule;

(8) an analysis of the estimated cost of production of and market for the product, including economic factors justifying the analysis and proposed and actual marketing contracts, letters of intent, and contracts for the supply of feedstock;

(9) a description of the management experience of the borrower in organizing and undertaking similar projects;

(10) pro forma cash flow statements for the first five years of project operation including income statements and balance sheets;

(11) a description of the borrower's organization and, where applicable, a copy of its articles of incorporation or partnership agreement and bylaws;

(12) the estimated amount of the loan and percentage of guaranty requested, the proposed repayment schedule, and other terms and conditions and security provisions of the loan;

(13) an estimate of the amounts and times of receipt of guaranty fees, sales and use taxes, property tax increments, and any other governmental charges which may be available for the support of the state guaranty fund as a result of the construction of the project, with an analysis of the assumptions on which the estimate is based;

(14) a copy of any lending commitment issued by a lender to the borrower;

(15) a statement from the lender, if identified, as to its general experience in financing and servicing debt incurred for projects of the size and general type of the project, and its proposed servicing and monitoring plan; and

(16) such additional information as may be required by the board.

Subd. 2. [ENVIRONMENTAL ASSESSMENT.] Notwithstanding any other law or rule, the board shall be the responsible governmental unit for the completion of an environmental assessment worksheet with respect to each project considered for a loan guaranty in the agricultural resource loan guaranty program, and for considering comments on and determining the need for an environmental impact statement in accordance with section 116D.04, subdivision 2a, or other law. Notwithstanding the provisions of any other law or rule, an environmental impact statement shall not be required to be prepared, unless so determined by the board, with respect to an agricultural resource project which will have a capacity to utilize 300,000 dry tons or less per year of input, or, if designed for production of alcohol fuels, will have a capacity to produce 60,000,000 or less gallons per year of alcohol.

Subd. 3. [COMMITMENT.] The board shall determine as to each project for which an application is submitted whether it appears in the board's judgment to conform to the purposes and policies stated in section 1 to an extent measured by criteria which in the board's judgment are satisfactory. It may but need not adopt rules setting forth such criteria prior to approving a commitment. Upon determination by the board that a project conforms to said purposes and policies, and it has determined the adequacy of the environmental impact statement if one is required, it may by resolution make on behalf of the state a con-

ditional commitment to guarantee such portion of the proposed loan as it shall determine, not exceeding the limitations set forth in section 3. Such commitment shall not be binding upon the state until and unless:

(1) the board has created a project account for the project in the guaranty fund and has allocated thereto, from funds theretofore appropriated by the legislature or from the proceeds of bonds issued or to be issued for purposes of the guaranty fund pursuant to authorization theretofore enacted by the legislature, and not previously allocated to any other project account, in an aggregate amount sufficient, with any other amount then on hand in the project account, to pay the entire guaranteed principal amount of the proposed loan, plus interest thereon for one year; provided that bonds authorized by the legislature need not be issued until and unless the proceeds allocated to a project account must be deposited therein to comply with clause (2) or (3);

(2) the board has deposited in the project account bond proceeds or other funds in an amount not less than the annual amount which would be required to amortize the guaranteed portion of the principal of the loan over the term and at the interest rate (or at the rate of yield resulting from the interest rates) provided in the loan agreement; and

(3) the board has caused to be executed on behalf of the state a final loan guaranty instrument in conformity with section 3, which binds the state to cause state bonds to be offered for sale at the times and in the amounts required, with amounts on hand in the project account, to pay all amounts to become due and payable under the loan guaranty, within the authorization and allocation referred to in clause (1), and when sold, to issue the bonds and apply the proceeds to make these payments.

Sec. 5. [41A.05] [MINNESOTA AGRICULTURAL RESOURCE LOAN GUARANTY FUND AND BONDS.]

Subdivision 1. [ESTABLISHMENT OF FUND.] *For the purpose of developing the state's agricultural resources by extending credit on real estate security, the agricultural resource loan guaranty fund is established as a special and dedicated fund to be held and invested separately from all other funds of the state. All proceeds of state bonds authorized and issued for the purposes of the fund, and all guaranty fees, retail sales taxes, property tax increments, and other money from any source which may be credited to the fund pursuant to law or pursuant to the terms of grants, contributions, or contracts are appropriated and shall remain available for the purposes of the fund until such purposes have been fully accomplished. The fund shall be used solely for paying amounts due under loan guaranties and principal and interest assistance contracts entered into by the state, pursuant to the agricultural resource loan guaranty program.*

Subd. 2. [ISSUANCE OF BONDS.] To provide money appropriated to the agricultural resource loan guaranty fund for the purposes of the program, when authorized by law and requested by the board, the commissioner of finance shall issue and sell bonds of the state for the prompt and full payment of which, with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. The proceeds of the bonds when issued, except accrued interest and any premium received upon sale, shall be credited to the guaranty fund. All such bonds shall be sold and issued and shall be secured in the manner, upon the terms, and with the effect prescribed for state building bonds in chapter 16A, except that the commissioner may sell them and determine their interest rate by direct negotiation, and with the security provisions set forth therein and in article XI, sections 4 to 7 of the constitution.

Subd. 3. [COVENANT.] In fulfillment of the state's covenant with the beneficiary of each loan guaranty executed by the board on behalf of the state pursuant to the agricultural resource loan guaranty program, in accordance with section 4, subdivision 2, the state will not limit or alter the rights vested in the board to comply with the terms of such loan guaranties, and further covenants that it will not at any time rescind or cancel any authorization of an amount of bonds, or the appropriation of the proceeds thereof for the purposes of the program, which, with the sum of the amounts then held in each project account in the guaranty fund, would be required, in the event of an immediate default on each guaranteed loan, to pay the balance of the guaranteed portion of the principal of all guaranteed loans with interest accrued and to accrue thereon for one year.

Subd. 4. [INCOME TAX EXEMPTION.] The interest on state bonds issued hereunder shall be exempt from state income taxation only as provided in sections 290.01, subdivisions 20 to 20g, and 290.08, subdivision 8, for obligations of the state. In the issuance of state bonds and the making of loan guaranties for the purposes of the program, the commissioner of finance and the board may and shall make all provisions and do or cause to be done all acts and things, consistent with sections 1 to 6, which are or may be effective under federal laws and regulations to comply with conditions for the exemption of interest on such bonds from federal income taxation. However, if for any reason, whether existing at the date of issue of any bonds or the date of execution of any loan guaranty or thereafter, the interest on any such bonds shall be or become subject to federal income taxes, this shall not impair or affect the validity of the bonds or of any loan guaranty or the provisions made for the security thereof, and shall not impair or affect the covenant made by the state in subdivision 3. Nothing herein affects the federal or state income tax treatment of interest on obligations of a borrower other than the state, whether or not guaranteed by the state.

Sec. 6. [41A.06] [PROJECT TAXES AND OTHER CHARGES.]

Subdivision 1. [APPROPRIATION.] The payments, taxes, and governmental charges described in this section which are received as a consequence of the undertaking, completion, and operation of each agricultural resource loan project for which a loan guaranty is made by the state are appropriated to the loan guaranty fund. This appropriation shall not lapse at the close of any fiscal year under the provisions of section 16A.28, and the receipts therefrom shall remain available as provided in section 5, subdivision 1; but the state shall not be obligated to continue the appropriation with respect to charges not yet collected, except to the extent determined to be necessary for compliance with the covenant contained in section 5, subdivision 3.

Subd. 2. [ALLOCATION TO PROJECT ACCOUNTS.] Receipts of charges related to a particular project shall be deposited and recorded in its project account in the guaranty fund; but the board may reallocate receipts in any project account which cause the amount held therein to exceed the minimum balance established initially pursuant to section 4, subdivision 2, clause (2). Such reallocation may be made to another project account for the purpose of maintaining the minimum balance therein. Any amount in the guaranty fund at any time exceeding the amount needed to maintain the minimum balance in all project accounts may be transferred to the account maintained in the state debt service fund for the payment of Minnesota agricultural resource loan guaranty bonds; provided that (i) no guaranty fees or other amounts paid by borrowers shall be so transferred, and (ii) the board determines that the transfer may be made without jeopardizing the ability of the state to comply with the covenant contained in section 5, subdivision 3.

Subd. 3. [PAYMENTS BY BORROWERS.] Guaranty and commitment fees paid by borrowers pursuant to the loan guaranty provision required by section 3, subdivision 3, clause (j), and repayments by borrowers of amounts advanced by the state under contracts referred to in section 3, subdivision 4, shall be deposited in the project account for the borrower's project and shall not be disbursed or transferred for any purpose other than the fulfillment of the state's obligations under the loan guaranty for that project. No such funds shall be deemed to be so transferred at any time if the minimum required balance in the project account is maintained and exceeds the aggregate amount of fees and payments theretofore received from the borrower plus interest received from the investment thereof.

Subd. 4. [SALES AND USE TAXES.] All collections of the excise taxes imposed by chapter 297A upon retail sales, and upon the privilege of use, storage, or consumption in Minnesota, of personal property and services purchased for the construction or

operation of any project for which a loan guaranty has been made or conditionally committed, less any refunds required by law and a proportionate share of the cost of administration and enforcement of the assessment and collection of the taxes, are appropriated and shall be deposited from the general fund into the project account in the guaranty fund at least once each year from and after the date of the conditional commitment. The commissioner of finance shall secure from each borrower the amount of taxes so imposed and from the commissioner of revenue the amount of refunds or costs to be deducted therefrom.

Subd. 5. [PROPERTY TAX INCREMENTS.] The applicant for a loan guaranty for any project, and the county in which the project is situated, shall do all acts and things necessary for the computation and segregation of property tax increments resulting from the construction of the project in accordance with the provisions of section 362A.05, and for the remittance to the commissioner of finance, for deposit in the loan guaranty fund, of all tax increments received from and after the date of the conditional commitment for the loan guaranty.

Sec. 7. Minnesota Statutes 1982, section 116B.03, subdivision 1, is amended to read:

Subdivision 1. Any person residing within the state; the attorney general; any political subdivision of the state; any instrumentality or agency of the state or of a political subdivision thereof; or any partnership, corporation, association, organization, or other entity having shareholders, members, partners or employees residing within the state may maintain a civil action in the district court for declaratory or equitable relief in the name of the state of Minnesota against any person, for the protection of the air, water, land, or other natural resources located within the state, whether publicly or privately owned, from pollution, impairment, or destruction; provided, however, that no action shall be allowable hereunder for acts taken by a person on land leased or owned by said person pursuant to a permit or license issued by the owner of the land to said person which do not and can not reasonably be expected to pollute, impair, or destroy any other air, water, land, or other natural resources located within the state; provided further that no action shall be allowable under this section for conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the pollution control agency, department of natural resources, department of health or department of agriculture, or for action taken by a person as authorized or required in a conditional or final commitment issued by the agricultural resource loan guarantee board for a state guarantee of a loan for a project pursuant to section 4, subdivision 3.

Sec. 8. Minnesota Statutes 1982, section 290.01, is amended by adding a subdivision to read:

Subd. 20g. [MODIFICATION REDUCING FEDERAL ADJUSTED GROSS INCOME WITH RESPECT TO INTEREST ON CERTAIN BONDS.] Interest income on state bonds issued pursuant to section 5, subdivision 2, for the purposes of the agricultural resource loan guaranty program, to the extent includible in federal adjusted gross income, shall be subtracted therefrom.

Sec. 9. Minnesota Statutes 1982, section 297A.44, subdivision 1, is amended to read:

Subdivision 1. All revenues, including interest and penalties, derived from the excise and use taxes imposed by sections 297A.01 to 297A.44 shall be deposited by the commissioner in the state treasury and credited to the general fund; *provided that all such taxes derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project, from and after the date on which a conditional commitment for a loan guaranty for the project is made pursuant to section 4, subdivision 2, as certified to the commissioner by the commissioner of finance, less refunds and the cost of administering and enforcing the assessment and collection of taxes so derived, shall be deposited in the agricultural resource loan guaranty fund.*

Sec. 10. Minnesota Statutes 1982, section 362A.01, subdivision 1, is amended to read:

Subdivision 1. Any county or combination of counties by resolution of the county board or boards may establish a rural development financing authority as a public nonprofit corporation with the same powers and duties as those conferred and imposed on a private nonprofit corporation by chapter 317, and all present and future laws amending or supplementing that chapter, except as otherwise or additionally provided herein. No such authority shall transact any business or exercise any powers until a certified copy of the resolutions of each participating county board has been submitted to the secretary of state and a certificate of incorporation issued pursuant to section 317.10. *Alternatively, a county may determine by resolution of the county board (without such filing) to exercise the powers granted in this chapter to a rural development finance authority.*

Sec. 11. [362A.041] [APPLICATIONS FOR LOAN GUARANTIES.]

The authority, or a county exercising the powers of an authority pursuant to section 362A.01, may undertake or participate in undertaking a project deemed to further the policies and purposes of the agricultural resource loan guaranty program established and described in sections 1 to 6, by applying to the guaranty board for a guaranty by the state of a portion of a loan for the project to be secured by the applicant, or by another eligi-

ble borrower. For this purpose it may do all acts and things required of an applicant or of a borrower under the provisions of sections 1 to 6; including but not limited to the computation, segregation, and application of tax increments by deposit in the loan guaranty fund under the terms of the loan guaranty.

Sec. 12. Minnesota Statutes 1982, section 362A.05, is amended to read:

362A.05 [AGREEMENTS FOR RESERVATION OF TAX INCREMENTS.]

The authority may enter into an agreement with any county in which a project is to be situated, *or such county if exercising the powers of an authority may adopt a resolution, under which the increment of taxable value of property (TO BE CREATED BY THE) constituting an agricultural resource project for which a conditional commitment for a loan guaranty has been made by the state as provided in section 4, subdivision 2, over and above the taxable value of the project site as last finally determined before the project was undertaken, may be excluded from the taxable value of property on which the mill rate of taxes is computed in every subsequent year, for so long as may be (AGREED) provided in the loan guaranty, but the aggregate mill rate of taxes levied by the county and all other taxing districts on other properties in each such year shall be spread also on the incremental taxable value of the project, and the tax resulting therefrom, when collected, shall be remitted to the authority (, AND MAY BE PLEDGED, TOGETHER WITH CHARGES OR SPECIAL ASSESSMENTS, TO PAY OR GUARANTEE THE PAYMENT OF ITS BONDS, OR MAY BE USED BY THE AUTHORITY FOR THE PURPOSES STATED IN SECTION 362A.01, SUBDIVISION 2) or to the county, as the case may be, for deposit and use in the loan guaranty fund of the state as provided in sections 1 to 6. Every county shall have the power by resolution of the county board to do all acts and things necessary for the computation, segregation, and application of tax increments under (AGREEMENTS MADE WITH THE AUTHORITY) the loan guaranty in accordance with this section. (THIS SECTION SHALL NOT APPLY WITH RESPECT TO ANY PROJECT ESTABLISHED SUBSEQUENT TO AUGUST 1, 1979.)*

Sec. 13. Minnesota Statutes 1982, section 473F.02, subdivision 3, is amended to read:

Subd. 3. "Commercial-industrial property" means the following categories of property, as defined in section 273.13, excluding that portion of such property (a) which may, by law, constitute the tax base for a tax increment pledged pursuant to sections 462.585 or 474.10, certification of which was requested prior to August 1, 1979, to the extent and while such tax increment is so pledged; (b) which may, by law, constitute the tax base for tax

revenues set aside and paid over for credit to a sinking fund pursuant to direction of the city council in accordance with Laws 1963, Chapter 881, as amended, to the extent that such revenues are so treated in any year; (OR) (c) *which may, by law, constitute the tax base for a tax increment pledged pursuant to section 362A.05, whenever certification thereof is requested, to the extent and while such tax increment is so pledged; or* (d) which is exempt from taxation pursuant to section 272.02:

(a) That portion of class 3 property consisting of stocks of merchandise and furniture and fixtures used therewith; manufacturers' materials and manufactured articles; and tools, implements and machinery, whether fixtures or otherwise.

(b) Class 3h property.

(c) Class 3j property.

(d) That portion of class 4 property which is either used or zoned for use for any commercial or industrial purpose, except for such property which is, or, in the case of property under construction, will when completed be used exclusively for residential occupancy and the provision of services to residential occupants thereof. Property shall be considered as used exclusively for residential occupancy only if each of not less than 80 percent of its occupied residential units is, or, in the case of property under construction, will when completed be occupied under an oral or written agreement for occupancy over a continuous period of not less than 30 days.

If the classification of property prescribed by section 273.13 is modified by legislative amendment, the references in this subdivision shall be to such successor class or classes of property, or portions thereof, as embrace the kinds of property designated in this subdivision.

(e) That property valued and assessed under section 273.13, subdivision 14.

Sec. 14. [AUTHORIZATION OF BONDS.]

To provide money in the state agricultural resource loan guaranty fund, for the purpose of the program for which this fund is appropriated and dedicated under the provisions of sections 1 to 6, the commissioner of finance may issue bonds of the state in the aggregate amount of \$ Before the issuance of any series of such bonds the loan guaranty board shall determine by resolution that the amount to be issued will be needed to make payments due under one or more guaranties executed with respect to outstanding loans in the program; or is needed to maintain within the guaranty fund a balance sufficient in the judgment of the board to assure compliance by the state with its

covenant contained in section 5, subdivision 3. The bonds shall be sold and issued in the manner, upon the terms, and with the effect prescribed by sections 1 to 6 and by the constitution, article XI, sections 4 to 7.

Sec. 15. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act establishing an agricultural resource loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 116B.03, subdivision 1; 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A."

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 15.375, subdivision 2, is amended to read:

Subd. 2. The commissioner of finance, upon the written request of a state officer or employee, (MAY) *shall* deduct each payroll period from the salary or wages of the officer or employee the amount specified (THEREIN) *in the written request* for payment to (THE UNITED FUND) *a registered combined charitable organization defined in section 2*, and issue his war-

rant (THEREFOR) in that amount to (THE UNITED FUND) that registered combined charitable organization.

Sec. 2. [309.501] [REGISTERED COMBINED CHARITABLE ORGANIZATIONS.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them.

"Registered combined charitable organization" means an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1980 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code; (2) which secures funds for distribution to ten or more charitable agencies in a single, annual consolidated effort; (3) which is governed by a voluntary board of directors which represents the broad interests of the public; (4) which distributes at least 70 percent of its total collected income and revenue to the designated agencies it supports and expends no more than 30 percent of its total income and revenue for management and general costs and fundraising costs; (5) and each designated agency supported by the recipient institution devotes substantially all of its activities directly to providing health, welfare, social, or other human services to individuals; (6) and each designated agency supported by the recipient institution provides health, welfare, social, or other human services, in the community and surrounding area in which the recipient institution's fund drive takes place; and (7) which has been registered with the commissioner of securities and real estate in the department of commerce in accordance with this section.

"Charitable agency" means a governmental agency or an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.

Subd. 2. [DESIGNATED CONTRIBUTIONS.] A registered combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 1 be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. A registered charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report required pursuant to section 309.53.

Subd. 3. [REGISTRATION.] An organization may apply to the commissioner of securities and real estate in the department of commerce as a registered combined charitable organization. An organization which applies to the commissioner shall

provide the commissioner with all information the commissioner deems necessary to identify the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter. A registered combined charitable organization shall disclose in its solicitation and its annual report filed under section 309.53:

- (a) gross dollars received in contributions in the prior year;*
- (b) names of and amount of money distributed to each charitable agency by the combined charitable organization;*
- (c) percentage of gross dollars contributed which was directly received by the charitable agencies; and*
- (d) projected percentage of the contribution to be received by the charitable agencies in the year for which the solicitation is being made.*

If participating charitable agencies are required to pay any fees to the combined charitable organization, it shall also be disclosed in the solicitation and annual report. In the annual report the combined charitable organization shall include a list of charitable agencies to which donors specifically designated funds, and the amount designated to each agency. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with chapter 309. The commissioner shall register or not register the application of an organization within 60 days. No organization may apply to the commissioner more than once in a 12-month period. Registered combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of his decision to register an organization under this section.

Sec. 3. [RULES.]

The commissioner shall promulgate rules to implement the provisions of sections 1 and 2. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by section 15.375, subdivision 1.

Sec. 4. [REPEALER.]

Minnesota Statutes 1982, section 15.375, subdivision 1, is 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. 681, A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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

The report was adopted.

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

H. F. No. 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.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 179.63, subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of (100) 67 working days in any calendar year;

The exclusions of clauses (e) and (f) shall not apply to:

(1) an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher; and

(2) an employee hired by a school district for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

Employees included as "public employees" pursuant to clauses (1) and (2) shall not be included under master contracts expiring June 30, 1981, for purposes of salary or fringe benefits;

(g) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(h) full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week;

(i) an individual who renders part time teaching service for less than 300 hours in a fiscal year as an instructor in an adult vocational education program.

Sec. 2. Minnesota Statutes 1982, section 179.63, subdivision 9, is amended to read:

Subd. 9. "Supervisory employee", when the reference is to other than essential employees as defined in subdivision 11,

means (ANY) a person (HAVING) who, during at least 75 percent of their typical work day, exercises authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer, or to effectively recommend any of the aforesaid actions, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.

Sec. 3. Minnesota Statutes 1982, section 179.64, is amended by adding a subdivision to read:

Subd. 8. [RECOGNITION OF LEGAL STRIKE BY NON-MEMBERS OF BARGAINING UNIT.] Nothing in this section or in section 179.68, subdivision 3, shall be construed as prohibiting nonessential public employees who are not members of a bargaining unit engaged in a strike authorized under this section from respecting a picket line established by employees of the same employer engaged in an authorized strike. If the members of a bargaining unit represented by an employee union or association decide, either by vote or through their elected representatives, to collectively exercise their right under this subdivision, the union or association representing the employees will provide written notice of this decision to the employer being picketed at least 24 hours before the members of the unit begin their collective action.

Sec. 4. Minnesota Statutes 1982, section 179.66, subdivision 2, is amended to read:

Subd. 2. A public employer has an obligation to meet and negotiate in good faith with the exclusive representative of the public employees in an appropriate unit regarding grievance procedures and the terms and conditions of employment, but such obligation does not compel the public employer or its representative to agree to a proposal or require the making of a concession.

The public employer's duty under this subdivision exists notwithstanding contrary provisions in any municipal charter, ordinance, or resolution. Any provision of a municipal charter, ordinance, or resolution which limits or restricts a public employer from so negotiating or from entering into binding contracts with exclusive representatives is superceded by this subdivision.

Sec. 5. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by nonmembers of bargaining units; providing that the public employer's duty to bargain supercedes all municipal charters, ordinances, or resolutions; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.64, by adding a subdivision; and 179.66, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 97.45, subdivision 1, is amended to read:

Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102. *When transported, any wild animals, or any package, container, or receptacle in which they may be contained, shall be tagged, sealed, or otherwise marked as may be prescribed by law or by order which the commissioner may adopt for identification purposes.*

Sec. 2. Minnesota Statutes 1982, section 97.45, subdivision 4, is amended to read:

Subd. 4. *When not accompanying the shipment, any licensed resident may transport by common carrier to any point in the county of his residence, consigned to himself only, not more than three separate shipments of undressed birds, each of which may contain all of the birds which could lawfully be taken within the*

state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe, one deer, *one bear*, and one moose, which has been lawfully taken and possessed, and may transport the head or hide of such deer, *bear*, or moose for mounting or tanning purposes to a point within or without the state; but if such deer, *bear*, or moose is not transported by common carrier, the licensee must accompany such deer, *bear*, or moose, *except that after a licensed resident has transported a big game animal lawfully taken and possessed to his residence, another person may transport the big game animal to another location for processing by the most direct route, provided there shall be attached to the animal a tag marked in ink showing the name and address of the licensee and the number of the license under which it was taken.*

Sec. 3. Minnesota Statutes 1982, section 97.45, subdivision 5, is amended to read:

Subd. 5. *When not accompanying the shipment, a resident may transport by common carrier dressed or undressed fish lawfully taken and possessed by him during the open season for taking such fish, to any point within the state, consigned to himself only.*

Sec. 4. Minnesota Statutes 1982, section 97.45, subdivision 6, is amended to read:

Subd. 6. (1) *When not accompanying the shipment, a licensed nonresident may transport lawfully taken and possessed fish by common carrier to a point within or without this state in any one (SEASON) licensing year one shipment containing; (a) not more than 25 pounds of undressed fish or (b) one undressed fish of any size lawfully taken and possessed by him in this state, or (CONTAINING) (c) not more than 15 pounds of filleted or dressed game fish so taken and possessed, (IF PACKAGED AS HEREINAFTER PROVIDED. A SHIPPING COUPON DESIGNED FOR THE PURPOSES OF THIS SUBDIVISION MAY BE ISSUED FOR EACH INDIVIDUAL NON-RESIDENT FISHING LICENSE, AND TWO COUPONS FOR A COMBINATION NONRESIDENT FISHING LICENSE, SUCH COUPONS) upon obtaining a shipping permit to do so from the commissioner or his agent. The permit shall be issued upon request and without payment of a fee, and (SUCH COUPONS) the permit shall be cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered. In the case of a nonresident combination angling license, each licensee shall be eligible for one shipping permit for each licensing year.*

(2) Such nonresident may carry with him in any vehicle or on a common carrier to any point within or without the state

dressed or undressed fish lawfully taken by him, not exceeding the limit, which he is authorized to possess within the state, provided that bullheads may be so transported either dressed or undressed, or may so carry with him filleted or dressed fish lawfully taken by him, not exceeding the possession limit nor containing more than 15 pounds, if packaged as hereinafter provided.

(3) For the purposes of the foregoing provisions of this subdivision undressed fish of any species may have the heads removed.

(4) *When a licensed nonresident does not accompany the shipment*, filleted or dressed game fish may be transported by common carrier only if the container bears the name and license number of the shipper, the name of the person preparing the container for shipment, his license number as issued under section 98.46, subdivision 5, and the number and species of fish contained, and the net weight thereof.

(5) Each licensee authorized to prepare dressed game fish for shipment shall maintain a permanent record of the name, address and license number of each licensed fisherman making such shipment, the name and address of the consignee, the number and species of fish contained in the shipment, the net weight thereof, and such records shall be available to inspection by state conservation officers at all times.

(6) Notwithstanding any law to the contrary, nonresident under the age of 16 may take fish by angling without procuring a license, if their parent or guardian has obtained (A NON-RESIDENT) *the appropriate* fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian.

Sec. 5. Minnesota Statutes 1982, section 97.45, subdivision 7, is amended to read:

Subd. 7. (ANY) (1) *When not accompanying the shipment, a licensed nonresident (LICENSEE) may transport by (ANY MEANS) common carrier, consigned to himself only, to any point within or without this state, not to exceed the number of undressed game birds which he is entitled to possess at any one time, (AND) one deer, and one bear, lawfully taken and possessed within this state, and provided that (THE NONRESIDENT LICENSEE SHALL ACCOMPANY SUCH GAME BIRDS OR DEER EXCEPT WHEN THEY ARE BEING TRANSPORTED BY COMMON CARRIER.) no undressed game birds may be so transported unless a shipping permit to do so has been obtained from the commissioner or his agent in the same manner as provided in subdivision 6 for the transportation of fish.*

(2) *When accompanying a shipment, a licensed nonresident may carry with him in a vehicle or as baggage on a common*

carrier to any point within or without the state undressed game birds, one deer, one bear, or other wild game lawfully taken and possessed by him in this state.

(3) Common carriers are hereby permitted to carry such wild animals (AS BAGGAGE).

Sec. 6. Minnesota Statutes 1982, section 97.45, subdivision 12, is amended to read:

Subd. 12. All shipments of protected wild animals by common carrier, or carried as baggage, shall have attached a statement signed by the licensee showing his name, address and license number and the number and species of wild animals, *including but not limited to fish*, contained. (IF FISH ARE CONTAINED, THE STATEMENT ALSO SHALL SHOW THE NUMBER OF POUNDS THEREOF AND) The shipment shall have attached to it any tag, shipping coupon, or permit required by law or commissioner's order.

Sec. 7. Minnesota Statutes 1982, section 97.48, subdivision 8, is amended to read:

Subd. 8. The commissioner shall do all things deemed by him desirable in the preservation, protection and propagation in their natural state, and artificially, of all desirable species of wild animals. *The commissioner shall make special provisions for the management of fish and wildlife to insure quality recreational opportunities for anglers and hunters.*

Sec. 8. Minnesota Statutes 1982, section 97.48, subdivision 22, is amended to read:

Subd. 22. The commissioner shall authorize the maintenance and operation of private fish hatcheries under such rules and regulations as the commissioner shall prescribe for the raising and disposition of any fish indigenous to Minnesota waters (EXCEPT CARP). No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules and regulations of the commissioner, or from an artificial pool containing only fish purchased from a private fish hatchery, provided the operator shall furnish to each person taking such fish a written certificate in such form as the commissioner shall prescribe, giving the number and description of the fish taken and such other information as the commissioner requires, whereupon such fish may be possessed, shipped, or transported within the state in like manner as fish taken by a resident under a license. Any person making a false statement in any such certificate shall be guilty of a misdemeanor and subject to the same penalties as prescribed for violations of section 97.55, subdivision 11.

Sec. 9 Minnesota Statutes 1982, section 97.48, subdivision 26, is amended to read:

Subd. 26. The commissioner may designate all or part of any lake (WHICH DOES NOT EXCEED 2,000 ACRES OF WATER AREA) or (ANY) stream, but in aggregate not more than (15) 100 lakes (OR FIVE) and 25 streams (, NOR MORE THAN 10,000 ACRES OF WATER,) at any one time, as experimental waters and, notwithstanding any other provision of law, may establish by order the seasons, limits and methods for the taking of fish therefrom and such other regulations relating thereto as he deems desirable; provided the above may be done only on waters to which the public has free access after a public (HEARING) meeting has been held in the county where the lake or stream, or major portion thereof, is located. Notice of (SAID) the public (HEARING) meeting shall be published once in a legal newspaper within the county or counties where the lake is located not less than seven days prior to the (HEARING) meeting. The commissioner shall establish methods and criteria for citizen initiation of experimental waters designation and for citizen participation in the evaluation of waters designated as experimental waters.

Sec. 10. Minnesota Statutes 1982, section 97.48, is amended by adding a subdivision to read:

Subd. 26a. The commissioner may develop a system of classification under which waters which have been designated as experimental waters pursuant to subdivision 26 and other waters intrinsically suitable therefor are classified as primarily intended for use as trophy lakes, family fishing lakes, special species management lakes, or other categories of special use designated by the commissioner.

Sec. 11. Minnesota Statutes 1982, section 97.53, is amended by adding a subdivision to read:

Subd. 3. In addition to the publication requirements of this section, notice of opening of the netting season on whitefish, tullibee, and herring may be given by posting the date and time in the public places deemed most appropriate by the commissioner not less than 48 hours prior to the opening of the netting season.

Sec. 12. [97.86] [IMPROVEMENT OF FISHING RESOURCES.]

Subdivision 1. [LICENSE SURCHARGE.] A surcharge of \$2.50 shall be added to the annual license fee for each license issued pursuant to section 98.46, subdivision 2, clauses (4) and (5), subdivision 2a, subdivision 5, clauses (1), (2), and (3), and subdivision 15. The proceeds of the surcharge shall be credited to the game and fish fund.

The commissioner may spend the proceeds of the surcharge for the following purposes:

(a) Rehabilitation and improvement of marginal fish producing waters administered on a cost sharing basis under agreements between the commissioner and other parties interested in sport fishing.

(b) Expansion of fishing programs including, but not limited to, aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers. In the expenditure of funds pursuant to this clause, preference shall be given to local units of government and other parties willing and able to share costs.

(c) Upgrading of fish propagation capabilities in order to improve the efficiency of fish production, expansion of walleyed pike production from waters subject to winter kill for stocking in more suitable waters, and introduction of new species where deemed biologically appropriate by the commissioner.

(d) Financing the preservation and improvement of fish habitat. First priority shall be given to expansion of habitat improvement programs approved by the commissioner and implemented in cooperation with other interested parties.

(e) Increasing enforcement through use of covert operations, workteams, and added surveillance, communication, and navigational equipment.

(f) Not more than ten percent of the money available under this subdivision may be used for administrative or permanent personnel costs.

Subd. 2. [INTERIM STUDY.] The chairmen of the house environment and natural resources committee and the senate agriculture and natural resources committee shall review issues and trends in the management and improvement of fishing resources, using information obtained by and presented to the committees by public and private agencies and organizations, and other parties interested in management and improvement of fishing resources. The committees may make recommendations to the commissioner on programs and projects for management and improvement of fishing resources.

The commissioner shall prepare an annual work plan for the expenditure of money under subdivision 1 and provide copies of the plan and any subsequent amendments to the committees and to other parties interested in management and improvement of fishing resources.

Sec. 13. Minnesota Statutes 1982, section 98.46, subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To spear fish from a dark house, \$7.50;
- (2) For any fish house or dark house used during the winter fishing season, (\$3) \$5 for each fish house or dark house not rented or offered for hire, and (\$13) \$15 for each fish house or dark house rented or offered for hire. Each fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with the license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;
- (3) To net white fish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;
- (4) To conduct a taxidermist business, for three consecutive years for residents 18 years of age and older, \$40; for residents under the age of 18, \$25;
- (5) To maintain fur and game farms, including deer, \$15;
- (6) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$50;
- (7) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$13;
- (8) Minnow dealer, \$70 plus \$10 for each vehicle;
- (9) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;
- (10) Exporting minnow dealer, \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Sec. 14. Minnesota Statutes 1982, section 101.42, subdivision 1a, is amended to read:

Subd. 1a. No muskellunge less than 36 inches in length may be taken in any waters north of trunk highway No. 210. *The commissioner may designate particular lakes north of trunk highway No. 210 in which muskellunge less than 36 inches but not less than 30 inches in length may be taken.*

Sec. 15. Minnesota Statutes 1982, section 101.42, subdivision 20, is amended to to read:

Subd. 20. It shall be unlawful to take fish by angling with a set or unattended line except that two lines with a single hook attached to each line, used for angling through the ice, shall not be deemed an unattended line if the owner is within sight of the line. Lines to which tip-ups are attached shall not be deemed unattended if the owner is within 80 feet of the tip-up; *except that it is unlawful to use tip-ups or take fish by angling while spearing fish in a dark house.*

Sec. 16 [102.235] [NEW LICENSES PROHIBITED.]

The commissioner shall not issue any new commercial fishing license which permits netting of game fish on Lake of the Woods and Rainy Lake.

Sec. 17. Minnesota Statutes 1982, section 102.26, is amended by adding a subdivision to read:

Subd. 3a. *Beginning March 1, 1984, the commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishermen in Lake of the Woods in any one season on the following schedule:*

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	164,000
1985	154,000
1986	144,000
1987	134,000
1988	120,000
1989	100,000
1990	80,000
1991	60,000
1992	40,000

1993	20,000
1994	0

For the 1984 license year, 150,000 pounds of walleye shall be divided equally among the ten existing gill net licenses according to order of the commissioner. Up to 14,000 pounds of walleye shall be divided among trap or pound licenses, provided that no licensee shall take more than the highest poundage harvested in any of the last three years. For 1985 and subsequent years the annual allocation of walleye poundage shall be determined by order of the commissioner.

Sec. 18. Minnesota Statutes 1982, section 102.26, is amended by adding a subdivision to read:

Subd. 3b. Beginning March 1, 1984, the commissioner shall limit the maximum poundage of walleye that may be taken by commercial fishermen in Rainy Lake in any one season on the following schedule:

YEAR	SEASONAL COMMERCIAL WALLEYE TAKE IN POUNDS
1984	14,500
1985	13,000
1986	11,500
1987	10,000
1988	8,500
1989	7,000
1990	5,500
1991	4,000
1992	2,500
1993	1,000
1994	0

For the 1984 license year and subsequent years, the seasonal commercial walleye take in pounds in Rainy Lake shall be divided among the licensees by order of the commissioner.

Sec. 19. [EFFECTIVE DATE.]

This act is effective the day following final enactment, except that section 12, subdivision 1 and section 13 are effective March 1, 1984."

Delete the title and insert:

"A bill for an act relating to game and fish; shipment and transportation of wild animals; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; reducing the seasonal commercial walleye take in Lake of the Woods and Rainy Lake; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 97.45, subdivisions 1, 4, 5, 6, 7, and 12; 97.48, subdivisions 8, 22, and 26, and by adding a subdivision; 97.53, by adding a subdivision; 98.46, subdivision 5; 101.42, subdivisions 1a and 20; and 102.26, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapters 97 and 102."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 847, A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, delete the comma and insert a period

Page 1, delete lines 12 to 14

Amend the title as follows:

Page 1, line 2, delete "parallel"

Page 1, line 3, delete "the state and"

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. 873, A bill for an act relating to negligence; removing bars to actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, reinstate the stricken language and delete the new language

Page 1, line 12, after "(e)," insert "*or section 352E.01, subdivision 2,*"

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 926, A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons or property; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

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

The report was adopted.

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

H. F. No. 1014, A bill for an act relating to public welfare; appropriating money for chemical dependency programs for Indians.

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. 1040, A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies

with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

Reported the same back with the following amendments:

Page 8, line 7, before the period insert "*and bonds issued to refund bonds previously issued pursuant to this chapter may be issued in amounts as may be agreed by the contracting party notwithstanding the provisions of section 475.67, subdivision 3*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1049, A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

Reported the same back with the following amendments:

Page 1, line 15, strike "in"

Page 1, line 16, strike "cases where" and insert "*if an*"

Page 1, line 18, strike "where the" and insert "*an*"

Page 1, line 19, delete "*where*"

Page 1, line 20, delete the first "*the*" and insert "*an*"

Page 1, line 26, delete "*Where*" and insert "*If*"

Page 2, after line 8, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1065, A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; shining of wild animals; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 10.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 2, and insert:

"Sec. 2. Minnesota Statutes 1982, section 100.29, subdivision 8, is amended to read:

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any (TERRITORY) zone open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter's or trapper's cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be bright red or blaze orange or covered therewith.

Sec. 3. Minnesota Statutes 1982, section 100.29, is amended by adding a subdivision to read:

Subd. 9a. Between the hours of 10:00 p.m. and 6:00 a.m. it is unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest for the purpose of spotting, locating, or taking any wild animal except for observing bear at waste disposal sites, or taking raccoons in accordance with the provisions of subdivision 10.

It is not a violation of this subdivision for any person to carry out any normal agricultural, occupational, or recreational practice, including snowmobiling, which is not related to spotting, locating, or taking any wild animal."

Amend the title as follows:

Page 1, line 6, delete "10" and insert "8, and by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1074, A bill for an act relating to waste management; amending the Hazardous Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivisions 2 and 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 115.071, subdivision 2, is amended to read:

Subd. 2. [CRIMINAL PENALTIES.] (a) [VIOLATIONS OF LAWS; ORDERS; PERMITS.] (1) *Except as provided in sections 2 and 3*, any person who willfully or negligently violates any provision of chapters 115 or 116, or any standard, regulation, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency thereunder, which violation is not included in clause (2), shall upon conviction be guilty of a misdemeanor.

(2) Any person who willfully or negligently violates any effluent standard and limitation or water quality standard adopted by the agency, any National Pollutant Discharge Elimination System permit or any term or condition thereof, any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying, or other inspection or investigation requirement as provided under applicable provisions of this chapter and, with respect to the pollution of

waters of the state, chapter 116, or any National Pollutant Discharge Elimination System filing requirement, shall upon conviction be punished by a fine of not less than \$2,500 in the event of a willful violation or not less than \$300 in the event of a negligent violation. In any case the penalty shall not be more than \$25,000 per day of violation or by imprisonment for not more than one year, or both. If the conviction is for conduct committed after a first conviction of such person under this subdivision, punishment shall be by fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.

(b) [INFORMATION AND MONITORING.] Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter and, with respect to the pollution of the waters of the state, chapter 116, or standards, regulations, orders, stipulation agreements, schedule of compliance or permits pursuant hereto, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards, regulations, variances, orders, stipulation agreements, schedules of compliance, or permits pursuant thereto, shall upon conviction, be punished by a fine of not more than \$10,000 per day of violation, or by imprisonment for not more than six months, or both.

(c) [DUTY OF LAW ENFORCEMENT OFFICIALS.] It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions, regulations, standards, orders, stipulation agreements, variances, schedule of compliance, or permits.

Sec. 2. Minnesota Statutes 1982, section 115.071, is amended by adding a subdivision to read:

Subd. 2a. [HAZARDOUS WASTE; CRIMINAL PENALTIES.] A person shall be punished by a fine of not more than \$25,000 per day of violation or by imprisonment of not more than one year, or both, upon conviction of any of the following offenses:

(a) willfully or negligently violating any provision relating to hazardous waste of chapter 115 or 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance, permit, or term or condition of a permit issued or adopted by the agency under such a provision;

(b) willfully or negligently violating any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying or other inspection or investigation requirement as provided under any provision relating to hazardous waste of chapter 115 or 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency under such a provision; or

(c) knowingly making any false material statement, representation or certification in any application, label, manifest, record, report, plan, permit or other document, or knowingly destroying, altering, or concealing any document, filed or required to be maintained with respect to hazardous waste under any provision of chapter 115 or 116, or under any standard, rule, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency under such a provision.

If the conviction is for conduct committed after a first conviction of the person under this subdivision, punishment shall be by a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.

Sec. 3. Minnesota Statutes 1982, section 115.071, is amended by adding a subdivision to read:

Subd. 2b. [HAZARDOUS WASTE; UNLAWFUL DISPOSAL; CRIMINAL PENALTIES.] Any person who knowingly, or with reason to know, disposes of hazardous waste in a manner contrary to any provision of chapter 115 or 116, or any standard or rule adopted in accordance with those chapters relating to disposal, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$25,000.

For the purposes of this subdivision, the terms defined in this clause have the meanings given them.

(a) "Disposal" has the meaning given it in section 115A.03, subdivision 9.

(b) "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Sec. 4. Minnesota Statutes 1982, section 115.071, subdivision 3, is amended to read:

Subd. 3. [CIVIL PENALTIES.] Any person who violates any provision of chapters 115 or 116, except any provisions of chapter 116 relating to air and land pollution caused by agricultural operations which do not involve National Pollutant Discharge Elimination System permits, or of (1) any effluent

standards and limitations or water quality standards, (2) any (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) permit or term or condition thereof, (3) any National Pollutant Discharge Elimination System filing requirements, (4) any duty to permit or carry out inspection, entry or monitoring activities, or (5) any rules, (REGULATIONS,) stipulation agreements, variances, schedules of compliance, or orders issued by the agency, shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$10,000 per day of violation *except that if the violation relates to hazardous waste the person shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$25,000 per day of violation.*

In addition, in the discretion of the court, the defendant may be required to:

(a) forfeit and pay to the state a sum which will adequately compensate the state for the reasonable value of cleanup and other expenses directly resulting from unauthorized discharge of pollutants, whether or not accidental;

(b) forfeit and pay to the state an additional sum to constitute just compensation for any loss or destruction to wildlife, fish or other aquatic life and for other actual damages to the state caused by an unauthorized discharge of pollutants.

As a defense to any of said damages, the defendant may prove that the violation was caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any combination of the foregoing clauses.

The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state.

Sec. 5. Minnesota Statutes 1982, section 115A.03, subdivision 10, is amended to read:

Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designed or operated for the purpose of disposing of waste on or in the land, *together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.*

Sec. 6. Minnesota Statutes 1982, section 115A.05, subdivision 2, is amended to read:

Subd. 2. [PERMANENT MEMBERS.] Eight of the permanent members of the board shall be appointed by the governor,

with the advice and consent of the senate, to represent diverse areas and interests within the state. One member shall be appointed from each congressional district in accordance with boundaries existing on January 1, 1980. The term of office and compensation of the eight members thus appointed, and the manner of removal and filling of vacancies, shall be as provided in section 15.0575, except that the initial term of all members shall (BE FOUR YEARS) *extend until 90 days after the board makes the decisions required by section 115A.28* and the rate of compensation shall be \$50 per day spent on board activities. The ninth permanent member of the board shall be the chairperson who shall be appointed by the governor with the advice and consent of the senate. The chairperson shall serve at the pleasure of the governor for a term coterminous with that of the governor, except that the initial term of the chairperson shall (BE FOUR YEARS) *extend until 90 days after the board makes the decisions required by section 115A.28*. The chairperson shall be the executive and operating officer of the board and shall determine the time and place of meetings, preside at meetings, appoint all board officers and hire and supervise all employees subject to the approval of the board, carry out the policy decisions of the board, and perform all other duties and functions assigned to him by the board or by law. No permanent member of the board shall hold other elected or appointed public office.

Sec. 7. Minnesota Statutes 1982, section 115A.05, subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] (FOR THE PURPOSES OF EACH PROJECT REVIEW CONDUCTED BY THE BOARD UNDER SECTIONS 115A.18 TO 115A.30 AND 115A.32 TO 115A.39 AND FOR THE PURPOSE OF PREPARING AND ADOPTING THE HAZARDOUS WASTE MANAGEMENT PLAN UNDER SECTION 115A.11 AND MAKING DECISIONS ON THE ELEMENTS OF THE CERTIFICATION OF NEED FOR DISPOSAL REQUIRED UNDER SECTIONS 115A.18 TO 115A.30, SIX) Local representatives shall be added to the board as temporary voting members, as provided in sections 15; 115A.22, subdivision 4 (,); and 115A.34. The provisions of section 15.0575, subdivisions 3 and 4 relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on board activities and that appointments by the governor to fill vacancies shall take effect in the same manner as the original appointment.

Sec. 8. Minnesota Statutes 1982, section 115A.06, subdivision 4, is amended to read:

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any permanent or temporary right, title, and

interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the board pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39. The board may also direct the commissioner of administration to acquire by purchase, lease, gift, or grant, development rights for sites and buffer areas surrounding sites for all or part of the period that the development (MORATORIUM) *limitations* imposed by section 115A.21, subdivision 3, (IS) are in effect. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections 115A.57 to 115A.59. The property shall be leased *in accordance with terms determined by the board* to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of preferred areas under section 115A.09 or as a candidate site under sections 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 9. Minnesota Statutes 1982, section 115A.08, subdivision 4, is amended to read:

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.] By (AUGUST 15, 1982) *November 1, 1983*, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

(a) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications (AND AN EXPLANATION OF THE PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS FOR DISPOSAL FACILITIES SELECTED FOR CONSIDERATION UNDER SECTION 115A.23);

(b) an evaluation of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(c) an evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of the alternatives to reduce the need for and practice of disposal;

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those objectives;

(e) *an evaluation of implementation strategies, including at least:*

(1) *waste reduction, on-site processing, and off-site management by generators;*

(2) *changes and improvements in regulation, licensing, permitting, and enforcement;*

(3) *government tax and financing programs to encourage proper waste management;*

(4) *institutional alternatives, such as generator associations, cooperatives, franchises, public ownership, and flow control districts;*

(5) *promotion of private investment;*

(6) *interstate cooperation;*

(f) *an evaluation of the possibilities for negotiating long-term contracts with other states or with facilities in other states for disposal of hazardous waste from Minnesota.*

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated.

With the report the board through its chairperson shall (INCLUDE) submit a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 115A.11, and a draft certificate or certificates of need proposed for issuance under section 115A.24. The draft plan and certificates must include an explanation of the basis of the findings, conclusions, and recommendations contained therein.

Sec. 10. Minnesota Statutes 1982, section 115A.08, subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] (BY AUGUST 15, 1982) *With the report required by subdivision 4, the board through its chairperson shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.*

Sec. 11. Minnesota Statutes 1982, section 115A.08, subdivision 6, is amended to read:

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By January 1, 1981, the board through its chairperson shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. (THE BOARD AND THE CHAIRPERSON ON BEHALF) *Representatives of the board, including at least one permanent member, shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility areas prepared pursuant to*

section 115A.09. The board and the chairperson on behalf of the board shall follow the procedures set out in section 115A.22, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports, *the plan, and the certification of need* required by subdivisions 4 (AND 5) to 5a and sections 115A.11 and 115A.24, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under sections 115A.18 to 115A.30. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 12. Minnesota Statutes 1982, section 115A.10, is amended to read:

115A.10 [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES; ENCOURAGEMENT OF PRIVATE ENTERPRISE.]

The board and the chairperson on behalf of the board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of sections 115A.01 to 115A.72 and the board's hazardous waste management plan adopted pursuant to section 115A.11. In preparing the reports under section 115A.08 and the inventory of processing facility sites under section 115A.09, in adopting the management plan, and in its actions and decisions under sections 115A.18 to 115A.30 and 115A.32 to 115A.39, the board and the chairperson on behalf of the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state. The board shall promulgate rules for accepting (,) and evaluating (, AND SELECTING) applications for permits for the construction and operation of facilities at sites preferred (OR SELECTED) by the board pursuant to section 115A.09 (OR SECTIONS 115A.18 TO 115A.30). The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants. (THE RULES SHALL INCLUDE STANDARDS AND PROCEDURES FOR SOLICITING AND ACCEPTING BIDS OR PERMIT APPLICATIONS AND FOR SELECTING DEVELOPERS AND OPERATORS OF HAZARDOUS WASTE DISPOSAL FACILITIES AT SITES CHOSEN BY THE BOARD PURSUANT TO SEC-

TIONS 115A.18 TO 115A.30, WHICH SHALL INCLUDE A PREFERENCE FOR QUALIFIED PERMIT APPLICANTS WHO CONTROL A SITE CHOSEN BY THE BOARD.)

Sec. 13. Minnesota Statutes 1982, section 115A.11, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] (BY DECEMBER 15, 1982,) The board shall adopt a hazardous waste management plan. In developing and implementing the plan, the highest priority of the board shall be placed upon alternatives to land disposal of hazardous wastes including: technologies to modify industrial processes or introduce new processes which will reduce or eliminate hazardous waste generation; recycling, re-use, and recovery methods to reduce or eliminate hazardous waste disposal; and conversion and treatment technologies to reduce the degree of environmental risk from hazardous waste. The board shall also consider technologies for retrievable storage of hazardous wastes for later recycling, re-use, recovery, conversion, or treatment.

The plan shall include at least the following elements:

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

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

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

(d) a description of implementation strategies required to develop the needed disposal capacity under clause (c) and to achieve the objectives under clause (b), including: the necessary private and government actions; development schedules for facilities, services, and regulations; revenue-raising and financing measures; levels of public and private effort and expenditure; legal and institutional changes; and other similar matters.

The plan shall provide for the orderly development of hazardous waste management sites and facilities to protect the health and safety of rural and urban communities. In preparing the plan the board shall consider its impact upon agriculture and natural resources.

The plan shall require the establishment in the state of at least one commercial retrievable storage or disposal facility and shall

recommend and encourage methods and procedures, that will insure the establishment of at least one facility for the recycling, re-use, recovery, conversion, treatment, destruction, transfer, or storage of hazardous waste. The board may make the implementation of elements of the plan contingent on actions of the legislature which have been recommended in the draft plan and certification of need and considered in the reports submitted pursuant to section 115A.08.

Sec. 14. Minnesota Statutes 1982, section 115A.11, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] The plan shall be based upon the reports prepared pursuant to section 115A.08. The plan, the certificate of need issued under section 115A.24, and the procedures for hearings on the draft plan and draft certificate of need, shall not be subject to the rule-making or contested case provisions of chapter 14. By July 1, 1983, the chairman of the board shall report to the legislative commission on waste management about the hearing to be held pursuant to this subdivision. The chairman shall describe the board's plans and procedures for the hearing, the provisions for encouraging public participation in the hearing, and the board's plans for preparing the required report to the legislature fully and accurately summarizing the results of the hearing, the objections raised to the board's draft plan and certification, and the board's response to the testimony received. The legislative commission shall hold a hearing to receive public comment on the board's proposed hearing procedures and thereafter shall make any recommendations it deems appropriate for changes in the board's procedures. Within 30 days following the submission of the report on hazardous management required under section 115A.08, subdivision 4, the board shall hold a public hearing on the draft plan and draft certificate or certificates of need (CONTAINED IN) submitted with the report. Notices of the draft plan and the draft certificate or certificates and notice of the hearing shall be published in the state register and newspapers of general circulation in the state. The notices must indicate how copies of the draft plan and draft certificate or certificates of need may be obtained. The board shall make the draft plan and draft certificate or certificates of need available for public review and comment at least 21 days before the hearing. The hearing shall be ordered by the chairperson of the board and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings in the time allowed by this section. The hearing officer shall not issue a report but shall preside at the hearing to ensure that the hearing is conducted in a fair, orderly, and expeditious manner and in accordance with the hearing procedures of the board. A majority of the permanent members of the board shall attend the hearing. In connection with the hearing, the chairperson of the board shall provide copies of the studies and reports on which the draft plan and certification of need are based and shall (MAKE AN AFFIRMATIVE PRESENTATION SHOWING THE NEED FOR AND REASONABLE-

NESS OF THE DRAFT PLAN AND CERTIFICATION OF NEED) *present an explanation of the basis of the findings, conclusions, and recommendations in the draft plan and certification of need.* Following the hearing, the board shall revise the plan and the certificate or certificates of need as it deems appropriate, shall make a written response to the testimony received at the hearing explaining its disposition of any recommendations made with respect to the plan and certification, and shall finally adopt a plan in accordance with this section and issue a certificate or certificates of need in accordance with section 115A.24.

Sec. 15. [115A.201] [BEDROCK DISPOSAL.]

Subdivision 1. [EVALUATION OF TECHNOLOGY; STUDY AREAS.] The board shall evaluate the feasibility of bedrock disposal of hazardous waste. If the board determines that bedrock disposal is or may be a feasible disposal technology, the board shall identify bedrock study areas of up to four square miles in size for further evaluation.

Subd. 2. [PARTICIPATION BY AFFECTED LOCALITIES.] A plan review committee shall be established for each study area and a temporary board member shall be appointed as provided in this subdivision, to participate in the plan and certification of need to be submitted to the commission under section 115A.08, subdivision 4 and adopted under sections 115A.11 and 115A.24. Within 30 days following the identification of a bedrock study area by the board, the governor shall appoint the chair and members of a plan review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the review of the plan and certification of need. The plan review committee shall be eligible for technical assistance and grants pursuant to section 115A.08, subdivision 6, to assist it in participating in the plan and certification of need. Within 30 days following the appointment of a plan review committee, the committee shall select a temporary board member to be added to the board. Temporary board members may be members of the local plan review committee, and they shall be residents of the county in which the study area is primarily located. Temporary board members shall serve for terms lasting so long as the location the member represents is a study area. Temporary board members shall not participate or vote in decisions affecting the selection and certification of sites under this section and section 115A.21.

Subd. 3. [CANDIDATE SITES.] If the board determines that candidate sites are to be selected in the bedrock study areas, the candidate sites must be proposed and selected as provided in section 115A.21, subdivisions 1 and 2a.

Sec. 16. Minnesota Statutes 1982, section 115A.21, is amended to read:

115A.21 [CANDIDATE SITES.]

Subdivision 1. [SELECTION.] (BY MARCH 15, 1982,) The board shall select (SIX) *at least four* locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. *Candidate sites selected by the board before February 1, 1983, and additional candidate sites selected pursuant to this section, must be reviewed pursuant to sections 115A.22 to 115A.30.* No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended *pursuant to subdivision 2a.*

Subd. 2. [SEARCH PROCEDURE.] The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites. The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site.

(SUBD. 2. [PROCEDURE.]) As soon as practicable, the board through its chairperson shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The board may select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize any conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under sections 115A.18 to 115A.30 and the hazardous waste reports and plans required under sections 115A.04 to 115A.15. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. *No action of the board*

may be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 2a. [INTRINSIC SUITABILITY CERTIFICATION.] The board shall provide to the agency data relating to the intrinsic suitability of (THE SITES) *a site* to be proposed as a candidate (SITES) *site* as soon as available (BUT NO LATER THAN NOVEMBER 1, 1981. BY NOVEMBER 15, 1981, THE BOARD SHALL PROPOSE AT LEAST SIX LOCATIONS AS CANDIDATE SITES, AND). The director of the agency shall issue (A) notice indicating (WHICH OF THOSE SITES) *whether* the director recommends *that the proposed sites should* be certified as intrinsically suitable. The board through its chairperson and the director shall publish notice of hearings on the board's proposal and the director's recommendations. Notice shall be published in the state register and newspapers of general circulation in the state and shall be sent by mail to all regional development commissions, or the metropolitan council, and to local government units containing a proposed candidate site. The hearings shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency and board in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify sites accordingly (BY MARCH 1, 1982). No action of the board or agency (SHALL) *may be held invalid by reason of the board's or agency's failure to notify any of the entities listed in this subdivision.*

Subd. 3. [(MORATORIUM) DEVELOPMENT LIMITATIONS.] In order to permit the comparative evaluation of sites and buffer areas and the participation of affected localities in decisions about the use of sites and buffer areas, (A MORATORIUM IS HEREBY IMPOSED AS PROVIDED IN THIS SUBDIVISION ON ALL DEVELOPMENT WITHIN EACH PROPOSED OR CANDIDATE SITE IDENTIFIED PURSUANT TO THIS SECTION) *development in each candidate site and in a buffer area identified by the board surrounding and at least equal in area to the site shall be limited to development consistent with the development plans, land use classifications, and zoning and other official controls applying to the property on February 1, 1983. No development inconsistent with the plans, use classification, controls, and zoning requirements; no transfers or change of use of public land; and no conditional uses may*

be permitted. The (MORATORIUM ON CANDIDATE SITES AND BUFFER AREAS) *development limitations* shall extend until (THE BOARD CHOOSES A FINAL CANDIDATE SITE OR FINAL CANDIDATE SITES PURSUANT TO THIS ARTICLE. THE MORATORIUM ON THE FINAL SITES AND BUFFER AREAS SHALL EXTEND UNTIL) six months following final action of the board pursuant to (SECTIONS 115A.18 TO 115A.30. NO DEVELOPMENT SHALL BE ALLOWED TO OCCUR WITHIN A PROPOSED SITE OR BUFFER AREA DURING THE PERIOD OF THE MORATORIUM WITHOUT THE APPROVAL OF THE BOARD) *section 115A.28.* No plan, land use classification, official control, or zoning of any political subdivision shall permit or be amended to permit development (WHICH HAS NOT BEEN APPROVED BY THE BOARD) *inconsistent with the requirements of this section,* nor shall any political subdivision sanction or approve any subdivision, permit, license, or other authorization which would allow development (TO OCCUR WHICH HAS NOT BEEN APPROVED BY THE BOARD. THE BOARD SHALL NOT APPROVE ACTIONS WHICH WOULD JEOPARDIZE THE AVAILABILITY OF A CANDIDATE SITE FOR USE AS A HAZARDOUS WASTE FACILITY. THE BOARD MAY ESTABLISH GUIDELINES FOR REVIEWING REQUESTS FOR APPROVAL UNDER THIS SUBDIVISION. THE GUIDELINES SHALL NOT BE SUBJECT TO THE RULE-MAKING PROVISIONS OF CHAPTER 14. REQUESTS FOR APPROVAL SHALL BE SUBMITTED IN WRITING TO THE CHAIRPERSON OF THE BOARD AND SHALL BE DEEMED TO BE APPROVED BY THE BOARD UNLESS THE CHAIRPERSON OTHERWISE NOTIFIES THE SUBMITTER IN WRITING WITHIN 15 DAYS) *inconsistent with the requirements of this section.*

Sec. 17. Minnesota Statutes 1982, section 115A.22, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on reports referred to in subdivision 7, the (PRELIMINARY SPECIFICATIONS) *plan adopted under section (115A.23) 115A.11,* and the certification of need required under section 115A.24 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Sec. 18. Minnesota Statutes 1982, section 115A.22, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] (BY APRIL 15, 1982) *Within 60 days following the selection of a candidate site under section 115A.21,* the governor shall appoint the chairperson and members of (EACH) *the* local project

review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor.

Sec. 19. Minnesota Statutes 1982, section 115A.22, subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] (BY MAY 15, 1982, EACH) *Within 30 days following the appointment of a local project review committee, the local committee shall select a temporary board member to be added to the board for the purposes of the reports (,) to be adopted under section 115A.08, the plan to be adopted under section 115A.11, and the need certifications (,) and review of candidate sites conducted under sections 115A.18 to 115A.30. Temporary board members shall not participate or vote in decisions affecting the selection and certification of sites under sections 15 and 115A.21. If a local committee fails to appoint a temporary board member within (45 DAYS AFTER THE APPOINTMENT OF THE COMMITTEE) the time permitted by this subdivision, the governor shall appoint a temporary board member to represent the committee on the board. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. Temporary board members shall serve for terms lasting (UNTIL THE BOARD HAS TAKEN FINAL ACTION PURSUANT TO SECTION 115A.28 AND) as long as the location the member represents is a candidate site or, in the case of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*

Sec. 20. Minnesota Statutes 1982, section 115A.22, subdivision 6, is amended to read:

Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.] To assist local project review committees to participate in the (CERTIFICATION OF NEED AND THE REVIEW PROCESS) *preparation of environmental impact statements and permit applications*, the board through its chairperson shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with *affected units of government* or qualified consultants. The board through its chairperson shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.

Sec. 21. Minnesota Statutes 1982, section 115A.22, subdivision 7, is amended to read:

Subd. 7. [HAZARDOUS WASTE MANAGEMENT REPORTS.] The chairperson and the board shall prepare and submit the hazardous waste management reports required by section 115A.08, subdivisions 4 (AND 5) to 5a, in consultation with the local project review committees. The chairperson and the board shall request recommendations from the local committees and shall consult with the committees on the board's intended disposition of the recommendations. The reports of the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. A majority of the permanent members shall be present at each meeting. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 22. 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) capacity, and function or use of the disposal facilities needed in the state. *The board shall not certify need for disposal of hazardous wastes until after the agency promulgates rules pursuant to section 116.41, subdivision 1a. The board shall not certify need for disposal of wastes which are prohibited from disposal by agency rule.* 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 *except as*

provided in section 34. (THE BOARD AND THE PERMITTING AGENCIES,) In reviewing and selecting sites, completing and determining the adequacy of 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 shall not be reconsidered except as otherwise provided in section 34. 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) except as otherwise provided in section 34.

Sec. 23. [115A.241] [PARTICIPATION BY FACILITY DEVELOPERS AND OPERATORS.]

The board shall solicit the participation of private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites and facility specifications. To qualify for consideration as a developer or operator, a person shall submit a letter of intent to the board within 90 days following the publication of the board's draft plan pursuant to section 115A.08, subdivision 4. To qualify for selection as a developer or operator, a person shall submit operability reports to the board at least 60 days before the board's hearings under section 115A.27. The letters of intent and reports shall be in the form and contain the information deemed appropriate by the board.

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

115A.25 [(AGENCY;) ENVIRONMENTAL REVIEW PROCEDURES.]

Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.] (AN) *A phased environmental impact statement (MEETING THE REQUIREMENTS OF CHAPTER 116D) shall be completed by the board and the agency (ON DISPOSAL FACILITIES AT EACH CANDIDATE SITE. THE STATEMENT SHALL BE FINALLY ACCEPTED OR REJECTED WITHIN 120 DAYS FOLLOWING THE ISSUANCE OF A CERTIFICATE OR CERTIFICATES OF NEED UNDER SECTION 115A.24). The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section and sections 115A.11, 115A.24, 115A.28, and 115A.30. The board and agency shall follow the procedures in subdivisions 2 and 3 in lieu of the scoping requirements of chapter 116D and rules issued*

pursuant thereto. The statement shall be completed in two phases as provided in sections 25 and 26.

Sec. 25. Minnesota Statutes 1982, section 115A.25, is amended by adding a subdivision to read:

Subd. 1a. [PHASE I.] Phase I of the statement shall be completed by the board on the environmental effects of the board's decision on sites and facility specifications under section 115A.28. Phase I of the statement shall not address or reconsider alternative sites or facility numbers, types, capacity, function, and use which have been eliminated from consideration by the board's decisions under sections 115A.21 and 115A.24. The determination of the adequacy of phase I of the statement is exclusively the authority of the board. The governor shall establish an interagency advisory group to comment on the scope of phase I of the statement, to review drafts, and to provide technical assistance in the preparation and review of phase I of the statement. The advisory group shall include representatives of the agency, the departments of natural resources, health, agriculture, energy, planning and development, and transportation, and the Minnesota geological survey. In order to obtain the staff assistance necessary to prepare the statement, the chairperson of the board may request reassignment of personnel pursuant to section 16.21 and may arrange to have other agencies prepare parts of the statement pursuant to section 16.135.

Sec. 26. Minnesota Statutes 1982, section 115A.25, is amended by adding a subdivision to read:

Subd. 1b. [PHASE II.] Phase II of the statement shall be completed by the agency as a supplement to phase I specifically for the purpose of examining the environmental effects of the permitting decisions required to be made by the permitting agencies under section 34. In preparing, reviewing, and determining the adequacy of phase II of the statement, the agency shall not repeat or duplicate the research and analysis contained in phase I of the statement, except as the agency determines is necessary to examine the environmental effects of the permitting decisions. Phase II of the statement shall not address or reconsider alternative sites and facility numbers, types, capacity, function, and use which have been eliminated from consideration by the board's decisions under sections 115A.21, 115A.24, and 115A.28. The determination of adequacy of phase II of the statement must be made by the agency within 180 days following submission of the preliminary permit application or applications under section 34. The determination of the adequacy of phase II of the statement is exclusively the authority of the agency.

Sec. 27. Minnesota Statutes 1982, section 115A.25, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of a *phase* of the environmental impact statement, the *board or agency* shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register, *the environmental quality board monitor*, and *appropriate newspapers of general distribution*. The disclosure shall:

- (a) identify the candidate sites;
- (b) summarize (PRELIMINARY DESIGN AND OPERATING) *facility* specifications and indicate where and when the specifications are available for inspection;
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;
- (d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;
- (e) identify the membership and address of the local project review committees and the names of the local representatives on the board;
- (f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the *board's or agency's* response.

Sec. 28. Minnesota Statutes 1982, section 115A.25, subdivision 3, is amended to read:

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The *board or agency* may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the *board or agency* a written report summariz-

ing local concerns and attitudes about the proposed action and the specific issues which the local communities and residents wish to see addressed in the environmental review.

Sec. 29. Minnesota Statutes 1982, section 115A.26, is amended to read:

115A.26 [AGENCIES; REPORT ON PERMIT CONDITIONS AND APPLICATION REQUIREMENTS.]

Within (60) 30 days following the board's determination of the adequacy of (THE FINAL) phase I of the environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the chief executive officer of each permitting state agency shall issue (A NOTICE OF INTENT TO ISSUE PERMITS INDICATING,) to the board draft reports on permit conditions and permit application requirements at each candidate site. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of (AGENCY APPROVAL FOR ALL PERMITS NEEDED AT EACH CANDIDATE SITE FOR THE ESTABLISHMENT OF THE FACILITIES DESCRIBED IN THE BOARD'S CERTIFICATION OF NEED) permits and the probable supplementary documentation that will be required for phase II of the environmental impact statement under section 115A.25 and for permit applications under section 34. The reports may be revised following the hearings under section 115A.27 as the chief executive officer deems necessary. The (AGENCY DECISIONS SHALL) reports must be consistent with the establishment of facilities in accordance with the certification of need.

Sec. 30. Minnesota Statutes 1982, section 115A.27, subdivision 2, is amended to read:

Subd. 2. [BOARD HEARINGS.] Within (90) 120 days following the (ISSUANCE OF AGENCY NOTICE OF INTENT UNDER SECTION 115A.26) board's determination of the adequacy of phase I of the environmental impact statement under section 115A.25, the board shall conduct a hearing in each county containing a candidate site, for the purpose of receiving testimony on the (SITES AND FACILITIES TO BE ESTABLISHED) decisions required under section 115A.28. The hearings shall be ordered by the chairperson of the board (AND SHALL BE CONDUCTED CONCURRENTLY WITH ANY AGENCY HEARING REGARDING THE SITE HELD PURSUANT TO SUBDIVISION 1). The subject of the board hearing shall not extend to matters previously decided in the board's decision on sites under section 115A.21 and the certificate of need issued under section 115A.24. The hearing shall be conducted for the board by the state office of administrative hearings in a manner (DETERMINED BY THE HEARING EXAMINER

TO BE) consistent with the completion of the proceedings in the time allowed. The proceedings (SHALL) *and the hearing procedures are not (BE DEEMED A) subject to the rule-making or contested case (UNDER) provisions of chapter 14. The hearing officer shall not issue a report but shall preside at the hearings to ensure that the hearings are conducted in a fair, orderly, and expeditious manner and in accordance with the hearing procedures of the board. A majority of the permanent members of the board shall be present at the hearing.*

Sec. 31. Minnesota Statutes 1982, section 115A.28, subdivision 1, is amended to read:

115A.28 [FINAL (ACTION) DECISION.]

Subdivision 1. [DECISION OF BOARD.] Within 60 days following (FINAL AGENCY DECISIONS ON PERMITS PURSUANT TO SECTIONS 115A.26 AND 115A.27, SUBDIVISION 1) *the conclusion of the hearings under section 115A.27, subdivision 2, and after consulting with private facility developers, the (AGENCY) permitting agencies, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities (AND SHALL SUBMIT OR CAUSE TO BE SUBMITTED FINAL PERMIT APPLICATIONS) and the developer and operator of the facility shall prescribe further specifications on the number, type, capacity, function, and use of the facilities as the board deems appropriate, consistent with the board's certification of need issued under section 115A.24. If the chairperson of the board determines that an agency (NOTICE OF INTENT) report on permit conditions and application requirements has been substantially revised following hearings held pursuant to section 115A.27, subdivision (1) 2, the chairperson (SHALL) may delay the decision for 30 days and may order a public hearing to receive further testimony on the sites and facilities to be established. The proceeding shall be conducted as provided in section 115A.27, subdivision 2, except that hearings shall not be separately held in the affected counties and the issues relating to all agency (NOTICES) reports shall be considered at one hearing. (THE BOARD'S DECISION AND FINAL PERMIT APPLICATIONS SHALL EMBODY ALL TERMS, CONDITIONS, AND REQUIREMENTS OF THE PERMITTING AGENCIES, PROVIDED THAT THE BOARD MAY: (A) FINALLY RESOLVE ANY CONFLICTS BETWEEN STATE AGENCIES REGARDING PERMIT TERMS, CONDITIONS, AND REQUIREMENTS, AND (B) REQUIRE MORE STRINGENT TERMS, CONDITIONS, AND REQUIREMENTS RESPECTING THE FACILITY AS MAY BE CONSISTENT WITH THE CERTIFICATION OF NEED AND THE AGENCY RULES AND PERMIT CONDITIONS. THE BOARD'S RESOLUTION OF CONFLICTS UNDER CLAUSE (A) SHALL BE IN FAVOR OF THE MORE STRINGENT TERMS, CONDITIONS, AND REQUIREMENTS.) The board's decision (AND THE PERMIT*

APPLICATIONS) shall provide for the establishment of facilities consistent with the board's certification of need.

Sec. 32. Minnesota Statutes 1982, section 115A.28, subdivision 2, is amended to read:

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions and the requirements of sections 473H.02 to 473H.17; except that a facility established pursuant to the decision shall be subject to (THOSE) terms, conditions, and requirements in permits of state or federal permitting agencies (EMBODIED IN THE BOARD'S DECISION), *the terms of lease determined by the board under section 115A.06, subdivision 4,* and any requirements imposed pursuant to subdivision 3. (THE PERMITTING AGENCIES SHALL ISSUE PERMITS WITHIN 60 DAYS FOLLOWING AND IN ACCORDANCE WITH THE BOARD'S FINAL DECISION, AND ALL PERMITS SHALL CONFORM TO THE TERMS, CONDITIONS, AND REQUIREMENTS OF THE BOARD'S DECISION.) *Except as otherwise provided in this section,* no charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision *and leases of the board and permits issued (PURSUANT THERETO) by state or federal permitting agencies.*

Sec. 33. Minnesota Statutes 1982, section 115A.28, subdivision 3, is amended to read:

Subd. 3. [LOCAL REQUIREMENTS.] A political subdivision may impose reasonable requirements respecting the construction, inspection, operation, monitoring, and maintenance of a facility. Any such requirements shall be subject to review by the (AGENCY) board to determine their reasonableness and consistency with the establishment and use of a facility in accordance with the final decision *and lease of the board and by the agency to determine their reasonableness and consistency with permits (ISSUED PURSUANT THERETO) of state and federal permitting agencies.* The board or agency may approve, disapprove, suspend, modify, or reverse any such requirements. The decision of the board or agency shall be final.

Sec. 34. [115A.291] [PERMITS.]

Research and analysis necessary to the permit applications and permit decisions required under this chapter, and the supporting environmental study, must commence immediately following the board's decision under section 115A.28. Within 180 days following its final decision under section 115A.28, the board shall submit or cause to be submitted a preliminary ap-

plication for permits for a facility or facilities consistent with its decision under section 115A.28. Following review by the permitting agencies and within 60 days following the agency's determination of the adequacy of phase II of the environmental impact statement, the board shall revise the application, or cause it to be revised, in accordance with the recommendations of the permitting agencies. In preparing its revised permit application, the board may amend its certification of need issued under section 115A.24 or its facility specifications under section 115A.28; if the board finds and determines, based upon the recommendations of the permitting agencies, that: (a) the amendments are necessary to secure permits for the construction and operation of the proposed facility at the proposed site, and (b) the recommendations and amendments are the result of new information or rules produced after the board's decisions under sections 115A.24 and 115A.28. Within 210 days following the submission of the revised permit application, the permitting agencies shall issue the necessary permits unless the pollution control agency determines that the facility or facilities proposed for permitting present environmental problems which cannot be addressed through the imposition of permit conditions.

Sec. 35. Minnesota Statutes 1982, section 115A.30, is amended to read:

115A.30 [JUDICIAL REVIEW.]

Any civil action maintained by or against the agency or board under sections 115A.18 to 115A.30 shall be brought in the county where the board is located and shall take precedence over all other matters of a civil nature and be expedited to the maximum extent possible. Any person aggrieved by a (FINAL) decision of the board (AUTHORIZING FACILITIES) or an agency under sections 115A.18 to 115A.30 may appeal therefrom (WITHIN 30 DAYS) as provided in chapter 14 *within 30 days following all final decisions on the issuance of permits.* No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under sections 115A.18 to 115A.30. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to sections 115A.18 to 115A.30 after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.

Sec. 36. Minnesota Statutes 1982, section 115A.54, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION; ASSURANCE OF FUNDS.] The board shall provide technical and financial assistance for the acquisition and betterment of the facilities and transfer stations from revenues derived from the issuance of bonds authorized by section 115A.58. *Facilities for the incineration of solid waste without resource recovery are eligible for assistance only if the board determines that the project will demonstrate governmental or financial innovations of statewide significance and application.* Of money appropriated for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project. No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

Sec. 37. Minnesota Statutes 1982, section 115A.67, is amended to read:

115A.67 [ORGANIZATION OF DISTRICT.]

The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district, *except that in the case of a district having territory within only two counties each county may appoint three persons. At least one person appointed by each county shall be an elected official of a local government unit having territory within the district.* The first chairperson of the board of directors shall be appointed from outside the first board of directors by the chairperson of the waste management board (AND SHALL BE A LOCAL ELECTED OFFICIAL WITHIN THE DISTRICT). The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. *Members of the board of directors shall be residents of the district.* The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the bylaws, electing officers and for any other business that comes before the meeting. The bylaws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The bylaws shall state:

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;

(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;

(f) the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3; and

(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.

Sec. 38. Minnesota Statutes 1982, section 115A.70, subdivision 3, is amended to read:

Subd. 3. [EXEMPTION.] (THE DISTRICT SHALL NOT DESIGNATE AND REQUIRE USE OF FACILITIES FOR MATERIALS WHICH ARE BEING SEPARATED FROM SOLID WASTE AND RECOVERED FOR REUSE OR RECYCLING BY THE GENERATOR, BY A PRIVATE PERSON UNDER CONTRACT WITH THE GENERATOR OR BY A LICENSED SOLID WASTE COLLECTOR. THE DISTRICT SHALL NOT DESIGNATE AND REQUIRE USE OF FACILITIES FOR MATERIALS WHICH ARE BEING DELIVERED TO ANOTHER RESOURCE RECOVERY FACILITY) *The designation may not apply to or include:*

(a) *materials which are separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes; or*

(b) *materials other than those described in clause (a) which are being delivered to another resource recovery facility unless the district finds and determines that the required use is consistent with criteria and standards concerning displacement of existing facilities and with the evaluation of resource recovery designation which are required in the solid waste management plan of the district.*

Sec. 39. Minnesota Statutes 1982, section 115A.70, is amended by adding a subdivision to read:

Subd. 7. [RELATIONSHIP TO COUNTY DESIGNATION PROCEDURES.] A district need not repeat the designation procedures set out in subdivision 4 to the extent that these procedures have been completed by each county having territory in the district or by a joint powers board composed of each county having territory in the district. A district need not submit the designation for review pursuant to subdivision 2 if the designation has already been approved under section 115A.071 following submission by each county having territory in the district or by a joint powers board composed of each county having territory in the district.

Sec. 40. Minnesota Statutes 1982, section 116.06, is amended by adding a subdivision to read:

Subd. 9i. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air contaminant treatment facility, or any other waste having similar characteristics and effects.

Sec. 41. Minnesota Statutes 1982, section 116.06, subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse, sludge, or (DISCARDED) other waste material or combinations of refuse, sludge or (DISCARDED) other waste materials in solid, semi-solid, liquid, or contained gaseous form which (CANNOT BE HANDLED BY ROUTINE WASTE MANAGEMENT TECHNIQUES) because (THEY) of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or (OTHER LIVING ORGANISMS BECAUSE OF THEIR CHEMICAL, BIOLOGICAL, OR PHYSICAL PROPERTIES) the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include (SEWAGE SLUDGE AND) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Sec. 42. Minnesota Statutes 1982, section 116.07, subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules

and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites. The agency shall promulgate temporary rules for sewage sludge pursuant to sections 14.29 to 14.36. Notwithstanding the provisions of sections 14.29 to 14.36, the temporary rules shall be effective until permanent rules are promulgated or March 1, 1982, whichever is earlier. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution. By January 1, 1983, the rules for the management of sewage sludge shall include an analysis of the sewage sludge determined by the commissioner of agriculture to be necessary to meet the soil amendment labeling requirements of section 17.716.

Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, rules or standards may

relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 14, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for *generators of hazardous waste*, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and *the location of hazardous waste facilities*. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. (THE PUBLIC UTILITIES COMMISSION, IN COOPERATION WITH THE POLLUTION CONTROL AGENCY, SHALL SET STANDARDS FOR THE TRANSPORTATION OF HAZARDOUS WASTE IN ACCORDANCE WITH CHAPTER 221.) In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 43. Minnesota Statutes 1982, section 116.41, subdivision 1a, is amended to read:

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] By (JANUARY 1, 1982) *September 1, 1985*, the agency shall prescribe by rule criteria for excluding types and categories of hazardous wastes from disposal, criteria for accepting types and categories of wastes as suitable for disposal, and minimum pretreatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits

to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.

Sec. 44. Minnesota Statutes 1982, section 473.149, subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By (FEBRUARY 1, 1982) *September 1, 1983*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until (OCTOBER 1, 1983) *90 days following the selection of sites pursuant to section 473.833, subdivision 3.*

Sec. 45. Minnesota Statutes 1982, section 473.149, subdivision 2c, is amended to read:

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] By (AUGUST 15, 1982) *November 1, 1983*, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Sec. 46. Minnesota Statutes 1982, section 473.149, subdivision 2d, is amended to read:

Subd. 2d. [LAND DISPOSAL ABATEMENT PLAN.] By January 1, (1983) *1984*, after considering county land disposal

abatement proposals submitted pursuant to section 473.803, subdivision 1b, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Sec. 47. Minnesota Statutes 1982, section 473.149, subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, (1983) 1984, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number *and capacity* of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each (SUCH) county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. *The council may make the implementation of elements of the schedule contingent on actions of the counties in adopting and implementing county abatement plans pursuant to section 473.803, subdivision 1b; and the council shall review the development schedule at least every two years and shall revise the development schedule as it deems appropriate based on the progress made in the adoption and implementation of the council and county abatement plans.* The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. The schedule shall also include a closure schedule and plans for post-closure management for facilities in existence (PRIOR TO JANUARY 1, 1983) *before the adoption of the development schedule.*

Sec. 48. Minnesota Statutes 1982, section 473.149, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] The council shall establish an advisory committee to aid in the preparation of the policy plan, the performance of the council's responsibilities under subdivisions 2 to 2e, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 473.827, 473.831 and 473.833, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. From (OCTOBER 1, 1981 TO JANUARY 1, 1983) *at least the date that the council adopts the inventory under subdivision 2b to the date that the council adopts a development schedule under subdivision 2e*, for the purpose only of participating in the preparation of the legislative report required by subdivision 2c (AND), the land disposal abatement plan required by subdivision 2d, *and the development schedule required by subdivision 2e*, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the council's disposal site inventory, and that counties containing three sites have at least two additional members and counties containing one or two sites have at least one additional member. A representative from the pollution control agency, one from the waste management board established under section 115A.04, and one from the Minnesota health department shall serve as ex officio members of the committee.

Sec. 49. Minnesota Statutes 1982, section 473.153, subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] (BY DECEMBER 15, 1981,) The council shall select (SIX) candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. *The council shall select at least four candidate sites by September 1, 1983.* The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys

and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available (BUT NO LATER THAN AUGUST 15, 1981). (BY SEPTEMBER 1, 1981,) The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly (BY DECEMBER 1, 1981) *within 90 days of the council's proposal of a site.* The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 50. Minnesota Statutes 1982, section 473.153, subdivision 5, is amended to read:

Subd. 5. [ENVIRONMENTAL (AND PERMIT) REVIEW.] An environmental impact statement (MEETING THE REQUIREMENTS OF CHAPTER 116D SHALL) *must* be completed on (EACH CANDIDATE SITE, PROVIDED THAT) *the environmental effects of the council's decisions required by subdivision 6.* The statement (SHALL) *must* be (FINALLY ACCEPTED OR REJECTED WITHIN 280 DAYS OF THE SELECTION OF CANDIDATE SITES. WITHIN 90 DAYS FOLLOWING THE ACCEPTANCE OF THE STATEMENT, THE AGENCY SHALL INDICATE THE CONDITIONS AND TERMS OF APPROVAL OF ALL PERMITS NEEDED AT EACH CANDIDATE SITE) *prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section. The statement must not address or reconsider alternatives eliminated from con-*

sideration pursuant to subdivisions 1 and 2 and must not address the matters to be decided by the council pursuant to subdivision 6b.

Sec. 51. Minnesota Statutes 1982, section 473.153, is amended by adding a subdivision to read:

Subd. 5a. [AGENCIES; REPORT ON PERMIT CONDITIONS AND APPLICATION REQUIREMENTS.] Within 30 days following the council's determination of adequacy pursuant to subdivision 5, the chief executive officer of each permitting state agency shall issue to the council reports on permit conditions and permit application requirements at each candidate site. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits and the probable supplementary documentation that will be required for permit applications. The reports must be consistent with the establishment of facilities in accordance with the requirements of this section, must not address or reconsider alternatives eliminated from consideration under subdivisions 1 and 2, and must not address the matters to be decided by the council pursuant to subdivision 6b.

Sec. 52. Minnesota Statutes 1982, section 473.153, subdivision 6, is amended to read:

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the (AGENCY'S DECISION ON PERMIT CONDITIONS AND TERMS) determination of adequacy, the council shall select at least one of the candidate sites for acquisition and development by the commission. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.

Sec. 53. Minnesota Statutes 1982, section 473.153, subdivision 6b, is amended to read:

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

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

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

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and

prudent alternatives to the ash disposal facility, including large-scale composting and co-composting of sludge, which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to subdivisions 2 and 6.

Sec. 54. Minnesota Statutes 1982, section 473.153, is amended by adding a subdivision to read:

Subd. 6c. [CERTIFICATION OF NEED; RESTRICTION.] No certification of need may be issued by the council pursuant to subdivision 6b until the report required by this subdivision is submitted to the legislative commission on waste management. The council shall submit the report by January 1, 1984. The report shall evaluate the potential of large-scale sewage sludge composting and co-composting to reduce the need for sewage sludge incineration, sewage sludge ash disposal, and mixed municipal solid waste land disposal; recommend institutional arrangements necessary for the implementation of large-scale sewage sludge composting and co-composting; and compare the costs and benefits of composting and co-composting with the costs, including costs already incurred, and the benefits of incineration.

Sec. 55. Minnesota Statutes 1982, section 473.803, subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By October 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities (AND ONE PROPOSED SITE IN THE COUNTY SUITABLE FOR THE DISPOSAL OF DEMOLITION DEBRIS) and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted

by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available (BUT NO LATER THAN JUNE 15, 1981). By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly (BY OCTOBER 1, 1981) *within 90 days of the county's proposal of a site*. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. In order

to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until (OCTOBER 1, 1983) *90 days following the selection of sites pursuant to section 473.833, subdivision 3*, except that the council may at any time, with the approval of the county in which the site is located, abrogate the application of the moratorium to a specific site or sites or buffer areas. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days.

Sec. 56. Minnesota Statutes 1982, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall address at least waste reduction, separation, and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. (BY JUNE 1, 1983.) Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 *within nine months after the adoption of the council's abatement plan*. The proposal and master plan revision required by this subdivision shall be pre-

pared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Sec. 57. Minnesota Statutes 1982, section 473.823, subdivision 6, is amended to read:

Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 1b. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. *In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.*

Sec. 58. Minnesota Statutes 1982, section 473.831, subdivision 2, is amended to read:

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used (PURSUANT TO SECTION 473.833,) by the council, for the purposes provided in subdivision 1 and to make grants to metropolitan counties to pay the cost of the *environmental review of sites and the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas* required to be acquired by the county, pursuant to section 473.833, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

Sec. 59. Minnesota Statutes 1982, section 473.833, subdivision 2a, is amended to read:

Subd. 2a. [ENVIRONMENTAL (ANALYSIS) IMPACT STATEMENT.] (BY JANUARY 1, 1983,) Each metropolitan county shall complete an (ANALYSIS COMPARING) *environmental impact statement* on the environmental effects of (SOLID WASTE DISPOSAL FACILITIES AT THE SITES IN THE COUNTY WHICH ARE INCLUDED IN THE METROPOLITAN INVENTORY OF SOLID WASTE DISPOSAL SITES ADOPTED BY THE METROPOLITAN COUNCIL PURSUANT TO SECTION 473.149, SUBDIVISION 2b) *the decision required by subdivision 3.* The (ANALYSIS) statement shall be (IN DETAIL SUFFICIENT, IN THE JUDGMENT OF THE COUNTY BOARD, TO INFORM ADEQUATELY THE COUNTY SITE SELECTION AUTHORITY ESTABLISHED UNDER SUBDIVISION 3 OF THE ENVIRONMENTAL EFFECTS OF FACILITIES AT SITES WITHIN THE COUNTY AND TO ASSURE THAT FACILITIES AT THE SITES CAN REASONABLY BE EXPECTED TO QUALIFY FOR PERMITS IN ACCORDANCE WITH THE RULES OF THE AGENCY) *prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by section 473.149 and this section. The determination of adequacy must be made within one year following the council's adoption of the facilities development schedule pursuant to section 473.149, subdivision 2e. The statement must be consistent with the establishment of facilities in accordance with the requirements of the council's development schedule, must not address or reconsider alternatives eliminated from consideration under sections 473.149, 473.803, subdivisions 1, 1a, and 1b, and this section, and must not address matters to be determined by the council under section 473.823, subdivision 6. The statement must address matters respecting permitting under section 473.823 only to the extent deemed necessary for the siting decision required by subdivision 3 of this section. The pollution control agency and the council shall assist and advise counties in the scoping decision and the preparation notice.*

Sec. 60. Minnesota Statutes 1982, section 473.833, is amended by adding a subdivision to read:

Subd. 2b. [AGENCIES; COUNCIL; REPORT ON PERMIT CONDITIONS AND APPLICATION REQUIREMENTS.] *Within 30 days following the county's determination of adequacy under subdivision 2a, the chief executive officer of the metropolitan council and each permitting state agency shall issue to the county reports on permit conditions and permit application requirements at each site in the county. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits and the probable supplementary documentation and environmental review that will be required for permit applications pursuant to chapter 116 and section 473.823. The reports must be consistent with the establishment of facilities in accordance with the requirements of the council's development schedule adopted under section 473.-*

149, subdivision 2e, must not address or reconsider alternatives eliminated from consideration under sections 473.149, 473.803, subdivisions 1, 1a, and 1b, and this section, and must not address matters to be determined by the council under section 473.823, subdivision 6.

Sec. 61. Minnesota Statutes 1982, section 473.833, subdivision 3, is amended to read:

Subd. 3. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. (BY JUNE 1, 1983) *Within 90 days following the county's determination of adequacy under subdivision 2a*, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the procedures established by the council under section 473.149, subdivision 2e, and in a number *and capacity* equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chairman of the county board shall appoint to the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site or buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number *and capacity* of sites in accordance with the council's standards, criteria, and procedures (BY JUNE 1, 1983) *within the time allowed by this subdivision*, the council shall make the selection. *A county may not be required to develop a solid waste disposal facility at a site selected pursuant to this subdivision in a municipality in which a mixed municipal solid waste resource recovery facility is located unless the council determines that the capacity and number of disposal facilities required by the development schedule for that county cannot be provided in that county without development of the disposal facility.*

Sec. 62. Minnesota Statutes 1982, section 473.833, subdivision 7, is amended to read:

Subd. 7. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] If any county fails to identify property for acquisition or (IF ANY COUNTY REFUSES) to proceed with *environmental analysis and* acquisition, as required by this section and the council's disposal facility development

schedule adopted pursuant to section 473.149, subdivision 2e, the council shall prepare and recommend (TO THE LEGISLATURE, NO LATER THAN JANUARY 1, 1984,) legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.

Sec. 63. [SLUDGE INCINERATION.]

The metropolitan waste control commission established by section 473.503 may not acquire or expand additional incineration facilities, or plan or undertake studies for such acquisition and expansion, until the report required by section 55 is submitted.

Sec. 64. [REPEALER]

Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1, are repealed.

Sec. 65. [APPLICATION.]

Sections 44 to 63 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 66. [EFFECTIVE DATE.]

Sections 1 to 65 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waste management; amending the Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivisions 2 and 3, and by adding subdivisions; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28,

subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3, and by adding a subdivision; 116.06, subdivision 13, and by adding a subdivision; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding subdivisions; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1100, A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

Reported the same back with the following amendments:

Page 1, line 22, strike "any" and insert "*more than three*"

Page 1, line 23, strike "tree" and insert "*trees*"

Page 2, line 34 to page 3, line 12, delete section 3

Page 3, line 26, after "possession" insert "*more than three*"

Page 3, line 27, strike "for sale or processing"

Page 3, line 32, strike "June 30th" and insert "*January 31*"

Page 4, line 22, after "*subdivision 3,*" insert "*88.643;*"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, delete "88.643;"

Page 1, line 7, after "*subdivision 3;*" insert "*88.643;*"

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

The report was adopted.

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

H. F. No. 1101, A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, after "stock" insert "and seed"

Page 1, line 18, after the semicolon delete "or"

Page 1, line 20, after "commissioner" insert "; and (4) to utilize tree planting stock or seed not needed for the reforestation program in the state.

The commissioner's authority to acquire tree planting stock under this subdivision is limited to not more than five tree species per year. The minimum quantity he may acquire of any species is 20,000 trees"

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

The report was adopted.

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

H. F. No. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, sections 60A.11, subdivisions 5a, 5b, and 7; and 60A.111, subdivision 4.

Reported the same back with the following amendments:

Page 5, line 23, delete "*national association*" and insert "*National Association*"

Page 5, line 24, delete "*insurance commissioners*" and insert "*Insurance Commissioners*"

Page 5, line 24, delete "*is*" and insert "*as*"

Page 10, line 5, delete "*if*" and insert a period

Page 10, line 5, after the stricken "*shall*" insert "*must*" and reinstate the stricken "*dispose*" and delete "*disposes*"

Page 10, line 24, after "*of*" insert "*the insurance company's*"

Page 12, line 33, after the first "*company*" insert "*system*"

Page 21, line 34, delete "*such*" and insert "*these*"

Page 23, line 14, delete "*sections 60A.11, subdivisions 5a,*"

Page 23, line 15, delete "*5b, and 7; and*" and insert "*section*"

Page 23, line 15, delete "*are*" and insert "*is*"

Amend the title as follows:

Page 1, line 14, delete "*sections 60A.11, subdivisions 5a, 5b, and 7; and*" and insert "*section*"

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. 1136, A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1162, A bill for an act relating to local government; providing for the development of University Avenue in the cities of Minneapolis and St. Paul; creating a commission to develop and implement transit, housing, and economic development projects; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [PURPOSE.]

In order to revitalize University Avenue with commercial development and housing, the legislature finds that the creation of a joint development commission by the cities of Minneapolis and St. Paul to promote commercial investment and housing and to construct a transit system linking the two cities along the University Avenue route is necessary and beneficial.

Sec. 2. [DEFINITIONS.]

Subdivision 1. [COMMISSION.] “Commission” means the University Avenue development commission created in section 3.

Subd. 2. [TRANSIT SYSTEM.] “Transit system” means, without limitation, a combination of property, structures, improvement, equipment, plants, parking, or other facilities, used or useful, for the purpose of public transit.

Subd. 3. [DEVELOPMENT ZONE.] “Development zone” means the area included in the commission’s development programs. The boundaries shall be determined by the commission before implementation of any programs by the commission.

Sec. 3. [UNIVERSITY AVENUE DEVELOPMENT COMMISSION.]

Subdivision 1. [CREATION; MEMBERS.] *The University Avenue development commission is created. The commission shall be composed of the following voting members: the mayors of St. Paul and Minneapolis; two members of the St. Paul city council appointed by the council; and two members of the Minneapolis city council appointed by the council. Two of the council members serving on the commission shall represent the involved University Avenue area. The chair or designee of the citizens advisory committee shall be a non-voting member of the commission.*

Subd. 2. [TERMS OF THE MEMBERS.] *Each member shall serve until a successor has been selected, unless tenure is*

terminated by resignation, removal, death, or otherwise as provided by law. All members shall serve without compensation for their services, except for necessary expenses incurred in the performance of their duty.

Subd. 3. [VACANCIES.] Any vacancy in a commission membership shall be filled for the unexpired term in the same manner as provided for selection of the regular incumbent.

Subd. 4. [ADVISORY COMMITTEES.] The commission shall appoint a citizens advisory committee and a technical advisory committee of not more than 15 members each. To the extent possible, the citizens advisory committee shall represent business, labor, and community interests in the development zone. The members of the advisory committees shall serve for an indefinite period until the commission makes new appointments. Vacancies will be filled upon nomination by the commission and a majority vote of the advisory committee. A chairman of the advisory committees shall be elected from among the members, and meetings of the committees shall be at the call of the chairman. The advisory committees shall advise the commission on all matters relating to the implementation of the goals and objectives of the University Avenue development commission.

Sec. 4. [COMMISSION; ORGANIZATION AND OPERATION.]

The members of the commission may adopt bylaws and rules of procedure governing their actions, consistent with this and other laws, and shall elect whatever officers the commission deems appropriate. Any authorized action may be taken by the commission upon the vote of a majority of the members present at any meeting lawfully convened. Provided that at least two members from each city must be present to constitute a quorum.

Sec. 5. [POWERS.]

Subdivision 1. [GENERAL POWERS.] The commission may sue and be sued and may enter into contracts necessary or proper for the implementation of sections 1 to 9.

The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity, may enter into any agreement required in connection with them, may comply with any applicable federal or state laws or regulations, and may hold, use, and dispose of money or property in accordance with the terms of the applicable gift, grant, loan, or agreement.

Subd. 2. [TECHNICAL ASSISTANCE.] The commission may contract with state or metropolitan agencies or private per-

sons for technical service, design plans, engineering, and other services that the commission may deem appropriate.

Subd. 3. [OFFICERS AND EMPLOYEES.] *The commission shall employ an executive director and may employ other persons directly or, by agreement with the cities of Minneapolis and St. Paul, use the services of city employees to carry out the duties of the commission.*

Sec. 6. [DUTIES.]

It shall be the general duty of the commission to promote the economic welfare of the development zone and to endeavor to increase and improve commercial and residential development, and with input from ongoing and past studies promote efficient transit between Minneapolis and St. Paul.

Sec. 7. [PHASE I.]

The initial phase of the University Avenue development commission, from July 1, 1983 to June 30, 1985, shall be devoted to studying and planning for the implementation of the goals and objectives of the commission, during which time the commission shall deal with the following specific matters.

(1) *To define the boundaries of the development zone.*

(2) *To confer with local community and business organizations and other units of government created under laws of this state having jurisdiction within all or a part of the development zone, and to adopt in cooperation with them a comprehensive plan by June 30, 1985, to manage, develop, and improve the development zone.*

The comprehensive plan shall evaluate the costs, benefits, and feasibility of an accelerated investment project in housing and commerce along the University Avenue corridor. The plan shall evaluate the feasibility of a transit system in coordination with ongoing transit studies. The plan shall include findings on the costs and benefits and on the technical, economic, and financial feasibility of the project. The report shall include recommendations on legal, institutional, and financial methods of implementing the project. The metropolitan council and the metropolitan transit commission shall provide technical and staff assistance to the commission for developing the plan.

(3) *To establish a funding program to provide the necessary revenue for implementation of the program during Phase II of the commission beginning July 1, 1985.*

(4) *To develop and propose ordinances and legislation as needed for the purposes of the commission.*

(5) To give consideration to all public and private transit and development studies dealing with the development zone while ensuring that no duplication of effort occurs with those studies, and adopt any recommendations of the studies which the commission deems appropriate.

(6) To make a written report to the city councils of Minneapolis and St. Paul by February 1, 1985, giving a detailed account of its activities since the beginning of Phase I, and its specific proposal on how the implementation of the program will take effect during Phase II. If justified by its findings the commission may recommend that Phase II not be implemented.

Sec. 8. [PHASE II.]

Subdivision 1. [APPROVING RESOLUTIONS.] The second phase of the University Avenue development commission shall commence on July 1, 1985 if authorized by resolution of the city councils of Minneapolis and St. Paul prior to that date. The goals and objectives of the second phase of the commission shall be the implementation of the recommendations made by the commission during the initial phase.

Subd. 2. [ADDITIONAL POWERS.] The resolution of the city councils shall include authorization to the commission to exercise any of the powers of the city which the city councils deem appropriate to implement the goals and objectives of the commission as outlined in its report to the councils. The commission may exercise any of the powers of the cities granted under any law or home rule charter, on behalf of the cities, which the city councils may authorize the commission to exercise.

Subd. 4. [SPECIAL DUTIES; PHASE II.] During the second phase of the commission, it shall:

(a) carry out the plan which the commission formulated during Phase I;

(b) utilize the funding source for implementation of the program which was established in Phase I;

(c) continue to meet with the advisory committees; and

(d) report biannually to the city councils of each city and the legislature on the progress of the commission and the estimated time of completion of the program.

Sec. 9. [APPROPRIATION.]

\$125,000 is appropriated from the general fund to the University Avenue development commission for the period July 1, 1983 to June 30, 1985. The city council of Minneapolis shall

appropriate \$62,500 and the city council of St. Paul shall appropriate \$125,000 for the same period. One-half of the appropriations by the cities may be, in lieu of cash, goods or services including the services of city employees. Any unexpended funds as of June 30, 1985 shall be retained by the commission to be utilized during Phase II if the city councils adopt the approving resolutions provided by section 8. If the city councils fail to adopt the approving resolutions, any unexpended funds shall be returned to the general fund and each city in proportional amounts to the cash contributions of each.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day after compliance with section 645.021, subdivision 3, by the governing bodies of the cities of Minneapolis and St. Paul."

Amend the title as follows:

Page 1, line 5, delete "transit,"

Page 1, line 5, after "housing" delete the comma

Page 1, line 6, after "projects" insert "and transit"

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. 1234, A bill for an act relating to state-local fiscal relations; creating an advisory council for local government financial reporting standards; establishing a policy for the distribution of local government aids; providing for the state budget reserve account; removing levy limits for cities with populations under 5,000 and towns; appropriating money; amending Minnesota Statutes 1982, sections 16A.15, by adding a subdivision; 275.50, subdivision 2; 477A.01, by adding a subdivision; and 477A.03, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Article 1

Levy Limits

Section 1. Minnesota Statutes 1982, section 116J.42, subdivision 7, is amended to read:

Subd. 7. The commissioner:

(1) Shall continuously gather and develop demographic data within the state;

(2) Shall design and test methods of research and data collection;

(3) Shall have the power to call upon any agency of the state or political subdivision for data as may be available, and the agencies and political subdivisions shall cooperate to the fullest extent possible;

(4) Shall periodically prepare population projections for designated regions and for the state and may periodically prepare projections for each county, or other political or geographic division;

(5) Shall review, comment, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies or nongovernmental persons, institutions or commissions;

(6) Shall serve as the state liaison with the federal bureau of census, shall coordinate his activities with federal demographic activities to the fullest extent possible, and shall aid the legislature in preparing a census data plan and form for each decennial census;

(7) Shall compile an annual study of population estimates on the basis of county, regional or other political or geographic divisions as necessary to carry out the purposes of this subdivision and section 116J.43;

(8) Shall, on or before January 1 of each year, issue a report to the legislature containing an analysis of the demographic implications of the annual population study and population projections;

(9) Shall cause to be prepared maps of all counties in the state, all municipalities with a population of 10,000 or more, and any other municipalities as deemed necessary for census purposes, according to scale and detail recommended by the federal bureau of the census, with the maps of cities showing boundaries of precincts; and

(10) Shall annually prepare (A POPULATION) an estimate of population and of the number of households for each governmental subdivision for which the metropolitan council does not prepare an annual (POPULATION) estimate, and shall communicate the (ESTIMATE) estimates to the govern-

ing body of each governmental subdivision by May 1 of each year.

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

Subd. 2. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means (A) *any county, and those home rule charter (CITY) cities, statutory (CITY) cities, (TOWN OR SPECIAL TAXING DISTRICT DETERMINED BY THE DEPARTMENT OF REVENUE, EXCEPT A TOWN THAT HAS) and towns having the powers of statutory cities pursuant to section 368.01 or special law, having a population of (LESS THAN) 5,000 or more 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.)*

Sec. 3. Minnesota Statutes 1982, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in (1982) 1983 payable in (1983) 1984 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order initially issued prior to January 1, 1977 by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agen-

cies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs to a governmental subdivision for their minimum required share of any program otherwise authorized by law for which matching funds have been appropriated by the state of Minnesota or the United States, excluding the administrative costs of public assistance programs, to the extent of the increase in levy for the taxes payable year 1983 and subsequent years over the amount levied for the local share of the program for the taxes payable year 1971. This clause shall apply only to those programs or projects for which matching funds have been designated by the state of Minnesota or the United States on or before September 1, of the previous year and only when the receipt of these matching funds is contingent upon the initiation or implementation of the project or program during the year in which the taxes are payable or those programs or projects approved by the commissioner;

(d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. Except for the costs of general assistance medical care under section 256D.03 and the costs of hospital care pursuant to section 261.21, the aggregate amounts levied pursuant to this clause are subject to a maximum increase of 18 percent over the amount levied for these purposes in the previous year;

(e) pay the costs of principal and interest on bonded indebtedness, or (, EFFECTIVE FOR TAXES LEVIED IN 1973 AND YEARS THEREAFTER,) to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

(g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(i) pay the amounts required to compensate for a decrease in manufactured homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the manufactured homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(j) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission (IN LEVY YEAR 1971 OR A SUBSEQUENT LEVY YEAR), but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(k) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(l) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board (IN LEVY YEAR 1971 OR A SUBSEQUENT LEVY YEAR), but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(m) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiply-

ing this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development (. IN THE LEVY YEAR FOLLOWING THE LEVY YEAR IN WHICH THE SPECIAL LEVY MADE PURSUANT TO THIS CLAUSE IS DISCONTINUED, ONE-HALF OF THE AMOUNT OF THAT SPECIAL LEVY MADE IN THE PRECEDING YEAR SHALL BE ADDED TO THE PERMANENT LEVY BASE OF THE GOVERNMENTAL SUBDIVISION);

(n) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(o) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced (FOR LEVY YEAR 1977 AND SUBSEQUENT YEARS) by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(p) pay the amounts allowed under section 174.27 to establish and administer a commuter van program;

(q) pay the costs of financial assistance to local governmental units and certain administrative, engineering, and legal expenses pursuant to Laws 1979, Chapter 253, Section 3;

(r) compensate for revenue lost as a result of abatements or court action pursuant to sections 270.07, 270.17 or 278.01 due to a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(s) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines, and forfeits, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the inflation adjusted aggregate of revenues from these sources in calendar year 1981. "Revenues" from a public service enterprise or a municipal liquor store means the net income or loss of the public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. The "inflation adjusted aggregate of revenues in calendar year 1981" is the aggregate of revenues received in calendar year 1981 increased by a percentage equal to the total percentage increase in the consumer price index for the Minneapolis-St. Paul area from the calendar year 1981 to June of the levy year. The commissioner of revenue shall calculate and notify the governmental subdivisions of the inflation adjustment by September of the levy year. A governmental subdivision qualifies for this special levy only if the decrease in aggregate revenues as computed herein is equal to or greater than two percent of the levy limitation for the preceding levy year;

(t) pay the cost to a governmental subdivision of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, provided that the subdivision did not levy a special levy for the taxes payable year 1981 pursuant to Minnesota Statutes 1980, section 275.50, subdivision 6;

(u) pay the cost of acquisition or betterment of property for which bonds could have been issued pursuant to section 475.52, subdivision 1, to the extent that the acquisition or betterment was paid for with funds not obtained by the issuance of obligations of the subdivision. When an amount is levied pursuant to this clause, the subdivision shall be subject to the procedures for public hearings and referendums established in chapters 373, 412 or 475 or special law, whichever is applicable, that would have applied if the subdivision had issued obligations to pay for the property;

(v) compensate for revenue lost as the result of a reduction of the following state aids or property tax credits and reimbursements:

(1) Local government aid paid pursuant to section 477A.015 if the reduction results in a local government aid distribution

which is less than the amount that was originally certified to the subdivision by the commissioner of revenue;

(2) Property tax credits and reimbursements determined in accordance with sections 273.115, 273.116, and 273.13, subdivision 6, 6a, 7, 7d, or 14a, which are paid pursuant to sections 273.139 and 273.13, subdivision 15a, provided that the reductions in the payment amounts are not due to errors in the abstracts of tax lists required to be filed with the commissioner of revenue by section 275.29;

(w) compensate for a reduction in federal general revenue sharing funds, for the levy year following any year in which the reduction exceeds ten percent of the amount received in the previous year.

The special levies established in Laws 1981, First Special Session, chapter 1, article V, sections 10, 11, and 12 or in any other general or special law enacted in the 1981 or 1982 sessions of the legislature shall continue to be levied outside of the levy limits set in sections 275.50 to 275.56.

Sec. 4. Minnesota Statutes 1982, section 275.50, is amended by adding a subdivision to read:

Subd. 8. [IMPLICIT PRICE DEFLATOR.] *"Implicit price deflator" means the implicit price deflator for government purchases of goods and services for state and local government prepared by the bureau of economic analysis of the United States department of commerce.*

Sec. 5. Minnesota Statutes 1982, section 275.51, is amended by adding a subdivision to read:

Subd. 3f. [LEVY LIMIT BASE.] *(a) A governmental subdivision's levy limit base for the taxes payable year 1984 is established by adding the governmental subdivision's levy limitation for the taxes payable year 1983, calculated pursuant to Minnesota Statutes 1982, section 275.51, subdivision 3e, to the local government aid that it was certified to receive for calendar year 1983 pursuant to Minnesota Statutes 1982, sections 477A.011 to 477A.03.*

(b) For the taxes payable year 1985 and subsequent years, a governmental subdivision's levy limit base is equal to its adjusted levy limit base for the preceding year.

Sec. 6. Minnesota Statutes 1982, section 275.51, is amended by adding a subdivision to read:

Subd. 3g. [ADJUSTED LEVY LIMIT BASE.] *The adjusted levy limit base is equal to the levy limit base computed pursuant to subdivision 3f, increased by:*

(a) a percentage equal to the percentage growth in the implicit price deflator for the 12-month period ending in the second quarter of the year preceding the taxes payable year, or seven percent, whichever is greater;

(b) a percentage equal to the greater of the percentage increases in population or in number of households, if any, for the most recent 12-month period for which data is available, using figures derived pursuant to section 11;

(c) the amount of any base adjustment authorized by the commissioner of revenue pursuant to subdivision 3h; and

(d) for the taxes payable year 1984, the amount by which its levy limitation for taxes payable in 1981 calculated pursuant to sections 275.50 to 275.56 exceeded the amount that it actually levied subject to limitation for taxes payable in 1981.

Sec. 7. Minnesota Statutes 1982, section 275.51, is amended by adding a subdivision to read:

Subd. 3h. [BASE ADJUSTMENTS.] The commissioner of revenue shall approve the following levy limit base adjustments:

(a) Any governmental subdivision which reduced any of its unreserved, undesignated fund balances because of spending for nonspecial levy purposes in calendar year 1981 may have its levy limit base increased by no more than the amount of the reduction in the fund balances;

(b) Any governmental subdivision which has been required to provide new or substantially expanded services because of judgments rendered against the governmental subdivision by a court of competent jurisdiction, changes in state law, rules, or regulations, whether or not the judgments rendered against the governmental subdivision by a court of competent jurisdiction, changed law, rule, or regulation directly mandates new services, may have its levy limit base increased by no more than the amount required to finance the services, provided that the services may not be financed by special levies or special assessments. For purposes of this clause, "substantially expanded services" means services of a type provided prior to the enactment of the change in state law but which are required to be provided under the changed law to an extent that will increase the cost of providing that type of service by 30 percent or more;

(c) Any governmental subdivision which has been required to provide new or expanded services because of annexations, consolidations, mergers or new incorporations since 1981 may have its levy limit base increased by no more than the amount required to finance the general operating costs involved in the services;

(d) Any governmental subdivision which levies a special levy for paying the costs of municipal services provided to new private industrial and nonresidential commercial development pursuant to section 275.50, subdivision 5, clause (m) may have its levy limit base increased for the year following the levy year in which the special levy is discontinued, by an amount equal to one-half of the amount levied as a special levy in the previous levy year; and

(e) Any city or town which has a levy limit base per capita that is below 85 percent of the arithmetic average of the levy limit base per capita for cities and towns subject to the levy limitations of sections 275.50 to 275.56 in the same economic development region may have its levy limit base increased by the amount required to bring its levy limit base per capita up to 85 percent of the arithmetic average of levy limit bases per capita for all cities and towns subject to the levy limitations of sections 275.50 to 275.56 in the region. On or before July 1 each year, the commissioner of revenue shall certify the average levy limit base per capita for each region for purposes of this clause.

Any governmental subdivision which desires to have its levy limit base adjusted under the provisions of this subdivision shall apply to the commissioner of revenue. Applications shall be in the form and accompanied by the data required by the commissioner.

Sec. 8. Minnesota Statutes 1982, section 275.51, is amended by adding a subdivision to read:

Subd. 3i. [LEVY LIMITATION.] The levy limitation for a governmental subdivision shall be equal to the adjusted levy limit base determined pursuant to subdivision 3g, reduced by the total amount of local government aid that the municipality has been certified to receive in the taxes payable year pursuant to sections 477A.011 to 477A.014. The resulting figure is the maximum amount that the municipality may levy for the taxes payable year for all purposes except special levies and special assessments.

Sec. 9. Minnesota Statutes 1982, section 275.51, subdivision 4, is amended to read:

Subd. 4. If in any year (SUBSEQUENT TO 1973) the levy made by a governmental subdivision exceeds the limitation provided in sections 275.50 to 275.56, except when (SUCH) the excess levy is due to the rounding of the mill rates of the governmental subdivision in accordance with section 275.28, subsequent distributions required to be made by the commissioner of finance from any formula aids pursuant to sections 477A.011 to (477A.014) 477A.015, shall be reduced 33 cents for each full dollar the levy exceeds the limitation; provided that a governmental subdivision may determine to levy in excess of the limita-

tion provided in sections 275.50 to 275.56 by not more than five percent by passing a resolution setting forth the amount by which the levy limit is proposed to be exceeded. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation in the governmental subdivision, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the governing body may determine to take no further action or, in the alternative, adopt a resolution authorizing the levy as originally proposed or approving a levy in the lesser amount it determines. The resolution authorizing a levy in excess of the limitation imposed by sections 275.50 to 275.56 shall be published in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation in the governmental subdivision. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the governmental subdivision in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed resolution is filed with the clerk or recorder of the governmental subdivision if the governmental subdivision is a city or town, or with the county auditor if the governmental subdivision is a county, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. A levy approved at a referendum held at a special or general election held prior to October 1 in any levy year increases the allowable levy in that levy year and provides a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years, and there shall be no reduction in distributions of formula aids to the governmental subdivision as a result of the levy.

Sec. 10. Minnesota Statutes 1982, section 275.53, is amended by adding a subdivision to read:

Subd. 1b. [POPULATION AND HOUSEHOLD ESTIMATES.] For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with limitation established by this chapter, the population or the number of households of the governmental subdivision shall be that established by the last federal census, by a census taken pursuant to subdivision 2, or by an estimate made by the metropolitan council, or by the state demographer made pursuant to section 116J.42, subdivision 7, clause (10), whichever is the most recent as to the stated date of count or estimate, up to and including July 1 of the current levy year.

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, section 275.51, subdivision 3e, is repealed.

Sec. 12. [EFFECTIVE DATE.]

This article is effective for taxes levied in 1983, payable in 1984, and thereafter.

Article 2

Local Government Aids

Section 1. Minnesota Statutes 1982, section 16A.15, is amended by adding a subdivision to read:

Subd. 6. [BUDGET RESERVE ACCOUNT.] The commissioner of finance on July 1, 1983, shall transfer \$250,000,000 to a budget reserve account in the general fund in the state treasury. On July 1 of each odd-numbered year thereafter, the commissioner shall transfer to that budget reserve account an amount equal to 2-1/2 percent of the current total biennial general fund expenditures and transfers less dedicated revenue expenditures or a lesser amount as necessary to create a balance in the budget reserve account equal to five per cent of the then current biennium's total general fund expenditures and transfers less dedicated expenditures. The commissioner may transfer moneys in the budget reserve account to the unrestricted general fund balance at any time pursuant to this section.

Sec. 2. Minnesota Statutes 1982, section 477A.01, is amended by adding a subdivision to read:

Subd. 1a. [PURPOSE.] The state shall annually make payments of local government aids to units of local government within the state, through a distribution formula which is fair and equitable, for the purposes of providing property tax relief.

Sec. 3. Minnesota Statutes 1982, section 477A.011, subdivision 2, is amended to read:

Subd. 2. [(MUNICIPALITY) CITY.] (MUNICIPALITY) City means a statutory or home rule charter city, or a town having the powers of a statutory city pursuant to section 368.01 or special law and having a population of 5,000 or more according to the latest federal census.

Sec. 4. Minnesota Statutes 1982, section 477A.011, is amended by adding a subdivision to read:

Subd. 2a. [TOWN.] Town means a town which does not fall under the definition of city in subdivision 2.

Sec. 5. Minnesota Statutes 1982, section 477A.011, subdivision 3, is amended to read:

Subd. 3. [(POPULATION) *NUMBER OF HOUSEHOLDS.*] (POPULATION) *Number of households* means the (POPULATION) *number of households* established by the most recent federal census, by a special census conducted under contract with the United States bureau of the census, by (A POPULATION) *an estimate* made by the metropolitan council, or by (A POPULATION) *an estimate* of the state demographer made pursuant to section 116J.42, subdivision 7, clause (10), whichever is the most recent as to the stated date of the count or estimate.

Sec. 6. Minnesota Statutes 1982, section 477A.011, subdivision 4, is amended to read:

Subd. 4. [EQUALIZED MUNICIPAL MILL RATE.] For any calendar year, a municipality's equalized municipal mill rate means (ITS MUNICIPAL MILL RATE FOR TAXES PAYABLE IN THAT YEAR MULTIPLIED BY ITS AGGREGATE SALES RATIO FOR THE PREVIOUS YEAR AS PREPARED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 124.2131) *the sum of its expenditures in the calendar year for general government, public safety, health and welfare, and public works excluding sewage collection and disposal, and including street cleaning but excluding the other components of the sanitation category, according to the uniform chart of accounts developed and maintained by the state auditor, divided by its equalized assessed value for the calendar year.*

Sec. 7. Minnesota Statutes 1982, section 477A.011, subdivision 5, is amended to read:

Subd. 5. [AVERAGE EQUALIZED MUNICIPAL MILL RATE.] For any calendar year aid distribution, a municipality's average equalized municipal mill rate means the arithmetic average of its equalized municipal mill rate for the (THREE) *two consecutive* calendar years ending two years previous to the aid distribution year.

Sec. 8. Minnesota Statutes 1982, section 477A.011, subdivision 8, is amended to read:

Subd. 8. [(PREVIOUS) *BASE YEAR AID.*] (FOR THE 1982 AID DISTRIBUTION, A MUNICIPALITY'S PREVIOUS) *Base year aid* means (ITS) *the aid amount initially certified for distribution in 1981* (COMPUTED) pursuant to Minnesota Statutes 1980, Sections 477A.01 and 477A.03 (, NOTWITHSTANDING THE AMOUNT WITHHELD PURSUANT TO SECTION

16A.15 BECAUSE FUNDS IN THE STATE TREASURY WERE INSUFFICIENT. FOR 1983 AND ALL SUBSEQUENT CALENDAR YEAR AID DISTRIBUTIONS, PREVIOUS YEAR AID MEANS AID RECEIVED PURSUANT TO SECTIONS 477A.011 TO 477A.014 IN THE PREVIOUS CALENDAR YEAR).

Sec. 9. Minnesota Statutes 1982, section 477A.011, subdivision 11, is amended to read:

Subd. 11. [EQUALIZED ASSESSED VALUE.] For any calendar year (AID DISTRIBUTION), a municipality's equalized assessed value means its (PREVIOUS YEAR) taxable valuation *for taxes payable in that year*, adjusted for the contributions and distributions required by chapter 473F in the case of a city or town located within the metropolitan area and less the captured value in any tax increment district, divided by the municipality's aggregate sales ratio (COVERING THE PERIOD ENDING TWO YEARS PRIOR TO THE YEAR OF AID DISTRIBUTION).

Sec. 10. Minnesota Statutes 1982, section 477A.012, is amended to read:

477A.012 [COUNTY GOVERNMENT DISTRIBUTIONS.]

In each calendar year, every county government except that of a county containing a city of the first class shall receive a distribution equal to its (PREVIOUS) base year aid.

Sec. 11. Minnesota Statutes 1982, section 477A.013, subdivision 1, is amended to read:

Subdivision 1. [(MUNICIPALITIES UNDER 2,500 POPULATION) TOWNS.] In each calendar year, each (MUNICIPALITY WHICH IS NOT COVERED BY THE PROVISIONS OF SUBDIVISION 2) *town which has an average equalized mill rate of at least two mills* shall receive a distribution equal to the proportion that its (PREVIOUS) base year aid (PLUS ITS MINIMUM INCREASE) *bears to the total base year aid for all towns which have average equalized mill rates of at least two mills. The total amount of aid distributed pursuant to this subdivision shall be \$12,500,000 for each calendar year.*

Sec. 12. Minnesota Statutes 1982, section 477A.013, subdivision 2, is amended to read:

Subd. 2. [(MUNICIPALITIES OVER 2,500 POPULATION) CITIES.] In each calendar year, each (STATUTORY AND HOME RULE CHARTER) city (, AND EACH TOWN HAVING THE POWERS OF A STATUTORY CITY PURSUANT TO SECTION 368.01 OR SPECIAL LAW, WHICH HAS A POPULATION OF 2,500 OR MORE ACCORDING TO THE

LATEST FEDERAL CENSUS) shall (RECEIVE A) have a preliminary distribution equal to (THE AMOUNT OBTAINED BY SUBTRACTING THE PRODUCT OF 10 MILLS AND THE MUNICIPALITY'S EQUALIZED ASSESSED VALUE FROM THE LOCAL REVENUE BASE. THIS AMOUNT SHALL THEN BE ADJUSTED, SO THAT IT IS NEITHER LESS THAN THE SUM OF ITS PREVIOUS YEAR AID AND ITS MINIMUM INCREASE, NOR GREATER THAN THE SUM OF ITS PREVIOUS YEAR AID AND ITS MAXIMUM INCREASE) the sum of the amounts determined under clauses (a), (b), and (c) below:

(a) Each city shall receive \$50 per household;

(b) Fifty percent of the remaining money appropriated for local government aid in that calendar year, after distributions pursuant to section 477A.012; 477A.013, subdivision 1; and clause (a) above, shall be distributed to cities in proportion to the factor obtained by multiplying the city's number of households by the ratio of total per household valuation to the subdivision's per household valuation, relative to the sum of the factors for all cities in the state. As used in this subdivision, "per household valuation" means a city's equalized assessed value for the calendar year two years previous to the aid distribution year, divided by the city's number of households, and "total per household valuation" means the total equalized assessed value for the calendar year two years previous to the aid distribution year for all cities in the state divided by the total number of households for all cities in the state.

(c) An amount equal to the amount distributed through clause (b) shall be distributed to all cities in proportion to the product of its number of households and equalized mill rate relative to that of the other cities in the state.

For the calendar year 1984 distribution, the final aid amount shall be the weighted average of the preliminary distribution, with a weighting factor of 1, and the base year aid, with a weighting factor of 2.

For the calendar year 1985 distribution, the final aid amount shall be the weighted average of the preliminary distribution, with a weighting factor of 2, and the base year aid, with a weighting factor of 1.

For the calendar year 1986 and subsequent year aid distributions, the final aid amount shall be equal to the preliminary aid amount.

Any city which has a population of less than 2,500 according to the 1980 federal census and which receives a distribution pursuant to this section that is less than the distribution it re-

ceived in 1983, shall receive a supplemental distribution equal to the amount by which the distribution was reduced.

Sec. 13. [477A.0135] [INELIGIBLE LOCAL UNITS OF GOVERNMENT.]

If a county or municipality purchases labor or materials used in highway construction or maintenance from a prison industry located in another state which could have been purchased from a Minnesota supplier, the county or municipality is ineligible to receive a distribution of local government aid under this chapter for the remainder of the calendar year in which the purchase is made and for the full calendar year following the year of the purchase.

Sec. 14. [477A.017] [UNIFORM FINANCIAL ACCOUNTING AND REPORTING SYSTEM.]

Subdivision 1. [PURPOSE.] Sections 477A.011 to 477A.03 are designed to provide property tax relief to local units of government. In order for the legislature to determine the amounts of relief necessary each year, the legislature must have uniform and current financial information from the governmental units which receive aid distributions. This section is intended to provide that information.

Subd. 2. [STATE AUDITOR'S DUTIES.] The state auditor shall prescribe uniform financial accounting and reporting standards in conformity with national standards.

Subd. 3. [GOVERNOR'S DUTIES.] The governor shall by executive orders constitute a council on county financial accounting and reporting standards and a council on municipal financial accounting and reporting standards to advise the state auditor.

Subd. 4. [CONFORMITY.] Other law to the contrary notwithstanding, in order to receive distributions under sections 477A.011 to 477A.03, counties and cities must conform to the standards set in subdivision 2 in making all financial reports required to be made to the state auditor after June 30, 1984.

Sec. 15. Minnesota Statutes 1982, section 477A.03, subdivision 1, is amended to read:

Subdivision 1. [(ANNUAL) APPROPRIATION.] (A SUM SUFFICIENT) *The sum of \$_____ for calendar year 1984 and \$_____ for calendar year 1985 to discharge the duties imposed by sections 477A.011 to 477A.014 is (ANNUALLY) appropriated from the general fund to the commissioner of revenue.*

Sec. 16. [LOCAL GOVERNMENT FINANCE STUDY.]

Subdivision 1. A legislative study commission is created to study local government finance, in particular but not limited to,

- (a) the effect of existing levy limit laws,*
- (b) assessment procedures and policies,*
- (c) the feasibility of all local government units adopting a uniform fiscal year conforming to the state fiscal year, and*
- (d) the timeliness and sufficiency of the provision to the state of information about local government finance.*

Subd. 2. The commission shall consist of five members of the house of representatives appointed by the speaker, three of whom shall be from the majority caucus and two of whom shall be from the minority caucus, and five members of the senate appointed by the senate rules and administration committee, three of whom shall be from the majority caucus and two of whom shall be from the minority caucus. Any vacancy shall be filled by the appointing power.

Subd. 3. The commission may act from the time its members are appointed until the commencement of the 1984 regular meeting of the legislature. It shall report its findings and recommendations to the legislature not later than January 31, 1984.

Subd. 4. The commission may hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this act. It shall select a chairman and other officers from its membership as necessary.

Subd. 5. Members of the commission shall be reimbursed in the same manner and amount as for other legislative service. It shall use the staff and administrative support of existing legislative service offices.

Sec. 17. [REPEALER.]

Minnesota Statutes 1982, sections 477A.011, subdivisions 6, 7, 9, and 10; and 477A.03, subdivision 2, are repealed.

Sec. 18. [EFFECTIVE DATE.]

This article is effective on January 1, 1984, except for sections 1, 13, 14, and 16 which are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to state-local fiscal relations; authorizing the creation of a budget reserve account; authorizing

a transfer of funds within the state treasury; exempting certain governmental units from levy limitations; authorizing additional special levies; providing a method for determining levy limitations; modifying the distribution formula for local government aids; making certain local government units ineligible for state aid distribution; providing for the development of uniform financial accounting and reporting standards for counties, cities, and towns; amending Minnesota Statutes 1982, sections 16A.15, by adding a subdivision; 116J.42, subdivision 7; 275.50, subdivisions 2, 5, and by adding a subdivision; 275.51, subdivision 4, and by adding subdivisions; 275.53, by adding a subdivision; 477A.01, by adding a subdivision; 477A.011, subdivisions 2, 3, 4, 5, 8, 11, and by adding a subdivision; 477A.012; 477A.013, subdivisions 1 and 2; 477A.03, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 477A; repealing Minnesota Statutes 1982, sections 275.51, subdivision 3e; 477A.011, subdivisions 6, 7, 9, and 10; and 477A.03, subdivision 2."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 87, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

Subd. 3. [STUDY OF APPLICANT.] Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residen-

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

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

Sec. 2. Minnesota Statutes 1982, section 245.801, subdivision 4, is amended to read:

Subd. 4. [SUSPENSION; APPEAL.] An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. *The local welfare agency may demonstrate reasonable cause to revoke, suspend, not renew, or make probationary a family foster care or family day care license by submitting reports, statements, affidavits, or other reliable hearsay to substantiate the allegations of noncompliance with rules promulgated by the commissioner pursuant to section 245.802 governing family foster care licensing and family day care licensing. Upon demonstration by the agency that reasonable cause exists to take the proposed action with respect to a family foster care or family day care license, the burden of proof shifts to the licensee to demonstrate compliance with the rule by a preponderance of the evidence.* The hearing examiner shall make a recommenda-

tion to the commissioner as to whether the license shall be suspended, revoked, or made probationary. However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

Sec. 3. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. [BOTH PARENTS DECEASED.] If upon petition to the juvenile court by a reputable person, including but not limited to an agent of the commissioner of public welfare, and upon hearing in the manner provided in section 260.155, the court finds that both parents are deceased and no appointment has been made or petition for appointment filed pursuant to sections 525.615 to 525.6185, the court shall order the guardianship and legal custody of the child transferred to:

- (a) the commissioner of public welfare;*
- (b) a licensed child placing agency; or*
- (c) an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.*

Sec. 4. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

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

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

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

Sec. 5. Minnesota Statutes 1982, section 364.09, is amended to read:

364.09 [LAW ENFORCEMENT; EXCEPTION.]

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

Sec. 6. 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 investigation of such reports; and to provide protective and counseling services in appropriate cases.

Sec. 7. 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), agency, hospital, sanatorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

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

Sec. 8. Minnesota Statutes 1982, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Any public or private school, facility as defined in section 7, or the employee of any public or private school or facility who permits access by a local welfare agency and assists in good faith in an investigation pursuant to subdivision 10 shall have immunity from any liability, civil or criminal, that otherwise might result by reason of that action.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

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

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] (a) *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.*

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

(c) *When the local welfare agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and the reference to the statutory authority to conduct an interview on school property. The notification shall be signed by the chairman of the county welfare board or his designee. The time, place, and manner of the interview on school premises shall be within the discretion of school officials. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is deemed necessary by agreement between the school officials and the local welfare agency. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the abuse investigation has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.*

(d) *Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the*

victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

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

(f) The commissioner and the local welfare agencies responsible for investigating reports have the right to enter facilities as defined in section 7 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 11. Minnesota Statutes 1982, section 626.556, is amended by adding a subdivision to read:

Subd. 10a. [ABUSE OUTSIDE THE FAMILY UNIT.] 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 as defined in section 7, the local welfare agency shall immediately notify the appropriate 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. 12. Minnesota Statutes 1982, section 626.556 is amended by adding a subdivision to read:

Subd. 10b. [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] If the report alleges that a child in the care of a facility as defined in section 7 is neglected, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him or her of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the

powers and duties specified for local welfare agencies under this section."

Amend the title as follows:

Page 1, line 19, delete "and" and after "10" insert ", and by adding subdivisions"

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. 148, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

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

The report was adopted.

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

S. F. No. 455, A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

Reported the same back with the following amendments:

Page 1, line 16, after "shareholder" insert "*or membership*"

Page 1, line 19, before the period insert "*; provided that all directors must be notified of the text of the written action and its effective date prior to its effective date*"

Page 1, line 25, delete "*text and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 464, A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

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

The report was adopted.

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

S. F. No. 591, A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete "*providing*" and insert "*that provide*"

Page 1, line 13, delete "*which may*"

Page 1, delete lines 14 and 15

Page 1, line 16, delete "*sections 148.88 to 148.98*"

Page 1, line 17, delete "*whether*" and insert "*if*"

Page 1, line 17, delete "*duly licensed physician or*"

Page 1, line 18, before the period insert "*to the extent that the services and treatment are within the scope of licensed consulting psychologist licensure*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 684, A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for marriage dissolution instruments; amending Minnesota Statutes 1982, sections 287.01, subdivision 3; 287.03; and 287.04.

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

The report was adopted.

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

S. F. No. 767, 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 the legislature or joint legislative agencies or commissions; proposing new law coded in Minnesota Statutes, chapter 352D.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 844, A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 15, after "152.02" insert "*with the exception of marijuana*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 854, A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 111, 245, 594, 642, 681, 748, 847, 873, 926, 1040, 1049, 1065, 1074, 1100, 1101, 1106 and 1136 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 292, 87, 148, 455, 464, 591, 684, 767, 844 and 854 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Swanson introduced:

H. F. No. 1250, A bill for an act relating to patient data; changing requirements for release of records; amending Minnesota Statutes 1982, section 144.335, subdivision 2.

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

Norton, Wynia, Vellenga, O'Connor and Staten introduced:

H. F. No. 1251, A bill for an act relating to transportation; designating the highway marked No. I-94 within the St. Paul city limits as the "Wilkins Memorial Expressway"; appropriating money; amending Minnesota Statutes 1982, section 161.14, by adding a subdivision.

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

Fjoslien and Wenzel introduced:

H. F. No. 1252, A bill for an act relating to taxation; sales and use; exempting admissions to high school athletic events; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

Vanasek introduced:

H. F. No. 1253, A bill for an act relating to taxation; property; providing that sales ratio studies are inadmissible in actions challenging real estate taxes; amending Minnesota Statutes 1982, section 278.05, subdivision 4.

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

Jennings introduced:

H. F. No. 1254, A bill for an act relating to taxation; reducing the rate of tax on certain corporate income; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

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

Jennings, Pauly and Johnson introduced:

H. F. No. 1255, A bill for an act relating to the legislature; extending the provisions of the open meetings law to the legislature; amending Minnesota Statutes 1982, section 471.705.

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

Jennings introduced:

H. F. No. 1256, A bill for an act relating to taxation; income; reducing the corporate tax rate on certain income; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

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

Rice and Begich introduced:

H. F. No. 1257, A bill for an act relating to occupations and professions; regulating entertainment agencies; providing penalties; proposing new law coded as Minnesota Statutes, chapter 184A.

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

Vanasek introduced:

H. F. No. 1258, A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Le Sueur County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

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

Tomlinson, Sieben and Eken introduced:

H. F. No. 1259, A bill for an act relating to taxation; modifying the definition of gross income; adopting federal definitions of itemized deductions; updating the references to the Internal Revenue Code; extending the duration of the temporary income tax surtax; modifying the deduction of federal income taxes; assigning certain gambling winnings by nonresidents to Minnesota; imposing withholding tax on certain gambling winnings and horse racing purses; repealing certain income tax credits for pollution control expenditures; changing the refund method for the sales tax on electricity used in agricultural production; making the six percent sales and use tax rate permanent; increasing the motor vehicle excise tax rate to six percent; modifying the enterprise zone law; providing for state tax incentives in enterprise zones; limiting the number of enterprise zones; reducing the corporate income tax rate; eliminating the deduction for certain income and franchise taxes paid by corporations; eliminating the deduction for corporate capital gains; providing small business investment credits; modifying the definition of market value; requiring additional information on the certificate of value; mandating that homestead affidavits be filed in all counties; requiring that all contracts for deed be recorded; restricting the use of sales ratio studies as evidence; eliminating the agricultural mill rate credit on farm homes; increasing the agricultural mill rate credit on certain property; modifying the wetlands credit; modifying the utility property tax credit; limiting the reduced assessment rate for certain structures used for housing; changing certain property tax classification ratios; exempting contracts for deed from the mortgage registry tax and providing penalties for failure to file; exempting cities and towns with populations under 5,000 from levy limitations; modifying the method by which levy limitations are calculated; adding a special levy for certain county purposes; establishing a new homestead credit formula for certain homestead property; modifying the property tax refund formula; changing the payment dates for the property tax refund; repealing the rent capitalization method used in assessing agricultural land; repealing the native prairie credit and reimbursement; repealing the wetlands reimbursement; modifying school district cash flow; establishing school aid payment dates for fiscal year 1985 and years thereafter; requiring that property taxes be paid 15 days earlier; altering property tax settlement dates; appropriating money; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 272.02, subdivision 1; 272.03, subdivision 8; 272.115, subdivision 1; 273.11, subdivision 1; 273.115, subdivisions 1, 2, and 3; 273.13, subdivisions 6, 6a, 7, 9, 11, 14a, 17, 17b, 17c, 20, and by adding a subdivision; 273.1312, subdivisions 2, 3, 4, and 5; 273.1313, subdivisions 1, 2, 3, and 5; 275.50, subdivision 2, and by adding subdivisions; 275.51, by adding subdivisions; 275.53, by adding a subdivision; 276.09; 276.10; 276.11; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivisions 4 and 5; 279.01, subdivision 1; 287.05, subdivision 1; 290.01, subdivisions 19, 20, 20a, as amended, 20b, as amended, and 20f; 290.05, subdivision 6;

290.06, subdivisions 1, 2e, 11, and 14; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, 6, 28, and 29; 290.091; 290.095, subdivision 4; 290.14; 290.16, subdivision 4; 290.17, subdivision 2; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39, subdivision 2; 290.46; 290.92, subdivision 2a, and by adding subdivisions; 290A.03, subdivisions 3, 6, 8, 11, 13, and by adding a subdivision; 290A.04, subdivisions 1, 2, 2a, and 3; 290A.07, subdivision 2a; 290A.16; 290A.18; 290A.19; 297A.02, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.35, subdivision 3; 297B.02, as amended; 473F.08, subdivision 7a; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; proposing new law coded in Minnesota Statutes, chapters 116C; 124; 273; 290; and 507; repealing Minnesota Statutes 1982, sections 273.11, subdivision 7; 273.116; 273.42, subdivision 2; 273.425; 275.51, subdivisions 3e and 5; 290.01, subdivisions 23, 27, and 28; 290.032, subdivision 5; 290.06, subdivisions 9 and 9a; 290.077, subdivision 2; 290.08, subdivision 25; 290.09, subdivisions 10, 15, 22, and 27; 290.21, subdivision 3a; 290.501; 290A.04, subdivision 2b; 290A.07, subdivision 3; 352C.07; and Laws 1982, chapter 523, article VII, section 3.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 801, A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

H. F. No. 903, A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

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. 610, A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berkelman moved that the House refuse to concur in the Senate amendments to H. F. No. 610, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 508, A bill for an act relating to insurance; homeowner's; requiring notices of cancellation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Welle moved that the House concur in the Senate amendments to H. F. No. 508 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 508, A bill for an act relating to insurance; requiring all notices of cancellation of homeowner's policies to be written in language that is easy to read and understandable; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

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

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

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Pauly	Skoglund
Anderson, G.	Erickson	Kvam	Peterson	Solberg
Battaglia	Evans	Larsen	Piepho	Sparby
Beard	Findlay	Levi	Piper	Stadum
Begich	Fjoslien	Long	Price	Staten
Bennett	Forsythe	Ludeman	Quinn	Sviggum
Bergstrom	Frerichs	Mann	Quist	Swanson
Berkelman	Graba	Marsh	Kedalen	Thiede
Bishop	Greenfield	McEachern	Reiff	Tomlinson
Blatz	Gruenes	McKasy	Rice	Tunheim
Brandl	Gustafson	Metzen	Riveness	Uphus
Brinkman	Gutknecht	Minne	Rodosovich	Valan
Burger	Haukoos	Munger	Rodriguez, C.	Valento
Carlson, D.	Heap	Murphy	Rodriguez, F.	Vanasek
Carlson, L.	Heinitz	Nelson, D.	Rose	Vellenga
Clark, J.	Hoffman	Nelson, K.	Sarna	Voss
Clark, K.	Hokr	Neuenschwander	Schafer	Waltman
Clawson	Jacobs	Norton	Scheid	Welch
Cohen	Jennings	O'Connor	Schreiber	Welker
Coleman	Jensen	Ogren	Seaberg	Welle
Dempsey	Kalis	Olsen	Segal	Wenzel
DenOuden	Kelly	Omann	Shaver	Wigley
Dimler	Knickerbocker	Onnen	Shea	Wynia
Eken	Knuth	Osthoff	Sherman	Zaffke
Elioff	Kostohryz	Otis	Simoneau	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. 170, 634, 679 and 887.

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. 889 and 1067.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 170, 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.

S. F. No. 634, A bill for an act relating to game and fish; establishing the joint legislative committee on fishing resources; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.53, by adding a subdivision; 97.55, by adding subdivisions; 98.46, subdivision 5; 98.52, by adding subdivisions; and 101.42, subdivisions 1a and 20; proposing new law coded in Minnesota Statutes, chapters 97, 98, and 102.

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

S. F. No. 679, A bill for an act relating to redevelopment; authorizing the commissioner of iron range resources and rehabilitation to exercise certain powers and to issue bonds to finance certain projects and programs in tax relief areas; appropriating money; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

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

S. F. No. 887, A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, and by adding a subdivision.

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

S. F. No. 889, A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

The bill was read for the first time.

Berkelman moved that S. F. No. 889 and H. F. No. 1040, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1067, A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

The bill was read for the first time.

Marsh moved that S. F. No. 1067 and H. F. No. 1136, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 26

A bill for an an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

April 19, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 26, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 26 be further amended as follows:

Page 1, line 12, delete "(1)" and insert "(a)"

Page 1, line 13, delete "normally"

Page 1, line 14, after "purposes" insert "at least 40 percent of the time"

Page 1, line 19, delete "(2)" and insert "(b)"

Page 1, line 24, delete "(3)" and insert "(c)"

Page 2, line 4, delete "(4)" and insert "(d)"

Page 2, line 4, delete "(a)" and insert "(1)"

Page 2, line 6, delete "(b)" and insert "(2)"

Page 2, line 22, delete the first "or"

Page 2, line 22, after "agents" insert a comma

Page 2, line 22, after the second "or" insert "its"

Page 2, line 27, after "shall" insert ", at the consumer's option, either"

Page 2, line 30, after the first comma, insert "including the cost of any options or other modifications arranged, installed, or made by the manufacturer, its agent, or its authorized dealer within 30 days after the date of original delivery,"

Page 2, line 32, after "vehicle" insert "not exceeding ten cents per mile driven or ten percent of the purchase price of the vehicle, whichever is less"

Page 2, line 32, delete "shall" and insert "must"

Page 2, line 34, delete "may"

Page 3, line 9, after "or" insert "its"

Page 3, line 13, delete the second "or" and insert a comma

Page 3, line 14, after "agents" insert a comma

Page 3, line 14, after "or" insert "its"

Page 3, line 20, after the period, insert:

"(c) If the nonconformity results in a complete failure of the braking or steering system of the new motor vehicle and is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the conformity has been subject to repair at least once by the manufacturer, its agents, or its authorized dealers

within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.

(d)"

Page 3, line 24, delete "In"

Page 3, line 25, delete "no event shall" and insert:

"(e)"

Page 3, line 25, delete "this section" and insert "paragraph (b)"

Page 3, line 25, delete "apply" and insert "applies"

Page 3, line 26, delete "unless" and insert "only if"

Page 3, line 26, delete the first "or" and insert a comma

Page 3, line 26, after "agent" insert a comma

Page 3, line 26, after the second "or" insert "its"

Page 3, line 27, after "prior" insert "written"

Page 3, line 28, after "consumer" insert "at least once"

Page 3, line 29, after the period, insert: "If the notification is received by the manufacturer's agent or authorized dealer, the agent or dealer must forward it to the manufacturer by certified mail, return receipt requested."

(f) *At the time of purchase the manufacturer, either directly or through its agent or its authorized dealer, must provide the consumer a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACEMENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE."*

Subd. 4. [RESALE OF RETURNED MOTOR VEHICLE.]

(a) *If a motor vehicle has been returned under the provisions*

of subdivision 3 or a similar statute of another state, it may not be resold in this state unless:

(1) the manufacturer provides the same express warranty it provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier; and

(2) the manufacturer provides the consumer with a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S EXPRESS WARRANTY AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY MINNESOTA LAW."

The provisions of this section apply to the resold motor vehicle for full term of the warranty required under this subdivision.

(b) Notwithstanding the provisions of paragraph (a), if a new motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state because of a nonconformity resulting in a complete failure of the braking or steering system of the motor vehicle likely to cause death or serious bodily injury if the vehicle was driven, the motor vehicle may not be resold in this state."

Renumber the subdivisions in sequence

Page 4, line 2, after "as" insert "nonbinding" and delete "but not binding"

Page 4, line 10, delete "shall" and insert "must"

Page 4, line 13, delete "earlier" and insert "later"

Page 4, line 18, before "Section" insert "Section 1, subdivision 3, paragraph (f), is effective June 15, 1983. The rest of" and after "enactment" insert "and applies to all motor vehicles which as of that date are still under a manufacturer's express warranty and were originally delivered during the previous one-year period"

We request adoption of this report and repassage of the bill.

House Conferees: JOSEPH R. BEGICH, JOHN J. SARNA and MARCUS MARSH.

Senate Conferees: GREGORY L. DAHL, EMBER D. REICHGOTT and GEN OLSON.

Begich moved that the report of the Conference Committee on H. F. No. 26 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

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

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Haukoos	McDonald	Uphus	Welker
Erickson	Jennings	Schafer		
Frerichs	Ludeman	Thiede		

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

CONSENT CALENDAR

S. F. No. 358, A bill for an act relating to counties; permitting changes to appointed coroners, medical examiners, and death investigations in certain conditions; amending Minnesota Statutes 1982, sections 390.005, by adding a subdivision; and 390.35.

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

Jennings	McKasy	Peterson	Schreiber	Valento
Jensen	Metzen	Piepho	Segal	Vanasek
Johnson	Minne	Piper	Shea	Vellenga
Kelly	Munger	Price	Sherman	Voss
Knickerbocker	Murphy	Quinn	Simoneau	Waltman
Knuth	Nelson, D.	Quist	Skoglund	Welch
Kostohryz	Nelson, K.	Redalen	Selberg	Welker
Krueger	Neuenschwander	Reif	Sparby	Welle
Kvam	Norton	Rice	Stadum	Wenzel
Larsen	O'Connor	Riveness	Staten	Wigley
Levi	Ogren	Rodosovich	Sviggun	Wynia
Long	Olsen	Rodriguez, C.	Swanson	Zafike
Ludeman	Omman	Rodriguez, F.	Thiede	Speaker Sieben
Mann	Onnen	Rose	Tomlinson	
Marsh	Osthoff	Schafer	Tunheim	
McDonald	Otis	Scheid	Uphus	
McEachern	Pauly	Schoenfeld	Valan	

The bill was passed and its title agreed to.

S. F. No. 332, A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; amending Minnesota Statutes 1982, section 48.152, subdivision 8; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ellingson Greenfield Staten Wynia

The bill was passed and its title agreed to.

S. F. No. 611 was reported to the House.

Hoffman moved that S. F. No. 611 be continued one day. The motion prevailed.

S. F. No. 653 was reported to the House.

Ogren moved that S. F. No. 653 be continued one day. The motion prevailed.

S. F. No. 659, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

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

The bill was passed and its title agreed to.

S. F. No. 972, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 238, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

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 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden Ludeman Welker Zaffke

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. Nos. 455 and 92.

H. F. No. 455, A bill for an act relating to the operation of state government; creating the department of commerce; providing for appointment of a commissioner of commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioner of commerce 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, sub-

division 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.

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 111 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Larsen	Piepho	Solberg
Anderson, C.	Evans	Levi	Piper	Sparby
Anderson, R.	Forsythe	Long	Price	Stadum
Battaglia	Graba	Mann	Quinn	Staten
Beard	Greenfield	Marsh	Quist	Swiggum
Begich	Gustafson	McDonald	Redalen	Swanson
Bergstrom	Gutknecht	McEachern	Reif	Tomlinson
Berkelman	Haukoos	Metzen	Rice	Tunheim
Bishop	Heap	Minne	Riveness	Valan
Blatz	Heinitz	Munger	Rodosovich	Vanasek
Brandl	Himle	Murphy	Rodriguez, C.	Vellenga
Brinkman	Hoffman	Nelson, D.	Rodriguez, F.	Waltman
Burger	Jacobs	Nelson, K.	Rose	Welch
Carlson, D.	Jennings	Neuenschwander	Sarna	Welle
Carlson, L.	Jensen	Norton	Scheid	Wenzel
Clark, J.	Johnson	O'Connor	Schoenfeld	Wigley
Clark, K.	Kalis	Ogren	Seaberg	Wynia
Clawson	Kelly	Olsen	Sgal	Zaffke
Cohen	Knickerbocker	Omam	Shaver	Speaker Sieben
Coleman	Knuth	Onnen	Shea	
Dinler	Kostobryz	Osthoff	Sherman	
Eken	Krueger	Otis	Simoneau	
Elioff	Kvam	Peterson	Skoglund	

Those who voted in the negative were:

Bennett	Findlay	Hokr	Thiede	Welker
Dempsey	Fjoslien	Ludeman	Uphus	
DenOuden	Frerichs	Schafer	Valento	
Erickson	Gruenes	Schreiber	Voss	

The bill was passed and its title agreed to.

H. F. No. 92 was reported to the House.

Swanson moved to amend H. F. No. 92, the second engrossment, as follows:

Page 54, line 32, delete "\$91,147,000" and insert "\$96,147,000"

Page 55, line 8, delete "\$77,233,000" and insert "\$82,233,000"

Page 55, line 10, after the period insert "*The appropriation for 1985 includes \$5,000,000 for the development of new programs and the modification and renovation of existing programs in order to meet the present and future needs of the people of Minnesota.*"

The Speaker called Wynia to the Chair.

The question was taken on the amendment and the roll was called. There were 38 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Begich	Evans	Krueger	Pauly	Sviggum
Bergstrom	Findlay	Larsen	Redalen	Swanson
Berkelman	Fjoslien	McKasy	Reif	Valan
Bishop	Frerichs	Metzen	Scheid	Waltman
Brinkman	Graba	Mianne	Schreiber	Welle
Carlson, D.	Gruenes	Ogren	Sparby	Wenzel
Elioff	Haukoos	Omann	Stadum	
Erickson	Krickerbocker	Osthoff	Staten	

Those who voted in the negative were:

Anderson, B.	Ellingson	Kostohryz	Peterson	Skoglund
Anderson, G.	Forsythe	Kvam	Piepho	Solberg
Anderson, R.	Greenfield	Levi	Piper	Thiede
Battaglia	Gustafson	Long	Price	Tomlinson
Beard	Gutknecht	Ludeman	Quinn	Tunheim
Bennett	Heap	Mann	Quist	Uphus
Blatz	Heinitz	Marsh	Rice	Valento
Brandl	Himle	McDonald	Rodosovich	Vanasek
Burger	Hoffman	McEachern	Rodriguez, C.	Vellenga
Carlson, L.	Hokr	Munger	Rodriguez, F.	Welch
Clark, J.	Jacobs	Murphy	Rose	Wigley
Clawson	Jennings	Nelson, D.	Sarna	Wynia
Cohen	Jensen	Nelson, K.	Schafer	Zaffke
Coleman	Johnson	Neuenschwander	Schoenfeld	Speaker Sieben
Dempsey	Kahn	Norton	Seaberg	
DenOuden	Kalis	O'Connor	Shaver	
Dimler	Kelly	Onnen	Shea	
Eken	Knuth	Otis	Simoneau	

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

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

Wenzel and Thiede moved to amend H. F. No. 92, the second engrossment, as follows:

Page 74, after line 13, insert a subdivision to read:

"Subd. 12. [PINE CENTER SCHOOL.] There is appropriated \$86,000 for fiscal year 1984 for the purpose of operating the Pine Center school in independent school district number 181.

This amount shall be paid to independent school district number 181 and shall be used only to operate the Pine Center school."

Renumber the remaining subdivisions

The question was taken on the amendment and the roll was called. There were 39 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Krueger	Peterson	Thiede
Begich	Evans	Kvam	Qurst	Tunheim
Bergstrom	Findlay	Long	Redalen	Uphus
Bishop	Fjoslien	McDonald	Rose	Vaia
Carlson, D.	Graba	Ogren	Schoenfeld	Wenzel
Dimler	Gustafson	Omann	Sherman	Wigley
Elioff	Gutknecht	Osthoff	Stadum	Zaffke
Ellingson	Heap	Pauly	Swanson	

Those who voted in the negative were:

Anderson, B.	Eken	Knuth	Olsen	Shea
Anderson, G.	Forsythe	Kostohryz	Onnen	Simoneau
Battaglia	Frerichs	Larsen	Piepho	Skoglund
Beard	Greenfield	Levi	Piper	Solberg
Bennett	Gruenes	Ludeman	Price	Sparby
Berkelman	Haukoos	Mann	Reif	Staten
Blatz	Heinitz	Marsh	Rice	Sviggum
Brandl	Himle	McEachern	Rodosovich	Tomlinson
Brinkman	Hoffman	McKasy	Rodriguez, C.	Valento
Burger	Hokr	Metzen	Rodriguez, F.	Vanasek
Carlson, L.	Jennings	Minne	Sarna	Vellenga
Clark, J.	Jensen	Munger	Schafer	Voss
Clark, K.	Johnson	Murphy	Scheid	Waltman
Cohen	Kahn	Nelson, D.	Schreiber	Welch
Coleman	Kalis	Nelson, K.	Seaberg	Welker
Dempsey	Kelly	Neuenschwander	Segal	Welle
DenOuden	Knickerbocker	Norton	Shaver	

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

Kahn, Riveness, Graba, Long and Jennings moved to amend H. F. No. 92, the second engrossment, as follows:

Page 64, line 27, after "purposes," insert "*to purchase textbooks,*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 97 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bennett	Berkelman	Blatz	Brinkman
Battaglia	Bergstrom	Bishop	Brandl	Burger

Carlson, D.	Gutknecht	Mann	Quinn	Sparby
Carlson, L.	Halberg	Marsh	Quist	Staten
Clark, J.	Haukoos	McDonald	Redalen	Sviggum
Clark, K.	Heap	Metzen	Reif	Swanson
Cohen	Heinitz	Minne	Riveness	Thiede
Coleman	Himle	Munger	Rodosovich	Valento
Dempsey	Hoffman	Murphy	Rodriguez, C.	Vanasek
Dimler	Hokr	Nelson, D.	Rose	Vellenga
Elioff	Jennings	Neuenschwander	Sarna	Voss
Ellingson	Johnson	O'Connor	Schafer	Waltman
Erickson	Kahn	Ogren	Scheid	Welker
Evans	Kelly	Omman	Schoenfeld	Wenzel
Findlay	Knickerbocker	Onnen	Schreiber	Wigley
Fjoslien	Knuth	Pauly	Seaberg	Wynia
Forsythe	Kvam	Peterson	Segal	Zaffke
Frerichs	Larsen	Piepho	Shaver	
Graba	Long	Piper	Sherman	
Greenfield	Ludeman	Price	Solberg	

Those who voted in the negative were:

Anderson, B.	Gruenes	McEachern	Rodriguez, F.	Valan
Anderson, G.	Gustafson	McKasy	Shea	Welch
Beard	Jensen	Nelson, K.	Simoneau	Welle
Begich	Kalis	Norton	Skoglund	Speaker Sieben
Clawson	Kostohryz	Olsen	Tomlinson	
DenOuden	Krueger	Osthoff	Tunheim	
Eken	Levi	Rice	Uphus	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Frerichs moved to amend H. F. No. 92, the second engrossment, as amended, as follows:

Page 3, line 13, delete ".024" and insert ".023"

Page 8, line 22, delete "\$544,556,000" and insert "\$584,556,000"

Page 8, line 27, delete "\$455,143,000" and insert "\$495,143,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Gutknecht	Knickerbocker	Omman
Bennett	Erickson	Halberg	Kvam	Onnen
Bishop	Evans	Haukoos	Levi	Pauly
Blatz	Findlay	Heinitz	Ludeman	Piepho
Burger	Fjoslien	Himle	Marsh	Quist
Carlson, D.	Forsythe	Jennings	McDonald	Redalen
Dempsey	Frerichs	Johnson	McKasy	Reif
DenOuden	Gruenes	Kalis	Olsen	Rose

Schafer	Shaver	Swiggum	Valan	Wigley
Schoenfeld	Shea	Swanson	Valento	Zaffke
Schreiber	Sherman	Thiede	Waltman	
Seaberg	Stadium	Uphus	Welker	

Those who voted in the negative were:

Anderson, B.	Eken	Larsen	Osthoff	Solberg
Anderson, G.	Elioff	Long	Peterson	Sparby
Battaglia	Ellingson	Mann	Piper	Staten
Beard	Graba	McEachern	Price	Tomlinson
Begich	Greenfield	Metzen	Quinn	Tunheim
Bergstrom	Gustafson	Miane	Rice	Vanasek
Berkeiman	Hoffman	Munger	Riveness	Vellenga
Brandl	Jacobs	Murphy	Rodosovich	Voss
Carlson, L.	Jensen	Nelson, D.	Rodriguez, C.	Welch
Clark, J.	Kahn	Nelson, K.	Rodriguez, F.	Welle
Clark, K.	Kelly	Neuenschwander	Sarna	Speaker Sieben
Clawson	Knuth	Norton	Scheid	
Cohen	Kostobryz	O'Connor	Simoneau	
Coleman	Krueger	Ogren	Skoglund	

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

Jennings moved to amend H. F. No. 92, the second engrossment, as amended, as follows:

Page 5, delete lines 10 to 36

Page 6, delete lines 1 to 36

Page 7, delete lines 1 to 28

Renumber the sections accordingly.

Page 23, line 36, delete "*and the amount of*"

Page 24, delete line 1

Page 24, line 2, delete "*pursuant to article 1, section 6, subdivision 2,*"

Further, 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 62 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Blatz	Dempsey	Erickson	Fjoslien
Bennett	Burger	DenOuden	Evans	Forsythe
Bishop	Carlson, D.	Dimler	Findlay	Frerichs

Gruenes	Knickerbocker	Onnen	Seaberg	Uphus
Gutknecht	Kvam	Pauly	Segal	Valan
Halberg	Levi	Piepho	Shaver	Valento
Haukoos	Ludeman	Quist	Sherman	Waltman
Heap	Mann	Redalen	Soarby	Welker
Heinitz	Marsh	Reif	Siadum	Wigley
Himle	McDonald	Riveness	Swiggum	Zaffke
Jennings	McKasy	Rose	Swanson	
Johnson	Olsen	Schafer	Thiede	
Kalis	Omann	Schreiber	Tunheim	

Those who voted in the negative were:

Anderson, G.	Ellingson	McEachern	Price	Staten
Battaglia	Graba	Metzen	Quinn	Tomlinson
Beard	Greenfield	Minne	Rice	Vanasek
Begich	Gustafson	Munger	Rodosovich	Vellenga
Berkelman	Hoffman	Murphy	Rodriguez, C.	Voss
Brandl	Jacobs	Nelson, D.	Rodriguez, F.	Welch
Carlson, L.	Jensen	Nelson, K.	Sarna	Welle
Clark, J.	Kahn	Neuenschwander	Scheid	Wenzel
Clark, K.	Kelly	Norton	Schoenfeld	Wynia
Clawson	Knuth	O'Connor	Shea	Speaker Sieben
Coleman	Kostohryz	Osthoff	Simoncau	
Eken	Krueger	Peterson	Skoglund	
Elioff	Larsen	Piper	Solberg	

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

Knickerbocker moved to amend H. F. No. 92, the second engrossment, as amended, as follows:

Page 77, after line 20, insert:

"Sec. 3. Minnesota Statutes 1982, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than anticipated, and that consequently the amount available for the remainder of the biennium will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, either:

(a) after consultation with the legislative advisory commission created by section 3.30, transfer from the budget reserve account established in section 16A.53, to the general fund the amount necessary to balance revenue and expenditures;

(b) reduce the amount allotted or to be allotted so as to prevent a deficit; or

(c) make any combination of transfer and reductions as provided by clauses (a) and (b).

Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision.

In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause."

Page 91, line 22, delete "13" and insert "14"

Renumber sections as necessary

Further, amend the title:

Page 1, line 18, after the semicolon insert "16A.15, subdivision 1;"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

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 Knickerbocker amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brandl	Kahn	Ludeman	Schreiber	Welker
DenOuden				

The motion prevailed and the amendment was adopted.

H. F. No. 92, A bill for an act relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer nonpost-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdi-

vision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.26, subdivision 4; 124.271, subdivision 5; 124.273, subdivisions 1 and 2; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

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

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

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 102 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Battaglia	Bennett	Blatz	Carlson, D.
Anderson, G.	Beard	Bergstrom	Brandl	Carlson, L.
Anderson, R.	Begich	Berkelman	Brinkman	Clark, J.

Clark, K.	Hinic	McKasy	Quinn	Skoglund
Clawson	Hoffman	Metzen	Redalen	Solberg
Cohen	Jacobs	Minne	Reif	Sparby
Coleman	Jensen	Munger	Rice	Staten
Eken	Johnson	Murphy	Riveness	Swanson
Elioff	Kahn	Nelson, D.	Rodosovich	Tomlinson
Ellingson	Kalis	Nelson, K.	Rodriguez, C.	Tunheim
Erickson	Kelly	Neuenschwander	Rodriguez, F.	Vanasek
Evans	Knickerbocker	Norton	Rose	Vellenga
Findlay	Knuth	O'Connor	Sarna	Welch
Fjoslien	Kostehryz	Ogren	Scheid	Welle
Graba	Krueger	Olsen	Schoenfeld	Wenzel
Greenfield	Larsen	Onnen	Seaberg	Wynia
Gruenes	Levi	Osthoff	Segal	Zaffke
Gustafson	Long	Peterson	Shaver	Speaker Sieben
Gutknecht	Mann	Piepho	Shea	
Halberg	Marsh	Piper	Sherman	
Heap	McEachern	Price	Simoneau	

Those who voted in the negative were:

Bishop	Haukoos	McDonald	Stadum	Voss
Burger	Heinitz	Omann	Svigum	Waltman
Dempsey	Hokr	Pauly	Thiede	Welker
DenOuden	Jennings	Quist	Uphus	
Forsythe	Kvam	Schafer	Valan	
Frerichs	Ludeman	Schreiber	Valento	

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

CALL OF THE HOUSE LIFTED

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

Pauly was excused at 5:00 p.m. Sherman was excused until 5:10 p.m. Stadum was excused at 5:55 p.m.

GENERAL ORDERS

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

REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. Nos. 521, 904, 254 and 375 which it recommended to pass.

H. F. Nos. 938 and 102 which it recommended progress.

H. F. No. 474 which it recommended progress retaining its place on General Orders.

S. F. No. 598 which it recommended progress until Thursday, April 28, 1983.

H. F. No. 270 which it recommended to pass with the following amendment offered by Schoenfeld and McDonald:

Page 2, after line 7, insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 1982, section 561.19, subdivision 5, is repealed."

Amend the title as follows:

Page 1, line 5, after "2" insert "; repealing Minnesota Statutes 1982, section 561.19, subdivision 5"

S. F. No. 280 which it recommended to pass with the following amendment offered by Kelly:

Page 6, after line 22, insert:

"Sec. 5. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]

Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given:

(a) "Financial intermediary" means any person doing business in this state who offers transaction accounts to the public.

(b) "Transaction account" means a deposit or account established and maintained by a natural person or persons under an individual or business name for personal, household, or business purposes, on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. A transaction account does not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust or a limited partnership.

Subd. 2. [REQUIRED INFORMATION.] Before opening or authorizing signatory power over a transaction account, a fi-

financial intermediary shall require each applicant to provide the following information on an application document signed by the applicant under the penalties for perjury in section 609.48:

- (a) full name;
- (b) birth date;
- (c) address of residence;
- (d) address of current employment, if employed;
- (e) telephone numbers of residence and place of employment, if any;
- (f) social security number;
- (g) driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the document includes the applicant's photograph, full name, birth date, and signature;
- (h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application, and, if so, the account number for each account;
- (i) whether the applicant has had a transaction account closed by a financial intermediary without the applicant's consent within 12 months immediately preceding the application, and, if so, the reason the account was closed; and
- (j) whether the applicant has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

Subd. 3. [ACCOUNT OPENING DATE.] All checks, drafts, negotiable orders of withdrawal, share drafts, or other similar items which are drawn against a transaction account after the effective date of this section shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened, if:

- (a) the applicant represents on the application document that he has not maintained a transaction account within 12 months immediately preceding the application;

(b) *the applicant represents on the application document that he has had a transaction account closed without his consent within 12 months immediately preceding the application; or*

(c) *the applicant represents on the application document that he has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.*

Subd. 4. [IDENTIFICATION IS REQUIRED.] *A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver's license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver's license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g), and this subdivision shall be satisfied if the minor's parent or guardian provides the parent's or guardian's own driver's license or identification card issued pursuant to section 171.07 and records the number of this license or identification card on the account application.*

Subd. 5. [NO LIABILITY.] *The requirements of this section shall not be construed to impose any liability on financial intermediaries offering transaction accounts nor to limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.*

[WORTHLESS CHECK COLLECTIONS]

Sec. 6. [332.50] [CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.]

Subdivision 1. [DEFINITIONS.] *"Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.*

"Credit" means an arrangement or understanding with the drawee for the payment of the check.

Subd. 2. [ACTS CONSTITUTING.] *Whoever issues any check which, at the time of issuance, he intends shall not be paid, is liable to the holder for a civil penalty of \$100 plus the amount of the check, interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor, reasonable attorney fees if the amount of the check is over \$1,000, and a service charge not exceeding \$15 if written notice of the charges authorized by this subdivision was conspicuously displayed on the premises when the check was issued and a notice of dishonor and a copy of sections 2 and 609.535 are sent to the drawer in compliance with subdivision 3.*

This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision.

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to establish a rebuttable presumption that the person at the time he issued the check intended it should not be paid:

(1) proof that, at the time of issuance, he did not have an account with the drawee;

(2) proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor and a copy of sections 2 and 690.535 shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, nor does it rebut the presumption of intent established by this subdivision.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. [PROOF OF LACK OF FUNDS OR CREDIT.] If the check has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to establish a rebuttable presumption that there was a lack of funds or credit with the drawee.

Subd. 5. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer if the person receiving the check:

(a) records the following information about the drawer on the check, unless it is printed on the face of the check:

(1) full name;

(2) home or work address;

(3) home or work telephone number; and

(4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 6. [EXCEPTION.] Subdivision 3, clause (2), does not apply to a postdated check.

Subd. 7. [DEFENSES.] Any defense otherwise available to the drawer also applies to liability under this section.

Sec. 7. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; (WORTHLESS) DISHONORED CHECKS.] The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a (WORTHLESS) dishonored check as defined in section 2 issued in the county (WITHIN THE MEANING OF SECTION 609.535), (NOTWITHSTANDING THAT) even though the defendant or defendants are not residents of the county (PROVIDED THAT), if the notice of nonpayment or dishonor (REQUIRED BY) described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check (OR OTHER ORDER OF PAYMENT OF MONEY) may commence a conciliation court action in the county where the (WORTHLESS) dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check (OR OTHER ORDER FOR PAYMENT OF MONEY) that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of the dishonored check (OR OTHER ORDER FOR PAYMENT OF MONEY) to the summons before it is issued.

Sec. 8. Minnesota Statutes 1982, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, con-

ciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of (CLAUSE) *paragraph (a)*, or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of (CLAUSE) *paragraph (a)*, or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a (WORTHLESS) *dishonored check as defined in section 2* issued in the county (WITHIN THE MEANING OF SECTION 609.535), (NOTWITHSTANDING THAT) *even though* the defendant or defendants are not residents of Hennepin county (PROVIDED THAT), *if* the notice of nonpayment or dishonor (REQUIRED BY) *described in section 609.535, subdivision 3*, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check (OR OTHER ORDER OF PAYMENT OF MONEY) may commence a conciliation court action in the county where the (WORTHLESS) *dishonored check* was issued to recover the amount of the check. This clause does not apply to a check (OR OTHER ORDER FOR PAYMENT OF MONEY) that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check (OR OTHER ORDER FOR PAYMENT OF MONEY) to the summons before it is issued.

Sec. 9. Minnesota Statutes 1982, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of (CLAUSE) *paragraph (a)* or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county,

and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of (CLAUSE) *paragraph* (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a (WORTHLESS) *dishonored check as defined in section 2* issued in the county (WITHIN THE MEANING OF SECTION 609.535), (NOTWITHSTANDING THAT) *even though* the defendant or defendants are not residents of Ramsey county (PROVIDED THAT), *if* the notice of nonpayment or dishonor (REQUIRED BY) *described in section 609.535, subdivision 3*, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check (OR OTHER ORDER OF PAYMENT OF MONEY) may commence a conciliation court action in the county where the (WORTHLESS) *dishonored check* was issued to recover the amount of the check. This clause does not apply to a check (OR OTHER ORDER FOR THE PAYMENT OF MONEY) that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check (OR OTHER ORDER FOR PAYMENT OF MONEY) to the summons before it is issued.

Sec. 10. Minnesota Statutes 1982, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall not be liable in a civil or criminal proceeding for releasing the information specified below to any state, county, or local law enforcement or prosecuting authority which first certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice required by (SUBDIVISION) *subdivisions 3 and 8*. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer;

(2) (CORRESPONDENCE BETWEEN THE DRAWER AND THE DRAWEE RELATING TO THE STATUS OF THE ACCOUNT) *Notices regarding nonsufficient funds, overdrafts, and the dishonor of any instrument drawn on the account within a period of six months of the date of request;*

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check or other order for the payment of money which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.

Sec. 11. Minnesota Statutes 1982, section 609.535, subdivision 7, is amended to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (IF THERE IS A WRITTEN REQUEST TO A DRAWEE FROM A PAYEE OR HOLDER OF A CHECK OR OTHER ORDER FOR THE PAYMENT OF MONEY THAT HAS BEEN DISHONORED OTHER THAN BY A STOP PAYMENT ORDER, WHICH REQUEST IS ACCOMPANIED BY A COPY OF THE DISHONORED CHECK OR OTHER ORDER FOR PAYMENT OF MONEY, THE) A drawee is not liable in a civil or criminal proceeding for releasing the information specified in clauses (1) and (2) to the payee or holder (ANY OF) of a check or other order for the payment of money that has been dishonored who first makes a written request for this information and states in writing that the check or other order for the payment of money has not been honored and that ten business days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check or other order for the payment of money and a copy of the notice of dishonor.

The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

This subdivision applies to the following information relating to the drawer's account:

(1) Whether at the time the check or other order for payment of money was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed or restricted for any reason and the date it was closed or restricted; and

(2) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) and (2) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.

Sec. 12. Minnesota Statutes 1982, section 609.535, subdivision 8, is amended to read:

Subd. 8. [NOTICE.] The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after mailing of the notice, the drawee (MAY) *will be authorized to release information relating to the account to the payee or holder of the check or other order for the payment of money and may also release this information to law enforcement or prosecuting authorities.*"

Page 6, delete line 24 and insert:

"Sections 1 to 4 are effective January 1, 1984. Sections 5 to 12 are effective August 1, 1983."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete "data privacy" and insert "commerce"

Page 1, after line 3, insert "establishing procedures for opening checking accounts; providing for civil liability for issuance of dishonored checks; clarifying conciliation court jurisdiction for actions on dishonored checks; requiring release of certain account information to check holders and law enforcement authorities; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; and 609.535, subdivisions 6, 7, and 8;"

Page 1, line 4, delete "chapter" and insert "chapters"

Page 1, line 5, after "13A" insert ", 48, and 332"

H. F. No. 380 which it recommended to pass with the following amendment, as amended by the Vanasek amendment, offered by Ogren, Staten, Vanasek and Blatz:

Page 1, after line 9, insert:

"Subdivision 1. [DUTY TO ASSIST.] Any person who knows that another person is exposed to grave physical harm

shall, to the extent that he can do so without danger or peril to himself or without interference with important duties owed to others, give reasonable assistance to the exposed person. Any person who violates this section is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both.

Any person who renders assistance to another in compliance with this subdivision is immune from civil liability as a result of his acts or omissions in rendering the assistance unless he acts in a willful and wanton or reckless manner in rendering the assistance."

Page 1, line 10, before the "A" insert "Subd. 2. [GENERAL IMMUNITY FROM LIABILITY.]"

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

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Ogren, Staten, Vanasek and Blatz moved to amend H. F. No. 380, the first engrossment, as amended by the Vanasek amendment, as follows:

Page 1, after line 9, insert:

"Subdivision 1. [DUTY TO ASSIST.] Any person who knows that another person is exposed to grave physical harm shall, to the extent that he can do so without danger or peril to himself or without interference with important duties owed to others, give reasonable assistance to the exposed person. Any person who violates this section is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both.

Any person who renders assistance to another in compliance with this subdivision is immune from civil liability as a result of his acts or omissions in rendering the assistance unless he acts in a willful and wanton or reckless manner in rendering the assistance."

Page 1, line 10, before the "A" insert "Subd. 2. [GENERAL IMMUNITY FROM LIABILITY.]"

The question was taken on the amendment, as amended, and the roll was called. There were 93 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Larsen	Osthoff	Simoneau
Anderson, G.	Dimler	Long	Peterson	Skoglund
Anderson, R.	Eken	Mann	Piper	Soiberg
Battaglia	Elioff	Marsh	Price	Sparby
Beard	Ellingson	McDonald	Quinn	Staten
Begich	Graba	McEachern	Quist	Swanson
Bennett	Greenfield	Metzen	Redalen	Thiede
Bergstrom	Gustafson	Minne	Reif	Tomlinson
Berkelman	Gutknecht	Munger	Rice	Valan
Bishop	Himle	Murphy	Riveness	Valento
Blatz	Hoffman	Nelson, D.	Rodosovich	Vanasek
Brandl	Jacobs	Nelson, K.	Rodriguez, C.	Voss
Brinkman	Johnson	Neuenschwander	Rodriguez, F.	Waltman
Burger	Kahn	Norton	Rose	Welch
Carlson, L.	Kalis	O'Connor	Sarna	Welle
Clark, J.	Kelly	Ogren	Scheid	Wenzel
Clark, K.	Knuth	Olsen	Seaberg	Wynia
Clawson	Kostohryz	Omann	Segal	
Cohen	Krueger	Onnen	Shea	

Those who voted in the negative were:

Dempsey	Gruenes	Knickerbocker	Schreiber	Wigley
DenOuden	Halberg	Kvam	Shaver	Zaffke
Erickson	Haukoos	Levi	Sviggun	Speaker Sieben
Evans	Heap	Ludeman	Tunheim	
Findlay	Heinitz	McKasy	Uphus	
Fjoslien	Jennings	Piepho	Veilenga	
Frerichs	Jensen	Schafer	Welker	

The motion prevailed and the amendment, as amended, was adopted.

The question was taken on the DenOuden motion to re-refer H. F. No. 380, as amended, to the Committee on Judiciary, and the roll was called. There were 22 yeas and 93 nays as follows:

Those who voted in the affirmative were:

DenOuden	Gruenes	Jennings	Schafer	Wigley
Erickson	Halberg	Kvam	Sviggun	Zaffke
Findlay	Haukoos	Levi	Thiede	
Fjoslien	Heap	Ludeman	Uphus	
Frerichs	Heinitz	McKasy	Welker	

Those who voted in the negative were:

Anderson, B.	Clark, J.	Greenfield	Long	O'Connor
Anderson, G.	Clark, K.	Gustafson	Mann	Ogren
Anderson, R.	Clawson	Gutknecht	Marsh	Olsen
Battaglia	Cohen	Himle	McDonald	Onnen
Begich	Coleman	Hoffman	McEachern	Peterson
Bennett	Dempsey	Jacobs	Metzen	Piepho
Bergstrom	Dimler	Kahn	Minne	Piper
Berkelman	Eken	Kalis	Munger	Price
Bishop	Elioff	Kelly	Murphy	Quinn
Blatz	Ellingson	Knuth	Nelson, D.	Quist
Brandl	Evans	Kostohryz	Nelson, K.	Reif
Burger	Forsythe	Krueger	Neuenschwander	Rice
Carlson, L.	Graba	Larsen	Norton	Riveness

Rodosovich	Seaberg	Solberg	Valan	Welle
Rodriguez, C.	Segal	Sparby	Vanasek	Wenzel
Rodriguez, F.	Shaver	Staten	Vellenga	Wynia
Rose	Shea	Swanson	Voss	Speaker Sieben
Sarna	Simoneau	Tomlinson	Waltman	
Scheid	Skoglund	Tunheim	Welch	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Schafer moved that the name of Gutknecht be added as an author on H. F. No. 473. The motion prevailed.

Anderson, B., moved that the name of Sieben be stricken and the name of Wenzel be added as an author on H. F. No. 639. The motion prevailed.

Cohen moved that his name be stricken as an author on H. F. No. 648. The motion prevailed.

Vanasek moved that the names of Quist and Rodosovich be added as authors on H. F. No. 1258. The motion prevailed.

Eken introduced:

House Concurrent Resolution No. 4, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

SUSPENSION OF RULES

Eken moved that the rules be so far suspended that House Concurrent Resolution No. 4 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 4

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Be It Resolved by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Tuesday, May 3, 1983, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Eken moved that House Concurrent Resolution No. 4 be now adopted. The motion prevailed and House Concurrent Resolution No. 4 was adopted.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, April 27, 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., Wednesday, April 27, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives