

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 16, 1983

The House of Representatives convened at 1:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Sidney A. Rand, Past President St. Olaf College, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, B., was excused.

Rodosovich was excused until 1:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Rose 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. 1290, 1310 and 720 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 100, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 20, delete "\$12,000,000" and insert "\$8,500,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations 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 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.

Reported the same back with the following amendments:

Page 1, line 26, strike "July" and insert "*January*"

Page 2, line 5, delete "*and every*"

Page 2, line 6, delete "*tenth January 1 thereafter,*"

Page 2, line 9, after the period, insert: "*The owner shall also post a copy of the certificate in a conspicuous place in the building.*"

Page 2, line 11, delete "*July*" and insert "*January*"

Page 2, line 16, after the period insert "*A building evaluator shall not inspect a residence and issue the certificate required by this subdivision if the building evaluator has an ownership interest in the residence or is employed by any person having an ownership interest in the residence.*"

Page 2, line 24, delete "*provided*" and insert "*issued*"

Page 2, lines 31, 33, and 35, delete "*July*" and insert "*January*"

Page 2, line 32, delete "*become*" and insert "*be in effect as of*"

Page 2, line 33, delete "*effective*"

Page 3, line 3, delete "*building*" and insert "*residence*"

Page 3, line 7, delete the first comma and insert "*and*"

Page 3, line 7, delete "*, and social security or Minnesota tax*"

Page 3, line 8, delete "*identification number*"

Page 3, line 27, delete "*recording the certificates*" and insert "*administering the residential rental property weatherization disclosure program*"

Page 4, lines 12 and 20, delete "*owner*" and insert "*plaintiff*"

Page 4, line 25, after the period insert "*The plaintiff shall give the defendant at least three days' advance written notice of the time that an application for disbursement of rent pursuant to this subdivision is to be presented to the court, and a copy of the application and supporting affidavit shall be given with the notice. The notice may be handed to the defendant, mailed to the defendant at the premises occupied by the defendant by first class mail with postage prepaid, or left in a secure place upon the premises occupied by the defendant.*"

Page 5, line 11, delete "*EXCEPTION*" and insert "*EXCEPTIONS*"

Page 5, line 12, delete "*of this act*"

Page 5, line 14, after the period insert "*Sections 2, 3, and 4 do not apply to owner occupied single family residences; single*

family residences which are rented for a period not to exceed four months in any twelve-month period, and condominium units."

Page 5, line 17, delete "\$220,000" and insert "\$256,200"

Page 5, line 18, after the period, insert "*The complement of the department is increased by two in fiscal year 1984 and three in fiscal year 1985.*"

Page 5, line 20, delete "5,"

Page 5, line 22, delete "7" and insert "5"

Page 5, line 23, after the period insert "*Section 7 is effective July 1, 1983.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 524, A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 796, A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, natural and scientific areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; appropriating money; amending Minnesota Statutes 1982, sections 85.015, by adding a subdivision; and 473.147, subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"The publicly owned land on Big Island in Lake Minnetonka shall be designated as a regional park by the Metropolitan Council.

With respect to grants for acquisition in the central riverfront regional park, the council shall, to the maximum extent possible, require acquisition of non fee interest in the housing out parcel on Nicollet Island where consistent with continued housing use and the overall development of the park.

Sec. 3. [MISSISSIPPI RIVERFRONT REGIONAL PARK.]

No funds shall be expended for the Central Mississippi Riverfront Regional Park unless the Minneapolis Park Board and the Hennepin County Park Reserve District enter into a joint powers agreement for the development and management of the park. This section is effective pursuant to section 645.023, subdivision 1."

Page 4, line 21, delete everything after "appropriated"

Page 4, line 22, delete "contained"

Page 4, line 25, after the period, insert:

"From the appropriation for staff and professional services the commissioner may employ not to exceed 26 persons in the unclassified civil service who are in addition to the complement otherwise authorized by law for the department."

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 858, A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; providing funds for the agent orange program; appropriating money; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Reported the same back with the following amendments:

Page 5, delete section 3

Re-number subsequent sections

Page 5, line 35, delete "*Sections 1, 2, and 4 are*" and insert "*This act is*"

Amend the title as follows:

Page 1, line 7, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1017, A bill for an act relating to marriage license and marriage dissolution fees; increasing the marriage license fee; increasing the marriage dissolution filing fees; providing moneys for battered women's programs and for new displaced homemaker programs; amending Minnesota Statutes 1982, sections 357.021, subdivisions 2 and 2a; 517.08, subdivisions 1b and 1c.

Reported the same back with the following amendments:

Page 3, line 6, after "241.66" delete "and" and insert "*This money is appropriated for this purpose to the commissioner of corrections.*"

Page 3, line 7, delete the first "the" and insert "The"

Page 3, line 11, after the period insert "*This money is appropriated for this purpose to the commissioner of economic security.*"

Page 4, line 20, after the period insert "*This money is appropriated for this purpose to the commissioner of corrections.*"

Page 4, line 25, after the period insert "*This money is appropriated for this purpose to the commissioner of economic security.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1305, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 147, A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 352.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund shall be an amount equal to (3.46) 3.73 percent of salary, beginning with the first full pay period after (DECEMBER 31, 1981) *January 18, 1983*. These contributions shall be made by deduction from salary in the manner provided in subdivision 4.

Sec. 2. Minnesota Statutes 1982, section 352.04, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund shall be an amount equal to the total amount deducted from the salaries of employees on each payroll abstract, plus an additional (1.58) 1.87 percent of salary beginning with the first full pay period after (JULY 1, 1982) *January 18, 1983*. (FOR THE PERIOD BEGINNING WITH THE FIRST FULL PAY PERIOD AFTER DECEMBER 31, 1981, AND ENDING WITH THE LAST FULL PAY PERIOD BEFORE JULY 1, 1982, THE CONTRIBUTION SHALL BE AN AMOUNT EQUAL TO 3.46 PERCENT OF SALARY PLUS AN ADDITIONAL 1.74 PERCENT OF SALARY.) The employer contribution shall be made in the manner provided in subdivisions 5 and 6.

Sec. 3. Minnesota Statutes 1982, section 352.92, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] Beginning with the first full pay period after (JULY 1, 1982) *the day following final enactment*, in lieu of employee contributions payable under section 352.04, subdivision 2, contributions by covered correctional employees shall be in an amount equal to (4.50) *4.4* percent of salary. (FOR THE PERIOD BEGINNING WITH THE FIRST FULL PAY PERIOD AFTER DECEMBER 31, 1981, AND ENDING WITH THE LAST FULL PAY PERIOD BEFORE JULY 1, 1982, THE CONTRIBUTION SHALL BE IN AN AMOUNT EQUAL TO 3.78 PERCENT OF SALARY.)

Sec. 4. Minnesota Statutes 1982, section 352.92, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Beginning with the first full pay period after (JULY 1, 1982) *the day following final enactment*, in lieu of employer contributions payable under section 352.04, subdivision 3, the employer shall contribute for covered correctional employees (1) an amount equal to 1 1/2 times the deduction from salaries of covered correctional employees on each payroll abstract, plus (2) an additional amount of (1.32) *1.3* percent of salaries of covered correctional employees on each payroll abstract. (FOR THE PERIOD BEGINNING WITH THE FIRST FULL PAY PERIOD AFTER DECEMBER 31, 1981, AND ENDING WITH THE LAST FULL PAY PERIOD BEFORE JULY 1, 1982, THE CONTRIBUTION SHALL BE AN AMOUNT EQUAL TO 5.66 PERCENT OF SALARIES OF COVERED CORRECTIONAL EMPLOYEES ON EACH PAYROLL ABSTRACT PLUS AN ADDITIONAL AMOUNT EQUAL TO 3.16 PERCENT OF SALARIES OF COVERED CORRECTIONAL EMPLOYEES ON EACH PAYROLL ABSTRACT.)

Sec. 5. [356.80] [UNREDUCED EARLY RETIREMENT.]

Subdivision 1. [ELIGIBILITY.] *For the period from enactment through June 30, 1985, notwithstanding any law to the contrary of the laws governing the funds enumerated in subdivision 2, any person whose attained age plus credited allowable service totals 85 years shall be entitled upon application to a retirement annuity in an amount equal to the normal annuity without any reduction in annuity by reason of early retirement.*

Subd. 2. [COVERED FUNDS.] *The provisions of this section shall apply to the following retirement funds:*

(1) *state employees retirement fund, established pursuant to chapter 352;*

(2) *correctional employees retirement program, established pursuant to chapter 352;*

(3) *state patrol retirement fund, established pursuant to chapter 352B;*

(4) *public employees retirement association, established pursuant to chapter 353;*

(5) *public employees police and fire fund, established pursuant to chapter 353;*

Sec. 6. [FUND REPORTING REQUIREMENTS.]

Subdivision 1. Each fund to which section 5 applies shall record the following items pertaining to each person retiring under the provisions of section 5.

(a) *age at time of retirement;*

(b) *years of service;*

(c) *salary at time of retirement;*

(d) *high five average salary used to determine retirement annuity; and*

(e) *monthly benefit.*

This information shall be reported to the legislative commission on pensions and retirement twice annually on January 15 and July 15 for the years 1984 and 1985.

Subd. 2. Each fund to which section 5 applies shall specify in its actuarial valuations for June 30, 1983, June 30, 1984, and June 30, 1985, or December 31, 1983, December 31, 1984, and December 31, 1985, whichever is applicable, the actuarial gain or loss attributable to the unreduced early retirement benefit provided in section 2, subdivision 1.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; Minnesota state retirement system; adopting a rule of 85; correcting employee and employer contribution rates; public employees retirement association; adopting a rule of 85; amending Minnesota Statutes 1982, sections 352.04, subdivisions 2 and 3; and 352.92, subdi-

visions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 356."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 253, A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1310, 100, 288, 796, 858, 1017 and 1305 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 147 and 253 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Brinkman introduced:

H. F. No. 1311, A bill for an act relating to dramshop liability; creating an interim study commission on dramshop liability.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 360, A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; 144.652; and 145.93, subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 30, A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

The Senate has appointed as such committee Ms. Peterson, D. C.; Messrs. Bertram and Isackson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 652, A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase in of inspections and compliance; proposing new law coded in Minnesota Statutes, chapter 32.

The Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Wegscheid, Merriam, Davis, Berg and DeCramer have been appointed as such committee on the part of the Senate.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Ogren moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 652. The motion prevailed.

Mr. Speaker:

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

S. F. No. 72, A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, sections 214.04, subdivision 1; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Wegscheid, Pogemiller and Ms. Olson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark, J., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 72. The motion prevailed.

Mr. Speaker:

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

S. F. No. 297, A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341; and Laws 1983, chapter 52, by adding a section.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Petty, Ms. Reichgott and Mr. Knaak.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Coleman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 297. The motion prevailed.

Mr. Speaker:

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

S. F. No. 695, A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on certification or welfare licensure of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivisions 4, 6, and by adding a subdivision; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes 1982, chapters 144A and 256B;

repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46; and 12 MCAR 2.049.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Berglin, Mrs. Lantry and Mr. Benson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 695. 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. 300, A bill for an act relating to energy; creating the Minnesota energy authority; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; transferring powers; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.03, subdivision 1; 116J.09; 116J.10; 216B.16, by adding a subdivision; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; 216B; and 462A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Otis moved that the House refuse to concur in the Senate amendments to H. F. No. 300, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1290, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; imposing a penalty; amending Minnesota Statutes 1982, sections 3.732, by adding a subdivision; 15.16, subdivision 5; 15A.083, subdivision 1; 16.32, subdivision 2; 16.75, by adding a subdivision; 16.82, subdivision 1; 16.866, subdivision 1; 16A.125, subdivision 5; 16A.127, subdivisions 1 and 7; 16A.36; 16A.50; 16A.64, subdivisions 2 and 4; 16A.66, subdivisions 1, 2, and 3; 40.072, subdivision 3; 43A.05, subdivision 5; 85A.01, subdivision 2; 85A.04, subdivision 3; 98.47, by adding a subdivision; 98.48, subdivision 9; 105.405, subdivision 2; 105.41, subdivision 5; 116.07, subdivision 2a; 124.46, subdivision 2; 136.40, subdivision 8; 169.123, subdivision 6; 175A.05; 176.183, subdivision 2; 179.7411; 181A.12, subdivision 1; 183.375, subdivision 5; 183.411, subdivision 3; 183.545; 183.57, subdivision 2; 256.481; 256.482; 270.18; 271.01, subdivision 1; 290.06, subdivision 13; 296.18, subdivision 1; 296.421, subdivision 5; 309.53, subdivision 2, and by adding a subdivision; 357.08; 363.02, subdivision 1; 363.06, subdivision 4, and by adding a subdivision; 363.071, subdivision 2; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; 480.09, subdivision 5; 480.241, subdivision 2; 480A.01, subdivision 2; 481.01; and 546.27, subdivision 2; Laws 1976, chapter 314, section 3; Laws 1980, chapter 614, section 192; proposing new law coded in Minnesota Statutes, chapters 3; 16A; 116C; 198; 270; repealing Minnesota Statutes 1982, sections 3.472; 3.86; 4.073; 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 114A.01; 114A.02; 114A.03; 114A.04; 114A.05; 114A.06; 114A.07; 114A.08; 114A.09; 193.35; 297A.05; and Laws 1965, chapter 66.

PATRICK E. FLAHAVEN, Secretary of the Senate

Battaglia moved that the House refuse to concur in the Senate amendments to H. F. No. 1290, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 549.

H. F. No. 549 was reported to the House.

Otis moved to amend H. F. No. 549, the second engrossment, as follows:

Page 2, line 31, after "years" insert "from the date the loan is made. Interest shall accrue from the date the loan is made, but the first payment of interest or principal shall not be due until one year after the loan was made. The principal shall be amortized in equal periodic payments over the remainder of the term of the loan. The accrued interest on the balance of the loan principal shall be due with each payment. Interest attributable to the first year of deferred payment shall be paid in the same manner as principal"

The motion prevailed and the amendment was adopted.

H. F. No. 549, A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 116J.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden	Hoberg	McDonald	Schreiber	Wigley
Frerichs	Jennings	Piepho	Thiede	
Heinitz	Ludeman	Schafer	Welker	

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Rice requested immediate consideration of H. F. No. 1310.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Rice moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1310 be given its third reading and be placed upon its final passage. The motion prevailed.

Rice moved that the rules of the House be so far suspended that H. F. No. 1310 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1310 was reported to the House.

Voss moved to amend H. F. No. 1310, as follows:

Page 12, line 26, delete "The interest" and insert "The debt service payments"

Page 12, line 27, delete "rate"

Page 12, line 28, delete "those of" and insert "the debt costs of the state for"

Page 12, line 30, after "act" insert "including capitalization costs"

The motion prevailed and amendment was adopted.

Burger moved to amend H. F. No. 1310, as amended, as follows:

Page 13, after line 3, insert:

"Sec. 14. [APPROPRIATION REDUCTION.]

Notwithstanding any modification of the provisions of the other sections of this bill, every appropriation specified in sections 1-13 shall be reduced by 5 percent of the amount stated. All expenditures to be made in whole or in part from the appropriations in this bill shall be reduced pro rata to allow implementation of all programs at a level of 95 percent."

Renumber sections as necessary

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 48 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Elioff	Krueger	Peterson	Skoglund
Anderson, R.	Ellingson	Larsen	Piper	Solberg
Battaglia	Findlay	Long	Price	Sparby
Beard	Graba	Mann	Rice	Staten
Begich	Greenfield	Marsh	Rodosovich	Swanson
Bergstrom	Gruenes	Metzen	Rodriguez, C.	Tomlinson
Berkelman	Gustafson	Minne	Rodriguez, F.	Tunheim
Brandl	Hoffman	Munger	St. Onge	Vanasek
Brinkman	Jacobs	Murphy	Sarna	Vellenga
Carlson, L.	Jensen	Nelson, K.	Scheid	Voss
Clark, J.	Kahn	Neuenschwander	Schoenfeld	Welch
Clark, K.	Kalis	Norton	Schreiber	Welle
Clawson	Kelly	O'Connor	Segal	Wenzel
Coleman	Knuth	Osthoff	Shea	Wynia
Eken	Kostohryz	Otis	Simoneau	Speaker Sieben

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

Ludeman moved to amend H. F. No. 1310, as amended, as follows:

Page 3, delete lines 31 to 33

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Kalis	Onnen	Thiede
Anderson, R.	Graba	Knickerbocker	Pauly	Tunheim
Bennett	Gruenes	Krueger	Piepho	Uphus
Bishop	Gutknecht	Kvam	Quist	Valan
Blatz	Haukoos	Levi	Redalen	Valento
Burger	Heap	Ludeman	Reif	Waltman
Dempsey	Heinitz	Mann	Schafer	Welker
DenOuden	Himle	Marsh	Schreiber	Welle
Dimler	Hoberg	McDonald	Seaberg	Wenzel
Erickson	Hoffman	McKasy	Shaver	Wigley
Findlay	Hokr	Neuenschwander	Sherman	Zaffke
Fjoslien	Jennings	Olsen	Stadum	
Forsythe	Johnson	Omann	Swiggum	

Those who voted in the negative were:

Battaglia	Elioff	McEachern	Piper	Skoglund
Beard	Ellingson	Metzen	Price	Solberg
Begich	Evans	Minne	Quinn	Sparby
Berkelman	Greenfield	Munger	Rice	Staten
Brandl	Gustafson	Murphy	Rodosovich	Swanson
Brinkman	Jacobs	Nelson, D.	Rodriguez, C.	Tomlinson
Carlson, L.	Jensen	Nelson, K.	Rodriguez, F.	Vanasek
Clark, J.	Kahn	Norton	St. Onge	Vellenga
Clark, K.	Kelly	O'Connor	Sarna	Voss
Clawson	Knuth	Ogren	Scheid	Wynia
Cohen	Kostohryz	Osthoff	Schoenfeld	Speaker Sieben
Coleman	Larsen	Otis	Segal	
Eken	Long	Peterson	Simoneau	

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

Ludeman moved to amend H. F. No. 1310, as amended, as follows:

Page 2, line 11, delete "\$23,358,000" and insert "\$23,108,000"

Page 2, delete lines 26 to 48

Page 3, delete lines 1 to 2

Renumber accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 56 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Knickerbocker	Price	Uphus
Bishop	Frerichs	Kvam	Quist	Valan
Blatz	Gruenes	Larsen	Redalen	Valento
Burger	Gutknecht	Ludeman	Rose	Waltman
Carlson, D.	Haukoos	Marsh	Schafer	Welker
Dempsey	Heinitz	McDonald	Schoenfeld	Wenzel
DenOuden	Himle	McKasy	Seaberg	Wigley
Dimler	Hoberg	Olsen	Shaver	Zaffke
Erickson	Hoffman	Omann	Sherman	
Evans	Jennings	Onnen	Stadum	
Findlay	Johnson	Pauly	Sviggum	
Fjoslien	Kalis	Piepho	Thiede	

Those who voted in the negative were:

Anderson, G.	Beard	Berkelman	Carlson, L.	Clawson
Anderson, R.	Begich	Brandl	Clark, J.	Cohen
Battaglia	Bergstrom	Brinkman	Clark, K.	Coleman

Eken	Knuth	Nelson, K.	Rodriguez, C.	Staten
Elioff	Kostohryz	Norton	Rodriguez, F.	Swanson
Ellingson	Krueger	O'Connor	St. Onge	Tomlinson
Graba	Long	Ogren	Sarna	Tunheim
Greenfield	Mann	Osthoff	Scheid	Vanasek
Gustafson	McEachern	Otis	Segal	Vallenga
Jacobs	Metzen	Peterson	Simoneau	Voss
Jensen	Minne	Piper	Skoglund	Welle
Kahn	Munger	Riveness	Solberg	Wynia
Kelly	Murphy	Rodosovich	Sparby	Speaker Sieben

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

DenOuden moved to amend H. F. No. 1310, as amended, as follows:

Page 10, line 16, delete "\$2,000,000" and insert "\$1,920,000"

Page 10, line 28, delete "\$560,000" and insert "\$480,000"

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

Welker, Fjoslien, Schafer and Uphus moved to amend H. F. No. 1310, as amended, as follows:

Page 2, line 11, strike "\$23,358,000" and insert "\$4,358,000"

Page 3, delete lines 3 to 11

Renumber accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 47 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Johnson	Piepho	Thiede
Blatz	Frerichs	Knickerbocker	Price	Uphus
Burger	Gruenes	Kvam	Quist	Valento
Cohen	Gutknecht	Ludeman	Redalen	Waltman
Coleman	Halberg	Marsh	Rodriguez, C.	Welker
Dempsey	Haukoos	McDonald	Schafer	Wigley
DenOuden	Heap	Olsen	Seaberg	Zaffke
Dimler	Heinitz	Omann	Snaver	
Erickson	Hoberg	Onnen	Sherman	
Findlay	Hoffman	Pauly	Svigum	

Those who voted in the negative were:

Anderson, G.	Begich	Berkelman	Brinkman	Clark, K.
Battaglia	Bennett	Bishop	Carlson, L.	Clawson
Beard	Bergstrom	Brandl	Clark, J.	Eken

Elioff	Knuth	Norton	St. Onge	Tunheim
Ellingson	Kostohryz	O'Connor	Sarna	Valan
Evans	Krueger	Ogren	Schoenfeld	Vanasek
Graba	Larsen	Osthoff	Segal	Voss
Greenfield	Mann	Otis	Shea	Welch
Gustafson	McKasy	Peterson	Simoneau	Welle
Himle	Metzen	Piper	Skoglund	Wenzel
Jacobs	Minne	Reif	Solberg	Wynia
Jennings	Munger	Rice	Sparby	Speaker Sieben
Jensen	Murphy	Riveness	Stadium	
Kahn	Nelson, D.	Rodosovich	Staten	
Kalis	Nelson, K.	Rodriguez, F.	Swanson	
Kelly	Neuenschwander	Rose	Tomlinson	

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

Fjoslien moved to amend H. F. No. 1310, as amended, as follows:

Page 3, line 5, delete "\$19,000,000" and insert "\$11,855,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 51 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Knickerbocker	Piepho	Uphus
Bennett	Frerichs	Krueger	Quist	Valan
Bishop	Gruenes	Kvam	Rodriguez, C.	Valento
Blatz	Halberg	Ludeman	Schafer	Waltman
Burger	Haukoos	Marsh	Schreiber	Welker
Dempsey	Heap	McDonald	Seaberg	Wigley
DenOuden	Heinitz	McKasy	Shaver	Zaffke
Dimler	Himle	Olsen	Shea	
Erickson	Hoberg	Omann	Sherman	
Evans	Jennings	Onnen	Sviggum	
Findlay	Johnson	Pauly	Thiede	

Those who voted in the negative were:

Anderson, G.	Ellingson	McEachern	Piper	Solberg
Battaglia	Greenfield	Metzen	Price	Sparby
Beard	Gustafson	Minne	Reif	Stadium
Begich	Hoffman	Munger	Rice	Staten
Berkelman	Jacobs	Murphy	Riveness	Swanson
Brandl	Jensen	Nelson, D.	Rodosovich	Tomlinson
Brinkman	Kahn	Nelson, K.	Rodriguez, F.	Tunheim
Carlson, D.	Kalis	Neuenschwander	Rose	Vanasek
Carlson, L.	Kelly	Norton	St. Onge	Voss
Clark, J.	Knuth	O'Connor	Sarna	Welch
Clawson	Kostohryz	Ogren	Schoenfeld	Welle
Coleman	Larsen	Osthoff	Segal	Wenzel
Eken	Long	Otis	Simoneau	Wynia
Elioff	Mann	Peterson	Skoglund	Speaker Sieben

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

Knickerbocker moved to amend H. F. No. 1310, as amended, as follows:

Page 2, line 11, delete "\$23,358,000" and insert "\$12,298,000"

Page 3, line 5, delete "\$19,000,000" and insert "\$6,702,000"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 48 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Johnson	Pauly	Sviggunn
Bishop	Forsythe	Knickerbocker	Piepho	Thiede
Blatz	Frerichs	Kvam	Quist	Uphus
Burger	Gruenes	Ludeman	Redalen	Valento
Cohen	Halberg	Marsh	Reif	Waltman
Dempsey	Haukoos	McDonald	Rodriguez, C.	Welker
DenOuden	Heap	McKasy	Schafer	Wigley
Dimler	Heinitz	Olsen	Schreiber	Zaffke
Erickson	Himle	Omann	Seaberg	
Findlay	Hoberg	Onnen	Sherman	

Those who voted in the negative were:

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

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

Thiede moved to amend H. F. No. 1310, as amended, as follows:

Page 3, delete line 18

Renumber accordingly

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 65 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Jennings	Omamn	Stadum
Bennett	Frerichs	Johnson	Onnen	Sviggum
Bishop	Graba	Knickerbocker	Pauly	Thiede
Blatz	Gruenes	Krueger	Piepho	Uphus
Burger	Gutknecht	Kvam	Quist	Valan
Dempsey	Halberg	Ludeman	Redalen	Valento
DenOuden	Haukoos	Marsh	Reif	Waltman
Dimler	Heap	McDonald	Schafer	Welker
Erickson	Heinitz	McEachern	Schoenfeld	Wigley
Evans	Himle	McKasy	Seaberg	Zafike
Findlay	Hoberg	O'Connor	Shaver	
Fjoslien	Hoffman	Olsen	Sherman	

Those who voted in the negative were:

Anderson, G.	Eken	Mann	Riveness	Solberg
Battaglia	Elioff	Metzen	Rodosovich	Sparby
Beard	Ellingson	Minne	Rodriguez, C.	Staten
Begich	Greenfield	Murphy	Rodriguez, F.	Swanson
Bergstrom	Gustafson	Nelson, D.	Rose	Tomlinson
Berkelman	Jacobs	Neuenschwander	St. Onge	Tunheim
Brandl	Jensen	Norton	Sarna	Vanasek
Brinkman	Kahn	Ogren	Scheid	Vellenga
Carlson, L.	Kelly	Osthoff	Schreiber	Welch
Clark, J.	Knuth	Otis	Segal	Welle
Clark, K.	Kostohryz	Peterson	Shea	Wenzel
Clawson	Larsen	Piper	Simoneau	Wynia
Coleman	Long	Rice	Skoglund	Speaker Sieben

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

Anderson, G., moved to amend H. F. No. 1310, as amended, as follows:

Page 14 to 15, delete section 21

ReNUMBER accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 56 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Graba	Himle	Larsen
Bennett	DenOuden	Gruenes	Hokr	Ludeman
Blatz	Dimler	Gutknecht	Jennings	Mann
Brinkman	Erickson	Halberg	Jensen	Marsh
Burger	Findlay	Haukoos	Johnson	McEachern
Carlson, D.	Fjoslien	Heap	Kalis	McKasy
Clawson	Frerichs	Heinitz	Kvam	Neuenschwander

Omann	Rose	Skoglund	Uphus	Wigley
Onnen	Schafer	Sviggun	Valan	
Piepho	Schreiber	Thiede	Valento	
Quist	Shea	Tomlinson	Waltman	
Redalen	Sherman	Tunheim	Welker	

Those who voted in the negative were:

Battaglia	Elioff	Krueger	Osthoff	Schoenfeld
Beard	Ellingson	Levi	Otis	Segal
Begich	Evans	Long	Pauly	Solberg
Bergstrom	Forsythe	McDonald	Peterson	Sparby
Berkelman	Greenfield	Metzen	Piper	Staten
Bishop	Gustafson	Minne	Reif	Swanson
Brandl	Hoberg	Murphy	Rice	Vanasek
Carlson, L.	Hoffman	Nelson, D.	Riveness	Vellenga
Clark, J.	Kahn	Nelson, K.	Rodosovich	Welch
Clark, K.	Kelly	Norton	Rodriguez, C.	Welle
Cohen	Knickerbocker	O'Connor	Rodriguez, F.	Wenzel
Coleman	Knuth	Ogren	St. Onge	Wynia
Eken	Kostohryz	Olsen	Scheid	Speaker Sieben

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

Anderson, G., moved to amend H. F. No. 1310, as amended, as follows:

Page 15, line 8, delete "\$100,000" and insert "\$1,000,000"

The motion prevailed and the amendment was adopted.

Bishop moved to amend H. F. No. 1310, as amended, as follows:

Page 14, line 35, delete "must contain" and insert "may not exceed"

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

Anderson, G.	Clark, J.	Ejoslien	Himle	Knuth
Anderson, R.	Clawson	Forsythe	Hoberg	Krueger
Battaglia	Cohen	Frerichs	Hoffman	Kvam
Beard	Coleman	Graba	Hokr	Larsen
Begich	Dempsey	Greenfield	Jacobs	Levi
Bennett	DenOuden	Gruenes	Jennings	Ludeman
Bergstrom	Dimler	Gustafson	Jensen	Mann
Bishop	Elioff	Gutknecht	Johnson	Marsh
Blatz	Ellingson	Halberg	Kahn	McDonald
Brandl	Erickson	Haukoos	Kalis	McEachern
Burger	Evans	Heap	Kelly	McKasy
Carlson, L.	Findlay	Heinitz	Knickerbocker	Metzen

Minne	Onnen	Rice	Segal	Valan
Munger	Osthoff	Riveness	Shaver	Valento
Murphy	Otis	Rodosovich	Shea	Vanasek
Nelson, D.	Pauly	Rodriguez, C.	Sherman	Vellenga
Nelson, K.	Peterson	Rodriguez, F.	Skoglund	Waltman
Neuenschwander	Piepho	Rose	Solberg	Welker
Norton	Piper	St. Onge	Swiggum	Welle
O'Connor	Price	Sarna	Swanson	Wenzel
Ogren	Quist	Schafer	Thiede	Wigley
Olsen	Redalen	Schoenfeld	Tomlinson	Zaffke
Omann	Reif	Seaberg	Uphus	Speaker Sieben

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

H. F. No. 1310, A bill for an act relating to capital improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 16.

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

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

Rice moved that those not voting be excused from voting. The motion prevailed.

There were 96 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kostohryz	Piepho	Stadum
Anderson, R.	Evans	Krueger	Piper	Staten
Battaglia	Findlay	Larsen	Price	Swiggum
Beard	Fjostlien	Long	Quinn	Swanson
Begich	Forsythe	Mann	Redalen	Tomlinson
Bennett	Graba	Marsh	Reif	Tunheim
Bergstrom	Greenfield	McEachern	Rice	Uphus
Berkelman	Gruenes	Metzen	Riveness	Valan
Bishop	Gustafson	Minne	Rodosovich	Vanasek
Brandl	Halberg	Munger	Rodriguez, F.	Vellenga
Brinkman	Heap	Murphy	Rose	Waltman
Carlson, D.	Hoffman	Nelson, D.	St. Onge	Welch
Carlson, L.	Jacobs	Nelson, K.	Sarna	Welle
Clark, J.	Jensen	Neuenschwander	Scheid	Wenzel
Clark, K.	Johnson	Norton	Schoenfeld	Wynia
Clawson	Kahn	O'Connor	Segal	Speaker Sieben
Coleman	Kalis	Ogren	Shea	
Eken	Kelly	Osthoff	Skoglund	
Elhoff	Knickerbocker	Otis	Solberg	
Ellingson	Knuth	Peterson	Sparby	

Those who voted in the negative were:

Blatz	Gutknecht	Ludeman	Rodriguez, C.	Welker
Burger	Haukoos	McDonald	Schafer	Wigley
Cohen	Himle	McKasy	Schreiber	Zaffke
Dempsey	Hokr	Omann	Seaberg	
DenOuden	Jennings	Onnen	Sherman	
Dimler	Kvam	Pauly	Thiede	
Frerichs	Levi	Quist	Valento	

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

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 870

A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

May 13, 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. 870, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 870 be amended as follows:

Page 1, line 11, delete "*permanent or temporary*"

Page 1, line 11, after "*rules*" insert "*, including temporary rules, in accordance with chapter 14,*"

We request adoption of this report and repassage of the bill.

House Conferees: PETER RODOSOVICH, JOHN T. CLAWSON and STEVE SVIGGUM.

Senate Conferees: LAWRENCE J. POGEMILLER, GENE MERRIAM and WILLIAM V. BELANGER, JR.

The Speaker called Wynia to the Chair.

Rodosovich moved that the report of the Conference Committee on H. F. No. 870 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

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

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

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CALL OF THE HOUSE LIFTED

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

SPECIAL ORDERS

H. F. No. 547 was reported to the House.

Vanasek moved that H. F. No. 547 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 722 was reported to the House.

Jacobs moved that H. F. No. 722 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1011 was reported to the House.

Riveness moved to amend S. F. No. 1011, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar weeks immediately preceding the first day of an individual's benefit year. (PROVIDED,) However, (THAT) if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period, (AS HERETOFORE DEFINED, HIS) or if a claimant, whose own serious illness caused a loss of credit weeks within the base period, received compensation due to the illness from some other source or under a law of this state other than chapter 176 or under a similar law of the United States for more than seven weeks within the base period, the claimant's base period shall be lengthened by the same number of (SUCH) weeks, but not to exceed 52 weeks, for which (HE) the claimant received (SUCH) the payments (; PROVIDED FURTHER, THAT). No extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim.

Sec. 2. Minnesota Statutes 1982, section 268.04, subdivision 12, is amended to read:

Subd. 12. "Employment" means: (1) Subject to the other provisions of this subdivision "employment" means service performed prior to January 1, 1945, which was employment as defined in this section prior to such date, and any service performed after December 31, 1944, including service in interstate commerce, by an individual who is a servant under the law of master and servant or who performs services for any employing unit, unless such services are performed by an independent contractor.

The term "employment" shall include: Any service performed, including service in interstate commerce, by;

(a) any officer of any corporation; or

(b) any individual other than an individual who is an employee under clause (1) who performs services for remuneration for any person as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal, or as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a fulltime basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

Provided, that for purposes of clause (1) (b), the term "employment" shall include services described above only if the contract of service contemplates that substantially all of the services are to be performed personally by such individual, the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation), and the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this state if (a) the service is localized in this state; or (b) the service is not localized in any state but some of the service is performed in this state and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if (a) the service is performed entirely within such state; or (b) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) The term "employment" shall include an individual's service wherever performed within the United States or Canada, if

(a) Such service is not covered under the unemployment compensation law of any other state or Canada, and

(b) The place from which the service is directed or controlled is in this state.

(5) (a) Service covered by an election pursuant to section 268.11, subdivision 3; and

(b) Service covered by an arrangement pursuant to section 268.13 between the commissioner and the agency charged with the administration of any other state or federal employment security law, pursuant to which all service performed by an individual for an employing unit is deemed to be performed entirely within this state; shall be deemed to be employment if the commissioner has approved an election of the employing unit for which such service is performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment.

(6) Notwithstanding any inconsistent provisions of sections 268.03 to 268.24, the term "employment" shall include any services which are performed by an individual with respect to which an employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this law.

(7) Service performed by an individual in the employ of the state of Minnesota or any instrumentality which is wholly owned by the state of Minnesota or in the employ of this state and one or more other states or an instrumentality of this state and one or more of its political subdivisions or an instrumentality of this state and another state or an instrumentality of this state and one or more political subdivisions of another state if such service is excluded from "employment" as defined by section 3306(c)(7) of the federal unemployment tax act and is not excluded from "employment" under clause (10) of this subdivision.

(8) Service performed by an individual in the employ of any political subdivision of the state of Minnesota or instrumentality thereof or an instrumentality of two or more political subdivisions of this state or any instrumentality of a political subdivision of this state and another state or political subdivisions of another state if such service is excluded from "employment" as defined by section 3306(c)(7) of the federal unemployment tax act and is not excluded from "employment" under clause (10) of this subdivision.

(a) The provisions of section 268.08, subdivision 6, shall apply to service covered by this section.

(b) The amounts required to be paid in lieu of contributions by any political subdivision shall be billed and payment made as provided in section 268.06, subdivision 28, clause (2), with respect to similar payments by nonprofit organizations.

(9) Service performed by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

(a) the service is excluded from "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c) (8) of that act; and

(b) the organization had one or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(10) For the purposes of clauses (7), (8), and (9), the term "employment" does not apply to service performed

(a) in the employ of a church or convention or association of churches, or an organization which is operated (EXCLUSIVELY) *primarily* for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(b) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(d) as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training (; EXCEPTING PUBLIC SERVICE EMPLOYMENT AND ON THE JOB TRAINING PARTICIPANTS UNDER THE FEDERAL COMPREHENSIVE EMPLOYMENT AND TRAINING ACT, AS AMENDED, IF THE PARTICIPANTS

ARE PERFORMING SERVICES WHICH ARE THE SAME OR SIMILAR TO THOSE PERFORMED BY OTHER EMPLOYEES OF THE EMPLOYER). *This exclusion shall not apply to programs that provide for and require unemployment insurance coverage for the participants; or*

(e) by an inmate of a custodial or penal institution; or

(f) in the employ of governmental entities referred to in clauses (7) and (8) of this subdivision if such service is performed by an individual in the exercise of duties

(i) as an elected official,

(ii) as a member of a legislative body, or a member of the judiciary,

(iii) as a member of the Minnesota national guard or air national guard,

(iv) as an employee serving only on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency,

(v) (a) in a position with the state of Minnesota which is a major nontenured policy making or advisory position in the unclassified service, or

(b) a policy making position with the state of Minnesota or a political subdivision the performance of the duties of which ordinarily does not require more than eight hours per week; or

(c) in a position with a political subdivision which is a major nontenured policy making or advisory position.

(11) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States, except in Canada, in the employ of an American employer (other than service which is deemed "employment" under the provisions of clauses (2), (3), or (4) or the parallel provisions of another state's law) if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state, or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(c) None of the criteria of (a) and (b) of this clause is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(d) An "American employer," for the purposes of this subdivision, means a person who is an individual who is a resident of the United States, or a partnership if two-thirds or more of the partners are residents of the United States, or a trust, if all of the trustees are residents of the United States, or a corporation organized under the laws of the United States or of any state;

(e) As used in this subdivision, the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(12) Notwithstanding clause ((1)) (2), all service performed by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(13) Service performed by an individual in agricultural labor as defined in clause (15)(a) of this subdivision when:

(a) Such service is performed for a person who:

(i) during any calendar quarter in either the current or the preceding calendar year paid wages of \$20,000 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year employed in agricultural labor four or more individuals regardless of whether they were employed at the same time.

(b) For the purpose of this clause (13) any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of the crew leader:

(i) if the crew leader holds a valid certificate of registration under the farm labor contractor registration act of 1963, as amended; or substantially all of the members of his crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(ii) if the individual is not an employee of another person as determined by clause (1) of this subdivision.

(c) For the purpose of this clause (13) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of the crew leader under subclause (13)(b):

(i) such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid wages to such individual in an amount equal to the amount of wages paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person.

(d) For the purposes of this clause (13) the term "crew leader" means an individual who:

(i) furnishes individuals to perform service in agricultural labor for any other person,

(ii) pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them, and

(iii) has not entered into a written agreement with such other person under which such furnished individual is designated as an employee of such other person.

(e) For the purposes of this clause (13) services performed by an officer or shareholder of a family farm corporation shall be excluded from agricultural labor and employment unless said corporation is an employer as defined in section 3306(a)(2) of the Federal Unemployment Tax Act.

(f) For the purposes of this clause (13), services performed by an individual 16 years of age or under shall be excluded from agricultural labor and employment unless the employer is an employer as defined in section 3306(a)(2) of the Federal Unemployment Tax Act.

(14) The term "employment" shall include domestic service in a private home, local college club, or local chapter of a college fraternity or sorority performed for a person who paid wages of \$1,000 or more in the current calendar year or the preceding calendar year to individuals employed in domestic service in any calendar quarter.

"Domestic service" includes all service for an individual in the operation and maintenance of a private household, for a local

college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(15) The term "employment" shall not include:

(a) Agricultural labor. Service performed by an individual in agricultural labor, except as provided in clause (13) of this subdivision. The term "agricultural labor" includes all services performed:

(1) On a farm, in the employ of any person or family farm corporation, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a tornadic-like storm, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the agricultural marketing act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed, or in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described herein, but only if such operators produced more than one-half of the commodity with respect to which such service is performed; however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used herein, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(b) Casual labor not in the course of the employing unit's trade or business;

(c) Service performed on the navigable waters of the United States as to which this state is prohibited by the constitution and laws of the United States of America from requiring contributions of employers with respect to wages as provided in sections 268.03 to 268.24;

(d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(e) Service performed in the employ of the United States government, or any instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by sections 268.03 to 268.24, except that with respect to such service and to the extent that the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation act; then, to the extent permitted by congress, and from and after the date as of which such permission becomes effective, all of the provisions of these sections shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this state shall not be certified for any year by the United States department of labor under section 3304(c) of the federal internal revenue code, the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 268.16, subdivision 6, with respect to contributions erroneously collected;

(f) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(g) (1) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section

401(a)) or section 521 of the federal internal revenue code, if the remuneration for such service is less than \$50; or

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university; or

(3) Service performed by an individual (UNDER THE AGE OF 22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a fulltime program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(h) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(i) Service performed in the employ of an instrumentality wholly owned by a foreign government, if

(1) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(2) The commissioner finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(j) Service covered by an arrangement between the commissioner and the agency charged with the administration of any other state or federal employment security law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state;

(k) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in clause (17);

(l) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered and approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered and approved pursuant to state law;

(m) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission (the word "insurance" as used in this subdivision shall include an annuity and an optional annuity);

(n) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(o) Service performed by an individual for a person as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(p) If the service performed during one-half or more of any pay period by an individual for the person employing him constitutes employment, all the service of such individual for such period shall be deemed to be employment; but if the service performed during more than one-half of any such pay period by an individual for the person employing him does not constitute employment, then none of the service of such individual for such period shall be deemed to be employment. As used in this subdivision, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the individual by the person employing him.

(q) Services performed for a state, other than the state of Minnesota, or an instrumentality wholly owned by such other state or political subdivision of such other state;

(r) *Services performed as a direct seller as defined in United States Code, title 26, section 3508.*

(16) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized in this state to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

(e) Notwithstanding any of the foregoing provisions of this clause, all colleges and universities in this state are institutions of higher education for purposes of this section.

(17) "Hospital" means an institution which has been licensed, certified or approved by the department of health as a hospital.

Sec. 3. Minnesota Statutes 1982, section 268.04, subdivision 17, is amended to read:

Subd. 17. "Insured work" means employment for employers as defined in this section, except that for the purposes of interstate reciprocal benefit payment arrangements and the clearing of disqualifications under this law, the term "insured work" shall mean employment in insured work under this law or a similar law of any other state. *Periods for which an individual receives back pay are periods of insured work for benefit purposes, except for the clearing of disqualifications under this chapter.*

Sec. 4. Minnesota Statutes 1982, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, *back pay as of the date of payment*, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such terms shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds (\$8,000 DURING THE CALENDAR YEARS 1979, 1980 AND 1981 AND), for (ALL) each (SUBSEQUENT) calendar (YEARS) year, the greater of \$7,000 or that part of the remuneration which exceeds 60 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (f), paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calen-

dar year; provided, that if the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal internal revenue code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal internal revenue code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal internal revenue code, or (c) under

or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal internal revenue code;

(f) On or before July 1 of each year the commissioner shall determine the average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(1) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(2) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

Sec. 5. Minnesota Statutes 1982, section 268.04, subdivision 26, is amended to read:

Subd. 26. "Wage credits" mean the amount of wages *actually or constructively* paid (AND), wages (DUE AND PAYABLE BUT NOT) *overdue and delayed beyond the usual time of payment and back pay* paid by or from an employer to an employee for insured work and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer except that wages earned in part-time employment by a student as an integral part of an occupational course of study, under a plan for vocational education accepted by the Minnesota department of education, shall not result in wage credits available for benefit purposes.

Sec. 6. Minnesota Statutes 1982, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which (THE) wages (WHICH HAVE BEEN) *or back pay, actually or constructively* paid (AND), wages (WHICH ARE DUE AND PAYABLE BUT NOT PAID) *overdue and delayed beyond the usual time of payment, and back pay* by or from one or more employers to an employee for insured work equal or exceed 30 percent of the average weekly wage computed to the nearest whole dollar. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage; and

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The average weekly wage as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to December 31 of the year of the computation.

Sec. 7. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 33. [BACK PAY.] "Back pay" means a retroactive payment of money by an employer to an employee or former employee for lost wages because of the employer's noncompliance with a state or federal law or a collective bargaining agreement as determined in an arbitration award, administrative or judicial decision, or negotiated settlement. The period to which the payment shall be applied shall commence immediately following the last day of work or as specified in the arbitration award, administrative or judicial decision, or negotiated settlement.

Sec. 8. Minnesota Statutes 1982, section 268.05, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF EXPENSES OF ADMINISTRATION.] (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of Laws 1957, Chapter 883 pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) Limits the amount which may be obligated during any twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same twelve-month period and the (24)

34 preceding twelve-month periods, exceeds (ii) the aggregate of the amounts used pursuant to this subdivision and charged against the amounts credited to the account of this state during any of such (25) 35 twelve-month periods. For the purposes of this subdivision, amounts used during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the 24th preceding such period.

(2) Money credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of Laws 1957, Chapter 883 and of public employment offices pursuant to this subdivision. *Any moneys used for the payment of benefits may be restored for appropriation and use for administrative expenses upon request of the governor, under section 903(c) of the Social Security Act.*

(3) Money requisitioned for the payment of expenses of administration pursuant to this subdivision shall be deposited in the employment services administration fund, but, until expended, shall remain a part of the unemployment fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

Sec. 9. Minnesota Statutes 1982, section 268.06, subdivision 1, is amended to read:

Subdivision 1. [PAYMENTS.] (1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to sections 268.03 to 268.24 with respect to wages (as defined in section 268.04, subdivision 25) for employment (, EXCEPT THAT CONTRIBUTIONS SHALL NOT BE PAYABLE AFTER DECEMBER 31, 1974 UPON PUBLIC SERVICE WAGES. "PUBLIC SERVICE WAGES" ARE REMUNERATION FOR SERVICES PERFORMED IN A PUBLIC SERVICE JOB TO THE EXTENT THAT SUCH REMUNERATION IS PAID WITH FUNDS PROVIDED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973 AND TO THE EXTENT THAT THE UNEMPLOYMENT COMPENSATION FUND IS REIMBURSED FOR BENEFITS BASED UPON SAID PUBLIC SERVICE WAGES PURSUANT TO SECTION 221 OF

UNITED STATES PUBLIC LAW 94-444). Such contributions shall become due and be paid by each employer to the department of economic security for the fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. No rule of the commissioner shall be put in force which will permit the payment of such contributions at a time or under conditions which will not allow the employer to take credit for such contribution against the tax imposed by section 3301 of the Internal Revenue Code.

(2) In the payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent.

(3) When the contribution rate applied to an employer's taxable payroll for any given calendar quarter results in a computed contribution of less than \$1, the contribution shall be disregarded.

Sec. 10. Minnesota Statutes 1982, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer (WHO IS NOT ELIGIBLE FOR AN EXPERIENCE RATIO OR WHO HAS AN EXPERIENCE RATIO OF ONE-TENTH OF ONE PERCENT OR MORE AS COMPUTED IN SUBDIVISION 6) shall pay contributions equal to two and seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. Each employer who has an experience ratio of less than one-tenth of one percent shall pay contributions on only the first \$8,000 in wages paid and wages overdue and delayed beyond the usual time of payment to each employee with respect to employment occurring during each calendar year.

Sec. 11. Minnesota Statutes 1982, section 268.06, subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] Notwithstanding the provisions of subdivision 2, each employer, who becomes subject to this law, shall pay contributions at a rate:

(a) Not exceeding two and seven-tenths percent, that is the higher of (1) one percent and (2) the state's three-year benefit cost rate for the 36 consecutive month period immediately preceding July 1 of each year for each employer who becomes subject to this law prior to January 1, 1984. For purposes of this clause, the state's three-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount

of benefits paid to claimants under this law during the 36 consecutive calendar months immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Not exceeding $2\frac{7}{10}$ percent, that is the higher of (1) one percent and (2) the state's four-year benefit cost rate for the 48 consecutive month period immediately preceding July 1 of each year for each employer, except employers in the construction industry, as determined by the commissioner, (**PRINCIPALLY EMPLOYING LABORERS AND CONSTRUCTION TRADESMEN**), who becomes subject to this law subsequent to December 31, 1983 and prior to January 1, 1985. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants under this law during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year 1984.

Each construction employer described above who becomes subject to chapter 268 shall pay contributions at a rate, not exceeding 7.5 percent, that is the higher of (1) one percent, or (2) the state's four-year benefit cost rate for construction employers for the 48 consecutive month period immediately preceding July 1, 1983. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year 1984.

(c) Not exceeding $(2\frac{7}{10})\ 5\frac{4}{10}$ percent, that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner (**PRINCIPALLY EMPLOYING LABORERS AND CONSTRUCTION TRADESMEN**), who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Each construction employer described above who becomes subject to this chapter shall pay contributions at a rate, not exceeding 7.5 percent, that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 12. Minnesota Statutes 1982, section 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who earned base period wages for part time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part time employment; (2) continues to provide weekly employment equal to at least 90 percent of the part time employment provided in the base period; and (3) is an interested party because of the individual's loss of other employment. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

(AN EMPLOYER'S ACCOUNT SHALL NOT BE CHARGED WITH RESPECT TO BENEFITS PAID TO ANY INDIVIDUAL WHOSE BASE PERIOD WAGE CREDITS INCLUDE WAGES FOR PREVIOUSLY UNCOVERED SERVICES AS DEFINED IN SECTION 268.07, SUBDIVISION 4 TO THE EXTENT THAT THE UNEMPLOYMENT COMPENSATION FUND IS REIMBURSED FOR SUCH BENEFITS PURSUANT TO SECTION 121 OF UNITED STATES PUBLIC LAW 94-566.)

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating

account of an employer for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102 (2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122 (2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.

Sec. 13. Minnesota Statutes 1982, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by such employer if he files with the commissioner a written protest setting forth his reasons therefore within 30 days from the date of the mailing of the notice of charges or contribution rate to him, which date shall appear on such notice. Upon receipt of such protest the commissioner shall refer the matter to an official designated by him to review the charges appearing on such notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case, and he shall either affirm or make a redetermination rectifying said charges or rate as the case may be, and a notice of such affirmation or redetermination shall immediately be mailed to said employer. If the employer is not satisfied with such affirmation or redetermination, he may appeal therefrom by filing a notice thereof with the department within ten days after the date of mailing appearing upon said redetermination. Upon the receipt of such appeal the commissioner shall refer the matter to a referee for a hearing and after opportunity for a fair hearing, the referee shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The referee may order the consolidation of two or more appeals whenever, in his judgment, such consolidation will not be prejudicial to any interested party. At any such hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the referee shall be (MADE IN THE SAME MANNER) as (APPEALS FROM THE DECISION OF AN APPEAL TRIBUNAL) *provided by section 268.10, subdivision 5. (DECISIONS OF THE COMMISSIONER MADE UPON APPEAL FROM A DECISION OF THE REFEREE SHALL BE REVIEWED BY THE SUPREME COURT UPON CERTIORARI IN ACCORDANCE WITH THE PROCEDURE OUTLINED THEREFOR WITH RESPECT TO BENEFIT DECISIONS.)*

Sec. 14. Minnesota Statutes 1982, section 268.06, subdivision 28, is amended to read:

Subd. 28. [PAYMENT TO FUND BY NONPROFIT CORPORATION AND ALLOCATION OF BENEFIT COSTS BY BASE PERIOD REIMBURSERS.] (1) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subdivision. For the purpose of this subdivision, a nonprofit organization is an organization (or group of organizations) described in section 501(c) (3) of the United States internal revenue code which is exempt from income tax under section 501(a) of such code. Any nonprofit organization which, pursuant to section 268.04, subdivision 10, clause (9) is, or becomes, subject to this law on or after January 1, 1972, shall pay contributions under the provisions of section 268.06, subdivision 1, unless it elects, in accordance with this paragraph, to pay to the commissioner for the unemployment fund an amount equal to the amount of regular benefits and the state share of the extended benefits charged, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(a) (ANY NONPROFIT ORGANIZATION WHICH IS, OR BECOMES, SUBJECT TO THIS LAW ON JANUARY 1, 1972, MAY ELECT TO BECOME LIABLE FOR PAYMENTS IN LIEU OF CONTRIBUTIONS FOR A PERIOD OF NOT LESS THAN TWO CALENDAR YEARS BEGINNING WITH JANUARY 1, 1972; PROVIDED IT FILES WITH THE COMMISSIONER A WRITTEN NOTICE OF ITS ELECTION WITHIN THE 30 DAY PERIOD IMMEDIATELY FOLLOWING SUCH DATE.)

((B)) Any nonprofit organization which becomes subject to this law after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than two calendar years beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than 30 days immediately following the date of the determination of such subjectivity.

((C)) (b) Any nonprofit organization which makes an election in accordance with clause (a) or clause (b) will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

((D)) (c) Any nonprofit organization which has been paying contributions under this law for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the commissioner not later than 30 days prior to the beginning of any calendar year a written notice of election to become

liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

((E)) (d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

((F)) (e) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be final unless reviewed in accordance with the provisions of section 268.12, subdivision 13.

(2) Payments in lieu of contributions shall be made at the end of each calendar quarter, or at the end of any other period as determined by the commissioner and become due on the last day of the month next following the month in which the notice of benefits charged is mailed to the employer. The commissioner shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits charged during such quarter or other prescribed period that is attributable to service in the employ of such organization.

(3) Past due payments of amounts in lieu of contributions shall be subject to the same interest charges and collection procedures that apply to past due contributions under sections 268.16 and 268.161.

(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under this subdivision, the commissioner may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the following taxable year.

Sec. 15. Minnesota Statutes 1982, section 268.06, subdivision 29, is amended to read:

Subd. 29. [GROUP ACCOUNTS.] Two or more employers that have become liable for payments in lieu of contributions may file a joint application to the commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subdivision. Upon his approval of the appli-

cation, the commissioner shall establish a group account for such employers effective as of the beginning of the calendar year in which the application is received by the commissioner and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the commissioner or upon application by the group at least 30 days prior to the end of such two year period or 30 days prior to January 1 of any calendar year subsequent to such two calendar years. (UPON ESTABLISHMENT OF THE ACCOUNT,) Each member of the group shall be *jointly and severally* liable for payments in lieu of contributions (IN THE AMOUNT THAT BEARS THE SAME RATIO TO THE TOTAL BENEFITS PAID THAT ARE ATTRIBUTABLE TO SERVICE PERFORMED IN THE EMPLOY OF ALL MEMBERS OF THE GROUP AS THE TOTAL WAGE CREDITS FOR SERVICE IN EMPLOYMENT BY SUCH MEMBER BEAR TO THE TOTAL DURING THE BASE PERIOD FOR SERVICE PERFORMED IN THE EMPLOY OF ALL MEMBERS OF THE GROUP) *for all benefits paid based upon wage credits earned with a group member during the period the group account was in effect.* The commissioner shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such account, and for the determination of the amounts that are payable under this subdivision by members of the group and the time and manner of such payments.

Sec. 16. [268.061] [SURCHARGE; EMERGENCY INTEREST REPAYMENT FUND.]

Subdivision 1. [AMOUNT.] Each employer, except those making payments in lieu of contributions pursuant to section 268.06, subdivisions 25, 26, 27 and 28, shall pay an annual surcharge of 10 percent of contributions paid or due and payable for the calendar year of 1982 and for each calendar year thereafter. The commissioner shall notify employers of the contributions upon which the surcharge is based and the amount of surcharge payable no later than August 1, 1983, and August 1 for each taxable year thereafter. The surcharge for taxable year 1982 shall be paid no later than August 31, 1983, and by the 31st day of August each taxable year thereafter. Payments due under this subdivision are subject to the collection provisions of sections 268.16 and 268.161. The surcharges paid under this subdivision are not contributions for the purposes of section 268.06, subdivision 6. The commissioner may temporarily reduce the amount of surcharge imposed by this section when there are sufficient funds raised by the surcharge to make the interest payment required on federal funds advanced to the state under section 1202 of the Social Security Act.

Subd. 2. [EMERGENCY INTEREST REPAYMENT FUND, CREATION.] *A special fund to be known as the emergency interest repayment fund is created in the state treasury. The special fund is separate and distinct from any fund or account created for any other purposes of sections 268.03 to 268.24. All collections from the surcharge shall be deposited in the special fund. The special fund shall be used only to pay interest accruing on funds advanced from the federal government pursuant to section 1202 of the Social Security Act. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other special funds in the state treasury, except that all interest resulting from the investment or deposit of these funds shall accrue to the emergency fund for the purposes of the fund.*

Subd. 3. [REPORT TO LEGISLATURE.] *On January 1, 1984, and on each January 1 thereafter the commissioner shall report to the legislature on the status of the outstanding funds advanced pursuant to section 1202 of the Social Security Act, including the interest charged on those funds. When all advanced funds and the interest charged on those funds have been repaid to the federal government, the commissioner shall recommend appropriate action by the legislature relating to the termination of the emergency interest repayment fund and the disposition of any money still in the fund.*

Sec. 17. Minnesota Statutes 1982, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] *If the commissioner finds that an individual has earned 15, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:*

(1) *Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual (.). The amount so computed (TO THE NEAREST) if not a whole dollar shall be rounded down to the next lower dollar amount. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be 66 2/3 percent of the average weekly wage, except as provided in clause (d).*

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) *The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.*

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be \$191.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. *Jury duty pay is not considered as earnings and shall not be deducted from benefits paid.* Such benefit, if not a (MULTIPLE OF \$1.) whole dollar amount shall be (COMPUTED) rounded down to the next (HIGHER MULTIPLE OF \$1) lower dollar amount.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, (1982) 1983.

Sec. 18. Minnesota Statutes 1982, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which (HE RECEIVED) benefits were re-

ceived, (HE) *the individual* performed service in insured work as defined in section 268.04, subdivision 17, and earned remuneration for (SUCH) *the* service in an amount equal to not less than the minimum wage credits required to qualify for benefits.

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of (SUCH) *the* claimant during a subsequent base period unless (HE) *the employer* has employed (SUCH) *the* claimant in any part of (SUCH) *the* subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any individual who (a) individually or jointly with a spouse, parent or child owns or controls directly or indirectly 25 percent or more interest in the employing unit; or (b) is the spouse, parent or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause (SHALL BE) *is* effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

((4) WAGES PAID BY AN EMPLOYING UNIT MAY NOT BE USED FOR BENEFIT PURPOSES DURING A BENEFIT YEAR COMMENCING AFTER OCTOBER 1, 1982, IF THE TOTAL AMOUNT OF WAGE CREDITS IN THE BASE PERIOD EQUAL OR EXCEED THREE TIMES THE AVERAGE ANNUAL WAGE, AS DETERMINED IN SUBDIVISION 2, IN THE SECOND YEAR PRECEDING THE CALENDAR YEAR IN WHICH THE INDIVIDUAL'S VALID CLAIM WAS ESTABLISHED.)

((5)) (4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer.

Sec. 19. Minnesota Statutes 1982, section 268.071, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.] An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(1) He is an "exhaustee" as defined in subdivision 1, clause (9);

(2) He has satisfied the requirements of this law for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits, *except that an individual disqualified for benefits pursuant to section 268.09, subdivision 1, clause (6) is not eligible for extended benefits unless the individual has, subsequent to the disciplinary suspension, earned at least four times his or her weekly extended benefit amount; and*

(3) He has, during his base period earned wage credits available for benefit purposes of not less than 40 times his weekly benefit amount as determined pursuant to section 268.07, subdivision 2.

Sec. 20. Minnesota Statutes 1982, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that *the individual:*

(1) (HE) has registered for work at and thereafter has continued to report to an employment office, or agent of (SUCH) *the office*, in accordance with (SUCH REGULATIONS AS) *rules* the commissioner may (PRESCRIBE) *adopt*; except that the commissioner may by (REGULATION) *rule* waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which (HE) *the commissioner* finds that compliance with (SUCH) *the* requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) (HE) has made a claim for benefits in accordance with (SUCH REGULATIONS) *rules* as the commissioner may (PRESCRIBE) *adopt*; and

(3) (HE) was able to work and was available for work, and was actively seeking work (, PROVIDED THAT). *The individual's weekly benefit amount shall be reduced one-fifth for each day (SUCH) the individual is unable to work or is unavailable for work (; PROVIDED FURTHER THAT). Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;*

An individual (SHALL BE) *is* deemed unavailable for work with respect to any week which occurs in a period when (HE) *the individual* is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in (HIS) *the* base period

were for services performed during weeks in which (HE) *the student* was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) (HE) has been unemployed for a waiting period of one week during which (HE) *the individual* is otherwise eligible for benefits under sections 268.03 to 268.24 (, PROVIDED,). However, payment for the waiting week shall be made to (SUCH) *the individual* after (HE) *the individual* has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of (SUCH) *the individual's* return to employment. No individual (SHALL BE) is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which (SUCH) *the* valid claim was filed.

Sec. 21. Minnesota Statutes 1982, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work but not to exceed 28 calendar days; or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all

of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under Title II of the social security act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply. *If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.*

Sec. 22. Minnesota Statutes 1982, section 268.08, is amended by adding a subdivision to read:

Subd. 3a. [RECEIPT OF BACK PAY.] Back pay received by an individual with respect to any weeks of unemployment occurring in the 104 weeks immediately preceding the payment of the back pay shall be deducted from benefits paid for those weeks.

The amount deducted shall not reduce the benefits for which the individual is otherwise eligible for that week below zero. If the amount of benefits after the deduction of back pay is not a whole dollar amount, it shall be rounded to the next lower dollar.

If a deduction from back pay is paid to the fund for benefits deductible under this subdivision, the payment: (a) shall be applied to benefit overpayments resulting from the payment of the back pay; (b) credited to the individual's maximum amount of benefits payable in a benefit year which includes the weeks of unemployment for which back pay was deducted; and (c) benefit charges for those weeks shall be removed from the employer's account as of the calendar quarter in which the fund receives payment.

Payments to the fund under this subdivision are made by the employer on behalf of the individual and are not voluntary contributions under section 268.06, subdivision 24.

Sec. 23. Minnesota Statutes 1982, section 268.08, subdivision 6, is amended to read:

Subd. 6. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATION.] (EFFECTIVE JANUARY 1, 1978) Benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7),

(8) and (9), (SHALL BE) *are* payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that

(a) (WITH RESPECT TO WEEKS OF UNEMPLOYMENT AFTER DECEMBER 31, 1977,) Benefits based upon service performed in an instructional, research, or principal administrative capacity for an institution of higher education or a public school, or a nonpublic school or the Minnesota school for the deaf or Minnesota braille and sight saving school, or in a public or nonpublic school for an educational cooperative service unit established under section 123.58, or any other educational service agency as defined in section 3304 (a) (6) (A) (IV) of the federal unemployment tax act, shall not be paid for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if the individual performs the services in the first of the academic years or terms and if there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any institution of higher education, public school, nonpublic school, state deaf and sight saving schools, an educational cooperative service unit, or other educational service agency, (OR DEVELOPMENTAL ACHIEVEMENT CENTER) in the second of the academic years or terms, and

(b) With respect to service performed (AFTER DECEMBER 31, 1977) in any capacity (,) other than those capacities described in clause (a) of this subdivision, for *an institution of higher education, or a public school or nonpublic school, or the Minnesota school for the deaf or Minnesota braille and sight saving school, or in a public or nonpublic school or for an educational cooperative service unit established under section 123.58, or any other educational service agency as defined in section 3304 (a) (6) (A) (IV) of the federal unemployment tax act,* benefits shall not be paid on the basis of these services to any individual for any week which commences during a period between two successive academic years or terms if the individual performs the services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform the services in the second of the academic years or terms (,). *If benefits are denied to any individual under this clause and the individual was not offered an opportunity to perform the services in the second of the academic years or term, the individual shall be entitled to a retroactive payment of benefits for each week in which the individual filed a timely claim for benefits, but the claim was denied solely because of this clause; and*

(c) With respect to (ANY) services described in (CLAUSE) clauses (a) or (b), benefits payable on the basis of the services

shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform the services in the period immediately following the vacation period or holiday recess.

Sec. 24. Minnesota Statutes 1982, section 268.08, is amended by adding a subdivision to read:

Subd. 9. [SERVICES FOR CERTAIN CONTRACTORS.] Benefits upon services performed for an employer are subject to subdivision 6, clauses (b) and (c) if:

(a) the employment was provided pursuant to a contract between the employer and a public or private school;

(b) the contract was for services which the public or private school could have had performed by its employees;

(c) the employment was not as defined in section 268.04, subdivision 12, clauses (7), (8), and (9); and

(d) the individual is notified in writing of the provisions of this subdivision while employed in 1983 or prior to or at the time of commencing the employment.

Sec. 25. Minnesota Statutes 1982, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), (AND), or (3) shall be disqualified for waiting week credit and benefits. *For separations under clauses (1) and (2), the disqualification shall continue until 4 calendar weeks have elapsed following his separation and (HE) the individual has earned four times his weekly benefit amount in insured work.*

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sex-

ual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided

that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment (AND PROVIDED FURTHER THAT). *For a separation under this clause, the commissioner (IS EMPOWERED TO) shall impose a total disqualification for the benefit year and (TO) cancel (PART OR) all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.*

For the purpose of this clause "gross misconduct" (SHALL BE) is defined as misconduct involving assault and battery or the malicious destruction of property (OR THE THEFT OF MONEY OR PROPERTY OF A VALUE OF \$100 OR MORE) or arson or sabotage or embezzlement or any other act, *including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).*

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to

accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 26. Minnesota Statutes 1982, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until four calendar weeks have elapsed following his refusal or failure and he has earned four times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept (SUITABLE) *a base period employer's offer of re-employment (OFFERED BY A BASE PERIOD EMPLOYER) offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.*

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of section 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

Sec. 27. Minnesota Statutes 1982, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an (INTERESTED PARTY) employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages (WHILE EMPLOYED BY THE INTERESTED PARTY, THE) *earned with the employer, the individual's weekly benefit amount shall be the lesser of (THE AMOUNT DERIVED BY DIVIDING THE TOTAL BASE PERIOD WAGES EARNED IN ALL CREDIT WEEKS BY THE NUMBER OF BASE PERIOD CREDIT WEEKS COMPUTED TO THE NEAREST WHOLE DOLLAR OR THE AMOUNT AS COMPUTED UNDER SECTION 268.07) (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks.* If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause

(6), if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.

(2) At any time within (15) 24 months from the date of the filing of a *valid* claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. *A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.*

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within (15) 24 months from the date of the filing of a *valid* claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. *A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.*

(5) However, the commissioner may in his discretion refer any disputed claims directly to (THE APPEAL TRIBUNAL) *a referee* for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status

of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the tribunal from an initial determination.

(6) If (AN APPEAL TRIBUNAL) *a referee's* decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 28. Minnesota Statutes 1982, section 268.10, subdivision 3, is amended to read:

Subd. 3. [APPEAL; HEARING.] Unless (SUCH) *an* appeal is withdrawn, the date for hearing before (AN APPEAL TRIBUNAL) *a referee* shall be set and notice of (SUCH) *the* hearing shall be mailed to the last known address of all interested parties at least ten days prior to the date set for (SUCH) *the* hearing. (SUCH) *The hearing may be conducted by means of a conference telephone call except that the appellant may request that the hearing be conducted in person. The* hearing shall be a trial de novo, and, upon the evidence presented, the (APPEAL TRIBUNAL) *referee* shall affirm, modify, or set aside the initial determination. (THE COMMISSIONER MAY, BY REGULATION, PROVIDE FOR THE TAKING OF EVIDENCE OR FOR THE ADMISSION OF SWORN STATEMENTS IN CASE ANY INTERESTED PARTY IS UNABLE TO BE PRESENT AT THE HEARING) *Where the same or substantially similar evidence is relevant and material to the issues in appeals by more than one individual or in appeals by one individual with respect to two or more weeks of unemployment, the appeals may be consolidated into one hearing. The referee shall exclude from any consolidated hearing the appeal of any individual who may be prejudiced because of the consolidation. A referee shall not hear any appeal in which the referee has a direct interest. The parties shall be (DULY) notified of (SUCH TRIBUNAL'S) the referee's decision (, TOGETHER WITH ITS) and the reason (THEREFOR,) for it. (WHICH SHALL BE) The referee's decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.*

Sec. 29. Minnesota Statutes 1982, section 268.10, subdivision 4, is amended to read:

Subd. 4. [(APPEAL TRIBUNALS ESTABLISHED) *REF-ERREES.*] In order to assure the prompt disposition of all claims for benefits, the commissioner shall (ESTABLISH) *appoint* one or more impartial (APPEAL TRIBUNALS CONSISTING OF A SALARIED EXAMINER WHO SHALL SERVE AS CHAIRMAN, AND TWO ADDITIONAL MEM-

BERS, ONE OF WHOM SHALL BE A REPRESENTATIVE OF EMPLOYERS AND THE OTHER OF WHOM SHALL BE A REPRESENTATIVE OF EMPLOYEES; EACH OF THE LATTER TWO MEMBERS SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER AND BE PAID A FEE OF NOT MORE THAN \$35 PER DAY OF ACTIVE SERVICE ON SUCH TRIBUNAL PLUS NECESSARY EXPENSE) *referees*. The commissioner shall by (REGULATION PRESCRIBE THE) *rule adopt a procedure by which (SUCH APPEAL TRIBUNALS SHALL) referees* hear and decide disputed claims, subject to appeal to the commissioner. No person shall participate on behalf of the commissioner in any case in which (HE) *that person* is an interested party. The commissioner may designate alternates to serve in the absence or disqualification of (ANY MEMBER OF ANY APPEAL TRIBUNAL) *a referee*. (THE CHAIRMAN SHALL ACT ALONE IN THE ABSENCE OR DISQUALIFICATION OF ANY OTHER MEMBER AND HIS ALTERNATES. IN NO CASE SHALL A HEARING BEFORE AN APPEAL TRIBUNAL PROCEED UNLESS THE CHAIRMAN OF SUCH TRIBUNAL IS PRESENT.) There shall be no charges, fees, transcript costs, or other cost imposed upon the employee in prosecuting (HIS) *an* appeal. All decisions of (SUCH TRIBUNAL, COMPLETE AS TO THE NAMES OF MEMBERS OF SUCH TRIBUNAL,) *referees* shall be made available to the public in accordance with (SUCH REGULATIONS AS) *rules* the commissioner may prescribe, except that names of interested parties may be deleted.

Sec. 30. Minnesota Statutes 1982, section 268.10, subdivision 5, is amended to read:

Subd. 5. [REVIEW BY COMMISSIONER.] Within 30 days after mailing or *personal delivery* of the notice of (AN APPEAL TRIBUNAL) *a referee's* decision to the claimant or employer at (HIS) the last known address (OR PERSONAL DELIVERY THEREOF, ANY SUCH), *a party* may appeal from (SUCH) *the* decision and obtain a review (THEREOF) *of it* by the commissioner or (HIS DULY) *an* authorized representative (, AND). The commissioner within the same period of time may on (HIS) *the commissioner's* own motion order a review of (ANY SUCH) *a* decision. Upon review, the commissioner or (HIS DULY) authorized representative may affirm, modify, or set aside any finding of fact or decision, or both, of the (APPEAL TRIBUNAL) *referee* on the basis of the evidence previously submitted in (SUCH) *the* case, or remand (SUCH) *the* matter back to the (APPEAL TRIBUNAL) *referee* for the taking of additional evidence and new findings and decision based on all of the evidence before (IT) *the referee*. Notice of all hearings on review shall be given to all interested parties in the same manner as provided for by subdivision 3. The commissioner or (HIS) *authorized* representative may remove to himself or *herself* or transfer to another (APPEAL TRIBUNAL) *referee* the proceedings on any claim pending before (AN APPEAL TRIBUNAL) *a referee*. Any proceedings (SO) removed to the com-

missioner or (HIS) *authorized* representative shall be heard upon notice in accordance with the requirements of subdivision 3. The department of economic security shall mail to all interested parties a notice of the filing of and a copy of the findings and decision of the commissioner or his representative.

Sec. 31. Minnesota Statutes 1982, section 268.10, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER.] The manner in which disputed claims (SHALL BE) *are* presented, the reports (THEREON) required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with the (REGULATIONS PRESCRIBED) *rules adopted* by the commissioner for determining the rights of the parties, whether or not (SUCH) *the* regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be (REDUCED TO WRITING) *recorded*, but need not be transcribed unless the disputed claim is further appealed.

Sec. 32. Minnesota Statutes 1982, section 268.10, subdivision 7, is amended to read:

Subd. 7. [SUBPOENAED.] Witnesses, *other than an interested party or officers and employees of an interested party*, subpoenaed pursuant to this section shall be allowed fees (AT A RATE FIXED BY THE COMMISSIONER) *the same as witness fees in a civil action in district court*. (SUCH) *These* fees shall be deemed a part of the expense of administering sections 268.03 to 268.24.

Sec. 33. Minnesota Statutes 1982, section 268.10, subdivision 9, is amended to read:

Subd. 9. [REPRESENTATION BY ATTORNEY.] In any proceeding under these sections before (AN APPEAL TRIBUNAL) *a referee* or the commissioner, a party may be represented by an agent or attorney, but no individual claiming benefits shall be charged fees of any kind in (ANY) *a* proceeding (THEREUNDER BY THE APPEAL TRIBUNAL) *before a referee*, the commissioner, (OR HIS) *commissioner's* representatives, or by any court or any officers thereof. Any individual claiming benefits in any proceedings before the commissioner or his representatives or a court may be represented by counsel or other duly authorized agent, except that said agent in any court proceedings under these sections, must be an attorney at law; but no (SUCH) counsel shall either charge or receive for (SUCH) *the* services more than an amount approved by the commissioner and no fees shall be collected from an individual claiming benefits by any agent unless he is an attorney at law.

Sec. 34. Minnesota Statutes 1982, section 268.11, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR TERMINATION OF COVERAGE.] Except as otherwise provided in subdivision 3, any employing unit shall cease to be an employer subject to sections 268.03 to 268.24 as of the last day of the calendar quarter in which the employing unit files with the commissioner a written application for termination of coverage, if the commissioner finds the employment in the preceding calendar year and during the current calendar year, up to the last day of the calendar quarter in which the application was received, was not sufficient to make the employing unit liable under the provisions of section 268.04, subdivision 10. For the purpose of this subdivision the two or more employing units mentioned in section 268.04, subdivision 10, clause (2), (3), ((4), OR) (5), or (6), shall be treated as a single employing unit.

The commissioner shall waive the requirement for an application for termination of coverage whenever it shall appear that the employer was unable to comply with such requirement for the reason that, at the time when he had qualified for release from liability under the provisions of this chapter, he was in good faith not aware of the fact that he was an employer subject to the provisions of this chapter.

The commissioner at the commissioner's discretion may on his or her own motion terminate the coverage of any employer who no longer meets the definition of employer under section 268.04, subdivision 10.

Sec. 35. Minnesota Statutes 1982, section 268.11, subdivision 3, is amended to read:

Subd. 3. [ELECTION AGREEMENTS; TERMINATION POWERS OF COMMISSIONER.] (1) An employing unit, not otherwise subject to sections 268.03 to 268.24 as an employer, which files with the commissioner its written election to become an employer subject thereto for not less than two calendar years, shall, with the written approval of such election by the commissioner, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval and cease to be subject hereto as of the first day of January of any calendar year subsequent to such two calendar years, only, if at least 30 days prior to such first day of January, it has filed with the commissioner a written notice to that effect;

(2) Any employing unit for which services that do not constitute employment are performed, may file with the commissioner a written election that all such service performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for

all the purposes of sections 268.03 to 268.24 for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to these sections from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of the first day of January of any calendar year subsequent to such two calendar years only if at least 30 days prior to such first day of January such employing unit has filed with the commissioner a written notice to that effect.

(3) The commissioner (IN HIS DISCRETION MAY ON HIS OWN MOTION) *must* terminate any election agreement under this subdivision upon 30 days notice to the employer, (AND HE MAY ALSO IN HIS DISCRETION AND ON HIS OWN MOTION TERMINATE THE COVERAGE OF ANY EMPLOYER WHO HAS HAD LESS THAN 20 WEEKS OF EMPLOYMENT IN A CALENDAR YEAR) *if the employer fails to pay all contributions due under section 268.06, subdivision 1, or reimburse the unemployment fund in accordance with section 268.06, subdivisions 25, 26, 27, and 28.*

Sec. 36. Minnesota Statutes 1982, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, appeal referee, (CHAIRMAN OF AN APPEAL TRIBUNAL,) or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, appeal referee, (CHAIRMAN OF AN APPEAL TRIBUNAL,) or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, provided that quarterly contribution and wage report forms shall (BE MADE TO CORRESPOND WHERE- EVER POSSIBLE WITH THE REPORTS REQUIRED FROM EMPLOYERS UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT, SO THAT SUCH STATE FORMS MAY BE PREPARED AS DUPLICATES OF SUCH FEDERAL FORMS, EXCEPT THAT NO EMPLOYER SHALL BE PERMITTED TO SUBMIT A DUPLICATE REPORT WHICH IS NOT THOROUGHLY LEGIBLE) *include the employee's name, social security number, and total wages paid to the employee.*

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advis-

able for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16.02, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota Employment Services Law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 37. Minnesota Statutes 1982, section 268.12, subdivision 9, is amended to read:

Subd. 9. [TESTIMONIAL POWERS.] (1) In the discharge of the duties imposed by sections 268.03 to 268.24, the commissioner, (THE CHAIRMAN OF THE APPEAL TRIBUNAL,) appeal referee, or any duly authorized representative of the commissioner, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of these sections;

(2) Witnesses, *other than interested parties or officers and employees of an employing unit which is an interested party*, subpoenaed pursuant to this subdivision or sections 268.03 to 268.24,

shall be allowed fees (AT A FIXED RATE PRESCRIBED BY REGULATION BY THE COMMISSIONER) *the same as witness fees in civil actions in district court*, which fees need not be paid in advance of the time of giving of testimony, and such fees of witnesses so subpoenaed shall be deemed part of the expense of administering these sections;

(3) In case of contumacy by, or refusal to obey, a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, (CHAIRMAN OF AN APPEAL TRIBUNAL,) or referee, or any duly authorized representative of the commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, the chairman of an appeal tribunal, referee, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testimony relative to the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 38. Minnesota Statutes 1982, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.]

(1) Any employer who knowingly fails to make and submit to the department of economic security any report of wages paid by or due from him for insured work in the manner and at the time such report is required by regulations prescribed by the commissioner shall pay to the department of economic security for the contingent account a penalty in the amount of one and one-half percent of contributions accrued during the period for which such report is required, for each month from and after such date until such report is properly made and submitted to the department of economic security. In no case shall the amount of the penalty imposed hereby be less than \$5 per month. The maximum penalty imposed hereby shall be \$25 or the amount determined at the rate of one and one-half percent per month, whichever is greater. Any employing unit which fails to make and submit to the commissioner any report, other than one of wages paid or payable for insured work, as and when required by the regulations of the commissioner, shall be subject to a penalty in the sum of \$10 payable to the department of economic security for the contingent account. All such penalties shall be in addition to interest and any other penalties provided for by sections 268.03 to 268.24 and shall be collected (BY CIVIL ACTION AS HEREINAFTER PROVIDED) *as provided by section 268.161.*

(2) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so

within the time prescribed by these sections or by regulations under the authority thereof, or shall make, wilfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report. (IF AN EMPLOYER HAS FAILED TO SUBMIT ANY REPORT OF WAGES PAID, OR HAS FILED AN INCORRECT REPORT, AND THE COMMISSIONER FINDS THAT SUCH NONCOMPLIANCE WITH THE TERMS OF SECTIONS 268.03 TO 268.24 WAS NOT WILFUL AND THAT SUCH EMPLOYER WAS FREE FROM FRAUDULENT INTENT, THE COMMISSIONER SHALL LIMIT THE CHARGE AGAINST SUCH EMPLOYER TO THE PERIOD OF THE YEAR IN WHICH SUCH CONDITION HAS BEEN FOUND TO EXIST AND FOR THE PRECEDING CALENDAR YEAR.)

Sec. 39. Minnesota Statutes 1982, section 268.161, subdivision 1, is amended to read:

Subdivision 1. [LIEN.] Any contributions or reimbursements due under sections 268.03 to 268.24 and interest and penalties imposed with respect thereto, shall become a lien upon all the property, (BOTH REAL AND PERSONAL, OF THE PERSON LIABLE THEREFOR,) within this state, *both real and personal, of the person liable therefor*, except his homestead, from and after the filing by the commissioner of a notice of lien in the office of the county recorder of the county in which the property is situated, or in the case of personal property belonging to an individual who is not a resident of this state, or which is a corporation, partnership, or other organization, in the office of the secretary of state.

The lien created under this section shall become effective with respect to personal property from and after the date of

filing by the commissioner of a notice of the lien describing the property to which the lien attaches in the office of the county recorder of the county in which the commissioner believes the property is located at the time the lien is filed, and with the secretary of state.

The lien imposed on personal property by this section, even though properly filed, shall not be valid as against a purchaser with respect to tangible personal property purchased at retail or as against the personal property listed as exempt in sections 550.37, 550.38 and 550.39.

The lien imposed by this section shall be enforceable by levy as authorized in subdivision 8 or by judgment lien foreclosure as authorized in chapter 550.

Sec. 40. Minnesota Statutes 1982, section 268.161, subdivision 4, is amended to read:

Subd. 4. [COLLECTION BY CIVIL ACTION.] (1) In addition to all other collection methods authorized, if, after due notice, any employer defaults in any payment of contributions or interest due thereon or penalties for failure to file returns and other reports as required by sections 268.03 to 268.24 or by any rule of the commissioner, the amount due (SHALL) *may* be collected by civil action in the name of the state of Minnesota, and any money recovered shall be credited to the funds provided for under those sections. Any employer adjudged in default shall pay the costs of the action. Civil actions brought under this section to collect contributions, interest due thereon, or penalties from an employer shall be heard by the court at the earliest possible date. No action for the collection of contributions or interest thereon shall be commenced more than (FOUR) *six* years after the contributions have been reported by the employer or determined by the commissioner to be due and payable. In any action, judgment shall be entered against any defendant in default for the relief demanded in the complaint without proof, together with costs and disbursements, upon the filing of an affidavit of default.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any civil action under this subdivision. In instituting an action against any employing unit, the commissioner shall cause process or notice to be filed with the secretary of state, together with a payment of a fee of \$15 and that service shall be sufficient service upon the employing unit, and shall be of the same force and validity as if served upon it personally

within this state. The commissioner shall forthwith send notice of the service of process or notice, together with a copy thereof, by certified mail, return receipt requested, to the employing unit at its last known address. The return receipt, the commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which the civil action is pending.

Sec. 41. Minnesota Statutes 1982, section 268.161, subdivision 5, is amended to read:

Subd. 5. [RIGHT OF SETOFF.] Upon certification by the commissioner to the commissioner of finance *or to any state agency which disburses its own funds*, that an employer has an uncontested delinquent contribution or reimbursement liability owed to the department, and that the state has purchased personal services, supplies, contract services, or property from said employer, the commissioner of finance *or the state agency* shall apply to the delinquent contribution or reimbursement liability funds sufficient to satisfy the unpaid liability from funds appropriated for payment of said obligation of the state or any of its agencies that are due and owing the employer. The credit shall not be made against any funds exempt under section 550.37 *or those funds owed (THE) an individual employer who receives assistance* under chapter 256 (OR 256B).

All funds, whether general or dedicated, shall be subject to setoff in the manner provided in this subdivision. Transfer of funds in payment of the obligations of the state or any of its agencies to an employer and any actions for the funds shall be had against the commissioner on the issue of the contribution or reimbursement liability. Nothing in this section shall be construed to limit the previously existing right of the state or any of its agencies to setoff.

Sec. 42. Minnesota Statutes 1982, section 268.161, subdivision 7, is amended to read:

Subd. 7. [CONFESSION OF JUDGMENT.] (a) Any contribution report or form that is required to be filed with the commissioner concerning contributions or reimbursements due, shall contain a written declaration that it is made under the penalties of section 268.18, subdivision 3 for wilfully making a false report and shall contain a confession of judgment for the amount of the contribution or reimbursement shown due thereon to the extent not timely paid together with any interest and penalty due under this chapter.

(b) The commissioner may, within (FOUR) *six* years after a report *or form* is filed, notwithstanding section 541.09, enter judgment *on any confession of judgment contained in the contribution report or form* after 20 days notice served upon the em-

ployer by mail at the address shown in the employer's report. The judgment shall be entered by the clerk of court of any county upon the filing of a photocopy or similar reproduction of that part of the contribution report or form containing the confession of judgment along with a statement of the commissioner or his agent that the contribution or reimbursement has not been paid.

Sec. 43. Minnesota Statutes 1982, section 268.161, subdivision 8, is amended to read:

Subd. 8. [LEVY.] (a) If any contribution or reimbursement payable to the department is not paid when due, the amount may be collected by the commissioner, his duly authorized representative, or by the sheriff of any county to whom the commissioner has issued his warrant, who may levy upon all property and rights of property of the person liable for the contribution or reimbursement, (except that which is exempt from execution pursuant to section 550.37), *or property on which there is a lien provided by subdivision 1 of this section.* The terms "contribution or reimbursement" shall include any penalty, interest, and costs. The term "levy" includes the power of distraint and seizure by any means. Before a levy is made or warrant issued, notice and demand for payment of the amount due shall be given to the person liable for the contribution or reimbursement at least ten days prior to the levy or issuing of a warrant.

(b) Upon the commissioner issuing a warrant, the sheriff shall proceed within 60 days to levy upon the rights to property of the employer within his county, except the homestead and household goods of the employer and property of the employer not liable to attachment, garnishment, or sale on any final process issued from any court under the provisions of section 550.37, and shall sell so much thereof as is required to satisfy the contribution, reimbursement, interest, and penalties, together with his costs. The sales shall, as to their manner, be governed by the law applicable to sales of like property on execution issued against property upon a judgment of a court of record. The proceeds of the sales, less the sheriff's costs, shall be turned over to the commissioner, who shall retain a part thereof as is required to satisfy the contribution, reimbursement, interest, penalties, and costs, and pay over any balance to the employer.

(c) If the commissioner has reason to believe that collection of the contribution or reimbursement is in jeopardy, notice and demand for immediate payment of the amount may be made by the commissioner. If the contribution or reimbursement is not paid, the commissioner may proceed to collect by levy or issue his warrant without regard to the ten day period provided herein.

(d) In making the execution of the levy and in collecting the contribution or reimbursement due, the commissioner shall have all of the powers provided in chapter 550 and in any other law for purposes of effecting an execution against property in

this state. The sale of property levied upon and the time and manner of redemption therefrom shall be as provided in chapter 550. The seal of the court, subscribed by the clerk, as provided in section 550.04, shall not be required. The levy for collection of contributions or reimbursements may be made whether or not the commissioner has commenced a legal action for collection of the amount.

(e) Where a jeopardy assessment or any other assessment has been made by the commissioner, the property seized for collection of the contribution or reimbursement shall not be sold until any determination of liability, rate or benefit charges has become final. No sale shall be made unless the contribution or reimbursement remain unpaid for a period of more than 30 days after the determination becomes final. Seized property may be sold at any time if:

(1) the employer consents in writing to the sale; or

(2) the commissioner determines that the property is perishable or may become greatly reduced in price or value by keeping, or that the property cannot be kept without great expense.

(f) Where a levy has been made to collect contributions or reimbursements pursuant to this subdivision and the property seized is properly included in a formal proceeding commenced under sections 524.3-401 to 524.3-505 and maintained under full supervision of the court, the property shall not be sold until the probate proceedings are completed or until the court so orders.

(g) The property seized shall be returned by the commissioner if the owner gives a surety bond equal to the appraised value of his interest in the property, as determined by the commissioner, or deposits with the commissioner security in a form and amount as he deems necessary to insure payment of the liability, but not more than twice the liability.

(h) Notwithstanding any other law to the contrary, if a levy or sale pursuant to this section would irreparably injure rights in property which the court determines to be superior to rights of the state in the property, the district court may grant an injunction to prohibit the enforcement of the levy or to prohibit the sale.

(i) Any person who fails or refuses to surrender without reasonable cause any property or rights to property subject to levy upon demand by the commissioner shall be personally liable to the department in an amount equal to the value of the property or rights not so surrendered, but not exceeding the amount of contribution or reimbursement for the collection of which the levy has been made. Any amount recovered under this subdivision shall be credited against the contribution or reimbursement

liability for the collection of which the levy was made. The term "person" includes an officer or employee of a corporation or a member or employee of a partnership who, as an officer, employee, or member is under a duty to surrender the property or rights to property or to discharge the obligation.

(j) Any action taken by the commissioner pursuant to this subdivision shall not constitute an election by the department to pursue a remedy to the exclusion of any other remedy.

(k) After the commissioner has seized the property of any person, that person may, upon giving 48 hours notice to the commissioner and to the court, bring a claim for equitable relief before the district court for the release of the property to the employer upon terms and conditions as the court may deem equitable.

(l) *Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the commissioner, surrenders the property or rights to property or who pays a liability under this subdivision shall be discharged from any obligation or liability to the person liable for the payment of the delinquent contribution or reimbursement with respect to the property or rights to property so surrendered or paid.*

(m) *Notwithstanding any other provisions of law to the contrary, the notice of any levy authorized by this section may be served by certified or registered mail or by delivery by an employee or agent of the department of economic security.*

(n) *It shall be lawful for the commissioner to release the levy upon all or part of the property or rights to property levied upon if the commissioner determines that the release will facilitate the collection of the liability, but the release shall not operate to prevent any subsequent levy. If the commissioner determines that property has been wrongfully levied upon, it shall be lawful for the commissioner to return:*

(1) *the specific property levied upon, at any time; or*

(2) *an amount of money equal to the amount of money levied upon, at any time before the expiration of nine months from the date of levy.*

(o) *A levy by the commissioner made pursuant to the provisions of this section upon an employer's funds on deposit in a financial institution located in this state, shall have priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of an outstanding loan or loans owed by the employer to the financial institution. A claim by the financial institution that it exercised its right to*

setoff prior to the levy by the commissioner must be substantiated by evidence of the date of the setoff, and shall be verified by the sworn statement of a responsible corporate officer of the financial institution. Furthermore, for purposes of determining the priority of any levy made under this section, the levy shall be treated as if it were an execution made pursuant to chapter 550.

Sec. 44. Minnesota Statutes 1982, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] Any claimant for benefits who, by reason of his own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.24 *or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2,* has received any sum as benefits to which he was not entitled under these sections, shall promptly return such benefits in cash to the nearest office of the Minnesota department of economic security. If such claimant fails to return such benefits, the department of economic security shall, as soon as it discovers such erroneous payment, determine the amount thereof and notify said individual to return the same. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time aforesaid the matter shall be set for hearing before (AN APPEAL TRIBUNAL) *a referee* of the department and heard as other benefit matters are heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section. The commissioner of the department of economic security is hereby authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. *Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.*

Sec. 45. Minnesota Statutes 1982, section 268.18, subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and wilfully misrepresenting or misstating any material fact or by knowingly and wilfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. (SAID) *The* claimant shall (WITHIN 20 DAYS FROM THE DATE OF MAILING THE NOTICE OF SAID DETERMINATION TO HIM) *promptly* repay in cash to the department of economic security any benefits (SO) fraudulently obtained. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice. The determination shall become final. If the claimant (SHALL APPEAL) *appeals* from (SUCH) *the* determination within the time above specified (SAID) *the* matter shall be referred to (AN APPEAL TRIBUNAL) *a referee* for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. *A determination of fraud may be made at any time.*

Sec. 46. [PERSONNEL NAME CHANGE.]

Those individuals serving as salaried examiners of an appeal tribunal shall be referees as of the effective date of section 29 without change in the terms and conditions of their employment. They have the same authority to decide matters pending before them as did an appeal tribunal chairman.

Sec. 47. [REPEALER.]

Minnesota Statutes 1982, section 268.06, subdivision 32 is repealed.

Sec. 48. [EFFECTIVE DATE.]

Section 19 is effective retroactively to July 4, 1982. Section 18 is effective retroactively to October 1, 1982. Any wage credits disallowed for benefit purposes due to the operation of the stricken clause (4) shall be reinstated and eligibility for regular benefits shall be extended from October 1, 1982, until the claimant is reemployed or the final approval of this act whichever is earlier. Section 2 is effective retroactively to January 1, 1983. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 31, 34, 35, 38, 39, 40, 41, 42, 43, and 47 are effective the day following final enactment. Sections 1, 13, 28, 29, 30, 32, 33, 36, 37, 44, 45, and 46 are effective August 1, 1983."

Delete the title and insert:

"A bill for an act relating to unemployment compensation; providing for conformity with federal law; imposing an annual surcharge on employers' calendar year contributions for the purpose of repayment of interest charged on federal loans; creating the emergency interest repayment fund; adding a category to the extension of base period in the definition of base period; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; amending Minnesota Statutes 1982, sections 268.04, subdivisions 2, 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivisions 2 and 3; 268.071, subdivision 3; 268.08, subdivisions 1, 3, 6, and by adding subdivisions; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.06, subdivision 32."

The motion prevailed and the amendment was adopted.

Rivenness moved to amend S. F. No. 1011, as amended, as follows:

Page 30, line 14, before "The" insert "All money in"

Page 30, line 15, delete "shall be used only" and insert "is appropriated to the commissioner"

Page 30, line 17, after "Act" insert ", and shall not be used for any other obligation of the state" and delete "moneys" and insert "money"

Page 30, line 21, after "interest" insert "or net income"

Page 30, line 22, delete "these funds" and insert "money in the fund"

Page 32, line 16, after "of" insert "clauses (1) and (2) of"

Page 39, after line 16, insert:

"Sec. 25. [268.081] [SHARED WORK PLAN.]

The commissioner shall prepare a report on the implementation of a shared work benefit program. The report shall be given to the senate committee on employment and the house committee on governmental operations no later than January 15, 1984. The report shall evaluate existing state laws establishing shared work programs and shall contain recommendations for statutory changes to implement a program in Minnesota."

Renumber remaining sections and correct internal cross-references

Page 47, line 14, delete "any" and insert "an"

Further, amend the title as follows:

Page 66, line 13 of the title, after the semicolon, insert "requiring a report to the legislature on shared work benefits; appropriating money;"

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 1011, as amended, as follows:

Page 29, line 30, delete "year of" and insert "years"

Page 29, line 30, delete "for each calendar year" and insert "1983"

Page 29, line 31, delete "thereafter"

Page 29, line 34, delete "for each taxable year thereafter" and insert ", 1984"

Page 29, line 35, delete "by"

Page 29, line 36, delete "*the 31st day of August each taxable year thereafter*" and insert "*the surcharge for taxable year 1983 shall be paid no later than August 31, 1984*"

Page 30, line 25, delete "*each*"

Page 30, line 25, delete "*thereafter*" and insert "*, 1985,*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 87 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Findlay	Johnson	Piepho	Solberg
Anderson, R.	Fjoslien	Kalis	Quinn	Stadum
Bennett	Forsythe	Knickerbocker	Quist	Sviggum
Bergstrom	Frerichs	Krueger	Redalen	Thiede
Bishop	Graba	Kvam	Reif	Uphus
Blatz	Gruenes	Levi	Rodosovich	Valan
Brinkman	Gustafson	Ludeman	Rodriguez, C.	Valento
Burger	Halberg	Mann	Rose	Vellenga
Carlson, D.	Haukoos	Marsh	St. Onge	Waltman
Carlson, L.	Hcap	McDonald	Schafer	Weich
Clawson	Heinitz	McEachern	Scheid	Welker
Cohen	Himle	McKasy	Schoenfeld	Welle
Dempsey	Hoberg	Neuenschwander	Schreiber	Wenzel
DenOuden	Hoffman	Ogren	Seaberg	Wigley
Dimler	Hokr	Olsen	Shaver	Zaffke
Elioff	Jacobs	Omann	Shea	
Erickson	Jennings	Onnen	Sherman	
Evans	Jensen	Pauly	Simoneau	

Those who voted in the negative were:

Battaglia	Ellingson	Minne	Rice	Tomlinson
Beard	Greenfield	Murphy	Riveness	Tunheim
Begich	Kahn	Nelson, D.	Rodriguez, F.	Vanasek
Berkelman	Kelly	Norton	Sarna	Voss
Brandl	Knuth	O'Connor	Segal	Wynia
Clark, J.	Kostohryz	Osthoft	Skoglund	Speaker Sichen
Clark, K.	Larsen	Otis	Sparby	
Coleman	Long	Piper	Staten	
Eken	Metzen	Price	Swanson	

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

Anderson, G.	Begich	Blatz	Carlson, D.	Coleman
Anderson, R.	Bennett	Brandl	Carlson, L.	Dempsey
Battaglia	Bergstrom	Brinkman	Clark, K.	Dimler
Beard	Bishop	Burger	Cohen	Eken

Elioff	Johnson	Murphy	Riveness	Staten
Ellingson	Kahn	Nelson, D.	Rodosovich	Sviggun
Erickson	Kalis	Neuenschwander	Rodriguez, C.	Thiede
Evans	Kelly	Norton	Rodriguez, F.	Tomlinson
Findlay	Knickerbocker	O'Connor	Rose	Uphus
Fjoslien	Knuth	Ogren	St. Onge	Valan
Forsythe	Krueger	Olsen	Sarna	Valento
Graba	Kvam	Omann	Schafer	Vanasek
Gruenes	Larsen	Osthoff	Scheid	Vellenga
Gustafson	Levi	Otis	Schoenfeld	Voss
Gutknecht	Long	Pauly	Seaberg	Waltman
Halberg	Ludeman	Peterson	Segal	Welch
Haukoos	Mann	Piepho	Shaver	Welker
Heap	Marsh	Piper	Shea	Welle
Himle	McDonald	Quinn	Sherman	Wenzel
Hoberg	McEachern	Quist	Simoneau	Wigley
Jacobs	McKasy	Redalen	Skoglund	Wynia
Jennings	Metzen	Reif	Solberg	Zaffke
Jensen	Minne	Rice	Stadum	

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 18, line 15, strike "30" and insert "50"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Bergstrom	Clark, J.	Coleman	Graba
Battaglia	Brandl	Clark, K.	Eken	Gustafson
Beard	Brinkman	Clawson	Elioff	Hoffman
Begich	Carlson, L.	Cohen	Ellingson	Jacobs

Jensen	Meitzen	Peterson	Scheid	Vellenga
Kahn	Minne	Piper	Schoenfeld	Voss
Kalis	Munger	Price	Segal	Welch
Kelly	Murphy	Quinn	Simoneau	Welle
Knuth	Nelson, D.	Rice	Skoglund	Wenzel
Kostohryz	Neuenschwander	Riveness	Solberg	Wynia
Krueger	Norton	Rodosovich	Sparby	Speaker Sieben
Larsen	O'Connor	Rodriguez, C.	Staten	
Long	Ogren	Rodriguez, F.	Swanson	
Mann	Osthoff	St. Onge	Tomlinson	
McEachern	Otis	Sarna	Tunheim	

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 43, after line 36, insert "(c) *In the case of any individual who has received benefits for 30 weeks or more during the immediately preceding 36 months, work shall be conclusively deemed suitable if the degree of risk involved to health, safety and morals is no greater than that commonly encountered by other workers in the job market area; if the individual by his physical fitness, prior training or experience is capable of performing the work; and if the individual does not have a job. In no case shall the Department determine that a job is unsuitable for an individual, or that an individual may elect to decline the offer of employment and continue to receive benefits on the basis that another individual might be better suited to the position.*"

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 66, after line 7, insert a section to read:

"Sec. 47 [EXPANSIBLE WAITING PERIOD.]

Notwithstanding any other law to the contrary, the waiting periods for an individual seeking benefits pursuant to chapter 268 shall vary depending upon the relationship between that individual's base period wages and the statewide average weekly wage as follows:

(1) *less than one and one-quarter times the statewide average weekly wage, one week,*

(2) *less than one and one-half but greater than one and one-quarter times the statewide average weekly wage, two weeks,*

(3) *less than one and three-quarters but greater than one and one-half times the statewide average weekly wage, four weeks,*

(4) *less than two but greater than one and three-quarters times the statewide average weekly wage, six weeks,*

(5) *less than three but greater than two times the statewide average weekly wage, eight weeks,*

(6) *less than five but greater than three times the statewide average weekly wage, ten weeks,*

(7) *less than eight but greater than five times the statewide average weekly wage, twelve weeks,*

(8) *less than twelve but greater than eight times the statewide average weekly wage, fifteen weeks,*

(9) *less than twenty but greater than twelve times the statewide average weekly wage, twenty weeks,*

(10) *over twenty times the statewide average weekly wage, twenty-six weeks.*

In cases subject to this section, the waiting week or weeks shall be non-compensible."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Bennett	Fjoslien	Hokr	Piepho	Thiede
Bishop	Forsythe	Jennings	Quist	Uphus
Blatz	Frerichs	Johnson	Redalen	Valan
Burger	Gruenes	Kvam	Reif	Valento
Carlson, D.	Gutknecht	Ludeman	Rose	Waltman
Dempsey	Halberg	Marsh	Schafer	Welker
DenOuden	Haukoos	McDonald	Schreiber	Wigley
Dimler	Heap	McKasy	Scaberg	Zafike
Erickson	Heinitz	Olsen	Sherman	
Evans	Himle	Omamn	Stadum	
Findlay	Hoberg	Pauly	Sviggun	

Those who voted in the negative were:

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

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 35, after line 17, insert:

"(5) The commissioner shall provide each claimant with a carbonized form for reporting job search contacts. The form must have blanks for the following information: (a) the address and phone number of the business at which the individual applied; (b) the position applied for; and (c) the contact person at the business. The form shall be used for each job search. The business contact person shall complete the form, sign it, and retain the original copy. The claimant must retain copies of the forms and return them to the employment office at the next report. If a claimant is permitted to make a telephone job search, the claimant shall mail the form, along with a self-addressed envelope, to the business contact who shall complete the form as above, retain the original, and mail a copy back to the claimant. The commissioner shall conduct random and periodic audits of the information reported on the forms to verify that it is true.

The commissioner is not required to provide forms to claimants and clause (5) shall not apply if the claimant's county search area has an unemployment rate of 12 percent or more."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 50 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 66, after line 7, insert a section to read:

"Sec. 47 [MULTIPLE CLAIM LIMITATION.]

Notwithstanding any other law to the contrary, the maximum benefit amount of individuals who file more than one claim for compensation under chapter 268 during a single benefit year shall be decreased as follows:

(1) For the second claim filed within a single benefit year, the maximum benefit shall be 80 percent of the amount otherwise applicable;

(2) For the third claim filed within a single benefit year, the maximum benefit shall be 60 percent of the amount otherwise applicable;

(3) For the fourth and subsequent claims filed within a single benefit year, the maximum benefit shall be 50 percent of the amount otherwise applicable."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Bishop	Fjoslien	Hokr	Olsen	Sherman
Burger	Forsythe	Jennings	Pauly	Stadum
Carlson, D.	Frerichs	Johnson	Piepho	Thiede
Dempsey	Gutknecht	Knickerbocker	Quist	Uphus
DenOuden	Halberg	Kvam	Redalen	Valan
Dimler	Haukoos	Levi	Schafer	Valento
Erickson	Heinitz	Ludeman	Schreiber	Waltman
Evans	Himle	McDonald	Seaberg	Welker
Findlay	Hoberg	McKasy	Shaver	Wigley

Those who voted in the negative were:

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

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

Stadum moved to amend S. F. No. 1011, as amended, as follows:

Page 39, after line 16, insert:

"Section 25. [268.073] [SHARED UNEMPLOYMENT PLAN.]

Subdivision 1. [QUALIFIED PLANS.] Notwithstanding any other law, for the purposes of this section an individual is "unemployed" in any week if: (a) the individual works less than his or her normal weekly hours of work for the individual's regular employer; and (b) the regular employer has reduced or

restricted the individual's normal hours of work or has rehired an individual previously laid off and reduced that individual's normal hours of work from those previously worked, as the result of a plan by the regular employer. Normal weekly hours of work means the number of hours in a week that the employee normally would work for the regular employer or 40 hours, whichever is less. The plan of the employer must, in lieu of lay-off, reduce employment and stabilize the work force by a program of sharing work after a reduction in total hours of work and wages of at least ten percent has occurred. The plan must involve the participation of at least two employees and include not less than ten percent of the employer's regular permanent work force involved in the affected work unit or units in each week, or in at least one week of a two-consecutive-week period. A plan must be approved by the commissioner before an employee may receive benefits under this section. A plan approved by the commissioner shall expire six months after the effective date of the plan. A new plan shall not be approved during the 26-week period beginning with the expiration of a previously approved plan except when the previous plan expires during any quarter in which the average seasonally adjusted civilian unemployment rate in this state during the first three of the four months immediately preceding the beginning of the calendar quarter equals or exceeds five percent.

Subd. 2. [BENEFIT AMOUNT.] Except as otherwise provided in this section, each individual eligible under this section who is unemployed in any week shall be paid with respect to that week a weekly shared work unemployment compensation benefit amount equal to the percentage of reduction of the individual's wages resulting from an approved plan, rounded to the nearest five percent, multiplied by the individual's weekly benefit amount which would be payable if the individual was unemployed and this section did not apply.

The benefit payment, if not a multiple of \$1, shall be increased to the next higher multiple of \$1.

Subd. 3. [BENEFIT EXCLUDES OTHER PARTIAL UNEMPLOYMENT BENEFIT.] An individual who receives benefits under this section during any benefit year shall not receive any other unemployment benefits pursuant to chapter 268 as a partially unemployed individual with respect to any week during that benefit year while in employment status with the regular employer who initiated the program of sharing work under this section. No benefits under this section shall be payable on any type of extended claim.

Subd. 4. [BENEFIT OFFSETS.] Any amount payable under this section shall be reduced by the amount of compensation payable to the individual for personal services whether performed as an employee, an independent contractor, as a juror, or

as a witness; except compensation payable by the regular employer under a shared work plan.

Subd. 5. [CERTAIN BENEFIT QUALIFICATIONS REQUIREMENTS EXCLUDED.] *For the purposes of this section an individual is able to work and is available for work if:*

(1) *The individual has not been absent from work without the approval of the regular employer; and*

(2) *The individual accepted all work the regular employer made available to the individual during hours scheduled off due to the worksharing plan.*

Subd. 6. [APPLICATION OF RULES AND STATUTES.] *Except as otherwise provided by or inconsistent with this section, all provisions of sections 268.03 to 268.24 and rules adopted pursuant to those sections apply to benefits under this section. Rules may, to the extent permitted by federal law, make distinctions and requirements necessary to carry out the purposes of this section, including rules defining normal hours, days, workweek, and wages.*

Subd. 7. [WRITTEN ACCEPTANCE OF PLAN.] *Employees shall not be eligible to receive any benefits under this section unless their employer agrees, in writing, to voluntarily participate in the shared work unemployment insurance benefit program created by this section.*

Subd. 8. [TERMINATION OF PLAN.] *The commissioner may terminate a shared work plan for good cause if the plan is not being carried out according to its terms and intent.*

Subd. 9. [CONTRIBUTIONS, CREATION OF SHARED WORK UNEMPLOYMENT BENEFIT FUND.] *All benefits payable under this section shall be paid from the Shared Work Unemployment Benefit Fund, which is hereby created in the State Treasury. Each month the Department shall collect from the regular employer, in addition to any other contributions required by this Act, an amount equal to all benefits paid pursuant to this section to his employees in the previous month. All amounts collected pursuant to this section shall be deposited into the Shared Work Unemployment Benefit Fund. No benefits may be paid under this section to any employee of an employer who is more than two months delinquent in payments required by this section.*

Subd. 10. [TERMINATION OF SECTION.] *Subdivisions 1 to 9 are repealed effective December 31, 1986, and no benefits shall be paid under those sections for a day of unemployment occurring after December 31, 1986.*

Sec. 2. [EFFECTIVE DATE.] *Section 1 is effective October 1, 1983.*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Minne moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Himle moved to amend S. F. No. 1011, as amended, as follows:

Page 35, line 30, strike "; provided any such payment" and insert a comma

Page 35, strike all of line 31

Page 35, line 32, strike "of work but not to exceed 28 calendar days;"

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

Ludeman moved to amend S. F. No. 1011, as amended, as follows:

Page 29, line 29, delete "10" and insert "6"

Page 66, after line 1, insert:

"Sec. 46. Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended by Laws 1982, Third Special Session chapter 1, article V, section 2, is amended to read:

Subd. 20b. [MODIFICATIONS REDUCING FEDERAL ADJUSTED GROSS INCOME.] There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 40 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Income from the performance of personal or professional services which is subject to the reciprocity exclusion contained in section 290.081, clause (a);

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) The amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1986 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification

does not apply to compensation defined in subdivision 20b, clause (6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in subdivision 20b, clause (6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) (UNEMPLOYMENT COMPENSATION TO THE EXTENT INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES UNDER SECTION 85 OF THE INTERNAL REVENUE CODE OF 1954;)

((16)) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

((17)) (16) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

((18)) (17) Minnesota exempt-interest dividends as provided by subdivision 27;

((19)) (18) A business casualty loss which the taxpayer elected to deduct on the current year's Minnesota income tax return but did not deduct on the current year's federal income tax return;

((20)) (19) To the extent included in federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 353.028, the amount of pay-

ments from the deferred compensation program equivalent to the amount of contributions taxed under subdivision 20a, clause (20);

((21)) (20) Contributions to and interest earned on an individual housing account as provided by section 290.08, subdivision 25;

((22)) (21) Interest earned on a contract for deed entered into for the sale of property for agricultural use if the rate of interest set in the contract is no more than nine percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at less than \$150,000 and (2) the property sold under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the purchaser intends to use for agricultural purposes. Compliance with these requirements shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983;

((23)) (22) The penalty on the early withdrawal of an all-savers certificate as provided in section 128(e) of the Internal Revenue Code of 1954 to the extent that the interest was included in income under subdivision 20a, clause (22);

((24)) (23) Income from the business of mining as defined in section 290.05, subdivision 1, clause (a) which is not subject to the Minnesota income tax; and

((25)) (24) To the extent included in federal adjusted gross income, distributions from a qualified governmental pension plan which represent a return of designated employee contributions to the plan and which contributions were included in gross income pursuant to subdivision 20a, clause (27).

Sec. 47. [APPROPRIATION.]

The sum of \$8 million is appropriated from the general fund to the emergency interest repayment fund created by section 16 for fiscal year 1984. This sum shall be paid to the emergency interest repayment fund no later than August 31, 1983. The sum

of \$8.5 million is appropriated from the general fund to the emergency interest repayment fund for fiscal year 1985. The sum shall be paid to the emergency interest repayment fund no later than August 31, 1984."

Page 66, line 21, delete "47" and insert "49"

Page 66, line 23, delete "46" and insert "48"

Page 66, line 23, after the period insert "*Section 46 is effective for taxable years beginning after December 31, 1982.*"

ReNUMBER the sections in order

Amend the title as follows:

Page 66, line 13 of the title, after "eligibility;" insert "adopting the federal provisions relating to the taxation of unemployment compensation; appropriating money;"

Page 66, after line 23 of the title, insert "and 290.01, subdivision 20b, as amended;"

A roll call was requested and properly seconded.

POINT OF ORDER

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

The question recurred on the Ludeman amendment and the roll was called.

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

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 57 yeas and 71 nays as follows:

Those who vote voted in the affirmative were:

Anderson, R.	Erickson	Haukoos	Levi	Piepho
Bennett	Evans	Heinitz	Ludeman	Quist
Bishop	Findlay	Himle	Marsh	Redalen
Blatz	Fjoslien	Hoberg	McDonald	Reif
Burger	Forsythe	Hokr	McKasy	Rose
Carlson, D.	Frerichs	Jennings	Olsen	Schafer
Dempsy	Gruenes	Johnson	Omann	Schreiber
DenOuden	Gutknecht	Knickerbocker	Onnen	Seaberg
Dimler	Halberg	Kvam	Pauly	Shaver

Sherman	Thiede	Valento	Welle	Zaffke
Stadum	Uphus	Waltman	Wigley	
Swiggum	Valan	Welker		

Those who voted in the negative were:

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

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

Swiggum moved to amend S. F. No. 1011, as amended, as follows:

Page 39, line 23, strike everything after "until"

Page 39, lines 24 and 25, delete the new language and strike the old language except the final period, and insert "*the individual has earned 15 or more additional credit weeks*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Bennett	Findlay	Haukoos	Krueger	Onnen
Bishop	Fjoslien	Heinitz	Kvam	Pauly
Burger	Forsythe	Himle	Ludeman	Piepho
Carlson, D.	Frerichs	Hoberg	Marsh	Quist
Dempsey	Graba	Hokr	McDonald	Redalen
Dimler	Gruenes	Jennings	McKasy	Reif
Erickson	Gutknecht	Johnson	Olsen	Rose
Evans	Halberg	Kniickerbocker	Omann	Schafer

Schreiber
Seaberg
Shaver

Sherman
Stadum
Sviggum

Thiede
Uphus
Valan

Valento
Waltman
Welker

Wigley
Zafke

Those who voted in the negative were:

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

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

Sviggum moved to amend S. F. No. 1011, as amended, as follows:

Page 19, after line 7, insert:

"Sec. 8. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 34. [SEASONAL EMPLOYMENT.] "Seasonal employment" means employment which, because of climatic conditions, is available only at certain predictable periods in the year. Seasonal employment only includes employment on Great Lakes freighters, employment in the summer recreation or tourist industry, and such other employments as the commissioner may by rule determine meet the definition of seasonal employment.

Sec. 9. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 35. [OFF-SEASON WEEKS.] "Off-season weeks" means that period of time, as determined in rules by the commissioner, during which work in a seasonal employment is predictably not available. For each seasonal employment the commissioner shall, by rule, determine the annual periods for off-season weeks."

Page 32, after line 18, insert:

"Sec. 20. Minnesota Statutes 1982, section 268.07, subdivision 2a, is amended to read:

(SUBD. 2A. [EXCEPTION.] NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 2, IF THE COMMISSIONER FINDS THAT AN INDIVIDUAL HAS EARNED CREDIT WEEKS IN SEASONAL EMPLOYMENT, BENEFITS SHALL BE PAYABLE ONLY IF THE COMMISSIONER FINDS THAT THE INDIVIDUAL HAS EARNED 15 CREDIT WEEKS IN EMPLOYMENT WHICH IS NOT SEASONAL, IN ADDITION TO ANY CREDIT WEEKS IN SEASONABLE EMPLOYMENT. FOR THE PURPOSES OF THIS SUBDIVISION, "SEASONAL EMPLOYMENT" MEANS EMPLOYMENT WITH A SINGLE EMPLOYER IN THE RECREATION OR TOURIST INDUSTRY WHICH IS AVAILABLE WITH THE EMPLOYER FOR 15 CONSECUTIVE WEEKS OR LESS EACH CALENDAR YEAR.)"

Page 33, line 16, strike ", as defined in"

Page 33, line 17, strike "subdivision 2a,"

Page 33, lines 18 and 19, strike all the old language and insert "*off-season weeks for that employment.*"

Renumber all sections and correct internal cross-references

Further, amend the title as necessary

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

The Speaker resumed the Chair.

S. F. No. 1011, A bill for an act relating to unemployment compensation; providing for conformity with federal law; imposing an annual surcharge on employers' calendar year contributions for the purpose of repayment of interest charged on federal loans; creating the emergency interest repayment fund; adding a category to the extension of base period in the definition of base period; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; requiring a report to the legislature on shared work benefits; appropriating money; amending Minnesota Statutes 1982, sections 268.04, subdivisions 2, 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivisions 2 and 3; 268.071, subdivision 3; 268.08, subdivisions 1, 3, 6, and by adding subdivisions; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; proposing new law

coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

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 82 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Long	Quinn	Solberg
Battaglia	Elioff	Mann	Reif	Sparby
Beard	Ellingson	McEachern	Rice	Staten
Begich	Findlay	McKasy	Riveness	Swanson
Bennett	Graba	Metzen	Rodosovich	Tomlinson
Bergstrom	Greenfield	Minne	Rodriguez, C.	Tunheim
Berkelman	Gustafson	Munger	Rodriguez, F.	Valento
Blatz	Gutknecht	Murphy	Rose	Vanasek
Brandl	Hoffman	Nelson, D.	St. Onge	Vellenga
Brinkman	Jacobs	Norton	Sarna	Voss
Burger	Jensen	O'Connor	Scheid	Welle
Carlson, L.	Kahn	Ogren	Schoenfeld	Wenzel
Clark, J.	Kalis	Osthoff	Segal	Wynia
Clark, K.	Knuth	Otis	Shea	Speaker Sieben
Cohen	Kostohryz	Peterson	Sherman	
Coleman	Krueger	Piper	Simoneau	
Dempsey	Larsen	Price	Skoglund	

Those who voted in the negative were:

Anderson, R.	Frerichs	Johnson	Pauly	Swiggum
Bishop	Gruenes	Knickerbocker	Piepho	Thiede
Carlson, D.	Halberg	Kvam	Quist	Uphus
DenOuden	Haukoos	Ludeman	Redalen	Valan
Dimler	Heinitz	Marsh	Schafer	Waltman
Erickson	Himle	McDonald	Schreiber	Welker
Evans	Hoberg	Olsen	Seaberg	Wigley
Fjoslien	Hokr	Omann	Shaver	Zaffke
Forsythe	Jennings	Onnen	Stadum	

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

Knuth and Halberg were excused for the remainder of today's session.

S. F. No. 1012 was reported to the House.

Long moved to amend S. F. No. 1012, as follows:

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 by 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 (MORTORIUM) 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 election 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 SECTIONS 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 agricultural 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 cir-

ulation 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 REASONABLENESS 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 com-

mittee, 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 summarizing 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 and 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 accor-

dance 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 application 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 FACILI-

TIES 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 pre-treatment 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 consideration 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 prepared 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 2c, 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 2c, 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."

The motion prevailed and the amendment was adopted.

Long moved to amend S. F. No. 1012, as amended, as follows:

Page 15, after line 16, insert:

"Within 15 days following the hearing the director of the agency shall issue a hazardous waste pollution control report. The report must be submitted to the legislative commission. The report must be based on existing and proposed federal and state pollution control rules and available information and expertise on the character, nature, and degree of hazard of the types and categories of hazardous waste identified in the plan. The report must:

(a) assess the pollution control problems and risks associated with each type and category of hazardous waste identified.

by the draft certification of need as eligible for disposal, before or after pretreatment, at a facility or facilities of the type and design selected by the board, and identify design and pretreatment alternatives or other methods for dealing with those problems and risks;

(b) identify at least one specific alternative technology for dealing with each waste which the report recommends should not be certified for disposal, and assess the pollution control problems and risks associated with the alternatives;

(c) assess the pollution control problems and risks associated with each standard and criteria contained in the plan and certification for determining the eligibility or ineligibility of waste for disposal;

(d) assess the pollution control problems and risks associated with the processing and other alternatives to disposal which are recommended in the plan for specific types or categories of hazardous waste, and identify methods for dealing with those problems and risks."

Page 15, line 20, after "hearing" insert "and to the agency's report"

Page 22, lines 30 to 34, delete the new language and insert "Before finally adopting the certificate of need the board shall submit it to the agency for a revision of the hazardous waste pollution control report required under section 115A.11, subdivision 2."

Page 27, line 26, after "permits" insert ", including the types and categories of waste eligible for disposal with or without pretreatment,"

Page 38, delete lines 19 to 33

Renumber sections in sequence and correct internal references

Page 54, line 17, after "116.41," delete "subdivision" and insert "subdivisions"

Page 54, line 18, after "1" insert "and 1a"

Amend the title as follows:

Page 55, line 35, delete "subdivision 1" and insert "subdivisions 1 and 1a"

The motion prevailed and the amendment was adopted.

Long moved to amend S. F. No. 1012, as amended, as follows:

Page 4, line 17, after "*felony*" delete "*and may be sentenced to*" and insert "*. Punishment shall be by a fine of not more than \$25,000 per day of violation or by*"

Page 4, line 18, delete everything after "*years*"

Page 4, line 19, delete "\$25,000" and insert "*, or both*"

Page 5, after line 36, insert:

"Sec. 6. Minnesota Statutes 1982, section 115A.03, is amended by adding a subdivision to read:

Subd. 28a. "Retrievable storage" means a method of disposal whereby wastes are placed in a facility established pursuant to sections 115A.18 to 115A.30 for an indeterminate period in a manner designed to allow the removal of the waste at a later time."

Renumber sections in sequence and correct internal references

Page 8, line 34, strike "; DRAFT"

Page 8, line 35, strike everything before the period

Page 8, line 36, after "shall" insert "*issue a*"

Page 9, line 1, strike "to the legislative commission"

Page 10, line 2, after "*disposal*" insert "*or processing*"

Page 10, lines 6 to 12, delete the new language and strike the existing statutory language

Page 10, line 18, after "shall" insert "*issue a*"

Page 10, line 18, strike "to the legislative"

Page 10, line 19, strike "commission"

Page 10, after line 33, insert:

"Sec. 12. Minnesota Statutes 1982, section 115A.08, subdivision 5a, is amended to read:

Subd. 5a. [REPORT ON ASSURANCE OF SECURITY OF HAZARDOUS WASTE FACILITIES.] With the report required by subdivision 5, the board through its chairperson shall

issue a report and make recommendations (TO THE LEGISLATIVE COMMISSION) on methods of assuring the security of commercial hazardous waste facilities. The report and recommendations shall be based on the need to assure: effective monitoring and enforcement during operations; effective containment, control, and corrective action in any emergency situation; financial responsibility of the owner and operator throughout the operating life of the facility, using performance bonds, insurance, escrow accounts, or other means; proper closure; financial responsibility after closure; and perpetual post-closure monitoring and maintenance. The report shall include recommendations on the source of funds, including operator contributions, fee surcharges, taxes, and other sources; the amount of funds; effective protection and guarantee of funds; administration; regulatory and permit requirements; the role of local authorities; and other similar matters."

Renumber the sections in sequence and correct internal references

Page 11, line 32, after the period insert "*Copies of the reports must be submitted to the legislative commission on waste management.*"

Page 13, line 33, delete the comma

Page 14, line 25, delete "*Within 30 days*"

Page 14, line 25, strike "following"

Page 14, strike line 26

Page 14, line 27, strike "under section 115A.08, subdivision 4," and insert "*By November 1, 1983, the board through its chairperson shall issue a draft hazardous waste management plan proposed for adoption pursuant to this section, 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.*"

Page 14, line 29, delete "*submitted with*"

Page 14, line 29, strike "the report" and insert "*within 30 days of their issuance*"

Page 15, line 17, before "*Following*" insert "*Within 30 days*"

Page 15, line 17, before "plan" insert "*draft*"

Page 15, line 17, after the last "the" insert "*draft*"

Page 15, line 21, strike "finally"

Page 15, strike lines 22 and 23

Page 15, line 24, strike "115A.24" and insert "*submit to the legislative commission the revised draft plan and certification of need, together with a report on the testimony received, the board's response, and the results of the hearing process*"

Page 15, line 35, after "the" insert "*preparation of the draft*"

Page 15, line 36, delete "*submitted to the commission*" and insert "*issued*"

Page 15, line 36, delete "115A.08,"

Page 16, line 1, delete "*subdivision 4*" and insert "115A.11"

Page 21, line 2, delete "*adopted*" and insert "*issued*"

Page 25, line 21, delete "*except as*" and insert "*provided that*"

Page 25, after line 21, insert "*may require additional information if the agency*"

Page 25, line 22, delete "*is necessary*" and insert "*that the information available is not adequate*"

Page 31, line 29, restore the stricken language

Page 31, line 29, after "days" insert "*following all final decisions on the issuance of permits. Any appeal shall be conducted as a review of the administrative record*"

Page 31, line 30, after "as provided in" strike the old language and delete the new language

Page 31, line 31, delete the new language and insert "*sections 14.63 to 14.70*"

Page 34, line 25, delete "*delivered to*" and insert "*used at*"

Page 54, line 14, delete "55" and insert "54"

Amend the title as follows:

Page 55, line 4, delete "providing for"

Page 55, delete lines 5 to 14

Page 55, line 15, delete "county sites" and insert "changing various definitions; adding definitions; altering various provisions, procedures, and requirements relating to the responsibilities of the waste management board, pollution control agency, metropolitan agencies, counties, and waste management districts; changing various dates and deadlines; altering environmental review procedures for waste facilities; providing criminal and civil penalties for violations; requiring various reports from the pollution control agency"

Page 55, line 17, after "10" insert ", and by adding a subdivision"

Page 55, line 19, after "5," insert "5a,"

The motion prevailed and the amendment was adopted.

Long moved to amend S. F. No. 1012, as amended, as follows:

Page 39, line 14, strike "moratorium" and insert "*development limitation*"

Page 48, line 19, before "In" insert:

"Subd. 1aa. [DEVELOPMENT LIMITATION; COUNCIL APPROVAL REQUIRED.]"

Page 48, line 22, strike "moratorium" and insert "*metropolitan development limitation*"

Page 48, line 27, strike "moratorium" and insert "*limitation*"

Page 48, line 31, strike "moratorium" and insert "*limitation*"

Page 48, line 34, strike "moratorium" and insert "*metropolitan development limitation*"

Page 50, after line 4, insert:

"Sec. 57. Minnesota Statutes 1982, section 473.811, subdivision 1a, is amended to read:

Subd. 1a. [RIGHT OF ACCESS.] Whenever the county, or county site selection authority or any person acting on behalf of either, deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 2b, and section 473.803, subdivision 1a, or for selection or final acquisition under section 473.833, or for the accomplishment of any other purpose under sections 473.149, 473.153, and 473.801 to 473.834, the county, county site

selection authority or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity."

Renumber sections in sequence and correct internal references

Page 53, after line 27, insert "*having a capacity greater than 400 tons per day*"

Page 53, line 30, delete "*for*" and insert "*in*"

Amend the title as follows:

Page 55, line 30, after "1b" insert ", and by adding a subdivision; 473.811, subdivision 1a"

The motion prevailed and the amendment was adopted.

Nelson, D., moved to amend S. F. No. 1012, as amended, as follows:

Page 52, line 23, after the period insert "*A report may recommend that a site should be dropped from consideration because of information in the environmental impact statement showing that the site is environmentally unsuitable for land disposal and unlikely to qualify for permits.*"

The motion prevailed and the amendment was adopted.

Nelson, D., moved to amend S. F. No. 1012, as amended, as follows:

Page 38, after line 18, insert:

"Sec. 43. Minnesota Statutes 1982, section 116.07, is amended by adding a subdivision to read:

Subd. 4d. [PROTECTED AREAS; PERMITS PROHIBITED.] The agency may not grant a permit for a new facility for the land disposal of solid or hazardous waste or sewage sludge if the facility or its buffer area is or will be within one-fourth mile of the following protected areas:

(a) an area designated as part of the wild and scenic river system under the federal Wild and Scenic Rivers Act, as provided in United States Code, title 16, sections 1271 to 1287, as amended through December 31, 1982; or

(b) an area designated as part of the wild, scenic, and recreational river system under sections 104.25 or 104.31 to 104.40.

Any decision of the agency certifying the intrinsic suitability of sites pursuant to sections 115A.21, 473.153, and 473.803 which is inconsistent with the requirements of this section is rescinded."

Renumber sections in sequence and correct internal references

Amend the title as follows:

Page 55, line 27, after "4" insert ", and by adding a subdivision"

A roll call was requested and properly seconded.

Vanasek moved to amend the Nelson, D., amendment to S. F. No. 1012, as follows:

Page 1, after line 21, insert:

"(c) an area containing a wood lot larger than 40 acres that has never been cut."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Nelson, D., amendment, as amended, and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	Quist	Shaver
Beard	Frerichs	Ludeman	Redalen	Thiede
Bennett	Heinritz	McDonald	Reif	Vanasek
Brinkman	Himle	Nelson, D.	Riveness	Voss
Coleman	Hokr	Neuenschwander	Rodosovich	Waltman
Dempsey	Jacobs	Omann	Rose	Welker
DenOuden	Jennings	Onnen	Schafer	Welle
Dimler	Jensen	Pauly	Schoenfeld	Wenzel
Findlay	Johnson	Quinn	Seaberg	Wigley

Those who voted in the negative were:

Battaglia	Bishop	Burger	Clark, J.	Eken
Begich	Blatz	Carlson, D.	Clark, K.	Elioff
Berkelman	Brandl	Carlson, L.	Cohen	Ellingson

Erickson	Knickerbocker	Nelson, K.	Rodriguez, F.	Staten
Forsythe	Kostohryz	Norton	St. Onge	Swanson
Graba	Krueger	O'Connor	Scheid	Tunheim
Greenfield	Long	Ogren	Schreiber	Uphus
Gruenes	Mann	Osthoff	Segal	Valan
Gustafson	Marsh	Otis	Shea	Vellenga
Gutknecht	McEachern	Peterson	Sherman	Wynia
Haukoos	McKasy	Piepho	Simoneau	Speaker Sieben
Heberg	Metzen	Piper	Skoglund	
Hoffman	Minne	Price	Sparby	
Kahn	Murphy	Rodriguez, C.	Stadum	

The motion did not prevail and the amendment, as amended, was not adopted.

CALL OF THE HOUSE LIFTED

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

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

Nelson, D., moved to amend S. F. No. 1012, as amended, as follows:

Page 39, line 7, after "inventory" insert "*by June 1, 1983,*"

Page 39, line 7, after "shall" insert "*proceed to*"

The motion prevailed and the amendment was adopted.

Nelson, D., moved to amend S. F. No. 1012, as amended, as follows:

Page 39, line 28, after "following:" insert "*compensation to landowners for damages resulting from the selection of a site for the inventory of sites or for development as a facility,*"

Page 50, line 32, delete "subdivision 2,"

Page 50, after line 32, insert:

"473.831 [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.]

Subdivision 1. [GENERAL OBLIGATION BONDS.] The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the environmental analysis and acquisition of *permanent or temporary right, title, or interest in real property, including easements and development rights*, for sites and surrounding buffer areas for (DEVELOPMENT AS) solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for re-funding obligations issued under this section. The bonds shall

be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000."

Page 51, line 1, after "sites" insert "*, the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.803 is in effect,*"

The motion prevailed and the amendment was adopted.

Sparby and Tunheim moved to amend S. F. No. 1012, as amended, as follows:

Page 14, line 11, strike "not".

Page 14, line 12, before the period insert "*or provisions submitted for review and found necessary by the legislative commission on administrative rules*"

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

Piper moved to amend S. F. No. 1012, as amended, as follows:

Page 54, after line 14, insert:

"Sec. 64. Laws 1980, chapter 449, section 3, is amended to read:

Sec. 3. The city, by resolution of the city council, may borrow for the payment of capital costs of the system, may establish and collect from all public and private persons, *including persons operating waste collection and delivery services*, charges for the use (AND) or availability of the facilities of the system (, AND). *The city may establish charges, and* may levy special assessments upon properties deemed to be specially benefited by particular facilities, in the (SAME) manner and to the (SAME) extent and with the (SAME) force and effect as provided in the case of sewage treatment and disposal systems in Minnesota Statutes, Sec-

tions 115.46 and 444.075, and Chapter 429, as far as practicable. Charges for availability of facilities may be established on any equitable basis including the cost of furnishing the facilities. An election shall not be required upon the issuance of general obligation bonds or the incurring of any lease or purchase obligation for this purpose except as provided in section 4, and the bonds or other obligations shall not be included in computing the net debt of the city within the meaning of Minnesota Statutes, Chapter 475, but all special assessments levied for improvements to the system and all net revenues derived from charges for the use and availability of the system, in excess of current operating costs, shall be pledged for the payment of the bonds or obligations and interest, and the city council shall endeavor to establish and collect charges sufficient to provide net revenues, with collections of special assessments, at least equal to the total debt service."

Page 54, line 23, delete "65" and insert "66"

Renumber the sections in sequence

Amend the title as follows:

Page 55, line 32, after the semicolon, insert "amending Laws 1980, chapter 449, section 3;"

The motion prevailed and the amendment was adopted.

McDonald moved to amend S. F. No. 1012, as amended, as follows:

Page 30, line 26, before "The decision", insert "Except as otherwise provided in this subdivision,"

Page 30, after line 26, insert:

"Notwithstanding any provision to the contrary, no candidate site shall be permitted for land disposal prior to review and ratification by any watershed district or surface water management organization established under Minnesota Statutes, Chapter 112 which has jurisdiction over an area proposed as a site for a land disposal facility. Candidate sites located within the hydrologic boundaries of watersheds not governed by a watershed district or surface water management organization established prior to July 1, 1986, shall not be subject to the review and ratification process."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 38 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Blatz	Gutknecht	Kvam	Rodosovich	Valan
Dempsey	Haukoos	Ludeman	Rodriguez, C.	Vanasek
DenOuden	Heinitz	McDonald	Schafer	Waltman
Dimler	Himle	McKasy	Shaver	Welker
Evans	Hokr	Omamn	Solberg	Wenzel
Findlay	Jennings	Piepho	Svigum	Zaffke
Fjoslien	Jensen	Redalen	Thiede	
Graba	Johnson	Reif	Uphus	

Those who voted in the negative were:

Anderson, G.	Clawson	Knickerbocker	Onnen	Schreiber
Anderson, R.	Cohen	Kostohryz	Osthoff	Seaberg
Battaglia	Coleman	Krueger	Otis	Sherman
Beard	Eken	Larsen	Peterson	Skoglund
Begich	Elioff	Long	Piper	Sparby
Bennett	Ellingson	Mann	Price	Staten
Bergstrom	Forsythe	McEachern	Quinn	Swanson
Berkelman	Greenfield	Metzen	Rice	Tomlinson
Brandl	Gruenes	Minne	Riveness	Valento
Brinkman	Gustafson	Munger	Rodriguez, F.	Veilenga
Burger	Hoberg	Murphy	Rose	Voss
Carlson, D.	Jacobs	Nelson, D.	St. Onge	Welle
Carlson, L.	Kahn	Neuenschwander	Sarna	Wynia
Clark, J.	Kalis	O'Connor	Schcid	Speaker Sieben
Clark, K.	Kelly	Ogren	Schoenfeld	

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

McDonald moved to amend S. F. No. 1012, as amended, as follows:

Page 31, after line 19, insert:

"No site shall be permitted for land disposal if the proposed facility is to be located within five miles of any commercial processor or producer of food for human or animal consumption, unless that processor or producer draws water from a source other than an aquifer underlying the proposed facility."

A roll call was requested and properly seconded.

The Speaker called Wynia to the Chair.

The question was taken on the amendment and the roll was called. There were 45 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Hoberg	Ludeman	Olsen
Burger	Frerichs	Jennings	Marsh	Omamn
DenOuden	Gutknecht	Jensen	McDonald	Pauly
Dimler	Haukoos	Johnson	McKasy	Quinn
Findlay	Heinitz	Kvam	Metzen	Redalen
Fjoslien	Himle	Levi	O'Connor	Reif

Rodosovich	Schreiber	Sviggum	Valan	Welker
Schafer	Shaver	Thiede	Vanasek	Wenzel
Schoenfeld	Stadum	Uphus	Waltman	Zaffke

Those who voted in the negative were:

Anderson, R.	Coleman	Kostohryz	Osthoff	Sherman
Battaglia	Dempsey	Krueger	Otis	Skoglund
Beard	Eken	Larsen	Peterson	Solberg
Begich	Elioff	Long	Piper	Sparby
Bishop	Ellingson	Mann	Price	Staten
Blatz	Evans	McEachern	Quist	Swanson
Brandl	Graba	Minne	Rice	Tomlinson
Brinkman	Greenfield	Muhger	Rodriguez, C.	Tunheim
Carlson, D.	Gruenes	Murphy	Rodriguez, F.	Valento
Carlson, L.	Gustafson	Nelson, D.	Rose	Vellenga
Clark, J.	Jacobs	Neuenschwander	St. Onge	Voss
Clark, K.	Kahn	Norton	Scheid	Welle
Clawson	Kelly	Ogren	Seaberg	Wynia
Cohen	Knickerbocker	Onnen	Segal	Speaker Sieben

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

McDonald moved to amend S. F. No. 1012, as amended, as follows:

Page 31, after line 19, insert:

"No site shall be permitted for land disposal if the proposed facility is to be located within two miles of any water designated as "public" under the inventory performed pursuant to section 105.391, unless the agency receives clear and convincing evidence that the facility possesses the capacity to permanently isolate from the biosphere any wastes accepted for disposal."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Bennett	Gruenes	Levi	Quinn	Stadum
Bishop	Gutknecht	Ludeman	Quist	Sviggum
Blatz	Haukoos	Marsh	Redalen	Thiede
Brinkman	Heap	McDonald	Reif	Tunheim
Burger	Heinitz	McKasy	Rodosovich	Uphus
Dempsey	Himle	Metzen	Rose	Valan
DenOuden	Hoberg	Neuenschwander	Schafer	Vanasek
Dimler	Hokr	O'Connor	Schoenfeld	Waltman
Erickson	Jennings	Olsen	Schreiber	Welker
Findlay	Jensen	Omann	Seaberg	Wenzel
Fjoslien	Johnson	Onnen	Shaver	Zaffke
Forsythe	Knickerbocker	Pauly	Sherman	
Frerichs	Kvam	Piepho	Sparby	

Those who voted in the negative were:

Anderson, G.	Coleman	Kostohryz	Osthoft	Shea
Anderson, R.	Eken	Krueger	Otis	Simoneau
Battaglia	Elioff	Larsen	Peterson	Skoglund
Beard	Ellingson	Long	Piper	Solberg
Begich	Evans	Mann	Price	Staten
Bergstrom	Graba	McEachern	Rice	Swanson
Berkelman	Greenfield	Minne	Riveness	Tomlinson
Brandl	Gustafson	Munger	Rodriguez, C.	Vellenga
Carlson, D.	Hoffman	Murphy	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Nelson, D.	St. Onge	Welle
Clark, J.	Kahn	Nelson, K.	Sarna	Wynia
Clark, K.	Kalis	Norton	Scheid	Speaker Sieben
Cohen	Kelly	Ogren	Segal	

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

Rose and Pauly moved to amend S. F. No. 1012, as amended, as follows:

Page 31, after line 19, insert:

"No site shall be permitted for land disposal if the proposed facility is to be located directly above an area where the glacial drift lies in contact with the following aquifers: Hinkley, Dresbach, St. Laurence, Jordan, Prairie du Chien, St. Peter, Galena."

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the amendment and the roll was called. There were 57 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	Jensen	Piepho	Shea
Bennett	Fjoslien	Johnson	Quinn	Sherman
Bergstrom	Forsythe	Knickerbocker	Quist	Svigum
Blatz	Gruenes	Kvam	Redalen	Thiede
Brinkman	Gutknecht	Ludeman	Reif	Uphus
Burger	Haukoos	Marsh	Rodosovich	Vanasek
Clawson	Heap	McDonald	Rose	Waltman
Dempsey	Heinitz	McKasy	Schafer	Welker
DenOuden	Himle	Neuenschwander	Schoenfeld	Zaffke
Dimler	Hoberg	Olsen	Schreiber	
Erickson	Hokr	Onnen	Seaberg	
Evans	Jennings	Pauly	Shaver	

Those who voted in the negative were:

Anderson, G.	Carlson, D.	Eken	Hoffman	Krueger
Battaglia	Carlson, L.	Elioff	Kahn	Larsen
Beard	Clark, J.	Ellingson	Kalis	Long
Begich	Cohen	Graba	Kelly	Mann
Brandl	Coleman	Greenfield	Kostohryz	Minne

Murphy	Otis	St. Onge	Sparby	Welle
Nelson, D.	Peterson	Sarna	Staten	Wenzel
Nelson, K.	Piper	Scheid	Swanson	Wynia
Norton	Price	Segal	Tomlinson	Speaker Sieben
Ogren	Rice	Simoneau	Tunheim	
Omamn	Riveness	Skoglund	Voss	
Osthoff	Rodriguez, F.	Solberg	Welch	

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

McDonald moved to amend S. F. No. 1012, as amended, as follows:

Page 14, after line 19, insert:

"Sec. . [SITE SELECTION MORATORIUM.]

Subdivision 1. Notwithstanding any other provisions of this act or of Minnesota Statutes, chapter 115A, the board and the pollution control agency shall discontinue their actions related to site testing for hazardous waste disposal facilities until after the board adopts the hazardous waste management plan required by Minnesota Statutes, section 115A.11.

Subd. 2. The moratorium imposed by this section shall not apply to section 13 of this act, or to any actions which are undertaken in pursuit of alternative solutions to land disposal of hazardous wastes, or to site selection procedures carried out in relation to sites located wholly on land in public ownership."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 34 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Blatz	Fjoslien	Johnson	Omamn	Shaver
Burger	Forsythe	Knickerbocker	Pauly	Thiede
Dempsey	Gulkecht	Kvam	Quinn	Uphus
DenOuden	Haukoos	Levi	Redalen	Waltman
Dimler	Hcap	Ludeman	Reif	Welker
Erickson	Jennings	McDonald	Schafer	Zaffke
Findlay	Jensen	McKasy	Seaberg	

Those who voted in the negative were:

Anderson, G.	Brandl	Coleman	Hoffman	Long
Anderson, R.	Brinkman	Eken	Jacobs	Mann
Battaglia	Carlson, D.	Elioff	Kahn	McEachern
Beard	Carlson, L.	Ellingson	Kalis	Metzen
Begich	Clark, J.	Evans	Kelly	Minne
Bennett	Clark, K.	Graba	Kostohryz	Munger
Bergstrom	Clawson	Greenfield	Krueger	Murphy
Berkelman	Cohen	Gustafson	Larsen	Nelson, D.

Nelson, K.	Peterson	Rose	Simoneau	Valento
Norton	Piper	St. Onge	Skoglund	Vellenga
O'Connor	Price	Sarna	Solberg	Voss
Ogren	Quist	Scheid	Sparby	Welch
Olsen	Rice	Schoenfeld	Staten	Welle
Onnen	Rodosovich	Segal	Swanson	Wenzel
Osthoff	Rodriguez, C.	Shea	Tomlinson	Speaker Sieben
Otis	Rodriguez, F.	Sherman	Tunheim	

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

McDonald moved to amend S. F. No. 1012, as amended, as follows:

Page 7, after line 12, insert:

"Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, (CONDEMNATION,) gifts 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.)"

Page 7, delete lines 13 to 36

Page 8, delete lines 1 to 31

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

Marsh and Gruenes moved to amend S. F. No. 1012, as amended, as follows:

Pages 15 and 16, delete section 15

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 35 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bergstrom	Dimler	Heap	Marsh	Shaver
Bishop	Findlay	Heinitz	McKasy	Sherman
Blatz	Fjoslien	Himle	Omann	Svigum
Brinkman	Forsythe	Jennings	Pauly	Uphus
Burger	Gruenes	Johnson	Piepho	Waltman
Dempsey	Gutknecht	Knickerbocker	Reif	Welker
DenOuden	Haukoos	Ludeman	Schafer	Zaffke

Those who voted in the negative were:

Anderson, R.	Battaglia	Beard	Begich	Bennett
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Berkelman	Gustafson	Munger	Riveness	Swanson
Brandl	Hoffman	Murphy	Rodosovich	Tomlinson
Carlson, D.	Jacobs	Nelson, D.	Rodriguez, C.	Tunheim
Carlson, L.	Jensen	Nelson, K.	Rodriguez, F.	Vanasek
Clark, J.	Kahn	Neuenschwander	Rose	Vellienga
Clark, K.	Kalis	Norton	St. Onge	Voss
Clawson	Kelly	O'Connor	Sarna	Welch
Cohen	Krueger	Ogren	Scheid	Welle
Coleman	Kvam	Onnen	Schoenfeld	Wenzel
Eken	Larsen	Osthoff	Segal	Wynia
Elioff	Levi	Otis	Shea	Speaker Sieben
Ellingson	Long	Peterson	Skoglund	
Evans	Mann	Piper	Soiberg	
Graba	Metzen	Price	Sparby	
Greenfield	Minne	Quist	Staten	

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

Valento moved to amend S. F. No. 1012, as amended, as follows:

Page 54, after line 14, insert:

"Sec. 61. Laws 1980, chapter 449, section 1, is amended to read:

Section 1. The city of Austin, in Mower County, may construct, install, maintain, and operate a system and program or any part of a system and program for the collection, removal, intermediate processing or compacting, and storage of solid waste from public and private property, its transportation to intermediate or final disposal facilities, and its ultimate disposal. The system may include any vehicles, equipment, machinery, incinerators, plants, structures, and other real and personal property within or outside the city which is used or deemed useful for purposes of the program. Property may be acquired by purchase, gift, grant, condemnation pursuant to Minnesota Statutes, Chapter 117 (including taking of possession upon appointment of commissioners), lease, lease purchase, conditional sale, contract for deed, or otherwise. The city council may by ordinance establish regulations for the program and for the operation and use of the system, including but not limited to the collection of solid waste by city employees or by other persons under license, the conditions, if any, of preparation of particular waste for disposal and the times, manner, and places of collection and delivery, *except that this chapter shall not apply to any solid waste destined for delivery to a resource recovery facility.*"

Renumber the sections in sequence

Amend the title as follows:

Page 55, line 33, after the semicolon, insert "amending Laws 1980, chapter 449, section 1;"

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

Hoffman, Levi and Price moved to amend S. F. No. 1012, as amended, as follows:

Page 54, after line 14, insert:

"Sec. 64. [COUNTY FINANCING OF FACILITIES.]

The counties of Washington and Ramsey, separately or jointly, may, by resolution, authorize the issuance of bonds or other obligations, including initial obligations in an amount not to exceed an aggregate amount of \$4 million issued to finance solely preliminary costs such as site acquisition and preparations and legal, engineering, financial, and planning services, to provide funds to acquire or better solid waste and related facilities, including transmission facilities and property or property rights for a solid waste or related facility, or to refund any outstanding obligations issued for that purpose.

Any later formation of a solid waste management district under Minnesota Statutes, chapter 115A, or contemplated sale or lease of any of the facilities or their work product to a private person, after the county or solid waste management district has incurred the costs of the facilities or work product, shall not restrict or limit the use of the proceeds of the bonds or other obligations.

The county may pledge to the payment of the obligations and the interest on them,

- (a) its full faith, credit, and taxing powers;*
- (b) the proceeds of any designated tax levies;*
- (c) the gross or net revenues or charges to be derived from any facility operated by or for the county;*
- (d) the proceeds of any anticipating refunding obligations, state or federal loan or grant, or any sale of the facilities or their work product;*
- (e) any other funds of the county; or*
- (f) any combination of the foregoing.*

Taxes levied for the payment of the obligations and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy.

The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest when due and to pay the cost of interest accruing on the obligations before six months after the date the facilities are first placed in service.

Revenue bonds issued pursuant to this section may be sold at public or private sale upon the conditions the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with Minnesota Statutes, chapter 475. No election shall be required to authorize the issuance of the obligations, and the debt limitations of chapter 475 or other law shall not apply to the obligations. The obligations may mature at a time or times, and in amounts, as the county board determines.

The county may covenant to refund, to the extent necessary, any temporary obligations with a term of no more than four years, in which event the tax which would otherwise be required by section 475.61, subdivision 1, need not be required. The interest rate on temporary obligations may be fixed at the time of sale or be adjusted from time to time based on an index related to the cost of borrowing, and the price at which the temporary obligations may be sold may be at any amount determined most favorable by the county board, but the resulting composite interest rate may not exceed the rate permitted under section 475.55.

Except as provided in this section, the obligations shall be issued and sold in accordance with chapter 475.

Sec. 65. [DISTRICT FORMATION.]

Notwithstanding any contrary provisions of Minnesota Statutes, section 115A.63, subdivision 3, or other law, Ramsey and Washington counties, before establishing a waste management district solely within their boundaries, need not demonstrate that they are unable to fulfill the purposes of a district through joint action under Minnesota Statutes, section 471.59.

Sec. 66. [POWERS ADDITIONAL AND SUPPLEMENTAL.]

The powers conferred by sections 64 and 65 are in addition and supplemental to the powers conferred by any other law or charter. Insofar as any other law or charter is inconsistent with sections 64 and 65, the provisions of sections 64 and 65 control as to facilities authorized under those sections."

Renumber the sections in sequence

Page 54, line 23, delete "65" and insert "63, 67 and 68"

Page 54, line 24, after the period, insert "*Sections 64 to 66 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of both Ramsey and Washington counties.*"

Amend the title as follows:

Page 55, line 15, after the semicolon, insert "authorizing issuance of bonds by Washington and Ramsey counties for a solid waste facility;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 76 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Ellingson	Kahn	Piper	Solberg
Battaglia	Evans	Kelly	Price	Sparby
Beard	Fjoslien	Kostobryz	Quist	Staten
Begich	Forsythe	Krueger	Reif	Thiede
Bennett	Graba	Larsen	Rice	Tomlinson
Bergstrom	Gruenes	Levi	Riveness	Tunheim
Bishop	Haukoos	Long	Rodriguez, C.	Valento
Blatz	Heap	McDonald	Rodriguez, F.	Vellenga
Brinkman	Heinitz	McKasy	Schafer	Waltman
Burger	Himle	Murphy	Scheid	Welle
Carlson, D.	Hoberg	Nelson, D.	Schoenfeld	Wenzel
Cohen	Hoffman	Neuenschwander	Schreiber	Zafke
Coleman	Hokr	Ogren	Segal	
Dempsey	Jennings	Onnen	Shaver	
Eken	Jensen	Pauly	Shea	
Elioff	Johnson	Piepho	Sherman	

Those who voted in the negative were:

Anderson, G.	Frerichs	McEachern	Peterson	Sviggum
Brandl	Greenfield	Metzen	Redalen	Swanson
Carlson, L.	Kalis	Minne	Rodosovich	Vanasek
Clark, J.	Knickerbocker	Nelson, K.	Rose	Welch
Clawson	Kvam	O'Connor	St. Onge	Welker
DenOuden	Ludeman	Olsen	Sarna	Wynia
Dimler	Mann	Omann	Simoneau	Speaker Sieben
Erickson	Marsh	Otis	Skoglund	

The motion prevailed and the amendment was adopted.

S. F. No. 1012, 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; authorizing issuance of bonds by Washington and Ramsey counties for a solid waste facility; amending Minnesota Statutes 1982, sections 115.071, subdivision 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, 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 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 Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	DenOuden	Frerichs	Heinitz	Kvam
Dempsey	Erickson	Haukoos	Jennings	Ludeman

Marsh
Quinn

Schafer

Uphus

Welker

Zaffke

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

There being no objection the remaining bills on Special Orders for today were continued one day.

GENERAL ORDERS

There being no objection the bills on General Orders for today were continued one day.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1283, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state university board, state community college board, University of Minnesota, and the Mayo medical foundation, with certain conditions; establishing a state board of vocational technical education; providing it and certain independent and intermediate school districts operating vocational technical schools with certain powers and duties; changing the authority and duties of the above named agencies, or one or more of them, or certain of their advisory councils with respect to governance, duration of existence, disposition of property, employment and compensation of personnel, tuition, institutional closings, gifts, appropriations, parking fees, scholarships, grants-in-aid, planning, hospital charges, and related educational matters; amending Minnesota Statutes 1982, sections 43A.18, subdivision 4; 120.17, subdivision 7a; 121.212, subdivision 2; 121.931, subdivision 7; 121.934, subdivision 2; 123.742, by adding a subdivision; 123.743; 124.48; 125.05, by adding a subdivision; 136.03; 136.034; 136.11, subdivision 1; 136.144; 136.62, by adding a subdivision; 136.63, subdivision 1a; 136.67, by adding a subdivision; 136A.121; 136A.14; 136A.141; 136A.143; 136A.15; 136A.16; 136A.17; 136A.26; 136A.29, subdivisions 2

and 9; 136A.42; and 158.05; proposing new law coded in Minnesota Statutes, chapters 136 and 136A; proposing new law coded as Minnesota Statutes, chapter 135A; and 136C; repealing Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; 121.936, subdivision 6; 124.53; 136A.144; 136A.145; 136A.146; 136A.161; 136A.18; 136A.19; 136A.20; 136A.21; and 136A.22.

The Senate has appointed as such committee Messrs. Waldorf, Nelson, Dicklich, Hughes and Taylor.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the following change in the membership of the Conference Committee on House File No. 653:

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

The name of Mr. Luther has been stricken and the name of Ms. Peterson, D. C., has been added. The name of Mr. Peterson, D. L., has been stricken and the name of Mr. Johnson, D. E., has been added.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 473, A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused's refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; removing requirements for mandatory detoxification in certain instances; providing penalties; amending Minnesota Statutes

1982, sections 169.121, subdivisions 2, 3, 4, and 8; and 169.123, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, section 169.1231.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Freeman, Luther, Ms. Reichgott, Messrs. Knaak and Ramstad.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Vellenga moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 473. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1189, A bill for an act relating to employment; exempting search firms from employment agency licensing; subjecting certain search firms to fee and bond requirements; requiring certain statements, fees, and bonds to be submitted at the time a search firm is established; amending Minnesota Statutes 1982, sections 184.22, subdivision 2, and by adding subdivisions; 184.29; 184.30, subdivision 1; and 184.41.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Freeman, Wegscheid and Anderson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Ogren moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1189. The motion prevailed.

Mr. Speaker:

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

S. F. No. 923, A bill for an act relating to libraries; prohibiting the theft or damage of library materials; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 609.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Wegscheid, Freeman and Knaak.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 923. The motion prevailed.

Mr. Speaker:

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

S. F. No. 989, A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10, and by adding a subdivision; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; 144.335, subdivision 2; and 253B.03, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 13.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Peterson, R. W.; Merriam and Sieloff.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Ellingson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee

of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 989. The motion prevailed.

Mr. Speaker:

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

S. F. No. 415.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 415, A bill for an act relating to state government; providing for salaries for constitutional officers, agency heads, metropolitan agency heads, and certain judicial positions; providing an expense allowance; establishing a compensation council; limiting local government salaries; prohibiting cash payments for accumulated vacation pay; expanding the authority of the commissioner of employee relations to set salaries; requiring the governor to recommend certain salaries; removing salary setting authority of certain state agencies; removing additional compensation for the career executive service; requiring the percentage of women in the career executive service to be increased; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, sections 3.855, subdivision 3; 3.922, subdivision 5; 15A.081, subdivisions 1, 6, and 7, and by adding a subdivision; 15A.083, subdivisions 1, 2, and 4; 43A.17, by adding subdivisions; 43A.18, subdivisions 3, 4, and 5; 43A.21, by adding a subdivision; 105.71, subdivision 2; 136.034; 136A.03; 179.741, subdivision 1; 244.09, subdivision 10; 256.482, subdivision 2; 298.22, subdivision 1; 326.241, subdivision 2; 352.03, subdivision 4; 354.06, subdivision 2; 484.68, subdivision 6; and Laws 1980, chapter 564, article XII, section 1, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, sections 16A.16; 136.063; and 136A.035.

The bill was read for the first time.

Simoneau moved that S. F. No. 415 and H. F. No. 422, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olsen moved that her name be stricken as an author on H. F. No. 699. The motion prevailed.

Reif moved that the name of Brandl be added as an author on H. F. No. 805. The motion prevailed.

Ellingson moved that the name of Blatz be added as an author on H. F. No. 898. The motion prevailed.

Johnson moved that the names of Mann, Clawson, Jensen and Kalis be added as authors on H. F. No. 1055. The motion prevailed.

Ogren moved that the name of Bergstrom be added as an author on H. F. No. 386. The motion prevailed.

Rice moved that H. F. No. 524 be recalled from the Committee on Rules and Legislative Administration, be given a second reading and be placed on General Orders. The motion prevailed.

H. F. No. 524 was read for the second time.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1189:

Ogren, Skoglund and Heinitz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 473:

Vellenga; Vanasek; Clark, J.; Dempsey and McKasy.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 989:

Ellingson, Minne and Dempsey.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 923:

Anderson, B.; Quinn and Halberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 72:

Clark, J.; Begich and McKasy.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 652:

Ogren, Wenzel, Kalis, Sparby and Uphus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 695:

Clawson, Swanson and Onnen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 297:

Coleman, Osthoff and Levi.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 300:

Otis, Norton, Sarna, Wenzel and Rice.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 634:

Sarna, Munger, Battaglia, Osthoff and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 77:

Kostohryz, Metzen, Osthoff, Jensen and Redalen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1290:

Kahn; Battaglia; Rice; Carlson, D., and Bishop.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, May 17, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, May 17, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives